

IRON COUNTY, UTAH
IRON COUNTY PLANNING COMMISSION
Public Hearings & Regular Meeting

October 8, 2026

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The Iron County Planning Commission will hold its regularly scheduled meeting October 8, 2026 at 5:30 p.m., at Cedar Festival Hall, located at 105 North 100 East, Cedar City, Utah.

1. WELCOME AND PLEDGE OF ALLEGIANCE

2. COUNTY CODE AMENDMENT; Amend several chapters and sections of the Zoning Ordinance to establish a Strategic Development Zone (SDZ) Overlay – PUBLIC HEARING

Consider a request to repeal and replace Chapter 17.37 of the Zoning Ordinance, currently titled “Data Centers,” and establish a Strategic Development Zone Overlay to provide standards and procedures for the review and regulation of certain large-scale development. The code amendment also includes proposed changes to Chapter 17.33 relating to solar power plants, Chapter 17.20 relating to use definitions, and Section 17.16 relating to the Table of Uses.

Applicant: Iron County

Planning Commission Action: Recommendation to the County Commission or continue the item

3. CONTESTED ADMINISTRATIVE LAND USE PERMIT APPLICATION - Contractor’s Shop/Office, Small (4.76 acres); APN: E-0185-0025-0000

Applicant: Hepsiba Serrano

Planning Commission Action: Approve, Approve with Modifications, Deny, or Continue

4. PROPOSED SUBDIVISION DESIGN & CONSTRUCTION STANDARDS AMENDMENT

Establish a 24-inch depth of compacted sub-base for all new county roads (section 109-road standards cross sections and exhibits).

Applicant: Iron County Engineering Department

Planning Commission Action: Recommendation to the County Commission or continue the item

5. PUBLIC COMMENTS... Non-Agenda Items

6. MINUTES... consider approval of minutes for the September 3, 2026 meeting.

7. STAFF REPORTS...

Building Department

County Attorney

County Engineer

Planner & Services Coordinator

8. ADJOURN

IRON COUNTY PLANNING COMMISSION

STRATEGIC DEVELOPMENT ZONE (SDZ) OVERLAY

Proposed County Code Amendments

October 8, 2026

Request:	Amend the Iron County Zoning Ordinance to establish the Strategic Development Zone (SDZ) Overlay, amend applicable sections of the Table of Uses, update various land use definitions, amend provisions related to solar power plants, and establish standards for the review of large-scale development projects that may have regional significance.
Applicants:	Iron County
Representative:	Brett Hamilton, County Planner

1. EXECUTIVE SUMMARY

Iron County has experienced increasing interest in large-scale industrial, energy, and technology-related development. As staff evaluated the County's land use regulations and reviewed emerging development trends, it became apparent that some projects warranted a different level of review than what has historically been provided through the Conditional Use Permit (CUP) process.

The proposed Strategic Development Zone (SDZ) Overlay establishes when that additional review is appropriate and provides decision makers with better information, improved long-term planning tools, and greater accountability for qualifying projects.

The proposed amendments are not intended to prohibit development or discourage economic investment. Rather, they are designed to support responsible development while ensuring that projects with broader community implications are evaluated through a process proportionate to their scale and potential impacts.

Projects that do not meet the SDZ thresholds will continue to be reviewed through existing procedures.

2. BACKGROUND

Existing Regulatory Framework

Iron County currently regulates land uses through a combination of permitted uses, administrative land uses, conditional uses, and legislative zoning actions. This framework has historically provided an effective means of reviewing most development proposals within the county.

Emerging Development Trends

Iron County has experienced increasing interest in utility-scale energy, industrial, and technology-related development proposals. Through the review of large-scale projects and development inquiries, staff identified areas where the County's existing land use regulations could be improved to better address projects meeting certain size thresholds.

While the County's existing Conditional Use Permit (CUP) process continues to serve most development proposals effectively, staff determined that some projects warranted additional review beyond what is typically required through the conventional CUP process.

As interest in these types of developments continued to increase, staff determined that a proactive evaluation of the zoning ordinance was warranted. To allow time for that evaluation, the County Commission adopted a temporary 180-day land use regulation on May 26, 2026.

The proposed ordinance was developed as part of that effort and is intended to establish a long-term process for reviewing future qualifying projects. The ordinance was not drafted in response to any single project or applicant, but rather to address broader land use considerations associated with emerging development trends.

3. WHY AN OVERLAY WAS CHOSEN

During evaluation of potential regulatory approaches, staff considered creating a new zoning district, amending existing conditional-use regulations, and establishing an overlay zoning mechanism. After evaluating these options, staff determined that an overlay provided the most effective and flexible approach.

Creating a new zoning district would have required extensive analysis to identify appropriate locations and could have resulted in unintended consequences for property owners. The overlay avoids broad rezoning actions that may benefit some property owners while limiting opportunities for others.

Instead, the overlay approach allows existing zoning classifications to remain in place while providing an additional level of review for projects meeting the SDZ thresholds. Staff believes this approach balances flexibility, property rights, responsible planning, and future economic development opportunities.

4. HOW THE SDZ OVERLAY WORKS

Overlay Structure

The Strategic Development Zone Overlay functions in combination with the property's underlying zoning district. The SDZ is not a replacement zoning district. Instead, it acts as an additional layer of review for developments that exceed certain thresholds identified within the ordinance.

For example, a property located within the A-20 zoning district remains zoned A-20. Likewise, a property located within the Light Industrial (LI) or Industrial (I) zoning district retains its underlying zoning classification. The SDZ Overlay provides a planning review process for evaluating projects that reach a scale where additional analysis and coordination become appropriate.

Applicability Thresholds

The proposed ordinance establishes objective thresholds that determine when SDZ review is required.

DEVELOPMENT TYPE	SDZ THRESHOLD
Data Center	50 MW or greater anticipated IT load
Power Plant	Greater than 50 MW nameplate generating capacity
Solar or Geothermal Power Plant	Greater than 50 MW nameplate generating capacity
Battery Energy Storage System (BESS)	100 MW or greater discharge capacity
Industrial Campus	150 acres or greater

The purpose of these thresholds is to distinguish developments that may have countywide or regional impacts from developments that can be effectively reviewed through traditional land use processes.

Eligible Zoning Districts

The proposed SDZ Overlay is limited to properties located within the A-20, LI, and I zoning districts.

5. DEVELOPMENT ENVELOPE

The Development Envelope establishes the maximum scope of development proposed by an applicant and serves as the foundation for project review.

Rather than evaluating only a single building, a single phase, or a limited portion of a larger project, the Development Envelope requires the applicant to identify the broader development program being proposed. This allows the County to evaluate the project as a whole and better understand future phases, infrastructure needs, and long-term project obligations.

6. DEVELOPMENT AGREEMENTS

The proposed ordinance requires a Development Agreement to be reviewed concurrently with the SDZ Overlay. A Development Agreement serves as the primary implementation document for an approved SDZ project. While the zoning ordinance establishes general regulations applicable to all SDZ developments, each project is unique. The Development Agreement provides a mechanism for establishing project-specific obligations and expectations.

Staff believes Development Agreements are especially valuable for projects that may be constructed over many years, involve multiple phases, or require ongoing monitoring and coordination. While Conditional Use Permits can address project impacts through conditions of approval, a Development Agreement provides a comprehensive framework for documenting long-term obligations, infrastructure commitments, phasing schedules, financial assurances, and project-specific requirements in a single governing document. This approach provides greater clarity, predictability, and accountability for both the County and the applicant throughout the life of the project.

7. BENEFITS OF THE PROPOSED AMENDMENTS

The proposed amendments are intended to provide decision makers with better information, improve coordination of infrastructure and long-term planning considerations, increase accountability, and support responsible economic development. By establishing a review process for projects that meet the SDZ thresholds, the ordinance allows potential opportunities and impacts to be evaluated before decisions are made.

8. EXISTING APPROVALS

Adoption of the proposed amendments does not affect previously approved land use entitlements. Existing approvals remain valid and continue to be governed by the approvals and conditions under which they were granted. The proposed amendments would apply prospectively to future projects meeting the applicability thresholds established by the ordinance.

9. FINDINGS

Pursuant to Section 17.12.060 of the Iron County Zoning Ordinance, staff offers the following findings:

A. Effect of the Proposed Amendment on the Character of the Surrounding Area

The amendment establishes additional review requirements for qualifying projects while preserving existing review processes for smaller projects. The proposed review process provides additional tools to evaluate compatibility with surrounding land uses and address potential project impacts.

B. Consistency with the Goals and Policies of the General Plan

The proposed amendments support orderly growth, responsible development, infrastructure planning, resource conservation, agricultural protection, and public health and safety by creating a structure for evaluating large-scale development proposals.

C. Consistency and Compatibility with Uses of Nearby and Adjoining Properties

The ordinance includes eligibility criteria, separation requirements, performance standards, and technical review requirements intended to ensure compatibility between large-scale projects and surrounding properties.

D. Suitability of the Property for the Requested Uses

The proposed amendment establishes procedures and evaluation criteria intended to assist the County in determining whether future development proposals are appropriate for a given location.

E. Whether Changes in Allowed Uses Will Unduly Affect Nearby Properties

Staff finds that the proposed amendment provides additional tools for identifying and addressing potential impacts associated with qualifying projects.

F. Overall Community Benefit

The ordinance provides a more comprehensive framework for evaluating regionally significant development, improves infrastructure planning, increases long-term accountability, encourages public participation, and supports informed decision making. Staff believes these benefits serve the broader interests of Iron County residents and property owners.

10. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments establishing the Strategic Development Zone (SDZ) Overlay and related amendments to the Iron County Zoning Ordinance based upon the findings contained within this staff report.

11. PLANNING COMMISSION OPTIONS

1. Recommend approval of the proposed amendments as presented.
2. Recommend approval of the proposed amendments with modifications.
3. Recommend denial of the proposed amendments.
4. Continue the matter to a future meeting for additional review and discussion.

12. ATTACHMENTS

- Redlined version of Section 17.16.030 (Table of Uses)
- Redlined version of Section 17.20.010 (Definitions)
- Redlined version of Chapter 17.33 (Solar Power Plants)
- Repeal and replace of Chapter 17.37 (Strategic Development Zone Overlay)

17.16.030 Table of uses.

The table of uses identifies the uses allowed within each zoning district of the county. The purpose of the table of uses is to implement the goals and policies of the Iron County general plan. The table of uses identifies uses allowed as a permitted use (identified as "P" in the table of uses), uses allowed as an administrative land use (identified as "A" in the table of uses - see Chapter 17.38, Administrative Land Use Permits), ~~and~~ uses allowed as a conditional use (identified as "C" in the table of uses), and uses requiring approval of a legislative rezone (identified as "SDZ" in the table of uses – see Chapter 17.37, Strategic Development Zone Overlay). Uses not identified as either a permitted or conditional use are deemed to be a prohibited use (identified as "X" in the table of uses).

USES	TABLE OF USES											
	ZONE DISTRICTS											
	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2	R4K	C	LI	I	IA
Battery Energy Storage System <100 MW of discharge capacity	C⁽⁶⁾	X	X	X	X	X	X	X	X	C⁽⁶⁾	C⁽⁶⁾	X
Battery Energy Storage System ≥100 MW of discharge capacity	SDZ⁽¹⁰⁾	X	X	X	X	X	X	X	X	SDZ⁽¹⁰⁾	SDZ⁽¹⁰⁾	X
Data center, <50 MW IT load	C⁽¹⁰⁾	X	X	X	X	X	X	X	X	C⁽¹⁰⁾	C⁽¹⁰⁾	X
Data center, ≥50 MW IT load	SDZ⁽¹⁰⁾	X	X	X	X	X	X	X	X	SDZ⁽¹⁰⁾	SDZ⁽¹⁰⁾	X
~~Data center power plant~~	~~C⁽¹⁰⁾~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~C⁽¹⁰⁾~~	~~C⁽¹⁰⁾~~
Geothermal power plant, <50 MW of generating capacity	C⁽⁵⁾	X	X	X	X	X	X	X	X	X	C⁽⁵⁾	C⁽⁵⁾
Geothermal power plant, ≥50 MW of generating capacity	SDZ⁽¹⁰⁾	X	X	X	X	X	X	X	X	SDZ⁽¹⁰⁾	SDZ⁽¹⁰⁾	X
Industrial Campus, <150 acres	C	X	X	X	X	X	X	X	X	C	C	X
Industrial Campus, ≥150 acres	SDZ⁽¹⁰⁾	X	X	X	X	X	X	X	X	SDZ⁽¹⁰⁾	SDZ⁽¹⁰⁾	X
Power plant, ~~not otherwise listed~~	X	X	X	X	X	X	X	X	X	X	SDZ⁽¹⁰⁾	X ~~C~~
Solar power plant, <50 MW of generating capacity	C⁽⁶⁾	X	X	X	X	X	X	X	X	X	C⁽⁶⁾	C⁽⁶⁾
Solar power plant, ≥50 MW of generating capacity	SDZ⁽¹⁰⁾	X	X	X	X	X	X	X	X	SDZ⁽¹⁰⁾	SDZ⁽¹⁰⁾	X

Table of Uses Notes:

P = Permitted Use

A = Administrative Land Use

C = Conditional Use

X = Prohibited Use

[SDZ = Strategic Development Zone](#)

17.20.010 Definitions.

"Battery Energy Storage System (BESS)" means a system designed to collect, store, and discharge electrical energy, including the primary battery device and ancillary components such as inverters, power electronics, thermal-management systems, control systems, and enclosures.

"Data center" means a facility, principal use, or portion of a facility consisting of one or more buildings, structures, or modular units designed, intended, or primarily used to house, operate, or co-locate networked computer systems, servers, telecommunications equipment, data processing hardware, or related digital technology infrastructure, including facilities supporting cloud computing, artificial intelligence (AI), or cryptocurrency mining. The term includes on-site equipment and improvements directly supporting the data center use, such as backup generators, precision cooling systems, and physical security infrastructure. ~~is defined herein as real and personal property consisting of a building or group of buildings or group of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, power and cooling equipment.~~

~~"Data center power plant" means a utility-scale commercial facility that produces electric power for consumption by a data center, which may store, produce, transmit and/or distribute electric power by any combination of energy storage, solar energy, thermal energy or other power conversion technology, including from hydrocarbon-based fuels, geothermal wells, wind energy systems, or nuclear fuel systems, for the primary purpose of supplying power to the data center.~~

"Industrial Campus" means a coordinated development consisting of multiple buildings, structures, facilities, or operational areas functioning as an integrated development for industrial, manufacturing, technology, energy, logistics, or similar uses, along with associated supporting infrastructure.

Chapter 17.33 SOLAR POWER PLANTS¹

17.33.010 Purpose.

The purpose of this Chapter 17.33 is to establish minimum requirements and regulations for the siting, construction, operation, modification, and decommissioning of solar energy facilities, including solar power plants and associated energy storage systems. The intent of this chapter is to encourage responsible renewable energy development while protecting adjacent properties, public infrastructure, natural resources, and the long-term interests of Iron County. ~~The purpose of this Chapter 17.33 is to establish minimum requirements and regulations for the placement, construction and modification of solar power plants, as defined herein, while promoting the safe, effective and efficient use of such energy systems.~~

17.033.015 Applicability.

A solar power plant with nameplate generation capacity of less than fifty (50) megawatts (MW) shall be reviewed under the Conditional Use Permit provisions of this chapter. A solar power plant that is fifty (50) MW or greater shall be subject to the Strategic Development Zone (SDZ) Overlay pursuant to Chapter 17.37. Any Battery Energy Storage System (BESS) associated with a solar facility that has discharge capacity of one hundred (100) MW or greater shall be reviewed under Chapter 17.37.

For purposes of determining applicability of solar energy facility standards and Strategic Development Zone thresholds, the County shall evaluate the totality of the proposed development, including contiguous facilities, commonly controlled parcels, phased expansions, shared infrastructure, and related energy facilities that are part of a unified project.

17.33.020 Definitions.

- A. "Accessory Solar Energy Systems," include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs. Accessory Solar Energy Systems may be permitted as described in Section 17.16.030, Table of Uses, and are not subject to this Chapter 17.33.
- B. "Concentrating Solar Thermal Devices," also known as "Concentrated Solar Thermal Power (CST)," are systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish and solar power tower.
- C. "Critical Areas," include areas identified by the County as requiring special consideration due to potential environmental, safety, or resource constraints, including but not limited to wetlands, floodplains, riparian areas, significant drainage features, sensitive wildlife habitat, and other areas identified through applicable federal, state, or County resource mapping.
- D. "Critical Slopes," include areas where slope conditions may create increased risks related to erosion, drainage, soil instability, construction feasibility, or visual impacts. Unless otherwise determined by the County based on site-specific conditions, critical slopes shall include areas with slopes of thirty percent (30%) or greater.

¹Editor's note(s)—Section 3 of Ord. No. 2010-4, adopted April 26, 2010, amended Ch. 17.33 in its entirety to read as herein set out. Former Ch. 17.33 pertained to the same subject matter and derived from Ord. 8 of 2008.

E.C. "Photovoltaics (PV)," is a technology that converts light directly into electricity. PV solar panels have been around for several years, although concentrated photovoltaic (CPV) technologies are now being developed. Both PV systems and CPV systems are included within this definition.

F.D. "Solar Power Plant," means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

17.33.030 Regulations and design standards—Solar power plants.

All solar power plants shall comply with the following minimum regulations and design standards.

- A. Permitted Locations. A solar power plant that complies with the provisions of this section may be permitted as described in Section 17.16.030, Table of Uses, Iron County Zoning Ordinance.
- B. Design Standards.
 - 1. Minimum Lot Size. No concentrated solar thermal power plant shall be erected on any lot less than forty acres in size. No photovoltaic solar power plant shall be erected on any lot less than five acres in size.
 - 2. Maximum Height. The maximum height for all structures shall be established through the conditional use permit process, provided a structure height of thirty feet or less shall always be permitted.
 - 3. Setbacks. Solar power plant structures shall be set back from all property lines and public road rights-of-way at least thirty feet, or one and one-half times the height of the structure, whichever is greater. In addition, solar power plant structures must be located at least one hundred feet from all residentially zoned lots and existing residences. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process. Setbacks shall apply to project components including, but not limited to, operations and maintenance buildings, control room buildings, etc. If a solar project includes multiple contiguous parcels, the setbacks shall only apply to the outer project perimeter. Setbacks shall not apply to access roads or underground infrastructure. SDZ projects may be subject to greater residential separation requirements under Section 17.37.030.
 - 4. Safety/Access.
 - a. An appropriate security/livestock fence (height and material to be established through the conditional use permit process) shall be placed around the perimeter of the solar power plant. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
 - b. Appropriate warning signage shall be placed at the entrance and perimeter of the solar power plant project.
 - 5. Noise. No operating solar power plant shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.
 - a. Fifty dBA, as measured at the property line of any neighboring residentially-zoned lot;
 - b. Forty-five dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
 - c. Sixty dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and the planning commission agree to a higher noise level, as follows.

The owner of a neighboring property that would otherwise be protected by the sixty dBA noise limitation may voluntarily agree, in writing, to a higher noise level. Any such agreement must specifically state the noise standard being modified, the extent of the modification, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the solar power plant developer, effective for the life of the project. Notwithstanding any such voluntary noise agreement between the affected landowner and the solar power plant

developer, the agreement shall only be effective and reflected in the County's authorization of the project when it has been reviewed and determined acceptable to the County. The County shall consider the likely impacts and consequences of the modified noise limit requested, based on the specific circumstances of the situation, in determining whether to grant the request. Any such noise agreement must be submitted with the conditional use permit application and if authorized by the County, must be filed with the County Recorder upon issuance of the conditional use permit. [Projects processed under Chapter 17.37 shall meet the noise standards in Section 17.37.060\(K\).](#)

6. Visual Appearance.

- a. Solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- b. Appropriate landscaping and/or screening materials ~~shall~~~~may~~ be required to help screen the solar power plant and accessory structures from major roads and neighboring residences. [Screening requirements shall be evaluated based on the visibility of solar arrays, electrical equipment, substations, battery storage systems, operations buildings, fencing, and other above-ground infrastructure. The applicant shall submit a landscape and screening plan demonstrating how the proposed mitigation will reduce visual impacts. Screening may include preservation of existing vegetation, native drought-tolerant plantings, earthen berms; agricultural-style fencing with vegetative buffering, architectural treatments or color standards for accessory structures, or other methods approved by the Planning Commission. Landscaping shall utilize native or drought-tolerant species appropriate to the site and shall not require permanent irrigation unless specifically approved by the County based on site conditions.](#)
- c. No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low-flying aircraft are in the area may be required.
- d. ~~Exterior~~ Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary [for safety, security, and operational purposes. All exterior light fixtures shall be and full cut-off and fully shielded, with downward-directed illumination designed to keep light on-site and prevent glare or light trespass onto adjacent properties, public rights-of-way, bodies of water, or other sensitive areas. No light shall be emitted at or above the horizontal plane. All non-security lighting shall be motion-activated and limited to a maximum of 5 minutes per activation. No dusk-to dawn or constant lighting is permitted outside approved security lighting. lighting \(e.g., dark sky compliant\) may be required when determined necessary to mitigate visual impacts.](#)
- e. No solar power plant shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.

7. Electrical Interconnections. All electrical interconnection and distribution lines [operating below 20 kV](#) within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

8. Fire Protection. All solar power plants shall have a defensible space for fire protection in accordance with the Iron County Wildland-Urban Interface Code. [Applicants shall complete the "Iron County Hazard Severity" form and submit to Iron County to determine the defensible space width required.](#)

9. [Noxious Weed Management. The applicant and facility operator shall comply with the Iron County Noxious Weed List and applicable provisions of the Iron County Resource Management Plan.](#)

Disturbed areas shall be stabilized and maintained to prevent erosion and the establishment or spread of noxious weeds.

10. Pursuant to Utah Code Title 54 (Public Utilities), Chapter 17 (Energy Resource Procurement Act), as amended, or any successor statute, all solar power plants of greater than 10 megawatts shall comply with Utah Code 54-17-1301 and consult with the Utah Division of Wildlife Resources (DWR). Consultation shall be completed prior to applying for any land use application in Iron County. Per 54-17-1301(4)(a) applicants will receive written recommendations from DWR, which shall be included in the proponents land use application package submitted to Iron County. Additionally, in accordance with 54-17-1204, Decommissioning Plan, applicants shall provide in their land use application financial assurance, while meeting all subsequent requirements of the previously mentioned section. All applicable sections of Chapter 17, Energy Resource Procurement Act, shall be met by the applicant prior to submission of a land use application to Iron County.
- C. Local, State and Federal Permits. A solar power plant shall be required to obtain all necessary permits from the Utah Department of Environmental Quality, including the Utah Division of Air Quality and the Utah Division of Water Quality, applicable permits required by Iron County, and applicable Federal permits.
- D. Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the conditional use permit.

17.33.040 Permit applications.

An application for a conditional use permit to establish a solar power plant shall include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Section 17.33.030 will be met. Supporting documentation for addressing the review criteria of Sections 17.33.050 and 17.28.050(A) is also to be provided. The land use authority may require any information reasonably necessary to determine compliance with this chapter.

It is preferred that any related conditional use permit applications for substations or transmission lines be considered in conjunction with the conditional use permit application for the solar power plant; however, if the details of those improvements are not available at the time of application for the solar power plant, they may be considered later, through subsequent conditional use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the solar power plant.

A Battery Energy Storage System (BESS) may be reviewed as an accessory use to a solar energy facility when the BESS is designed and operated to support the approved solar energy facility and the impacts of the BESS are consistent with the scale, function, and impacts evaluated during the Conditional Use Permit review. A BESS that has 100 megawatts or more of discharge capacity shall be subject to the regulations in Chapter 17.37.

The addition of a BESS that was not included in the original Conditional Use Permit approval, or the development of a BESS associated with an existing solar energy facility, shall require approval through either a Conditional Use Permit amendment or a new Conditional Use Permit, as determined by the County based on the proposed project scope, ownership, location, and relationship to the existing facility. A BESS that independently meets the applicability thresholds established in Chapter 17.37 shall not be processed as an accessory use or through the solar Conditional Use Permit process and shall require review pursuant to the Strategic Development Zone provisions.

Due to the complexity of large-scale solar power plant projects, the county may require a development agreement or other appropriate instrument to address taxing, land use, property assessment, and other issues related to the project. For example, the county is interested in preventing large tax shifts that may otherwise be incurred by county residents each year a centrally-assessed solar power plant is depreciated; therefore, cooperation to establish an agreement for payment in lieu of taxes (PILT), or other acceptable solution, may be necessary. A development agreement may be required as a condition of the permit, and must be approved by the board of county commissioners prior to commencing construction.

A Conditional Use Permit for a Solar Power Plant shall automatically expire three (3) years after final County approval unless a building permit has been issued and remains active.

17.33.050 Provisions for conditional use permit review.

Following the provisions of Chapter 17.28, Iron County Code, additional or more thorough consideration shall be given to the following as the County determines whether the project needs to be approved, denied, or conditionally approved:

- A. Project Rationale. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
- B. Siting Considerations. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds, or scenic areas designated by the county; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.

- C. Site and Development Plans. Site and development plans shall be prepared at a scale and level of detail sufficient to allow the County to evaluate the proposed photovoltaic solar energy facility and its potential impacts. Plans shall be prepared under the supervision of a qualified design professional and shall generally reflect a conceptual design sufficient to establish maximum parameters, major infrastructure, access, and impact assumptions.

Site and development plans shall identify and locate, at a minimum, all existing and proposed structures; setbacks; access routes; proposed road improvements; defensible space; existing inhabitable structures and residentially zoned lots within one-quarter mile of a photovoltaic solar project or one-half mile of a concentrated solar project; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control measures; floodplains or wetlands; and other relevant information identified by County staff or the Planning Commission.

Plans shall identify the proposed project boundary, access roads, utility interconnection facilities, stormwater management features, and proposed phasing. All maps, plans, and visual representations shall be drawn at an appropriate engineering scale. Conceptual, illustrative, or schematic plans lacking sufficient detail to evaluate compliance with County requirements may be deemed incomplete by the Zoning Administrator or designated staff.

~~Site and Development Plans. Site and development plans, which identify and/or locate all existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures and residentially zoned lots within one-quarter mile of a photovoltaic solar project or one-half mile of a concentrated solar project; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the county staff or planning commission. All maps and visual representations need to be drawn at an appropriate scale.~~

- D. Analysis of Local Economic Benefits. Analysis of local economic benefits, describing estimated: Project cost, generated taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs.
- E. Visual Impacts, Appearance, and Scenic Viewsheds. Potential visual impacts may be caused by components of the project such as mirrors, solar towers, cooling towers, steam plumes, aboveground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. Those projects that are within a sensitive viewshed, utilize reflective components (e.g., exposed mirrors), or that propose structures taller than thirty feet must provide a viewshed analysis of the project, including visual simulations of the planned structures and analysis of potential glare impacts. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than four vantage points that together provide a view from all sides of the project. More visually sensitive proposals (e.g., solar power towers or exposed mirrors in sensitive viewsheds) may require analysis from significantly more vantage points, such as different distances and sensitive locations. The planning commission may also require a Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which is a three hundred sixty degree computer analysis to map the lands within a defined radius of a location that would likely be able to see an object. Significant visual impacts that cannot be adequately mitigated are grounds for denial.
- F. Wildlife Habitat Areas and Migration Patterns. Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with United States Fish and Wildlife Service (USFWS) will be necessary.
- G. Environmental Analysis. In the absence of a required state or federal agency environmental review for the project (e.g., NEPA), the planning commission may require an analysis of impacts to historic, cultural and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.
- H. Solid Waste or Hazardous Waste. As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.
- I. Height Restrictions and FAA Hazard Review. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.
- J. Transportation Plan for Construction and Operation Phases.
1. Transportation Plan Required.
All utility-scale solar energy facilities shall submit a Transportation Plan identifying anticipated transportation impacts associated with construction, operation, maintenance, and decommissioning activities. The Transportation Plan shall identify all proposed access routes, including public roads, private roads, and temporary construction routes, used to support the project.
The Transportation Plan shall include, at a minimum:
a) A map identifying all proposed construction, and operational access routes;
b) A description of existing road conditions, including roadway surface type, width, structural condition, bridges, culverts, livestock crossings, gates, cattle guards, and other transportation-related infrastructure that may be affected by the project;
c) Identification of proposed road improvements, upgrades, maintenance activities, or restoration obligations necessary to support the project;
d) Identification of all anticipated areas where grading, cutting, filling, drainage modifications or other alterations to existing transportation infrastructure are proposed.

2. Construction Traffic Documentation Requirements

A baseline condition assessment of proposed access routes shall be required when any of the following apply:

- a) Construction activities are anticipated to generate more than 25 daily construction-related vehicle trips on a County-maintained roadway;
- b) Construction activities are anticipated to continue for more than six (6) months;
- c) The project will utilize heavy-haul vehicles, oversized loads, or overweight loads;
- d) The County Engineer determines that the project has the potential to materially impact roadway conditions based on the anticipated type, duration, or intensity of construction traffic.

When required, the applicant shall document existing roadway conditions through dated photographs, video documentation, written condition assessments, and other methods acceptable to the County Engineer prior to commencement of construction traffic.

3. Traffic Projections and Oversized Loads

The Transportation Plan shall provide projected construction traffic volumes, including:

- a) Estimated daily and monthly vehicle trips during peak construction periods;
- b) Estimated number of trips by vehicle category, including:
 - i. passenger vehicles;
 - ii. light-duty trucks;
 - iii. delivery trucks;
 - iv. concrete trucks;
 - v. dump trucks;
 - vi. tractor-trailers;
 - vii. crane or heavy equipment transport vehicles;
- c) Anticipated construction schedule and duration;
- d) Estimated number, timing, dimensions, weights, and transportation routes for oversized or overweight loads, including but not limited to:
 - i. transformers;
 - ii. substation equipment;
 - iii. construction cranes;
 - iv. large electrical equipment;
 - v. other specialty loads requiring permits.

4. Road Use Agreement and Financial Guarantees

A Road Use Agreement shall be required when the County Engineer determines that project-related traffic has the potential to materially impact County transportation infrastructure. The Road Use Agreement shall establish, at a minimum:

- a) Approved transportation routes;
- b) Required roadway improvements or maintenance obligations;
- c) Procedures for documenting pre-construction conditions;
- d) Standards for repair and restoration of damaged infrastructure;
- e) Responsibility for inspection, monitoring, and corrective action.

The Road Use Agreement shall be executed prior to issuance of a building permit or commencement of construction, whichever occurs first.

When a Road Use Agreement is required, the applicant shall provide financial security acceptable to the County prior to issuance of a building permit to guarantee completion of required roadway improvements, maintenance obligations, and restoration of damaged infrastructure.

~~Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (both the construction and O&M periods)—remember to identify needed bridges, culverts, livestock fence crossings (gates and cattle guards), etc. Also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways. Address road improvement, restoration or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the County may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos, photos, and written records, to provide a proper reference for restoration.~~

- K. Public Safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.
- L. Noise limitations. Submit sufficient information regarding noise, so as to demonstrate compliance with Section 17.33.030(B)(5).
- M. Decommissioning Plan. Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (county, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy project. Among other things, revegetation and road repair activities should be addressed in the plan.

N. Critical Areas and Site Constraints Analysis. Submit a Critical Areas and Site Constraints Analysis identifying potential environmental, geological, hydrological, and topographic constraints associated with the proposed solar power plant. The analysis shall be completed at a level of detail sufficient for the County to evaluate potential impacts and determine whether additional technical studies are necessary.

All applications shall include a desktop review identifying mapped critical areas and site constraints within and adjacent to the proposed project area. The review shall include, at a minimum:

1. National Wetlands Inventory (NWI) mapping;
2. National Hydrography Dataset (NHD) mapping;
3. FEMA floodplain mapping;
4. USGS topographic mapping;
5. Utah Division of Wildlife Resources habitat mapping or other applicable wildlife resource data;
6. Identification of slopes, drainage features, water features, and other physical site constraints.

Where desktop review identifies the potential presence of critical areas, the County requires additional site-specific studies prepared by qualified professionals, including but not limited to:

1. Wetland delineation surveys;
2. Biological surveys;
3. Floodplain or drainage studies;
4. Geotechnical studies;
5. Slope stability analyses; or
6. Other technical evaluations necessary to determine compliance with this chapter.

ON. Other probable and significant impacts, as identified through the review process.

17.33.055 Administrative Modifications to Approved Solar Power Plants.

This section applies only to solar power plants that qualify for review under Chapter 17.33, meaning facilities with a planned generation or storage capacity of less than 50 megawatts (MW). Any modification to a facility meeting

or exceeding the thresholds of Chapter 17.37 shall be reviewed pursuant to the Strategic Development Zone (SDZ) provisions.

A. The Zoning Administrator may approve minor modifications to an approved solar energy facility site plan or Conditional Use Permit when the proposed modification does not result in a substantial change to the approved project, does not increase the impacts evaluated during the original Conditional Use Permit review, and complies with all applicable standards of this chapter.

A modification may be approved administratively when all of the following apply:

1. The modification does not increase the approved project boundary or total disturbed area;
2. The modification does not increase the approved electrical generation capacity by more than 10 percent;
3. The modification does not increase the height of solar panels, structures, or utility equipment by more than 10 percent;
4. The modification does not reduce required setbacks, buffering, screening, or mitigation measures;
5. The modification does not create new impacts related to glare, noise, drainage, traffic, wildlife, or adjacent properties; and
6. The modification remains consistent with the findings and conditions of approval adopted by the Planning Commission.

B. The addition of a Battery Energy Storage System to an approved solar facility shall not be considered a minor administrative modification and shall require review as a Conditional Use Permit amendment unless otherwise exempted under Section 17.37. A BESS system that exceeds the thresholds established in Section 17.37 shall not be considered an accessory use to a solar energy facility and shall require review pursuant to the Strategic Development Zone provisions.

C. Major Amendments. Any modification exceeding the thresholds established herein, or any modification determined by the Zoning Administrator to represent a material increase in project impacts, shall require an amendment to the Conditional Use Permit and shall be reviewed by the Planning Commission in accordance with applicable procedures.

Table of Contents

- 17.37.010** Purpose and Intent
- 17.37.012** Relationship to Underlying Zoning
- 17.37.015** Fees and Cost Recovery
- 17.37.020** Definitions
- 17.37.025** Applicability and Thresholds
- 17.37.030** Eligibility Criteria
- 17.37.035** Public Outreach
- 17.37.040** Application and Submittal Requirements
- 17.37.045** SDZ Review and Approval
- 17.37.050** Development Agreement
- 17.37.052** Existing Approvals and Major Revisions
- 17.37.055** Amendments to Approved SDZ Developments
- 17.37.060** Development and Performance Standards

Chapter 17.37 — Strategic Development Zone (SDZ) Overlay

Section 17.37.010: Purpose and Intent

The purpose of the Strategic Development Zone (SDZ) is to establish an overlay-zoning framework for strategically significant developments that, due to their scale, complexity, infrastructure demands, resource requirements, or regional significance, warrant specialized development standards and coordinated review. The SDZ Overlay is intended to:

1. Provide a predictable framework for evaluating and regulating large-scale development;
2. Ensure adequate infrastructure and resource availability;
3. Protect public health, safety, and welfare and minimize impacts to surrounding properties and resources; and
4. Address environmental, agricultural, cultural, and other community considerations associated with the proposed development.
5. Establish additional or alternative use and development standards for qualifying developments.

The SDZ Overlay may apply to uses such as data centers, energy-generation facilities, battery-energy storage systems, industrial campuses, and other developments that create substantial demands on public infrastructure or services. Related or mutually dependent facilities within an Industrial Campus shall be reviewed as a single development.

Because utility-scale developments, such as power plants exceeding 50 megawatts, data centers exceeding 50 megawatts of IT load, battery energy storage systems exceeding 100 megawatts, and industrial campuses exceeding 150 acres, create materially greater demands on transportation networks, electrical transmission systems, water supply, emergency response, noise, viewshed, and regional infrastructure than smaller facilities, the County finds that such uses cannot be adequately evaluated or conditioned through the conventional conditional-use process. The SDZ provides an impact-appropriate legislative review framework to ensure proportional mitigation, coordinated infrastructure planning, and long-term community protection.

An approved SDZ Overlay and Development Envelope establish authorized uses, development intensity, and governing standards. A Development Agreement implements these approvals through project-specific obligations, phasing, infrastructure, mitigation, and financial assurances. Development within the SDZ must comply with this chapter, the approved Development Envelope, the Development Agreement, and all applicable federal, state, and county requirements.

An applicant or prospective applicant shall not require the County or any County official, employee, consultant, or representative to execute a nondisclosure agreement, confidentiality agreement, or similar agreement as a condition of discussing, submitting, reviewing, processing, or considering an SDZ proposal or application.

Section 17.37.012: Relationship to Underlying Zoning

The SDZ Overlay is applied in combination with the underlying zoning district. Except as otherwise expressly provided in this chapter, the provisions of the underlying zoning district shall continue to apply.

Where a provision of this chapter or an approved SDZ Overlay conflicts with a provision applicable to the underlying zoning district, the provision of this chapter or approved SDZ Overlay shall govern to the extent of the conflict.

Section 17.37.015: Fees and Cost Recovery

All fees associated with an SDZ Overlay, Development Agreement, and subsequent development review shall be paid in accordance with the County's adopted fee schedule. The applicant or operator is responsible for all reasonable costs incurred by the County for independent professional, technical, engineering, financial, legal, or other consultant services needed to review an SDZ application or verify compliance during construction and operation. The County shall charge only the reasonable costs actually incurred for authorized review and compliance-verification activities.

Section 17.37.020: Definitions

For purposes of this chapter, the following terms shall have the meanings provided below.

Acceptable Security: Security shall be provided in one or more of the following forms: (1) an irrevocable standby letter of credit issued by a federally insured financial institution; (2) a surety bond issued by a surety company authorized to conduct business in the State of Utah; or (3) cash or other funds deposited into an escrow account or other account acceptable to the County Treasurer. The issuer, surety, financial institution, and any account party shall meet the minimum financial and credit standards established by the County Treasurer and shall be acceptable to the County Treasurer and County Attorney. Security shall remain continuously enforceable and available to the County until released pursuant to this chapter. Corporate guarantees, parent-company guarantees, self-insurance, pledges of project assets, and insurance policies shall not constitute Acceptable Security.

Approved Development Capacity: The maximum capacity of a development established by the approved SDZ Overlay, Development Envelope, or other applicable approval, including, as applicable, electrical generation capacity, energy-storage capacity, or other specifically identified development capacity.

Closed-Loop Cooling: A cooling system that recirculates fluid within a contained loop with limited evaporation and without continuous withdrawal and discharge of large volumes of water.

dBA: A-weighted decibel level representing perceived loudness across frequencies; used for compliance under this chapter.

dBC: C-weighted decibel level representing low-frequency energy; used for compliance under this chapter.

Development Agreement: A binding agreement between the County and the applicant/owner implementing the approved SDZ Overlay and Development Envelope, establishing project-specific obligations, phasing, infrastructure improvements, mitigation, financial assurances, performance requirements, enforcement, and other terms required by this chapter.

Development Envelope: The maximum physical, operational, and infrastructure characteristics of a proposed development established through SDZ approval, including authorized uses; the maximum number, size, and capacity of buildings, facilities, and equipment; general development areas; major building and facility parameters; infrastructure; phasing; access; buffers; and other material features required for evaluation.

Energy Generation Facility: A facility used to generate or convert electrical energy for on-site use, private use, or delivery to the electrical grid. This includes solar, geothermal, natural-gas, renewable-energy, fuel-cell, and other utility-scale or distributed-generation technologies.

Material Increase / Materiality: A change that, based on substantial evidence, would measurably increase or expand the approved development's scale, intensity, physical extent, authorized uses, or off-site impacts, including traffic, water consumption, noise, emissions, hazardous materials, lighting, emergency-response requirements, or other significant operational effects, beyond the levels considered in the approved SDZ Overlay and Development Envelope.

Once-Through Cooling: A cooling system that withdraws water for single-pass heat exchange and discharges it without recirculation; prohibited under this chapter.

Operator: The person or entity responsible for constructing, operating, or decommissioning the approved development, whether or not the operator is the Owner.

Owner: The person or entity holding fee title or a lawful leasehold interest in the property subject to an approved SDZ.

Phase: A distinct segment of development identified in the approved Development Envelope and Development Agreement for purposes of construction, permitting, operation, and compliance.

Residence: A legally established dwelling unit designed for human habitation, including a single-family dwelling, manufactured home, or other lawful dwelling. Recreational vehicles, travel trailers, camping trailers, or temporary structures do not constitute residences unless lawfully established as dwellings under County regulations.

Strategic Development Zone (SDZ): An overlay zone established under this chapter to provide specific land-use and development standards for qualifying development.

Viewshed: A designated area, scenic corridor, or vantage point identified in the approved Development Envelope or Development Agreement for purposes of evaluating visual impacts, glare, and screening requirements.

Section 17.37.025: Applicability and Thresholds

The SDZ Overlay shall apply only to developments that meet or exceed the thresholds expressly established in this section. A development that does not meet the thresholds may be processed under the SDZ Overlay only when required by applicable state or federal law, or when the applicant voluntarily elects SDZ review.

A proposed development shall be subject to the SDZ Overlay process when it meets or exceeds any of the following thresholds:

1. Data Center: 50 megawatts or greater of anticipated IT load;
2. Power Plant: greater than 50 megawatts of nameplate generating capacity;
3. Solar or geothermal Power Plant: greater than 50 megawatts of nameplate generating capacity;
4. Battery Energy Storage System (BESS): 100 megawatts or greater of discharge capacity;
5. Industrial Campus: 150 acres or more.

For purposes of determining whether a threshold is met, multiple parcels, phases, facilities, or related development components shall be considered collectively when proposed as part of a common or coordinated development.

A data center with an anticipated IT load of less than 50 megawatts is not subject to the SDZ Overlay and shall be reviewed in accordance with the conditional use permit procedures applicable to the underlying zoning district. To ensure adequate mitigation of operational impacts, such facilities shall comply with the following SDZ performance standards, as applicable:

- a. Noise and vibration standards in Section 17.37.060(K);
- b. Exterior lighting and glare standards in Section 17.37.060(G);
- c. Screening and fencing standards in Section 17.37.060(F);
- d. Hazardous-materials storage, spill-prevention, and emergency-response requirements in Section 17.37.060(H)(3)–(6); and
- e. Water resources and water supply standards including water availability, long-term water supply, initial system fill, water conservation, and water-monitoring requirements in Section 17.37.060(L);

Section 17.37.030: Eligibility Criteria

An SDZ application shall not be accepted for review unless the proposed development satisfies all eligibility criteria established in this section. Meeting these criteria provides eligibility for consideration only and does not create a presumption of approval.

- A. Underlying Zoning. The SDZ Overlay may be proposed only on property located within the A-20 (Agriculture 20 Acre), LI (Light Industrial), and I (Industrial) zoning districts. Property located within any other zoning district is ineligible for the SDZ Overlay.
- B. Residential Separation. The proposed SDZ boundary shall maintain a minimum separation of one-half ($\frac{1}{2}$) mile from any Protected Residential Use. Separation shall be measured from the outer SDZ boundary to the nearest Protected Residential Use as of the date the SDZ application is submitted. A residence or property owned by a participant in the proposed project through a lease, purchase option, or similar agreement shall not constitute a Protected Residential Use for this requirement.

The required one-half ($\frac{1}{2}$) mile separation between the proposed SDZ boundary and any Protected Residential Use may be reduced only through a recorded Nuisance Impact Easement voluntarily granted by the owner of the affected Protected Residential Use.

Such an easement may not reduce the required separation to less than one-quarter ($\frac{1}{4}$) mile under any circumstances. The easement shall: (1) expressly identify the specific separation or setback standard being waived; (2) describe the extent of the reduction; and (3) run with the land for the duration of the approved SDZ development.

The County's role in such an easement is limited to verifying that the proposed reduction complies with the applicable performance standards of this Chapter, including noise, lighting, and public health and safety requirements. The County shall not grant, impose, or compel a waiver on behalf of any residential property owner.

- C. Infrastructure Proximity and Feasibility. The applicant shall demonstrate that the development is reasonably located relative to existing infrastructure capable of serving the project and those necessary extensions, upgrades, easements, or improvements can be provided reliably and feasibly. Reviews shall address electrical, water, wastewater, transportation, and other required infrastructure.
- D. Project Area. The proposed SDZ overlay boundary shall encompass a contiguous area sufficient to accommodate the proposed development envelope and associated on-site infrastructure.
- E. Environmental Constraints. The applicant shall identify significant environmental constraints and demonstrate that such constraints can be avoided, addressed, or adequately mitigated. Constraints may include wetlands, jurisdictional waters, floodplains, critical wildlife habitat, threatened or endangered species, cultural or archaeological resources, steep or unstable slopes, or other environmentally sensitive or hazardous areas.
- F. Water Resources. The proposed development shall demonstrate that a legally available and reliable water supply exists or can be secured to serve the development in accordance with applicable law and County requirements.
- G. Agricultural Protection. The SDZ application shall identify existing agricultural uses and agricultural lands within and surrounding the proposed SDZ, including crop, forage, and livestock-producing areas and rangelands used for grazing. The application shall describe the anticipated impacts of the proposed SDZ on such agricultural uses and lands and identify reasonably practicable measures to avoid or reduce impacts. Existing agricultural operations and surrounding agricultural uses shall be considered in evaluating the proposed SDZ.
- H. Development Envelope. The application shall establish a Development Envelope containing sufficient information to enable County evaluation of authorized uses, maximum intensity, general configuration, infrastructure, phasing, and anticipated impacts.

Section 17.37.035: Public Outreach

Prior to submitting an SDZ Overlay application, the applicant shall conduct public outreach as directed by the County. The County shall determine the appropriate scope and level of public outreach based on the scale, location, anticipated impacts, and complexity of the proposed development. The County may require additional outreach, including additional public meetings, targeted notice, meetings with affected property owners or communities, coordination with governmental agencies, or other outreach methods determined appropriate by the Zoning Administrator. At a minimum, public outreach meetings shall be advertised on the Iron County Website and the Utah Public Meeting Website.

The applicant shall submit a public outreach plan for County review and approval before conducting the required outreach. The plan shall identify:

1. The outreach activities proposed;
2. The persons, property owners, residents, agencies, or areas targeted for outreach;
3. The methods and timing of the proposed outreach; and
4. The process for documenting and responding to questions and concerns raised through the outreach.

The County may require modifications to the outreach plan before or during application review and may require additional or supplemental outreach when reasonably necessary based on the scale, location, anticipated impacts, or issues identified during review.

The applicant shall document the outreach conducted and submit a summary identifying:

1. The outreach activities conducted;
2. The persons, property owners, residents, agencies, or areas contacted;
3. The principal questions and concerns raised; and
4. The applicant's responses or proposed mitigation measures.

Public outreach is intended to facilitate early communication, identify issues, and provide an opportunity for the applicant to address concerns during project planning. Compliance with the public outreach requirements does not limit the County's authority to provide additional public notice or conduct additional public engagement as part of the application review process.

To promote transparency and help the public better understand the technical information used to evaluate an SDZ application, the County may facilitate public access to information regarding required technical studies and, when appropriate, provide opportunities for public questions or presentations by qualified professionals involved in reviewing or evaluating an SDZ application.

Section 17.37.040: Application and Submittal Requirements

An application for an SDZ Overlay shall provide sufficient information for the County to evaluate the proposed Development Envelope, infrastructure needs, potential impacts, and compliance with this chapter. The proposed Development Agreement shall be submitted concurrently with the SDZ Overlay application.

- A. **Pre-Application Meeting.** Prior to submitting an application for an SDZ, the applicant shall participate in a pre-application meeting with County staff. The meeting should identify applicable submittal requirements, technical studies, infrastructure considerations, reviewing agencies, and other issues relevant to the proposed development. The pre-application meeting does not constitute approval or vest any development rights.

B. SDZ Overlay Application

The application shall include, as applicable:

1. Preliminary Design. The applicant shall submit a preliminary design sufficient to evaluate the proposed land use, site layout, development envelope, major structures and equipment, utility systems, access, infrastructure, phasing, and potential impacts. The preliminary design shall generally reflect a conceptual design sufficient to establish maximum parameters, major infrastructure, access, and impact assumptions. The level of detail shall be sufficient for the County to evaluate the proposed development. Detailed final engineering shall not be required at this stage unless specifically necessary to evaluate compliance with this chapter.
2. Development Concept and Proposed Development Envelope. A description and conceptual plan identifying the proposed uses, development intensity, major buildings and facilities, energy and utility infrastructure, phasing, access, supporting infrastructure, buffers, and other material characteristics of the proposed development necessary to establish the Development Envelope.
3. Infrastructure Information. Information regarding water, wastewater, electrical, natural gas, telecommunications, transportation, and other major infrastructure necessary to serve the development.
4. Technical Studies and Resource Information. Technical studies and other information required by this chapter or reasonably necessary to evaluate the proposed development and its potential impacts. Studies shall evaluate reasonably foreseeable impacts at full buildout, including cumulative and off-site impacts, where applicable, and reasonably anticipated worst-case operating conditions.
5. Cultural and Tribal Resources. Information necessary to identify potential cultural or tribal resource concerns associated with the proposed development, including documentation of any applicable review or outreach conducted with the Tribal Historic Preservation Officer (THPO) of the Paiute Indian Tribe of Utah.
6. Public Outreach. A summary of public outreach conducted before, and outreach plan during the application process, including principal concerns raised and responses or proposed mitigation.
7. Developer and Project Information. Information identifying the applicant and principal development entities, ownership and operating structure, relevant development experience, anticipated project schedule, and other information reasonably necessary to evaluate the proposed development.
8. Preliminary Decommissioning Information. A preliminary decommissioning and site restoration plan identifying major facilities and infrastructure to be removed, abandoned, recycled, or otherwise lawfully disposed of, together with a preliminary engineer's cost estimate and proposed financial assurance. For phased development and construction, the plan may separately identify the decommissioning obligations and estimated costs for each phase.

C. Required Technical Studies and Project Information

The County shall require technical studies, reports, plans, and other information reasonably necessary to evaluate a proposed development based on its type, scale, location, infrastructure requirements, and potential impacts. Any required technical study or independent review shall be conducted by a qualified professional or firm selected or approved by the County and having no financial, contractual, ownership, or other material relationship with the applicant, project, or project consultants that could reasonably create a conflict of interest.

Required studies and information may include, as applicable:

1. Water supply, water use, hydrology, and wastewater;
2. Fiscal and Economic Impacts;
3. Transportation, traffic, access, and road impacts;

4. Drainage, stormwater, and erosion;
5. Environmental, wildlife, agricultural, and natural resource impacts;
6. Air quality, emissions, greenhouse gas emissions, and other air pollutant impacts, including reasonably foreseeable cumulative and off-site emissions;
7. Cultural and historic resources;
8. Infrastructure and utility capacity, including electrical generation, transmission, and interconnection;
9. Noise, vibration, lighting, glare, and visual impacts;
10. Thermal-impact analysis
11. Fire protection, emergency response, and hazardous materials;
12. Construction, operations, and phasing;
13. Decommissioning, site restoration, and financial assurance; and
14. Other technical studies or project information reasonably necessary to evaluate the proposed development.

Required studies shall be prepared by qualified professionals using generally accepted methods appropriate to the proposed development. Studies shall evaluate reasonably foreseeable impacts during both construction and operation, including impacts associated with site preparation, grading, construction traffic, major equipment delivery, temporary construction equipment, commissioning, and full buildout, and where applicable, cumulative impacts from the proposed development in combination with other existing, approved, or reasonably foreseeable development or infrastructure.

The Zoning Administrator may waive a required study or information when it is clearly inapplicable to the proposed development or when equivalent information has already been provided and remains adequate for review. The Zoning Administrator may require additional studies, information, or revisions when the information provided is insufficient to adequately evaluate the proposed development or when additional information is reasonably necessary to address issues identified during review.

D. Developer Qualifications

The applicant for a proposed development within an SDZ Overlay shall provide sufficient information for the County to evaluate the ability of the applicant and principal development entities to construct, finance, operate, and decommission the proposed development. The information shall identify the applicant and principal development entities, and demonstrate relevant experience developing or operating similar facilities.

E. Completeness and Additional Information

The Zoning Administrator shall determine whether an SDZ application and proposed Development Agreement contain the information required by this chapter. A notice of incompleteness shall identify each missing item with reference to the applicable subsection of this Chapter or checklist.

Section 17.37.045: SDZ Review and Approval

A. Staff Review. The Zoning Administrator shall coordinate the review of an SDZ Overlay application and Development Agreement for completeness and compliance with this chapter and shall coordinate review by County departments, technical staff, consultants, and other reviewing agencies as appropriate.

B. Public Notice. Public notice and hearing requirements for establishment or amendment of an SDZ Overlay shall comply with applicable Utah law and County requirements. Any additional notice required by this chapter shall also be provided.

C. Planning Commission Review. The Planning Commission shall conduct a public hearing on a proposed SDZ Overlay, Development Envelope, and Development Agreement and shall make a recommendation to the County Commission regarding approval, approval with modifications, or denial.

D. County Commission Review. Following the Planning Commission's recommendation, the County Commission shall conduct a public hearing, and consider the proposed SDZ Overlay, Development Envelope, and Development Agreement as a legislative land use decision. The County Commission shall consider the technical studies and information submitted with the SDZ application in evaluating the proposed SDZ Overlay and Development Envelope.

E. Effect of Approval. If approved, the SDZ Overlay and Development Envelope establish the authorized land uses, development intensity, general development framework, and other land use parameters approved for the development. The Development Agreement implements the approved SDZ Overlay and Development Envelope by establishing project-specific obligations, phasing, infrastructure improvements, mitigation, financial assurances, performance requirements, and other implementation requirements.

Section 17.37.050: Development Agreement

The Development Agreement shall be submitted and considered concurrently with the SDZ Overlay and Development Envelope. The Development Agreement shall implement the approved SDZ Overlay and Development Envelope and shall establish the project-specific obligations and commitments necessary to develop, operate, and decommission the approved development. The Development Agreement may include negotiated community benefits or impact-mitigation commitments consistent with this Title.

The County shall provide an opportunity for public input regarding potential community benefits and project-specific commitments as they related to development agreements. The County shall determine the appropriate method and level of public engagement based on the scale, location, anticipated impacts, and complexity of the proposed development.

A. Project-Specific Requirements. The Development Agreement shall establish project-specific requirements and commitments, as applicable, including:

1. Project phasing and development schedule;
2. Water supply, water-use requirements and metering;
3. Transportation and infrastructure improvements;
4. Air-quality requirements, including applicable emission controls, operational limitations, monitoring, reporting, mitigation, and compliance-verification requirements;
5. Mitigation measures;
6. Financial assurances, performance guarantees and security for completion of required improvements and obligations;
7. Decommissioning and site restoration requirements;
8. Performance deadlines;
9. Construction and operational requirements;
10. Transfer or change of ownership or control;
11. Independent compliance monitoring, enforcement provisions, penalties, and remedies for failure to comply with the Development Agreement or approved project requirements; and
12. Other requirements necessary to implement the approved SDZ Overlay and Development Envelope and ensure compliance with this chapter.

B. Subsequent Development. Approval of a Development Agreement for one development shall not authorize or establish development rights for a separate development within the SDZ Overlay. Subsequent development shall require the applicable project-specific review and shall comply with the approved SDZ Overlay, Development Envelope, Development Agreement, and applicable requirements of this chapter.

C. Approval Term. The Development Agreement shall establish a commencement deadline not to exceed five (5) years from the effective date of the Development Agreement. The County Commission may extend the commencement deadline upon request and for good cause, pursuant to Section 17.42.060 (Amendment to a development agreement). Failure to commence construction of the approved development within the applicable deadline, including any approved extension, shall cause the Development Agreement to expire unless otherwise provided by applicable law.

D. Change in Ownership or Control. A change in ownership or control of an approved SDZ project shall not include a transfer between entities that are under common ownership or control, a corporate reorganization that does not result in a change in the entity ultimately responsible for the project, or a transfer solely for financing purposes. Project obligations shall run with the land to the extent permitted by law and shall be binding on successor owners and operators. A sale, lease, merger, acquisition, foreclosure, bankruptcy transfer, assignment, or other transfer of ownership or operational control does not relieve the facility, owner, or operator of applicable obligations.

The owner or operator shall notify the County in writing of a proposed voluntary transfer of ownership or operational control and shall meet with the County within 30 days following the transfer to review applicable SDZ, Development Agreement, and compliance obligations. The County may require reasonable documentation identifying the successor owner or operator and confirming responsibility for ongoing compliance.

Section 17.37.052: Existing Approvals and Major Revisions

A. Existing Approvals. A conditional use permit lawfully approved prior to the effective date of this chapter shall remain valid and may continue to be developed and operated in accordance with the approved plans, conditions, and applicable law. Adoption of the SDZ Overlay shall not, by itself, require an existing conditional use permit to be replaced or converted to an SDZ Overlay. Projects previously permitted under Chapter 17.33 shall continue under Chapter 17.33 unless proposed modifications meet or exceed the thresholds established in this chapter.

B. Revisions Requiring SDZ Review. Any proposed revision to an existing conditional use permit that would materially increase the scale, intensity, physical extent, authorized uses, or reasonably anticipated impacts of the approved development shall require approval through the SDZ Overlay process prior to approval of the revision. A revision shall require SDZ review if it includes any of the following:

1. Expansion or relocation of the project boundary, or the addition or enlargement of major infrastructure or utility facilities that materially changes the approved footprint, configuration, or impacts;
2. A material increase in approved generating capacity, energy-storage capacity, throughput, or other operational capacity, or a material increase in associated impacts such as traffic, water use, noise, emissions, hazardous materials, lighting, or emergency-response needs, except that an increase resulting from improved technology or equipment that provides greater capacity with no material increase in reasonably anticipated impacts may be considered through a conditional use permit amendment if construction of the approved development has not commenced;

3. Addition of a new principal use, major facility, or substantially different component not included in the approved conditional use permit;
4. A material change in the technology, configuration, or operation of the development that substantially changes the nature or impacts of the approved use, including updates to state or federal permits that materially increase project impacts.

C. Minor Revisions. Revisions that do not result in a material increase or substantial change as described in this section may be reviewed and approved in accordance with the procedures applicable to the existing conditional use permit and shall not require an SDZ Overlay solely because of the adoption of this chapter.

D. Determination. The Zoning Administrator shall determine whether a proposed revision requires SDZ review under this section. A determination that SDZ review is required shall be based on the criteria in this section and provided to the applicant in writing. Any person aggrieved by a decision of the zoning administrator concerning a decision for a minor revision may file an appeal in accordance with Section 17.44.030.

Section 17.37.055: Amendments to Approved SDZ Developments

An approved development within an SDZ may be modified as a Minor Revision, Minor Amendment, or Major Amendment. The classification shall be based on the nature, scope, and anticipated impacts of the proposed modification.

- A. **Minor Revision.** A Minor Revision is a non-substantive modification that does not materially alter the approved development, its impacts, or conditions of approval. Minor Revisions may be approved administratively by the Zoning Administrator. Minor Revisions may include adjustments to the location or configuration of internal roads, utilities, equipment, landscaping, drainage, or similar site components, provided the modification remains consistent with the approved Development Envelope and does not increase impacts.

A Minor Revision shall not increase any approved development capacity, add an unauthorized use, expand the approved SDZ or project boundary, increase water consumption or other impacts, modify a condition of approval or Development Agreement requirement, or reduce required financial security or mitigation.

- B. **Minor Amendment.** A Minor Amendment is a substantive modification to an approved development that does not materially alter the overall character, authorized development program, or anticipated impacts of the development. Minor Amendments may be approved by the Planning Commission.

A Minor Amendment may modify the approved Development Envelope, Development Agreement, or other project-specific approval, provided the modification is consistent with the applicable SDZ and does not amend a land use regulation, expand the SDZ boundary, authorize a use not permitted by the SDZ, materially increase anticipated impacts, or materially reduce required mitigation, conditions of approval, or financial security.

- C. **Major Amendment.** A Major Amendment is a modification that materially changes the approved development program, authorized uses, approved development capacity, anticipated impacts, or other fundamental aspect of the approval. Major Amendments require approval by the County Commission following review and recommendation by the Planning Commission.

A Major Amendment includes any modification that expands the SDZ boundary, adds a use not previously authorized by the SDZ, materially increases approved development capacity or anticipated impacts, materially reduces required mitigation or conditions of approval, or requires amendment of the SDZ Overlay or another land use regulation.

- D. **Classification.** The Zoning Administrator shall make an initial classification of a proposed modification based on the standards and definitions in this chapter. The classification shall be issued in writing and shall identify the facts and criteria supporting the determination. An applicant may request Planning Commission classification, and such request shall be granted.

If the Zoning Administrator determines that the modification presents uncertain or borderline impacts, or that reasonable minds could differ as to whether the modification is minor or major, the Zoning Administrator shall refer the proposed modification to the Planning Commission for classification.

Related modifications shall be evaluated collectively to prevent segmentation and ensure that the overall effect of the proposed change is accurately classified.

Section 17.37.060: Development and Performance Standards

Development within an approved SDZ Overlay shall comply with the standards of this section, the approved Development Envelope, the Development Agreement, applicable building and fire codes, and all other applicable federal, state, and county requirements.

Unless otherwise required by this title, state law, or federal law, a use expressly authorized by the approved SDZ Overlay and Development Envelope shall not require a separate conditional use permit, administrative land use permit, or other discretionary land use approval. Building, grading, electrical, plumbing, mechanical, fire, or other permits otherwise required by law shall remain required.

No construction permit shall be issued for development within an SDZ until the Zoning Administrator determines that the proposed construction is consistent with the approved SDZ Overlay, Development Envelope, Development Agreement, applicable phase, and applicable county development standards.

Project-Specific Technical Requirements. In addition to the general technical studies required by this chapter, the County shall require project specific studies, plans, and technical information based on the characteristics and potential impacts of the proposed development: Project-specific requirements may include, as applicable:

1. **Data Centers.** Water use and cooling systems (closed loop only); wastewater and process fluids; backup generation and fuel systems; electrical infrastructure; hazardous materials; and other systems with potential environmental, infrastructure, or public safety impacts.
2. **Energy Generation Facilities.** Generation equipment and fuel systems; transmission and interconnection facilities; substations; utility corridors; and associated off-site infrastructure.
3. **Battery Energy Storage Systems.** Fire and life safety; battery chemistry and configuration; emergency response; containment; monitoring and shutdown systems; and hazardous materials.
4. **Solar and Renewable Energy Facilities.** Site layout and equipment configuration; glare and visual impacts when applicable; wildlife and environmental resources; and required state or federal agency coordination.
5. **Industrial Campuses and Other Major Developments.** Infrastructure capacity, transportation, utilities, hazardous materials, emergency response, environmental impacts, and other technical issues identified through the review process.

A. General Compliance and Phasing

1. **Approved Development.** Construction shall conform substantially to the approved Development Envelope, Development Agreement, approved phasing plan, and applicable conditions of approval.
2. **Phasing.** Each phase of development shall identify the buildings, structures, infrastructure, access, utilities, and mitigation measures associated with that phase. Infrastructure and mitigation may be constructed in advance of the phase they are intended to serve, including infrastructure or mitigation designed to serve multiple phases, provided that such improvements are identified in the approved phasing plan. Financial assurance and mitigation obligations shall account for the full approved scope of each phase, including the portion of shared infrastructure or mitigation improvements attributable to that phase. Required infrastructure and mitigation shall be constructed concurrently with or prior to the development they are intended to serve, unless otherwise authorized by the Development Agreement pursuant to an enforceable schedule.
3. **Independent Operation.** Each phase of a multi-phase development shall be capable of operating in compliance with all applicable SDZ standards. A phase may rely upon shared infrastructure or mitigation improvements constructed for or in conjunction with another phase when such shared improvements are identified in the approved phasing plan and Development Agreement and are available to serve the applicable phase.
4. **Prior Rights and Easements.** Prior to commencement of construction or site work that affects an existing utility, pipeline, canal, grazing, mineral, transportation, or other recorded right, the applicant shall provide evidence of all necessary easements, relocations, releases, or written authorizations.
5. **Authorized Uses.** No use or activity may be established within an SDZ unless it is authorized by the approved SDZ Overlay and Development Envelope or other applicable land use approval. A change to an unauthorized use shall require review and approval pursuant to the applicable amendment procedures and shall not be approved as a Minor Revision under Section 17.37.055.
6. **Construction Activities.** Construction staging areas, laydown yards, construction-worker parking, temporary facilities, construction access, and other temporary construction activities shall be located and operated in accordance with the approved Development Envelope and Development Agreement.
7. **Compliance Verification.** Where required by the approved SDZ Overlay, Development Envelope, or Development Agreement, the County shall require post-construction verification that the development has been constructed and is operating in accordance with the requirements of this chapter and the applicable approved plans, permits, and agreements.
8. **Subsequent Development Review.** Subsequent development review shall determine compliance with those approvals and applicable development standards. Such review shall not reconsider uses or development intensity expressly authorized by the approved SDZ Overlay and Development Envelope, except through an amendment process authorized by this chapter.

B. Site Design, Setbacks, and Environmental Protection

1. Primary operational structures, heavy machinery yards, substations, power generation facilities, and other major utility or industrial equipment shall maintain a minimum setback of sixty (60) feet from property lines and public rights-of-way unless a greater setback is required by the approved Development Envelope, Development Agreement, building or fire code, or other applicable law.
2. Development shall avoid or adequately mitigate significant environmental constraints identified during SDZ review.
3. Where required by federal or state law or by an approved SDZ condition, applicable wildlife surveys, consultations, permits, and mitigation measures shall be completed before ground disturbance.

4. Prior to ground disturbance, the applicant shall comply with applicable federal and state cultural-resource requirements and implement approved cultural-resource protection and inadvertent-discovery procedures.
5. Clearing and grading shall be limited to areas authorized by the approved development plans and applicable phase.

C. Utilities, Energy, and Infrastructure

1. Utility Capacity. Prior to permit issuance, the applicant shall provide documentation from applicable utility providers demonstrating available capacity to serve the proposed phase of development. The development shall not exceed available infrastructure capacity, materially impair utility reliability, or require existing public services or infrastructure to operate beyond their demonstrated capacity unless the applicant provides improvements or other measures sufficient to address the identified impacts.
2. On-Site Generation. On-site power generation and energy storage facilities shall operate only as authorized by the approved SDZ Overlay and Development Envelope and in accordance with the Development Agreement.
3. Fuel and Industrial Pipelines. Fuel pipelines and other high-pressure or industrial utility systems shall be designed, constructed, and operated in accordance with applicable federal and state standards and shall include appropriate easements, safety setbacks, isolation valves, emergency shutoffs, and access for emergency response.
4. Utility Undergrounding. Electrical distribution lines, control wiring, and site interties operating below twenty (20) kV within the project boundary shall be installed underground unless the County determines that underground installation is technically or environmentally infeasible.
5. Emergency and Backup Generation. Backup generators shall be operated only for emergency or backup purposes and authorized testing and maintenance, except where a different operating schedule is specifically authorized by an applicable air-quality permit, building or fire code, or the Development Agreement.

D. Transportation and Roadway Protection

1. Access. Primary construction and operational access shall use routes approved through the Development Envelope or Development Agreement.
2. Heavy-Haul Routes. Roads used for heavy construction traffic shall be designed and improved to a standard sufficient to safely accommodate anticipated project traffic and shall be approved by the County Engineer.
3. Road Condition Baseline. Prior to substantial project-related heavy construction traffic on County roads, the developer shall document existing road conditions in a manner approved by the County Engineer.
4. Roadway Maintenance and Restoration. The developer shall be responsible for repairing damage to County roads caused by project construction or operations. Upon completion of construction, impacted County roads shall be restored to the condition established by the approved baseline.
5. Financial Guarantee. Financial security for roadway improvements shall be proportional to the Engineer's baseline condition assessment and anticipated project traffic.
6. Livestock and Open-Range Protection. Where project traffic will utilize open-range roads, grazing areas, livestock movement routes, or other areas subject to livestock conflicts, the applicant shall implement the approved Livestock-Traffic Management Plan. The plan shall address traffic control, seasonal livestock movements, notification procedures, and measures to reduce livestock-vehicle conflicts.
7. Public Rights-of-Way. No public road or right-of-way may be vacated, relocated, or materially altered as part of an SDZ project until all required dedications, easements, approvals, and authorizations have been obtained and recorded.

8. Water Hauling. Where water is proposed to be transported to or from an SDZ development by truck or other commercial vehicle, the required transportation or traffic study shall account for the anticipated vehicle trips associated with such water transport.

E. Stormwater, Drainage, Dust, and Site Stabilization

1. Stormwater. Prior to grading or building permit issuance, the applicant shall obtain all required stormwater permits and approvals and shall implement an approved Stormwater Pollution Prevention Plan and engineered drainage plan.
2. Drainage. Development shall be designed to prevent increased off-site flooding, erosion, or uncontrolled discharge resulting from project construction or operation.
3. Dust Control. Construction activities shall comply with an approved dust control plan. The plan shall identify dust-control measures and anticipated construction water use.
4. Grading and Disturbance. Mass grading shall be limited to the approved development phase and shall include appropriate erosion and sediment controls.
5. Revegetation and Stabilization. Disturbed areas not scheduled for immediate construction shall be stabilized using appropriate vegetation or other erosion-control measures. Revegetation shall utilize seed mixes and practices consistent with applicable County noxious-weed requirements.

F. Fencing, Security, and Screening

1. Security Fencing. Critical infrastructure, substations, generator yards, fuel storage areas, energy storage systems, and other areas requiring restricted access shall be secured by a permanent fence or equivalent security barrier designed to prevent unauthorized access.
2. Emergency Access. Gated areas requiring emergency access shall provide approved emergency access devices, including Knox boxes or equivalent systems where required by the fire authority.
3. Livestock Exclusion. Where necessary to protect the development or prevent livestock intrusion, a separate perimeter fence shall be provided in accordance with applicable open-range and livestock fencing requirements.
4. Screening. Screening, landscaping, visual mitigation, or other site-design measures required by the approved Development Envelope or Development Agreement shall be installed in accordance with the approved plans and maintained for the life of the development. Screening and visual mitigation shall be prioritized where the development is visible from residential areas, scenic areas, major roads, and any other designated viewpoints.

G. Lighting and Glare

1. Exterior Lighting. Exterior lighting shall be limited to lighting necessary for safety, security, access, and operation of the facility.
2. Fixture Standards. Exterior lighting shall use full cutoff, fully shielded, downward-directed fixtures and shall minimize uplighting, glare, and light trespass.
3. Color Temperature. Exterior lighting shall not exceed 2,700 Kelvin unless a different standard is specifically approved through the SDZ approval process or established as a project-specific requirement in the Development Agreement.
4. Light Trespass. Lighting at all property lines and rights-of-way shall not exceed 0.1 foot-candles in horizontal illuminance. Maximum light-trespass levels established through the approved Development Envelope or Development Agreement shall be maintained throughout operation.
5. Control Systems. All non-security lighting shall be motion-activated and limited to a maximum of 5 minutes per activation. No dusk-to dawn or constant lighting is permitted outside approved security lighting.
6. Glare. Buildings, solar equipment, exterior equipment, and other site improvements shall be designed and maintained to minimize direct or reflected glare affecting adjoining properties, public roads, residences, and designated scenic viewsheds.

7. Approval and Verification: For each phase of the project, an as-built photometric and glare certification confirming compliance with the approved Lighting Plan shall be submitted to the Zoning Administrator within 60 days of commencement of operation of that phase. The certification shall be prepared by a qualified lighting professional. If the certification identifies any noncompliance or unanticipated light trespass or glare impacts, the applicant shall implement corrective measures and achieve compliance within 90 days of such determination.

H. Air Quality, Hazardous Materials, and Environmental Compliance

1. Air Quality. Development within an SDZ shall comply with applicable federal and state air-quality requirements and shall be designed and operated to avoid or adequately mitigate material adverse air-quality impacts identified through the SDZ review process. The County may require, as a condition of approval, air-quality monitoring, modeling, emission controls, operational limitations, mitigation, or other measures reasonably necessary to address identified impacts or demonstrate compliance with this section.
2. State and Federal Permits. The owner or operator shall obtain and maintain all applicable federal and state air-quality permits, approval orders, and other required authorizations. No activity requiring such a permit or approval shall commence until the required authorization has been obtained.
3. Hazardous Materials. Hazardous materials, fuels, chemicals, coolants, and other regulated substances shall be stored, handled, and maintained in accordance with applicable law and approved spill-prevention and emergency-response plans.
4. The owner shall provide the County with an inventory of chemicals, fuels, coolants, lubricants, fire-suppression materials, treatment chemicals, and other regulated hazardous materials expected to be stored or used onsite. The inventory shall be updated annually and within thirty days after introducing a new material that materially changes environmental or emergency-response risk. Whereas ethylene glycol is poisonous to humans and animals, propylene glycol is Generally Recognized as Safe (GRAS) by the FDA for foods, drugs, and cosmetics, and shall be used as an alternative to ethylene glycol in cooling or computing processes.
5. Spill Prevention. Areas containing fuels, lubricants, coolants, chemicals, hazardous materials, or other potential pollutants shall include appropriate secondary containment and drainage controls sufficient to prevent releases from entering stormwater systems, natural drainage channels, groundwater, or adjacent properties. The facility shall develop a spill-response plan that employs active 24/7 containment, leak detection, spill-prevention, shutoff, controlled-drainage, and emergency-response measures required by applicable County, State, and federal law and permits.
6. Emergency Response. The operator shall maintain emergency-response procedures appropriate to the materials and equipment used on the site and shall coordinate those procedures with the applicable fire district and emergency-management agencies. They may require facility familiarization, training, tabletop exercises, emergency drills, access improvements, emergency-response planning, or other lawful measures reasonably necessary for responder safety.

I. Heat and Thermal Effects

1. The applicant shall identify the proposed cooling and heat-rejection systems as part of the technical information required for SDZ Overlay review. Where the proposed facility includes generation, computing, storage, cooling, or heat-rejection equipment reasonably expected to create material off-site thermal effects, the County shall require a thermal-impact analysis prepared by a qualified professional as part of the SDZ Overlay review. The analysis shall evaluate anticipated heat rejection, operating conditions, cooling technology, potential off-site thermal effects, identified

sensitive receptors, topography, atmospheric stability and inversion conditions, and representative meteorological conditions.

2. The County may consider the results of a required thermal-impact analysis in evaluating the proposed SDZ Overlay, Development Envelope, and Development Agreement and in determining whether project-specific conditions, mitigation measures, monitoring requirements, or operational requirements are warranted. Where ongoing monitoring is required, the operator shall monitor thermal conditions at locations identified in the approved monitoring plan and compare measured conditions to the established baseline.

J. Fire Protection and Emergency Response

1. Fire Protection Plan. Prior to building permit issuance, the applicant shall obtain approval from the Fire Department having jurisdiction for a Fire Protection Plan addressing fire flows, emergency access, fire suppression systems, water storage, hydrant locations, hazardous materials, battery and energy-storage systems, and other site-specific fire hazards.
2. Emergency Access. Emergency access routes shall be designed and maintained in accordance with applicable fire and building codes and the requirements of the applicable fire authority.
3. Wildfire Protection. Where applicable, development shall comply with the County's Wildland-Urban Interface requirements and any site-specific wildfire mitigation measures approved as part of the SDZ.
4. Emergency Coordination. Facilities containing high-voltage electrical equipment, fuel storage, battery energy storage systems, hazardous materials, or other significant hazards shall maintain an emergency response plan coordinated with the applicable fire and emergency-management agencies.

K. Noise and Vibration

1. Noise Compliance. Noise shall be measured using recognized professional standards and equipment appropriate for the measurement. No SDZ use shall produce noise exceeding any of the following limitations. Adequate setbacks, sound attenuation, equipment placement, or other mitigation measures shall be provided to comply with these limitations:
 - a. 55 dBA and 65 dBC, as measured at the property line of any neighboring residentially zoned lot;
 - b. 50 dBA and 60 dBC, as measured at any existing neighboring residence between the hours of 9:00 p.m. and 7:00 a.m.;
 - c. 65 dBA and 70 dBC, as measured at the exterior SDZ/project perimeter (not internal parcel lines), unless the owner of the affected property and the county commission agree to a higher noise level; The owner of a neighboring property that would otherwise be protected by the 65 dBA noise limitation may voluntarily agree, in writing, to a higher noise level. Any such agreement must specifically state the noise standard being modified, the extent of the modification, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the project developer/owner, effective for the life of the project. Any such noise agreement must be submitted with the SDZ application and filed with the county recorder upon approval of the SDZ.
 - d. Noise studies shall evaluate reasonably anticipated worst-case operating conditions, including simultaneous operation of noise-generating equipment, maximum anticipated cooling loads, routine testing of backup or emergency equipment, and other operating conditions reasonably expected to produce the highest noise levels.
 - e. The Development Envelope or Development Agreement may establish more restrictive noise limits based on site-specific conditions.
2. Final Noise Study. Prior to issuance of a building permit for equipment or structures capable of generating significant operational noise, the applicant shall submit a final engineered noise study

identifying existing ambient noise levels, anticipated noise sources, projected noise levels at applicable property lines and receiving properties, and proposed mitigation measures necessary to demonstrate compliance with the applicable standards at full operational capacity.

3. Operational Certification. An independent as-built noise certification following commencement of operations for a phase of development shall be required.
4. Vibration. Facilities that may generate significant ground-borne vibration shall be designed and operated to prevent damage to structures, public infrastructure, or other property and to minimize unreasonable impacts on surrounding properties.
5. The County may require octave-band, one-third-octave-band, tonal, or other frequency-specific analysis when reasonably necessary to evaluate low-frequency, tonal, or other noise characteristics that may not be adequately represented by overall dBA or dBC measurements.
6. Corrective Measures. If monitoring or other evidence demonstrates that an approved noise or vibration standard is being exceeded, the operator shall take corrective action necessary to achieve compliance. The County may require modification, attenuation, isolation, or operational restrictions necessary to correct the violation.
7. Construction Hours. Construction, heavy grading, mass excavation, pile driving, and similar high-impact activities shall occur only during hours established by the Development Agreement or applicable County standards, except for emergency work necessary to protect life, health, safety, or property.
8. Commissioning Allowance. Commissioning and testing of equipment may be conducted under a temporary noise-management plan approved by the County, provided it specifies hours, duration, mitigation, and notification to affected properties.
9. The County may establish and periodically update administrative standards governing technical methodologies for noise and vibration studies, monitoring, measurement, equipment, calibration, data collection, reporting, certification, and compliance verification. Such administrative standards may establish technical specifications and measurement methodologies but shall not establish substantive noise or vibration limits that are not otherwise authorized by this Chapter or an applicable Development Agreement.

L. Water Resources and Water Supply

1. Water Availability. Prior to commencement of construction, the applicant shall demonstrate that sufficient lawful water is available for all water uses associated with construction, including dust suppression, concrete production, and other construction-related activities. Prior to commencement of operations, the applicant shall demonstrate that all legally available and enforceable water rights or other lawful water supplies necessary to serve the approved development have been obtained, approved by the applicable authority, and are available for use. Approval to commence construction shall not authorize commencement of operations until the required permanent water supply has been secured.
2. Long-Term Water Supply. Where groundwater is used in a basin subject to a groundwater management plan or other state-administered limitations, the applicant shall demonstrate that the proposed water supply is capable of supporting the proposed water consumption and approved development for the anticipated duration of project operations established by the Development Envelope.
3. Water Consumption Threshold. Cumulative operational water consumption attributable to an SDZ project, including data center cooling, auxiliary facilities, and dedicated power-generation facilities, shall be evaluated on an average annual basis. 50,000 gallons per day (56 acre-feet per year) shall serve as the water consumption threshold for purposes of this Section. An SDZ project that proposes operational water consumption exceeding the threshold shall obtain approval of an alternative water consumption standard pursuant to this Section before the additional water consumption may be authorized. Water consumption shall be evaluated cumulatively for the entire SDZ project and approved Development Envelope, including all phases, buildings, facilities, and

authorized uses, and shall not be divided among phases, buildings, facilities, or parcels for the purpose of avoiding the threshold.

4. **Initial System Fill.** Water used for the initial filling, commissioning, or testing of closed-loop cooling, fire-protection, or other permanent water systems shall be identified separately from operational water consumption and disclosed as part of the application. Initial system fill shall be obtained from a lawful water supply and shall be included in the project's water-use accounting. The applicant shall identify the anticipated quantity, source, timing, and duration of initial system fill and shall demonstrate that the proposed use is consistent with applicable water-rights and water-supply requirements. The County may establish limits or conditions on the timing and rate of initial system fill where reasonably necessary to prevent adverse impacts to the water supply or affected groundwater system.
5. **Water Conservation.** Facilities shall incorporate water-conservation measures and cooling technologies consistent with the approved Development Envelope, Development Agreement, and applicable standards of this chapter.
6. **Water Monitoring.** The operator shall submit and obtain County approval of a Water Monitoring Plan addressing construction and operational water use prior to commencement of construction. Actual water consumption shall be continuously metered. Water-use data shall be made publicly available through an internet-accessible platform and updated at least weekly, with detailed monthly reports. Public reporting by the water supplier, Cedar Valley Water Conservancy, or other entity responsible for metering or reporting the project's water use shall satisfy this requirement if the data is publicly available and updated at least weekly. If such reporting is discontinued or no longer meets the requirements of this Section, the operator shall provide the required public reporting through another internet-accessible platform. The operator shall implement approved corrective measures if operational water consumption exceeds authorized levels or if construction water consumption materially exceeds the amount identified in the approved project materials. Technical requirements for the Water Monitoring Plan and water-use monitoring, reporting, recordkeeping, and verification may be established by administrative standards.
7. **Closed-loop or dry cooling systems with limited water consumption** shall be required for data centers and dedicated power-generation facilities associated with an SDZ project unless the applicant demonstrates that an alternative commercially available technology provides equal or greater water-use efficiency and does not result in unacceptable impacts to the affected water supply or groundwater system. Once-through cooling systems are prohibited.
8. **Alternative Water Consumption Standard.** An SDZ development that cannot comply with the maximum water consumption limitation may propose an alternative water consumption standard through a Water Resource Plan.
 - a. **Existing Water Supply.** The applicant shall demonstrate that water necessary to serve the proposed alternative water consumption standard will be supplied through existing, legally recognized and actively used water rights or other lawful existing water supplies sufficient to serve the proposed use. Acquisition or ownership of an unused, dormant, or otherwise unutilized water right shall not, by itself, satisfy this requirement. Any change, transfer, retirement, or other modification of a water right shall be subject to all approvals required by applicable law.
 - b. **Water-Resource Improvement.** In addition to demonstrating an adequate existing water supply, an applicant proposing an alternative water consumption standard shall identify measures that will result in a measurable and enforceable improvement to groundwater conditions or other identified water resource conditions within the affected water system. The proposed measures shall be supported by a water-resource analysis prepared by a qualified professional and reviewed by an independent consultant selected or approved by the County. The analysis shall identify the anticipated effect of the proposed development on groundwater conditions and demonstrate how the proposed measures will improve those conditions.

- c. Commission Determination. The County Commission may approve an alternative water consumption standard only upon determining that the proposed water supply and water-resource improvement measures adequately address the anticipated impacts of the development and are consistent with applicable groundwater management requirements. The Commission may require additional or alternative measures based on basin conditions, the scale and anticipated water use of the development, and recommendations from qualified water-resource professionals.
- d. Enforceability. Approved water-resource improvement measures shall be incorporated into the Development Agreement or other applicable approval and shall be legally enforceable for the duration of the development. Nothing in this section authorizes the appropriation, transfer, change, or use of water without any approval otherwise required by applicable law.

M. Wastewater and Industrial Liquid Management

1. Liquid Management Plan. Prior to issuance of a building permit for a facility generating industrial wastewater, process water, cooling-system fluids, or other regulated liquid waste, the applicant shall submit an approved Industrial Liquid Management Plan.
2. Prohibited Discharges. Untreated industrial wastewater, contaminated process water, cooling-system fluids, chemical solutions, petroleum products, or other regulated substances shall not be discharged to stormwater systems, natural drainage channels, washes, groundwater recharge areas, surface waters, or adjacent properties.
3. Containment. Facilities shall provide appropriate containment, drainage controls, treatment, recycling, reuse, storage, or disposal systems for all regulated liquid streams generated by the development.
4. Regulatory Compliance. All wastewater, treatment, discharge, recycling, reuse, or disposal activities shall comply with applicable federal and state permits and requirements.

N. Waste Management

1. Construction Waste. Construction activities shall comply with an approved Construction Solid Waste Management Plan addressing storage, containment, recycling, and disposal of construction materials and waste.
2. Operational Waste. Solid waste generated by the facility shall be stored and managed in a manner that prevents litter, off-site migration, nuisance conditions, or impacts to surrounding properties.
3. Hazardous Waste. Hazardous materials and waste shall be managed in accordance with applicable federal and state requirements and the approved SDZ emergency and spill-response plans.

O. Decommissioning and Site Restoration

This subsection ensures that all public-safety, environmental, and site-restoration obligations associated with an SDZ development are fully funded by the operator and its financial assurance providers, and not by Iron County.

1. Decommissioning and Site Restoration Plan. Prior to issuance of a grading or building permit for any applicable phase, the applicant shall obtain County approval of a Decommissioning and Site Restoration Plan for that phase. The Plan shall identify the buildings, structures, equipment, infrastructure, materials, and site improvements reasonably anticipated to require removal, disposal, recycling, or other disposition upon cessation of the approved use.

The Plan may provide for the lawful abandonment in place of completed improvements that do not present an identified public-safety, environmental, or regulatory risk. Incomplete or partially constructed improvements shall be fully addressed in the Plan and shall not be considered eligible for abandonment solely due to lack of risk.

2. Financial Assurance. Prior to issuance of a building permit for each applicable phase, the developer shall provide financial assurance acceptable to the County sufficient to cover the reasonably anticipated public costs associated with the decommissioning and site-restoration obligations identified in the approved Plan for all facilities then constructed or under construction.

The amount of required financial assurance shall be based on an approved Engineer's Estimate and shall equal at least 110% of that estimate to account for contingency, inflation, administrative costs, and other reasonably foreseeable factors. The Engineer's Estimate shall account for reasonably realizable salvage, recycling, residual, or other recovery value, as well as enforceable third-party security or other protections that directly reduce the County's exposure. The County shall not require duplicate security for the same obligation.

3. Periodic Review and Adjustment. The approved decommissioning cost estimate and financial assurance shall be reviewed at least once every five (5) years, and at other times reasonably necessary to account for material changes in the development, applicable laws, costs of removal or disposal, available salvage value, or public-risk levels. Following review, the County may require an increase, approve a reduction, or maintain the existing amount based on written findings.
4. Release of Financial Assurance. Financial assurance may be partially released as decommissioning or site-restoration obligations are completed or as identified risks are reduced. Any release shall be supported by written findings identifying the obligation satisfied or the reduced risk and the corresponding amount no longer required. The County shall not retain financial assurance for obligations that have been fulfilled or risks that no longer reasonably exist.
5. Draws and Adjustments; Notice and Appeal. Before increasing or decreasing the required financial assurance or drawing upon it, the County shall provide written notice of the proposed action and the findings supporting it, except where immediate action is necessary to address an imminent threat to public health or safety. The developer may appeal the determination in accordance with applicable County procedures or the Development Agreement.
6. Abandonment and Cessation of Use. The Development Agreement shall establish the period of inactivity and other conditions constituting abandonment or cessation of the approved use. Upon abandonment, cessation, or other circumstances requiring decommissioning, the operator shall perform the obligations identified in the approved Decommissioning and Site Restoration Plan, subject to any lawful abandonment provisions allowed within the Plan.
7. Transfer, Change of Ownership, or Operational Control. No transfer, sale, assignment, lease, conveyance, change in ownership, change in operator, or change in control of the development shall terminate, reduce, suspend, or otherwise affect the financial assurance obligation. Financial assurance shall run with the development and remain binding upon all successors and assigns until the County issues written confirmation of full satisfaction and release. Any transfer of ownership or operational control shall be conditioned upon continued maintenance of financial assurance acceptable to the County.

P. Ongoing Compliance and Enforcement

1. Compliance with the standards of this section shall be a continuing obligation of the property owner and operator for the duration of the approved SDZ use.
2. Approval of a building permit or other construction permit does not relieve the owner or operator from compliance with the approved SDZ Overlay, Development Envelope, Development Agreement, applicable conditions of approval, or federal, state, or county law.
3. The County may require inspections, certifications, monitoring, testing, or other reasonable documentation necessary to verify continued compliance with the approved SDZ Overlay, Development Envelope, Development Agreement, and applicable standards. The owner or operator

shall provide reasonable access to the property and facilities for purposes of conducting or verifying such compliance monitoring.

4. Where monitoring, testing, modeling, certification, or other compliance verification is required by this chapter, the approved Development Envelope, or Development Agreement, the owner or operator shall maintain and provide to the County upon request the underlying data and documentation supporting the results, including, as applicable, raw data, monitoring records, testing methodologies, field notes, modeling inputs, calibration records, and summary reports. Such information shall be provided to the extent permitted by applicable law.
5. The County may require additional testing, monitoring, certification, or verification when previously submitted results are incomplete, inconsistent, disputed, indicate potential noncompliance, or are otherwise insufficient to verify compliance with applicable requirements. Any required additional testing or verification shall be performed by a qualified professional meeting the requirements established by the County.
6. The owner or operator shall be responsible for the County's reasonable costs of inspections, testing, monitoring, technical review, and other compliance verification activities required under this section. The County may require payment of such costs in advance, establish a deposit or escrow account, or require reimbursement of costs incurred by the County.
7. In addition to other remedies authorized by Title 17 and applicable law, the County may, in accordance with applicable notice, hearing, and appeal requirements, impose operational restrictions or suspend operation of noncompliant equipment, a development phase, or an affected portion of an SDZ development when necessary to address a continuing or material violation of this chapter, the Development Envelope, or Development Agreement.

Q. Annual Compliance Report

The owner or operator shall submit an Annual Compliance Report each calendar year, due no later than March 31 for the preceding year, unless the County establishes a different uniform reporting date. The report shall summarize the development's compliance with applicable SDZ standards, conditions of approval, the Development Envelope, and Development Agreement, and shall include, as applicable:

1. Water use and compliance with authorized water limits;
2. Air-quality monitoring, testing, permits, and compliance;
3. Noise monitoring, testing, and compliance;
4. Wastewater, stormwater, and other environmental compliance;
5. Material spills, releases, fires, or other significant environmental incidents;
6. Notices of violation, enforcement actions, and corrective actions;
7. Status of required mitigation measures and financial assurances;
8. Ownership or operational-control changes;
9. Material modifications or amendments approved during the reporting period.

The Report may incorporate by reference monitoring data, state or federal permit reports, publicly accessible water-use dashboards, or other compliance documentation already prepared for regulatory agencies, provided the referenced materials are current and accessible to the County.

IRON COUNTY BUILDING AND ZONING DEPARTMENT

82 NORTH 100 EAST, SUITE 102
CEDAR CITY, UT 84720
OFFICE: (435) 865-5350 / FAX: (435) 865-5359

ADMINISTRATIVE LAND USE PERMIT

Date: October 8, 2026

The Applicant, Hepsiba SERRANO, has duly submitted a request for an Administrative Land Use Permit for a **CONTRACTOR'S SHOP/OFFICE, SMALL**, to the Iron County Building and Zoning Department. The Iron County Building and Zoning Department has determined that the applicable ordinances and statutes have been complied with and has further determined that good cause exists and is supportive of the granting of this Administrative Land Use Permit.

Now therefore, Iron County does hereby grant the Applicant an Administrative Land Use Permit for a **CONTRACTOR'S SHOP/OFFICE, SMALL** as related to certain real property described as follows:

**Approximately 4.76 acres located within Section 11, T36S, R12W, SLBM,
Iron County, UT; Assessor Parcel Number E-0185-0025-0000**

LOT 1, BLK E, THORLEY RANCH ESTATES, UNIT B. SUBJ TO EASE DESC REC BK 1689/773.

Said property in Iron County, State of Utah, is granted an Administrative Land Use Permit for the use(s) described above, subject to Iron County Code Chapter 17.36.600, together with all materials and appurtenances identified in the application, forms, and maps as submitted, and hereby become part of this Administrative Land Use Permit. The property is zoned R-5 (Residential 5 Acre) at the time of application. This Administrative Land Use Permit is hereby granted subject to the following terms, provisions, and conditions, to wit:

1. The permitted use is specifically limited to a "Contractor's Shop/Office, Small" as regulated by Iron County Code §17.36.600. The use shall remain subordinate and incidental to the primary residential nature of the property and shall be operated at a scale consistent with a small contractor shop/office in the R-5 zoning district.

The permitted use is intended to provide a location for business administration, limited staging, and storage associated with a small contracting business. The majority of contractor/business-related work shall occur at off-site job locations. The

property shall not be used as a general contractor yard, commercial equipment yard, outdoor construction-material storage yard, fabrication or manufacturing facility, or other use that exceeds the scope and intensity of a “Contractor’s Shop/Office, Small” under §17.36.600.

The contractor shop/office shall remain within the vehicle, equipment, parking, storage, hours of operation, and other limitations established by §17.36.600 and this Administrative Land Use Permit. Any expansion or change in the use that exceeds those limitations shall be prohibited unless and until any additional land use approval required by County ordinance has been obtained.

2. General Operation and Impacts. All activities shall be conducted in a manner that does not create offensive or hazardous impacts, including odor, dust, smoke, fumes, noise, vibration, glare, or heat. Business materials, parts, supplies, waste, and equipment shall be stored and managed in a manner that does not create a nuisance or adversely affect adjoining properties or the public right-of-way. All applicable health, safety, and environmental regulations shall be followed.
3. Business Hours. Business operating hours shall be limited to 7:00 a.m. to 7:00 p.m., consistent with Iron County Code §17.36.600.
4. Front Yard and Street-Facing Storage. No business vehicles, trailers, heavy equipment, pallets of materials, cinder blocks, scaffolding, construction materials, or other business-related storage shall be parked or stored within the required front yard or street side yard. Business-related outdoor storage shall be screened as required by this permit. The 5300 W frontage shall be maintained in a clean and orderly condition and shall not be used for business staging or storage.
5. Vehicle and Equipment Limits. The operation shall comply with the following maximum quantities established by Iron County Code §17.36.600 for an R-5 zoning district:

No more than five (5) service/work vehicles;
No more than five (5) pieces of business/heavy equipment, excluding trailers; and
No more than seven (7) employee vehicles.
6. All business and employee vehicles shall be parked off-street on the subject property.
7. Inoperable Vehicles and Equipment. No inoperable vehicles or equipment shall be kept or stored on the property, consistent with Iron County Code §17.36.600. Any inoperable vehicle or equipment identified as a violation shall be removed from the property or restored to operable condition within the time required by the County's applicable enforcement process.
8. Outdoor Storage and Screening. Any business materials, parts, supplies, equipment, or other items stored outdoors shall be located outside the required front yard. Any fence, wall, or other permanent screening used to screen outdoor business storage shall also be located outside the required front yard. Along the 5300 W frontage, the

fence or other required screening and all outdoor business storage shall be located at least 30 feet from the property line, consistent with the required street-side setback. Outdoor storage shall be screened from view from adjoining properties and public streets with a permanent, sight-obscuring fence or wall in accordance with Iron County Code §17.36.600. Screening shall be maintained in good repair and in a condition sufficient to remain sight-obscuring. Chain-link fencing with temporary privacy fabric or tarps shall not be used as the required screening. Privacy slats or other permanent screening systems integrated into a chain-link fence may be used if they provide equivalent sight-obscuring screening and are maintained in good condition. Barbed wire shall be prohibited.

9. Driveway and Gate Access. The driveway and any gate serving the business shall be designed and maintained so that the largest vehicle or trailer reasonably anticipated to use the property can pull completely onto the property before the driver is required to stop to open or close a gate. Vehicles and trailers associated with the business shall not queue, park, or wait within the public right-of-way of 5300 W.
10. Wind-Borne Materials and Site Cleanup. EPS/styrofoam, insulation, plastic, paper, and other lightweight materials capable of becoming airborne shall be stored inside an enclosed building or otherwise secured in a manner that prevents the materials from leaving the property. The property owner shall promptly collect and remove business-related debris or materials that leave the property or accumulate along the 5300 W frontage or adjacent areas.
11. Sign. The contractor shop/office may have one non-illuminated identifying sign not to exceed ten (10) square feet in area, located on the subject property and in accordance with Iron County Code Chapter 17.52.
12. Exterior Lighting. All exterior lighting shall be of a type, height, and design that directs light downward, is fully shielded or cutoff, and is directed away from adjoining properties. Exterior lighting shall be limited to lighting reasonably necessary for safety and security, with unnecessary illumination avoided to preserve the rural residential character and night sky.
13. Other Permits and Regulations. This Administrative Land Use Permit does not exempt the applicant from complying with other applicable County ordinances or from obtaining required building permits, business licenses, or other approvals. The applicant shall also comply with applicable Southwest Utah Public Health, federal, and state licensing, permitting, and environmental requirements, where applicable.
14. Fire Protection and Defensible Space. The operation shall comply with applicable defensible space requirements of the Utah Wildland-Urban Interface Code and other fire protection measures deemed necessary by the Iron County Fire Warden and the applicable fire authority. Ongoing maintenance shall be provided to remove grass, weeds, and other flammable materials from required defensible space areas. Any vegetation control at the site shall use materials and methods that protect groundwater. A Knox-Box rapid entry system or other approved substitute shall be

provided for any gate where required by the applicable fire authority and shall be coordinated with the Cedar City Fire Department and County Fire Warden.

15. **Prairie Dog Clearance.** Prior to disturbing the ground for any new development, and prior to issuance of a building permit, the Applicant shall provide an updated prairie dog clearance from the Utah Division of Wildlife Resources (UDWR) and/or United States Fish and Wildlife Service (USFWS), as applicable, for the area to be disturbed. Any mitigation measures necessary to obtain required authorization or otherwise satisfy applicable UDWR or USFWS requirements shall be completed prior to obtaining construction authorization.
16. **Neighboring Uses.** The applicant acknowledges that neighboring properties include residential and agricultural uses and that such lawful uses may generate noise, odors, dust, livestock activity, blowing debris, and other incidental impacts associated with their normal operation. This condition does not relieve the applicant from complying with applicable County requirements or the conditions of this Administrative Land Use Permit.
17. **Recording.** This Administrative Land Use Permit shall be signed by the applicant and recorded with the Office of the Iron County Recorder. A recorded copy shall be provided to the Iron County Building and Zoning Department.
18. **Open Range.** Applicant acknowledges the open range doctrine and understands that if the Applicant does not want livestock from other properties entering the property, the Applicant is responsible for providing and maintaining an appropriate fence constructed to applicable County standards.
19. **Infrastructure Improvements.** By signing this Administrative Land Use Permit, the applicant acknowledges that participation in future road, water, storm water, or sewer improvements may be required when otherwise authorized by applicable law and established through a special assessment area, service district, or other lawful mechanism.
20. **Solid Waste and Product Waste.** The storage, collection, and disposal of solid waste and product waste materials shall be conducted in a manner that prevents fire and health hazards, rodent harborage, insect breeding, accidents, and offensive odors. Waste and debris shall not be allowed to accumulate on the property or escape onto adjoining properties or the public right-of-way.
21. **Effectiveness and Conflicting Regulations.** This Administrative Land Use Permit shall not become effective until all required actions, plans, and permits have been submitted and approved and a recorded copy of the ALUP has been returned to the Iron County Building and Zoning Department. If any provision of this permit is determined to conflict with an applicable County, State, or federal regulation, the applicable regulation shall control.
22. **Runs with the Land.** This Administrative Land Use Permit runs with the land and is non-transferable to any other location. Any subsequent property owner wishing to

continue the permitted use shall comply with all applicable requirements of this Administrative Land Use Permit and shall notify the Iron County Building and Zoning Department of the change in ownership.

23. Compliance and Enforcement. The County may conduct inspections or other compliance reviews as authorized by applicable law to determine whether the use remains in compliance with this Administrative Land Use Permit and applicable County regulations. The County may conduct a compliance review approximately twelve (12) months following issuance of the permit. Continued noncompliance may result in enforcement action, modification, suspension, or revocation of the Administrative Land Use Permit as authorized by Iron County Code Chapter 17.38.

DATED this 8th day of October, 2026.

IRON COUNTY BUILDING/ZONING DEPT:

Iron County Building and Zoning Department

APPLICANT:

Hepsiba SERRANO, Owner/Applicant

Certificate of Notary Public

State of Utah
County of Iron

_____, having personally appeared before me this ____ day
of _____, 2026, to be the signer(s) of the foregoing document and
acknowledge that he/she signed it.

Notary Public

- **The Styrofoam and Trash Blight**

- *What the neighbors said:* Stucco styrofoam sheets and trash are constantly blowing into the bushes and neighboring yards, and nobody cleans it up.
- *How we fixed it:* We put in a strict **Wind-Borne Materials** rule. The applicant *must* store all lightweight materials like styrofoam and insulation inside an enclosed building or tie them down completely. Plus, they are now legally responsible for clean-up if anything escapes onto 5300 W.

- **The "Industrial Storage Yard"**

- *What the neighbors said:* It looks ugly. There are stacks of scaffolding, pallets, and building materials sitting right out in the open.
- *How we fixed it:* We completely banned business storage in the front and street-side yards. No pallets, no cinder blocks, no scaffolding, and no heavy equipment can be parked near the 5300 W frontage. Everything has to be pushed back behind the setback.

- **Ugly Tarp Fencing**

- *What the neighbors said:* Chain-link fencing covered in cheap plastic tarps looks terrible and falls apart instantly.
- *How we fixed it:* We prohibited temporary privacy fabrics, tarps, and barbed wire. If they use a fence, it has to be a permanent, high-quality, sight-obscuring system kept in good repair.

- **Traffic Blocking the Main Road**

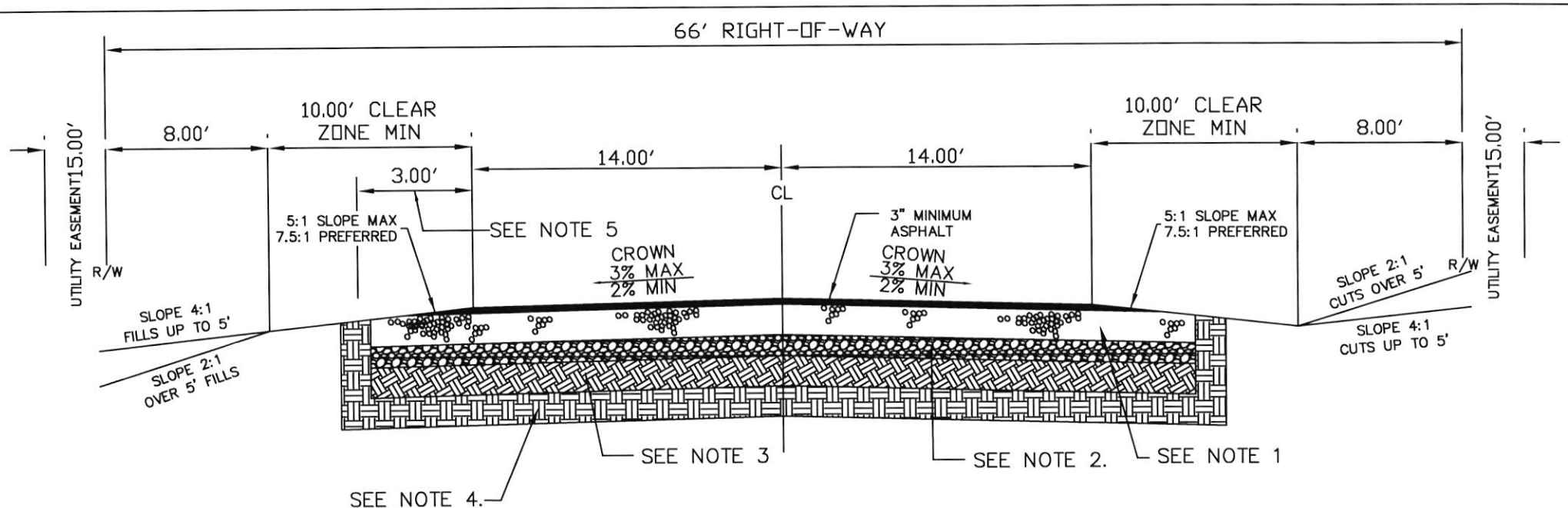
- *What the neighbors said:* Trucks and big trailers stop on 5300 W and block traffic while the driver gets out to open the property gate.
- *How we fixed it:* We added a rule requiring the driveway and gate access to be set back far enough so that the biggest truck-and-trailer combo can pull *entirely* off the public road before the driver stops to open the gate. No queuing on 5300 W allowed.

- **Fear of Endless Growth**

- *What the neighbors said:* How big is this thing going to get? We don't want a massive commercial equipment yard here.
- *How we fixed it:* We put hard caps on the business scale. They are legally limited to a maximum of 5 service vehicles, 5 pieces of heavy equipment, and 7 employee vehicles, and all must be parked off the street.

- **"Will the County Actually Enforce This?"**

- *What the neighbors said:* Applicants always promise the moon to get their permit and then go right back to their old habits.
- *How we fixed it:* We added a 12-month mandatory compliance review into the permit. If they violate these terms, the county can suspend or revoke the permit.



PUBLIC ASPHALT PAVEMENT ROAD 66' RIGHT-OF-WAY

N.T.S.

NOTES*:

1. 6" COMPACTED ROAD BASE 60% FRACTURED (Table 1)
2. 24" COMPACTED SUB-BASE (Table 2)
3. 12" OVEREXCAVATE AND RE-COMPACTED TO 95%.
4. 6" SCARIFIED NATIVE MATERIAL.
5. EDGE OF ITEMS 1-4 TO EXTEND 3 FEET BEYOND EDGE OF ASPHALT.

Table 1

IRON COUNTY ROAD BASE STANDARD	
SIEVE SIZE	% PASSING WEIGHT
3/4" or 1"	100
1/2"	77-93
No. 4	47-62
No. 16	27-37
No. 200	9-15

Table 2

A-1-a (AASHTO M 145.)	
SIEVE SIZE	% PASSING WEIGHT
3 INCH MINUS	100
No. 10	50 MAX
No. 40	30 MAX
No. 200	15 MAX
PLASTICITY INDEX	6 MAX

NOTE: REFER TO IRON COUNTY TESTING REQUIREMENTS FOR SIEVE TESTING AND COMPACTION STANDARDS.

* OR AS APPROVED BY THE COUNTY ENGINEER.

DRAWN BY: M.E. PELLEGRINI	REVISIONS	PROJECT IRON COUNTY ENGINEERING DEPARTMENT	SHT. NAME ASPHALT PAVEMENT ROAD MINIMUM CROSS SECTION 66' RIGHT-OF-WAY	SHT. NO. 1
DATE: 10-6-2026	DATE: 3-29-2022			
DWG NO.	DATE: 10-2-2023			
ADOPTED BY: R.A. WILSON				

IRON COUNTY, UTAH
IRON COUNTY PLANNING COMMISSION
Public Hearings & Regular Meeting
September 3, 2026

The Iron County Planning Commission will hold its regularly scheduled meeting September 3, 2026 at 5:30 p.m., at Cedar Festival Hall, located at 105 North 100 East, Cedar City, Utah.

Members Present

Dennis Gray
Erick Cox
Mike Platt
Mark Halterman

Excused

Roger Thomas
Kyle Christensen
Michelle Tullis

Staff Present

Brett Hamilton, Iron County Planner
Sam Woodall, Iron County Deputy Attorney
Terry Palmer, Iron County Building Official/Zoning Administrator
Merilee Wilson, Iron County Engineering Department
Latonya Heaton, Iron County Engineering Department
Lisa Woolsey, Iron County Building/Zoning Department

Staff Excused

Rich Wilson , Iron County Engineering Department

Others Present

Riley Cooper
Wesley Curtis
Hunter Hulet
Charles Johnson
Brian Penny
Joe Deason
Marion Munn
Rob Dotson
Valerie Smith
Tyler Melling
Logan Wade
Laura Cotts
Dennison Dolato
Dallas Buckner
Rand Bettridge
Bruce Washburn
Diana Girtain
Paul Cozzens

Representing

Iron County Rural Preservation Group
Iron County Rural Preservation Group
Velocity Development
Self
Self
Self
Self
Platt & Platt
Self
DDJ Development
Self
Self
Self
Go Civil
Self
Self
Self
Self

1. WELCOME AND PLEDGE OF ALLEGIANCE

Chair Cox opened the meeting at 5:37 p.m.
Chair Cox led the Pledge of Allegiance.

2. MINUTES... consider approval of minutes for the August 13, 2026 meeting.

Chair Cox requested a correction be made on the list of people present be changed from Paul Bettridge to Rand Bettridge.

Motion: Chair Cox made a motion to approve the minutes of the August 13, 2026 as the official record of that same planning commission meeting with the name correction mentioned by Chair Cox.

Second: Seconded by Mark Halterman.

Motion Passed: (Voting: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

3. CONDITIONAL USE PERMIT – Charles Johnson; Light Industrial – PUBLIC HEARING

Consider a request for a Conditional Use Permit to allow the use of "Light Industrial" for steel fabrication within a building on approximately 20 Acres. The project includes cutting, fitting, welding, assembling, and finishing structural and miscellaneous steel products. The project is generally Located on 12700 W, south of Antelope Springs Road, approximately 5 miles west of Iron Springs Road, Cedar City, UT. APN: E-0619-0020-0023-011 (SEC 8, T35S, R13W, SLB &M) *Applicant: Charles Johnson*

Introduction:

Brett Hamilton shared the following:

- The 20-acre property is located on 12700 W, South of Antelope Springs Road, and approximately 5 miles west of Iron Springs Road.
- Zoning is A-20 and currently primarily vacant, except for some shipping containers on the property.
- The proposed building will be on the east side of the property; a 17,000 square foot fabricated metal building with potential expansion. The project includes parking, an office area, a receiving yard, and a shipping yard. All fabrication will be done within the building.
- The proposed use is structural steel fabrication, which would fit the definition of a Light Industrial zone as long as it is being fabricated within the inside of the building.
- The applicants has future plans to build a home on the west end of the property.
- Operating hours will be primarily 7 a.m. to 7 p.m. Monday through Friday and occasionally on Saturdays. No Sunday operations are planned.
- The applicant would like to have up to 25 employees.
- Other steps to the fabrication process include cutting, fitting, welding, assembly, and finishing.
- Potential truck traffic could be up to 10 semi-truck trips per week and 2 to 3 two-ton trucks per week as well.

Open Public Hearing:

Chair Cox opened the public hearing and read the considerations for the public hearing.

No comments were made.

Close Public Hearing:

Chair Cox closed the public hearing.

Staff and Planning Commission Discussion:

- Brett Hamilton stated:
 - Two conditions were included in the CUP for screening and visual fencing along the east side (frontage) and around the corner at north and south end. Fencing or perimeter/boundary markers must be placed all around the property. Full screening must be placed all around the business operation.
 - Condition #9 discusses maintenance and repair at the road on 12700 W. Semi-trucks coming and going along that road are not typical. If there are any potholes or other maintenance issues caused from the additional equipment or vehicles, the CUP requires them to maintain and upkeep that road due to heavy traffic.
 - Chair Cox: Asked Brett if he has received any additional comments and if Brett has notified all the surrounding property owners? Brett replied that no additional comments were received and that he has notified all of the surrounding property owners and posted signs out by the site and surrounding owners.
- Chair Cox: Confirmed with the applicant that he also owns the property to the south, then noted it is kind of redundant for the applicant to screen himself from his own business operation.
- Brett Hamilton: Shared that the property may not always be owned by the applicant so the screening requirements covers future owners. The applicant agreed.
- Chair Cox: Confirmed the business would include manufacturing of raw steel into rod beams, etc. which includes shipping, receiving, and the storing of the steel.
- Brett Hamilton: Shared that the business would primarily do a lot of steel awnings and they love doing steel fence work, which they would like to do more of.
- Mike Platt: Clarified that all of the fabrication will be done indoors and shared he has concerns about the fire hazard.
- Terry Palmer: Added that part of the Light Industrial zoning requirements is that manufacturing has to be done indoors.
- Chair Cox: Added that he is confident that Mr. Johnson will maintain his property because of his 26 years of experience with the fire department.
- Riley Cooper: Asked if BZI is a steel fabrication company and what the difference is between the two. Chair Cox explained that is was the scale of the operations noting that this project would initially employ 6 people.
- Charles Johnson: Shared that he taught the founding members of BZI how to weld, but he wants his business to stay small.
- Chair Cox: Asked a lighting question and Brett clarified; exterior lighting is covered in item #6 of the CUP to be dark sky downward lighting.

Planning Commission Action: Recommendation to the County Commission or Continue the item

Motion: Dennis Gray made a motion to grant the Conditional Use Permit for the approximately 20-acre property identified in agenda item #3, having found the application to be in compliance with the requirements of the Iron County Land Management Code, Specifically Section 17.28.050.

Second: Seconded Mark Halterman.

Motion Passed: (Vote: Erick Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

4. ZONE CHANGE – Plascencia-Lopez & Plascencia Fuentes; C to R-5 - PUBLIC HEARING

Consider a request for a zone change from Commercial (C) to Residential 5 Acre (R-5) on approximately 5.11 acres. The property is generally located on Highway 56, west of 6900 W, Beryl, UT (Lot 4, Escalante Valley Ranchos, Unit 15) and located in Section 12, T35S, R18W, SLB&M. APN: E-1733-0036-0000

Applicant: Agustin J. Plascencia-Lopez & Isabel Plascencia Fuentes

Introduction:

Brett Hamilton shared the following:

- The property is located on Hwy 56, approximately 16 miles west of Newcastle. From Beryl Hwy., it is about 9.7 miles away in the Escalante Valley Ranchos, Unit 15 Subdivision within section 12.

- The property is 5.11 acres and the only commercial property in the area. He does not know a lot of the history on the property, but it does not make sense for it to be zoned Commercial. The applicant is proposing to change the property from Commercial to an R-5 zone to match with everything else that is surrounding it.
- As with all the zone changes, the staff reviews the evaluation criteria. To summarize the findings, the zone change will make the property contiguous with the other R-5 zoned property and seems to be the best fit for that piece of property.

Open Public Hearing:

Chair Cox opened the public hearing and read the considerations for the public hearing. The following comments were made:

- Wesley Curtis asked and Chair Cox explained the buildings next to this property are houses.
- Chair Cox shared that Matt Rhodes with UDOT told him the driveway location would not be permitted and that UDOT would like their driveway to be on the lot line between the two properties further to the west. That would give them 700 feet from the other 2 county roads.

Close Public Hearing:

Chair Cox closed the public hearing.

Staff and Iron County Planning Commission Discussion:

Brett Hamilton reminded the planning commissioners that their role is to make a recommendation to the County Commission, which has a public hearing scheduled on Sept 14th.

Planning Commission Action: Recommendation to the County Commission or Continue the item

Motion: Mike Platt made a motion to recommend to the Iron County Commission that the zone change from Commercial to R-5, for the 5.11-acre property identified in agenda item #4, be approved.

Second: Seconded Chair Cox.

Motion Passed: (Vote: Erick Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

5. ZONE CHANGE – PJT Harker, LLC; RA-20 to R-1/2 - PUBLIC HEARING

Consider a request for a zone change from Rural Agriculture 20 acre (RA-20) to Residential ½ Acre (R-1/2) on approximately 20.33 acres. The property is generally located 0.25 miles south of Midvalley Road, and approximately 4100 W, Cedar City, UT (Section 18, T35S, R11W, SLB&M). APN: D-0515-0000-0000 *Applicant: PJT Harker, LLC, represented by Go Civil Engineering, Dallas Buckner*

Introduction:

Brett Hamilton shared the following:

- The applicant is requesting a zone change from RA-20 to R-1/2 on a 20.33-acre parcel.
- The property is located north of the Equestrian Trails Ranch project, ¼ mile south of Midvalley Rd. near 4000 north and west of Lund Hwy.
- They are requesting a change to the R-½ zoning designation to match the Equestrian Trails property, and property to the east.
- They will gain access from the site in coordination with Equestrian Trails Subdivision since there is no access off of Midvalley Rd or anywhere else.
- Sewer is currently located on 3700 W, which is east of the project. The County has limited connection so they are not guaranteed.
- There is water on Midvalley Rd. Connection to water will likely occur in coordination with the infrastructure improvements inside of the Equestrian Trails Subdivision.
- The 13 criteria for a zone change were briefly reviewed including the parcel is not 40 contiguous acres, but it is adjacent to many other R-½ zoned properties.

Open Public Hearing:

Chair Cox opened the public hearing and read the considerations for the public hearing.

No comments were made.

Close Public Hearing:

Chair Cox closed the public hearing.

Staff and Iron Country Planning Commission Discussion:

Brett Hamilton reminded the commissioners that this is a recommendation to the County Commission who will make the ultimate decision. The recommendation will be presented at the County Commission meeting scheduled for September 14th.

Mike Platt shared that he has no problem with zone change, but stated that it is a first come first serve basis on the sewer connections and added that just because we recommend the zone change, it does not mean they automatically get the sewer connections.

Erick Cox shared that if the sewer connections are not available it would be subject to the septic density study for that area.

Brett Hamilton explained that if they were unable to connect to the sewer on the 4500 West line, they would be subject to the 5-acre minimum lot sizes for septic systems.

Mike Platt stated that is something we need to stress to the developers, that they are taking the risk of possibly not getting sewer connections.

Planning Commission Action: Recommendation to the County Commission or Continue the item:

Motion: Mike Platt made a motion to recommend to the Iron County Commission that the zone change from RA-20 to R-1/2, for the approx. 20.33 acre property identified in agenda item #5, be approved.

Second: Seconded by Dennis Gray.

Motion Passed: (Vote: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

6. ZONE CHANGE – Jones Land & Livestock; A-20 to I - PUBLIC HEARING

Consider a request for a zone change from Agriculture 20 acre (A-20) to Industrial (I) on approximately 92.76 acres. The property is generally located near 6800 W & 200 S, Cedar City, UT (Section 15, T35S, R12W, SLB&M). APN: E-0213-0219-0000

Applicant: Jones Land & Livestock, represented by Platt & Platt, Inc.

Introduction:

Brett Hamilton shared the following:

- The applicant is requesting a zone change from A-20 to Industrial along Hwy 56 past the Iron Springs/Highway 56 split.
- The property is 2,487+ acres, but the proposal does not include the entire property.
- He has coordinated with Cedar City regarding the well protection zone. After the discussion, Cedar City had no issues.
- The piece of the property they are proposing to rezone is on approximately 92.76 acres. Concurrently, they are working on a minor subdivision application for the same acreage.
- The 92.76 acres is proposed to be split into 3 parcels.
- The surrounding zoning includes Light Industrial to the north with some Industrial zoning further to the north in the Lakeside Industrial area.
- The property is not going to tie into sewer because it is too far away, near the "High T" at Iron Springs and Hwy 56.
- The Cedar Valley Water Conservancy (CVWC) water lines are at 200 south. The applicant has obtained a will serve letter from CVWC.
- The property is not adjacent to an Industrial zone, but it is over the 40-acre threshold.
- Because the proposed project is on Hwy 56, it provides good access for an Industrial use. There is additional Light Industrial and A-20 uses surrounding it. It seems to be a good fit.
- Chair Cox asked and Brett explained that the applicant wants to have a livestock auction facility on one of the new proposed parcels. Application within an A-20 zone would require a CUP and for an Industrial zone, a livestock auction facility is a permitted use.
- Chair Cox shared that the comment he got from Matt Rhodes from UDOT was that UDOT had an agreement with the County that when a certain number of acres was developed there would be turning lanes to access 200 South. He noted that the burden should not be fully on this applicant, but it should be shared equally with the property owners on the other side of the road. The turning lanes need to be addressed at some point because there is probably well over the 50 acres on the north side already.
- Brett added that the applicant is aware of the agreement with the road improvements. Rob Dotson has reached out to Matt Rhodes about the agreement and improvements. Additionally, there is an agreement for road improvements with the Lakeside Industrial Park so they need to be coordinated. Rich Wilson has plans to reach out to Lakeside Industrial Park owners about the improvements.

Open Public Hearing:

Chair Cox opened the public hearing and read the considerations for the public hearing. The following comments were made:

- Riley Cooper asked if the applicant had disclosed their plans for the other 2 parcels.
- Rob Dotson shared there is no proposed usage at this time and future plans would depend upon the land needed for the auction.
- Dennison Dolato asked if the slides are available online to view. He finds this information informative and helpful in understanding why the County votes yes or no to proposals.
- Brett Hamilton said he would provide the information to him via email.

Close Public Hearing:

Chair Cox closed the public hearing.

Staff and Iron County Planning Commission Discussion:

- Mike Platt shared that his business is doing the mapping and platting for this project, but he will still vote.
- Brett confirmed this zone change is a recommendation to the County Commission.

Planning Commission Action: Recommendation to the County Commission or Continue the item

Motion: Mark Halterman made a motion to recommend to the Iron County Commission that the zone change from A-20 to Industrial, for the approx. 92.76-acre property identified in agenda item #6, be approved.

Second: Seconded Erick Cox

Motion Passed: (Vote: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye.)

7. PRELIMINARY SUBDIVISION; Adams Farm Subdivision Phase 2 (14 lots)

Consider a request for a preliminary subdivision for 14 lots, ranging in size from 0.42 to 0.52 acres, generally located at the southeast corner of 2300 W & 3550 N, Cedar City, UT – APN: D-0618 & D-0620-0000-0000

Applicant: DDJ Development LLC

Introduction:

Brett Hamilton shared the following:

- The applicant is proposing Phase 2 for the Adams Farm Subdivision. They have an existing development agreement for the full project that is located between Monarch Meadows subdivision, heading south to the Cedar City limits.
- The applicant has a separate development agreement with Cedar City that starts at the city limits and goes south to 3000 north.
- Phase 2 is a continuation of the subdivision going from 3500 south, going south along 2300 West. Phase 2 consists of 14 lots that range in size from .42 acres up to .52 acres.
- Phase 2 is permitted within their development agreement. They are meeting the standards, and are in compliance with the development agreement.
- There was a notice sent to all of the adjacent owners per our code requirements, but the staff did expand the mailing beyond that to share the information with more people. Additionally, noticing signs were placed around the project site.
- This agenda item is not a public hearing item, and he did not receive any comments or feedback from adjacent property owners.

Staff and Iron County Planning Commission Discussion:

- Mike Platt asked and Tyler Melling explained that this phase is not in Cedar City limits because Cedar City did not want to change their annexation area a quarter of a mile north of 3000 north so the full subdivision crosses jurisdictional boundaries. The sewer system will be shared, the HOA will be centralized, but Cedar City wanted its portion. Back when Cedar City took water rights at the time of annexation instead of subdivision, they wanted the water rights right then for that portion, but they did not want anything beyond. The water rights are all now with the water district.
- Mike Platt asked what the purpose of the annexation line is if the municipality is not going to say they will stop at that line. Also, he asked if they are allowed to take a portion and not another portion.
- Brett shared that he thinks it really just comes down to a municipality's decision. There is only a small portion of the boundary that actually reaches 3000 north and it does go all the way across (east to west). There is a lot of property that could potentially be annexed. They have the ability if they go through the proper processes, to expand that boundary right now, but as Tyler noted, they are not interested in expanding that boundary right now.
- Laura Cotts stated it seems the County is getting a lot of subdivisions, and asked if there is water for them.
- Tyler Melling explained they procured the water for the portion in the County and have deeded all of it to the Water Conservancy. Cedar City already got all of its water as part of annexation.
- Chair Cox explained that proof of water is one of the requirements with a development.
- Riley Cooper asked if there are any benefits for that area, like water wise incentives.
- Tyler Melling shared that there are restrictions with every house and noted that the County and Cedar City have different parameters depending on the size of the lot. The HOA has CC&R's that restrict grass in the County portion to 2500 sq. ft. at most.
- Mike Platt shared that this builder and developer will do a good job with water use and making sure that it is what they intended it to be. They are adhering to the zoning so there is no reason not to approve it because they are already conforming to the development agreement.

Planning Commission Action: Recommendation to the County Commission or Continue the item

Motion: Mark Halterman made a motion to approve the Preliminary Subdivision application for the 14 lots on 7.92 acres identified in agenda item #7, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Chapter 16.12.

Second: Seconded by Mike Platt.

Motion Passed: (Vote: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

8. OFF-PREMISES ADVERTISING SIGNS

Consider a request for 2 off-premises advertising signs at 357 N. Center St, Summit, UT
(APN: D-0094-0007-0000) *Applicant: Edward Kelly Blackburn*

Introduction:

Brett Hamilton shared the following:

- The applicant and property owner is Kelly Blackburn. He is requesting to put up two off premises signs/billboards.
- The property location is adjacent to I-15 directly adjacent to Center Street in Summit, UT.
- Mr. Blackburn came in a year and half ago for a CUP for a resort lodge at this location, which was approved.
- His property is zoned Commercial and off premises signs are allowed in that zone.
- Iron County Code, Section 17.52.020 refers to requirements for off premises signs. A few of those requirements are a maximum size of 700 sq. ft., can be double faced, can be illuminated, cannot exceed 35 feet in height, cannot be closer than 500 feet to any other off premise signs, the signs have to be on already developed Commercial or Industrial sites where a permanent building or structure exists.
- The applicant does have a home on the property, that acts as a caretakers dwelling for the Resort Lodge permit.
- A site plan has been provided and identifies the signs would be over 500 feet apart so there is enough room on the property for both. The nearest billboard to the south is over 1 mile away and to the north is over 5 miles away.
- This is an opportunity for the applicant to provide an income stream for his resort lodge.
- The exhibit provided by the applicant shows the proposed signs are 40 feet tall, but Mr. Blackburn is aware the signs are not to exceed 35 feet.
- Brett mentioned how Mr. Blackburn does not plan to build the signs, but plans to hire it to be done by reputable companies.

Terry Palmer stated the signs must be 75 feet away from the I-15 UDOT right of way.

Brett shared that the applicant's plan is less than 50 feet currently so he would have to push it back a little more to the 75 feet.

Chair Cox recommended the Iron County Ordinance be changed to state they must meet all of UDOT requirements.

Mike Platt asked if the applicant pulled a permit for this project (from UDOT).

Brett explained that #8 references the permitting requirements.

Merilee Wilson shared that she had noticed two additional accesses have been created onto the property off of Center Street, and they were not approved by the Engineering Department. She asked if Brett would ask Mr. Blackburn to contact Rich to get the permitting resolved.

Terry Palmer mentioned how Kelly Blackburn has been great to work with.

Planning Commission Action: Recommendation to the County Commission or Continue the item:

Motion: Mike Platt made a motion to recommend to the Iron County Commission that the two off-premises advertising signs identified in agenda item #8, be approved, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Section 17.52.020.

Second: Seconded by Erick Cox.

Motion Passed: (Vote: Erik Cox, aye, Mike Platt, aye, Dennis Gray, aye, Mark Halterman, aye)

9. Discussion and review of a proposed ordinance establishing the Strategic Development Zone (SDZ) Overlay District within the Iron County Land Use Code. The proposed ordinance establishes a legislative framework for the planning, review, and regulation of large-scale or complex development projects that, due to their scale, infrastructure demands, resource requirements, or regional significance, warrant additional, project specific review and development standards. Staff will present the draft ordinance and seek Planning Commission comments regarding the proposed provisions. There will be no action taken at this meeting.

Introduction:

Brett Hamilton shared the following:

- This agenda item is a discussion item only noting this topic was briefly discussed on August 13th explaining the general framework. He has received good comments from that discussion and has adjusted some language because of those comments.
- The draft is done, but still in draft stage with changes expected.
- The recent changes are changing the zone from a floating zone to an overlay zone.
- Currently, the draft is 19 or 20 pages so there is no way to go through everything tonight. Brett asked the Planning Commissioners to read the draft when they have time.
- He wants the document to be understandable so it can actually be implemented. The County, public, and applicants need to be able to understand the ordinances.
- The “order of operations” for the applicant are:
 1. They must do public outreach prior to submitting an application.
 2. They must meet eligibility criteria (setbacks, environmental impacts, proximity to power sources, etc.)
 3. They must meet SDZ qualification thresholds:
 - If the project exceeds the threshold, the applicant must submit an application for the overlay zone and a development agreement because they go hand in hand.
 - If the project is under the threshold, the applicant would apply for a CUP.
 - Development Agreement vs. CUP:
 - A development agreement has more discretion for penalties, damages, and protections. The overlay development agreement would be reviewed and then go through the normal process.
 - A CUP only has one option and that is to revoke the permit.
 4. The application and development agreement would come to the Planning Commission for review and they would make a recommendation to the County Commission.
 5. The County Commission would also review it and then make the final decision.
- Any future development would also have to go through the review process as well.
- Throughout the whole process, there would be public outreach and public hearings at the planning and county commission meetings.
- As an additional resource, the County will likely add a dedicated page on the County website for the public to see what’s going on with the project and where it’s at in the process.

Impromptu Question and Answer from Staff and the Attendees:

- Riley Cooper asked if there would be public input during application process.
- Chair Cox stated the applicant will have to do public outreach prior to the application process.
- Brett added the intent was to make people aware of the project and for the public to give comments so the applicant could share how they have adjusted their project based on input. The applicant would be required to start public outreach prior to the application process.
- Riley Cooper asked and Brett explained there is no requirement for any public outreach under the current code.
- Paul Cozzens suggested the County should consider that if the size and scope is of such magnitude, the fee should be substantially higher.
- Brett shared he had been working on a proposed fee schedule, and a current overlay application would be about \$70,000. For CUP applications, the fees are determined by a tiered approach so the fees start at about \$500 and a 400+-acre project would be \$10,000. The fees are substantially larger than before due to the amount of time staff will put into an application.
- Riley Cooper asked if the data center that was approved about a month ago was done based on the proposed new ordinance, would the County have been allowed to back out.
- Brett explained that one of the proposed changes is that the decision is changing from administrative to a legislative process, which allows the County to accept all feedback, and the County Commission could say no. There would have to be findings detailing which criteria wasn’t met, and therefore why an application was denied. The change gives more authority back to the County Commissioners.
- Riley Cooper stated that it sounds like it means you want to hear from public.
- Terry Palmer explained that the primary difference between the proposed ordinance and the County’s current process is that the proposed ordinance establishes the requirements directly in the ordinance, rather than relying on negotiated conditions through a CUP. The proposed ordinance also requires more information to be submitted upfront and provides greater clarity regarding the County’s requirements.
- Chair Cox shared that this ordinance is changing as a result of what was learned through the Antelope Data Center process.
- Paul Cozzens commented that government entities have to be careful because if an entity meets those requirements and the County says no, the County can be sued. Paul provided an example of a project that was denied in Idaho, sued, and lost, and now owes millions of dollars.
- Marion Munn asked if the example provided by Paul was a CUP.

- Brett shared that even with zone changes, there is that discretionary component to say no. There's always a lot of litigation on projects that have legislative decisions, but judges often side with the government entity because of the discretionary flexibility. Part of that comes down to making an approval or denial and backing it up with evidence. Reasoning is not "we didn't like the company;" reasoning would refer to the data in relation to the ordinance.
- Brett outlined the eligibility criteria and protection area noting there is a half-mile separation requirement unless they are a participant in the project. For example with most solar projects, they lease the land from the property owner who also probably lives on the site so the County would not say you have to be a half mile away.
- The County reached out to the Paiute tribe to provide input. Members from the tribe have attend previous Planning Commission meetings, and have expressed that they want to be more involved in the process. The ordinance helps provide that opportunity to be more involved.
- Regarding water, the ordinance states a water consumption cap at 50,000 gallons per day, which is about 56-acre feet annually. Some people have commented that if there is a cap, the only industry that will come is ones with reciprocating engines. No turbines, etc. There is potential the ordinance could include a provision to allow adjustments to the cap. For example, they could acquire more water rights and retire them so they could no longer be used, thus having a net zero impact. This could allow them to exceed the 50,000 cap. The draft language is just a starting point. Salt Lake City has a threshold of 200,000 gallons/day, but the County felt our threshold in Iron County should be lower due to our groundwater management plans. Salt Lake City is the only place staff could find that had a numerical cap and the County felt like they were a good resource for information.
- Wesley Curtis asked if he could get a better understanding of 50,000 gallons per day and Brett shared that 50,000 gallons per day is about 56 acre feet per year. The typical household uses about 1 acre foot per year. Therefore, 50,000 gallons per day would be equivalent to about 56 homes per year.
- Tyler Melling stated that Western Quality Foods a major employer in Iron County uses double that per day.
- Brian Penny noted that the public figures for the Red Butte Data Center say they would use 400 acre feet per year in the initial 300 build out. They are well over what you are saying already.
- Brett clarified the only recourse a business would have would be either using more water efficient technology or look at alternatives to offset the excess water use.
- Paul Cozzens shared that Bright Night has changed their project drastically. Originally, they were buying a farm that was using 2500-acre feet as compared to Bright Night's expectation of using 1900-acre feet or less by using a reciprocating or a closed loop system.
- Terry Palmer added that we do not have a complete application from Red Butte at this time; therefore, we have no idea of their exact plans right now.
- Brian Penny asked if the data center is built, but they exceed the water use cap, what would be the fines to enforce them to hold to the cap. We want to make sure that the fees are high enough to make them do it right the first time. It is worth doing it the right way and doing what the county wants.
- Brett answered that the current draft ordinance does not include a penalty or fee, but penalty language would be detailed in the development agreement for that project.
- Valerie Smith stated she would like there to be more than just fines; she would like to see the option of the business being shut down.
- Tyler Melling shared that he has served on the Water Conservancy Board and stated that if they are on that water system, the parameters could be changed with a rate hike if they exceed their water rights, the business can be shut off.
- Chair Cox shared the state is now requiring water reporting as well.
- Nora Cox is concerned about pollution and that the EPA is promoting the huge power plants and also proposing that if a business is bringing their own power and not connecting to grid, then pollution requirement would be less. She asked if the county would be able to insist on better standards.
- Brett clarified that the County does not regulate air pollution; to create our own thresholds would be very problematic and cause issues. One member of the public has suggested finding ways to incentivize developers to utilize clean energy, but the County could not force them to do so and we are not sure how to do that at this point.
- Nora Cox shared that gas generation is about 8/10 of a pound of carbon dioxide per kilowatt hour. That would be 1.5 kilowatt hours per year if it is run all day and all night. This has the potential to be the biggest power plant in the State. She asked what the County is going to do about that to protect her health.
- Brett explained that the State determines the standards, so if there are concerns, he suggest you talk to the State legislators.
- Rand Bettridge shared that 2 weeks ago at the County Commission meeting, a presentation was given by a company that talked about natural gas. The question was asked if 2 data centers were adding power to the Kern River Pipeline, would that put a squeeze on the pipeline or if a second pipeline would need to be added. He asked if there could be a letter from Kern River stating what the line could hold and when or if a second line would be needed.
- Paul Cozzens shared that he had asked that question and their response was that there is a limit. There are currently two 36-inch lines and they may have to run a third line from Wyoming if needed.
- Rand Bettridge explained that Kern River does not own the gas, but they do own the pipe.
- Chair Cox noted that the application requires proof from Kern River that they would serve the applicant's project.
- Riley Cooper asked what the commissioner's current plan is.
- Chair Cox stated that the moratorium is in place now, so until that is over, the County is working on an ordinance that is more favorable.
- Brett stated he feels it would be dangerous to speculate on unknown projects. To be fair to every project, the County would need to accept, review, and analyze the project and then make a decision.

- Riley Cooper asked if a project could go to an election, especially since data centers are a hot topic. She would be interested to see what the general consensus is.
- Paul Cozzens asked if he could reply. He stated there is always a lot of talk about voting on it. Our government is a constitutional republic, not a democracy so we elect officials, people, to represent us. For example, we elected Mike Lee and John Curtis to be our representatives in the senate. We don't text them every night and tell them how to vote. We trusted their judgement. If we don't like how they voted, we don't vote for them the next election. We un-elect them and that's how our process works.
- Erick Cox shared that he has reviewed several public polls regarding support for and opposition to data centers. Based on the polls and public comments he has reviewed, he stated that support and opposition appear to be more evenly divided than some public discussions may suggest, although those opposed may be more vocal. He noted that many members of the public have expressed support for data centers due to the potential for increased revenue and long-term benefits to the County.
- Erick stated that, although he is only one participant in the process, he finds it valuable to review the public comments and other information to help ensure the Planning Commission makes informed decisions. He emphasized that all seven Planning Commissioners spent thousands of hours researching the first data center application, fact-checking information, and reviewing public comments in an effort to make an informed decision. He stated that the Commissioners would undertake the same level of review if another application is submitted.
- Marion Munn noted that we are a democratic republic and we expect the people in power to represent the views of the people. She asked about how much autonomy the Planning Commission has when making big decisions. Chair Cox responded that the Iron County Planning Commission reviews the project and makes a recommendation to the County Commission who has the final say. Their decision does not have to match the recommendation.
- Valerie Smith stated that hearing that is reassuring, however, she does not understand why a determination cannot be made prior to a new proposal. For example, she would like the County to be the leaders that determine what the County will or will not allow. She would like the County to put the citizens and the environmental needs before the shareholders. Brett noted how that would be a legislative decision.
- Chair Cox stated that is a fair point, but until the County knows the full impact of a proposal, a decision cannot be made. The overlay zone will identify the benchmarks the applicant will have to meet in order for the County to even think about reviewing the application. In other words, if the applicant is willing to meet the benchmarks then they could go ahead and submit a proposal for review. If the County had additional concerns, there would be additional discussion regarding mitigation. Doing it this way, the County would not be bound just because an application was submitted. In fact, by doing this we actually have a lot more latitude and a lot more flexibility to say no even more so than with a CUP because if they meet the requirements of a CUP, the County is obligated to approve it.
- Brett added that he thinks the benefit of the process being legislative is that it can be weighed out to determine whether the project is more beneficial to the community or more harmful. Once that is analyzed, a decision can be made. It is false to assume there are no benefits. The most difficult decision for any legislative decision maker is to weigh competing interests and figure out what to choose.
- Riley Cooper stated that if a strip club came in, we would shut it down immediately. She feels that with the Data Center there is a lot of worry and concern about health issues. As the public, we have an opportunity to be heard and we want to understand what this is doing to our public before we have more data centers approved. It would be fascinating to ask the companies that are proposing data centers to do an environmental study. She feels that is not too much to ask.
- Brett showed a list of the required technical and environmental studies that would be required with the draft ordinance. Decision makers would have more information available to weigh both sides.
- Brian Penny asked when the applicant is required to do these technical studies if the County could make sure that a third party, that is county approved, do the studies so that the County cannot be accused of malfeasance.
- Brett shared there is language in the draft ordinance to have a third party do the studies.
- Valerie Smith asked if data centers are an economic benefit to our area. One reason Utah is attractive is because we are giving enormous tax breaks to these companies, and that seems like a really bad idea.
- Chair Cox shared that the County did not do any tax break for the Antelope Data Center.
- Brett clarified that the Planning Commission cannot decide whether to allow tax incentives, the County Commission does. The Planning Commission did recommend no tax breaks be given to the Antelope Data Center.
- Bruce Washburn asked if there is anything to determine the effect on our real estate taxes. The University of Utah has done 4 papers concerning Data Centers and how it affects personal property and real property and depreciation. The data centers have to replace their electronics every 5 years since they depreciate over 5 years. Taxes could drop and then move back up. That would be upsetting to the public.
- Nora Cox stated that some outfits will come in and say the project is going to be 50 megawatts, but then it is going to be another 50 megawatts, and then another. She would like the applicant to be judged by their full build out.
- Brett explained that everything would be based on full build out. For example, if someone is asking to build a 50 megawatt project using a CUP and then later wants to do another, they would then be over the threshold and be required to go through the overlay process.
- Nora Cox asked if there is a way to limit the number of data centers and the number of natural gas used for power generation.
- Brett explained the County is not looking at a cap on energy generation.
- Brett shared:
 - There is a list of technical studies, and then additional technical studies that will be needed for the unique types of development.
 - A list of general standards for any proposed development.
 - Development and performance limits that includes noise, have been decreased from the data center already approved, and lighting mirrored off of what Dark Sky International worked with staff to create.
 - Modification and related code updates for project with CUP like the Pronghorn Data Center and existing solar plants.

- Language exists within the document that addresses when companies want to make changes to an approved CUP project, what would trigger them to have to do an Overlay Zone application.
- Riley Cooper stated that Antelope got a CUP and asked what would prevent another one from doing the same thing.
- Brett clarified that CUP's are only eligible if a data center project is under 50 megawatts. Everything over that would have to go through the overlay process.
- Brian Penny asked if there is language that multiple sites owned by the same parent company or partnership would be under the same conditions.
- Brett stated that there is language in the draft ordinance requiring information about who is in charge of a project and shared that the IT department will be putting the draft on the County's website on the planning meetings page or search by ironcountyut.gov/planning. He met with IT this week to help expedite the process of posting information.
- Brett stated he thinks there has been a lot of good discussion. Now, the draft will get uploaded so the public can read it and give feedback, both what they like about the ordinance and what they would like to see improved.
- Brian Perry thanked Brett for all he has done and for discussing the bond option so there is a way for the County to clean it up if a company messes things up or when it's time for reclamation. It's amazing to see all the work that has been done.
- Chair Cox thanked the public for their participation.

10. PUBLIC COMMENTS... Non-Agenda Items

Chair Cox opened the public comments.

No Comments were made.

Chair Cox closed the public comments.

11. STAFF REPORTS...

Building Department:

Terry stated:

- The Building & Zoning Department has been really busy.
- He is thankful for the commissioners for all that they do and for what they put up with.
- He thanked Brett for all that he does, how he is greatly appreciated, and understand how busy he has been. He knows that Brett has taken the time to talk to other cities that have data centers in Utah and gathered information and input, which has been a lot of help.

Brett Hamilton added that a lot of other counties and cities have implemented moratoriums and asked for a copy of Iron County's draft to use as a model.

Erick Cox stated that he hopes that those opposed to data centers felt like they were heard when the County implemented the moratorium. It was a significant decision to make.

Planner & Services Coordinator:

Brett shared that Governor Cox sent out a memo with suggestions regarding data centers, but the State did not do a moratorium.

Terry mentioned that the legislators last February passed legislation that the data centers will have to be more upfront about water usage.

We have talked to a lot of operational data centers, and others that are proposing projects, and the water usage is not as extreme with new technology, although some of the older ones did use a lot of water. The state is worried about water use as well.

Terry has been with Iron County for 30 years and to see what has changed in 30 years is incredible. So, we appreciate the input and everybody coming out. Thank you all.

Brett noted that the October Planning Commission meeting is going to be held on the second Thursday of the month on October 8th instead of the first Thursday.

12. ADJOURN

Chair Cox closed the public hearing at 7:11 p.m.