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IRON COUNTY, UTAH
82 North 100 East, Suite # 102
Cedar City, Utah 84720

– CONDITIONAL USE PERMIT –

Planning Commission Approval: June 4, 2026
Appeals Hearing Officer Decision: August 18, 2026 - wholly affirmed

APN: E-0825-0000-0000

The Applicant, **Pronghorn Development, LLC**, has duly submitted a request for a Conditional Use Permit for **Data Center & Data Center Power Plant**, to the Iron County Planning Commission. The Iron County Planning Commission has reviewed, discussed, and voted on the Conditional Use Permit application as submitted by the Applicant and has determined that the applicable ordinances and statutes have been complied with, or will be complied with, and that good cause exists for granting a Conditional Use Permit.

Now therefore, the Iron County Planning Commission does hereby grant the Applicant a Conditional Use Permit as related to certain real property described herein:

ALL OF SECTION 36, T34S, R14W, SLB&M (approximately 640 acres)

All of said property being located in Iron County, State of Utah, and said Conditional Use Permit being granted for the use of "Data Center" and "Data Center Power Plant" in the zone presently classified as Agriculture 20 Acres (A-20), and said Conditional Use Permit granted subject to the following terms, provisions, and conditions, to wit:

1. Compliance. Applicant shall comply with all federal, state, and Iron County laws, rules, and regulations, including Iron County Code Chapters 17.37 and 17.28, and all conditions of this Conditional Use Permit (CUP).

1A. General Impact Standard. This Condition shall apply to and guide the interpretation of all other conditions of this CUP as documented in the application materials incorporated under Condition 6 of this CUP, which shall serve as the definitive baseline for purposes of this condition. All operational standards, thresholds, and mitigation requirements in this CUP Permit are intended to ensure that the intensity and effects of the approved use remain consistent with the impacts analyzed and findings made in the approval of this CUP. Nothing in this approval shall be interpreted as regulating internal business decisions except to the extent necessary to prevent the use from generating impacts greater than those evaluated and mitigated herein.

2. Scope of Approval. This CUP authorizes the development and operation of the Project Antelope Data Center Campus only within the development area and limits shown on the approved site plans and the project submittal packed and incorporated application materials, with (i) a total data hall floor area not to exceed 6.75 million square feet and (ii) an on-site Data Center Power Plant with a delivered IT load capacity not to exceed delivered 1.5 gigawatts. The project shall conform exactly except as allowed under minor adjustments described below.

To allow limited refinement, the Zoning Administrator may approve minor adjustments to building footprint, height (reduced), and internal site layout (e.g., orientation, drive aisles, parking/loading, and utility routing), if the adjustment:

a) does not increase the 6.75 million square foot data hall floor-area cap or the delivered IT load capacity 1.5-gigawatt power-plant cap;
b) meets all required setbacks, buffers, and easements; and
c) does not create new or increased impacts compared to those evaluated and mitigated through this CUP such as traffic increase, water demand increase, or noise increase.

All other changes are material deviations and require a CUP amendment before implementation, including any increase in either cap, an increase in the number of buildings, any reduction in required setbacks/buffers, or changes that would create new or increased impacts. All areas shown on any submittal labeled "future expansion," "future phase," or similar designation are not approved and are expressly excluded from this CUP. Any development of such areas shall require a new CUP. Temporary construction staging and laydown areas located within the approved project boundary and necessary for construction of approved improvements may be administratively approved by the Zoning Administrator and shall not be considered material deviations, provided such areas do not create new or increased impacts beyond those evaluated through this CUP and are fully reclaimed upon completion of construction.

3. Liability. Applicant shall bear all liability arising from project design, development, construction, and operation, and shall indemnify, defend, and hold harmless Iron County, its elected officials, officers, employees, and agents from any and all claims, actions, damages, losses, or liabilities, including attorney fees and costs, arising out of or related to the approval, construction, or operation of the project, except to the extent caused by the County's negligence or willful misconduct. Applicant shall notify adjacent property owners and easement holders of any potential adverse impacts. In the event of any administrative appeal, petition for review, or judicial challenge relating to this approval or the project, including claims brought under Utah Code § 17-79-1009, the Applicant shall, at the County's request, cooperate fully in the defense of such action. Applicant shall reimburse the County for reasonable attorney fees, if paid to outside counsel, and litigation costs incurred in defending the approval, provided however, that applicant shall only be obligated to reimburse such fees at the completion of such action and shall not be obligated to reimburse for any costs arising from the County's sole negligence, willful misconduct, or failure to comply with applicable law.

4. Expiration. This Conditional Use Permit shall expire three (3) years from the date of approval unless a valid building permit has been issued and the project is under active construction in accordance with the approved phasing plan. For purposes of this condition, "active construction"

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means significant and continuous vertical or horizontal construction activity toward substantial completion, consistent with issued permits.

Prior to expiration, the applicant may request that the County consider a Development Agreement ("DA") pursuant to Utah Code § 17-79-508 and Iron County Code Chapter 17.42, to extend the term of the CUP and establish additional project commitments. Any such agreement shall be entirely discretionary and subject to approval by the County in accordance with applicable law in effect at the time of consideration. Nothing herein obligates the County to approve or extend the Conditional Use Permit.

5. Ownership and Operator Notification. Applicant shall notify the Zoning Administrator in writing of any change in property ownership or operator within 30 days. New owners or operators shall be provided a copy of this CUP.

6. Application Materials Incorporated. All application materials, including the Technical Support Report, site plans, traffic study, economic analysis, SPCC Plan, visual simulations, Acoustic Report, and all appendices, are incorporated by reference and made part of this CUP.

7. Building Permits Required. Applicant shall obtain all required building permits from the Iron County Building Department. No construction or operation shall commence until permits are issued and all pre-construction conditions of this CUP are satisfied. Prior to issuance of building permits, the applicant shall also obtain any required concurrence, authorization, or easement agreements from applicable prior right holders as necessary to accommodate the proposed development.

8. Agreement to Conditions, Compliance, and Access. By accepting this CUP, the applicant agrees to comply with all conditions set forth herein and acknowledges that failure to do so may result in enforcement action, including revocation of the CUP. The Applicant acknowledges that Iron County may conduct inspections to verify compliance. Upon reasonable notice, the County may request access to the property for inspection related to compliance or alleged violations. The Applicant shall not unreasonably deny access. Denial of access or obstruction of inspection may result in enforcement action, including referral to the Planning Commission for review and possible modification, or revocation of this CUP.

9. Recording. This CUP shall be recorded in the Office of the Iron County Recorder. A recorded copy shall be returned to the Building & Zoning Department prior to issuance of any building permit.

10. Validity. This CUP shall become effective upon recordation of the CUP in the office of the Iron County Recorder and a recorded copy is returned to the Building & Zoning Department. If any condition is found invalid, such determination shall not affect the validity of the remaining conditions, which shall remain in effect.

11. Transferability. This CUP runs with the land and automatically binding upon any subsequent owners, operators, lessees, or successors in interest.

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12. Phasing Plan and Vesting. Prior to issuance of any building permit, the applicant shall submit a detailed phasing plan identifying the sequence of development, including the number, type, and square footage of buildings in each phase, and the infrastructure and mitigation measures required for each phase. The approved phasing plan shall be incorporated into the CUP. Each phase shall be considered a separate and independent development for purposes of vesting and compliance. Vesting under this Condition is strictly limited to development within the approved development footprint as defined in Condition 2 of this CUP. Vesting does not extend to, include, or create any rights to develop areas designated as future expansion, conceptual expansion, reserve areas, or any portion of the 640-acre parcel not expressly included in the approved development footprint. Vesting shall occur only for an individual phase upon issuance of a valid building permit for that phase and commencement of construction that is diligently pursued toward completion. Any phase for which a building permit has not been issued within three (3) years of CUP approval shall not be vested and shall be subject to all ordinances, standards, and regulations in effect at the time of application for that phase.

The following Conditions of Approval are organized and categorized to correspond with the review criteria and impact areas identified in Section 17.37.050 in effect at the time of approval. This structure is intended to clearly demonstrate how each condition addresses specific areas of potential project impact and how the Planning Commission's findings are supported by mitigation measures imposed through this approval.

A. PROJECT RATIONALE

A-1. Final Power Plant Design. Detailed construction drawings for appropriately phased power generation facilities, including generator specifications, exhaust stacks, fuel systems, cooling systems, and noise mitigation features, shall be submitted and approved prior to building permit issuance.

A-2. On-Site Power Generation and Generator Operations. The project is approved as a self-powered data center facility utilizing on-site natural gas generation. All on-site power generation facilities are approved solely as accessory uses intended to serve the electrical demands of the approved data center development and shall not operate as a primary or independent use. The project shall comply with the process as outlined in Utah SB-132 that governs behind the meter natural gas generation for the state of Utah.

Export of power as a change from a behind the meter system shall require an application for a CUP amendment. Grid interconnection agreements required solely for protective relay coordination, fault isolation, or reliability compliance shall not constitute a change in the approved power configuration. All generator operations (including emergency generators) shall comply with the approved noise study, air quality permits, and any sound attenuation or emissions controls identified in the application materials. Any modification that could increase noise levels, emissions, or operational intensity shall require review by the Planning Commission.

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A-3. Alternative and Supplemental Energy Sources. The approval of this CUP does not include or authorize any alternative on-site energy generation or storage facilities unless expressly identified in the approved plans.

A-4. Gas Supply Verification. Prior to issuance of any building permit for on-site generation, the applicant shall provide written confirmation from the natural gas provider that sufficient supply and transmission capacity exists to serve the project at full buildout.

A-5. Pipeline Plan Required. A detailed engineered plan for the proposed 24-inch natural gas pipeline, including alignment, easements, valves, safety setbacks, and emergency shutoff locations, shall be submitted for review and approval prior to building permit issuance. The pipeline plan shall conform to applicable Pipeline and Hazardous Materials Safety Administration (PHMSA) standards under 49 CFR Parts 190-199. Documentation demonstrating approval by PHMSA, or by the applicable gas utility operating under PHMSA jurisdiction, may be accepted by the County as evidence of compliance with applicable federal pipeline safety standards, but shall not eliminate compliance with applicable County land use, infrastructure, access, emergency management, or permitting requirements.

A-6. Backup Generator Disclosure. The applicant shall disclose the number, size, fuel type, and use schedule of all backup generators. Backup generators shall be limited to emergency use and routine testing only. Routine testing shall occur no more than once per week for a maximum of fifteen (15) minutes per event, and only during daytime hours (7:00 AM to 7:00 PM). Annual full-load testing may be conducted to verify system performance, but shall be coordinated with the County to minimize impacts to neighboring areas.

Generator testing required by National Fire Protection Association (NFPA) 110, applicable building codes, or DAQ permit conditions shall be allowed only to the extent required by such standards or permits, and shall not be subject to the frequency and duration limits of this condition. Such testing shall be documented and reported to the Zoning Administrator annually.

A-7. Utility Access. Utility connections shall comply with all applicable County, state, and utility provider requirements.

B. SITING CONSIDERATIONS

B-1. Setbacks. All data center buildings, power plant structures, and operational areas shall maintain a minimum 60-foot setback from all property lines and public rights-of-way, and a minimum 100-foot setback from any residentially zoned lot or existing residence (as outlined in Chapter 17.37), or as otherwise required through the CUP process to mitigate noise, glare, or safety impacts.

B-2. Pronghorn Antelope Habitat. The Project site is located entirely within year-long crucial pronghorn habitat per the Utah Division of Wildlife Resources (DWR) mapping and the Biological & Wildlife Analysis. Prior to any ground disturbance or issuance of a building permit, the following measures are required to minimize impacts to wildlife:

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a. No ground-disturbing construction, site grading, or off-road vehicle activity shall occur during the pronghorn fawning period of April 15 through June 15. Construction within enclosed structures is not subject to the seasonal restriction.
b. Permanent disturbance of year-long pronghorn habitat shall be avoided to the maximum extent feasible. Permanent disturbance means conversion of habitat to structures, impervious surfaces, or permanent infrastructure. Where permanent habitat loss occurs, the applicant shall prepare a Wildlife Mitigation Plan in coordination with Iron County and the Utah Division of Wildlife Resources. The mitigation plan shall provide mitigation at a minimum ratio of 4:1 (four acres mitigated for every one acre disturbed), consistent with recommendations identified through the Wildlife Habitat Analysis Tool (WHAT), unless the Zoning Administrator determines that an alternative mitigation strategy would provide equivalent or greater benefit to pronghorn habitat connectivity, movement, or long-term habitat function within the affected area. Mitigation lands shall be located within areas mapped by the Utah Division of Wildlife Resources as year-long crucial pronghorn habitat and shall be of equal or greater habitat value and functional connectivity than the habitat permanently impacted by the project, as determined by Iron County. The mitigation lands shall be protected in a manner that ensures long-term conservation of habitat values. Acceptable protection mechanisms may include conservation easements, deed restrictions, or other legally enforceable instruments approved by Iron County. The applicant shall provide documentation demonstrating ownership, suitability, and long-term protection of mitigation lands prior to issuance of a grading permit. Mitigation may be implemented in phases, provided that total mitigation ultimately corresponds to full buildout impacts and is secured prior to issuance of building permits for each phase.
c. If Iron County adopts a habitat conservation plan, in-lieu fee program, mitigation bank, or similar wildlife mitigation framework applicable to pronghorn habitat impacts, the applicant may satisfy all or a portion of the mitigation requirements of this condition through participation in such program, subject to compliance with the adopted program requirements and approval by Iron County.
d. Submit a Wildlife Mitigation Plan for County review and approval demonstrating compliance with this condition.

B-3. Cultural Resources. Prior to any ground disturbance, the applicant shall:

a. Conduct a Class III intensive pedestrian cultural resources survey of the project site and areas of potential effect. All fieldwork and writing need to be supervised by a qualified professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards, Office of Personnel Management standards for a GS-0193 federal archaeologist, or holding a valid PLPCO Principal Investigator Permit.
b. Submit the survey report to the County's Natural Resource Specialist for review and approval. The report shall identify all cultural resources, evaluate significance, and assess potential project impacts.
c. Where significant cultural resources are identified, the applicant shall avoid such resources to the maximum extent feasible. Where avoidance is not feasible, the applicant shall implement mitigation measures, which may include data recovery, monitoring, or other treatment methods, as recommended by the qualified archaeologist and approved by the County.

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d. If during ground disturbing activity, contractors encounter any subsurface archaeological deposits including, but not limited to, prehistoric artifacts or features (pithouses, charcoal staining from hearths, etc.), human remains, historic building foundations or walls, outhouse/privies, or dense trash deposits, work must be halted within 50' of the discovery and notification made to the County within 24 hours. Construction shall not resume within the affected area until an assessment of the discovery is completed by the County, professional archaeologist, and discussions with the Utah State Historic Preservation Office (UTSHPO). If the discovery is considered a significant, or a National Register Eligible property, the agency will coordinate the mitigation of the discovery with the UTSHPO. A treatment plan shall be submitted to and approved by the County prior to resumption of work in the affected area.

C. SITE & DEVELOPMENT PLANS

C-1. Grading, Drainage, and Hydrology. A final grading and storm drainage plan, prepared by a licensed engineer, shall be submitted to and approved by the Iron County Engineer and Building Department prior to any ground disturbance. Prior to any ground disturbance, the applicant shall obtain a UPDES Construction General Permit (CGP) from the Utah Division of Water Quality, and shall prepare a Stormwater Pollution Prevention Plan (SWPPP) meeting all CGP requirements. The SWPPP shall be consistent with and incorporate the erosion control, sediment control, and drainage measures required by the approved grading and storm drainage plan. A copy of the CGP Notice of Intent confirmation and the SWPPP shall be submitted to the Iron County Engineer and Building Department prior to issuance of any grading or building permit. The SWPPP shall be updated as required for each phase of construction and maintained on-site and available for inspection at all times during active construction. All CGP conditions and SWPPP requirements are incorporated by reference as conditions of this CUP and shall be complied with throughout construction and until a Notice of Termination is filed with the Division of Water Quality upon completion of final stabilization.

C-2. Utilities. All electrical interconnection and distribution lines shall be installed underground to the maximum extent feasible. Electrical lines 20 kV and greater may be exempt from undergrounding only upon demonstration of infeasibility due to environmental constraints, distance, or utility requirements, subject to approval by the Planning Commission. Water and wastewater systems shall be constructed in accordance with Southwest Utah Public Health Department and Utah Division of Water Quality standards.

C-3. Dust and Fugitive Emissions Control. An on-site dust control plan shall be submitted for review and approved prior to issuance of a grading or building permit and shall be implemented during construction and operations. The plan shall identify all dust control measures, including use of water trucks or approved dust suppressants, and shall include quantified estimates of water usage for dust control activities. Dust control measures shall be proportional to active construction areas only, and the site shall minimize water use by following best management practices for effectiveness. The plan shall demonstrate how water use will be minimized while effectively controlling fugitive dust.

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Disturbance and dust control activities shall be limited to areas under active construction. Mass grading of the entire site is prohibited unless (a) a master grading plan is submitted and approved by the County Engineer, and is consistent with and tied to the approved phasing plan, and (b) erosion and sediment control measures are installed and maintained for all disturbed areas. Full-site grading may also be approved where the applicant demonstrates that full-site grading is necessary to achieve infrastructure continuity across approved phases, as determined by the County Engineer.

C-4. Vegetation and Landscaping. Vegetation removal shall be limited to areas necessary for active, approved phases of construction. Clearing or grubbing of areas not scheduled for immediate development is prohibited. Disturbed areas not occupied by structures, roads, or actively ongoing construction shall be promptly stabilized through temporary or permanent measures, including revegetation with drought-tolerant, native species or other approved stabilization methods, to minimize erosion, dust, and visual impacts. Weed management BMPs shall be consistent with the standards attached as Exhibit A, which is incorporated by reference. The applicant shall remain in compliance with the adopted BMPs for the duration of site development and ongoing operations. Revegetation and stabilization efforts shall be coordinated with the approved dust control plan to minimize water use and avoid unnecessary site saturation.

C-5. Fencing and Security. A permanent security fence (minimum 8 feet in height, chain link or equivalent) shall be installed and maintained around all critical infrastructure areas, including but not limited to data center buildings, the power plant (including any substations), generator yards, fuel systems, and utility interconnections. Knox boxes and keys shall be provided at all locked gates for emergency access. The required security fencing shall not be used to meet or reduce required sound wall mitigation; separate sound wall structures shall be provided as required.

A separate perimeter fence shall be installed and maintained around the outer boundary of the approved development footprint identified in Condition 2, except where replaced by the security fence described above. The applicant shall submit a proposed livestock exculsion fencing standard for review and approval by the Iron County Building & Zoning Department. The approved fencing standard shall be designed and maintained to prevent livestock intrusion consistent with applicable Iron County and State of Utah fencing standards for open range areas. Gates in the perimeter fence shall be kept closed and latched at all times except during active ingress and egress.

Where the approved development footprint is located more than 100 feet from a paved road, the perimeter fence standard shall be satisfied by a livestock-proof fence as described above. A security fence meeting the 8-foot standard is not required at the outer boundary in such areas, provided that all critical infrastructure within those areas is individually secured by a compliant security fence as described in the first paragraph of this condition.

C-6. County Road Improvements and Ongoing Maintenance. Antelope Springs Road shall be improved and paved in accordance with plans reviewed and approved by the County Engineer prior to site construction. Improvements shall include a minimum of 3 inches of asphalt pavement over an approved base course, or as otherwise required based on traffic loading and engineering analysis, whichever is greater.

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The applicant's submitted Traffic Impact Analysis shall be used to determine the necessary roadway improvements to accommodate projected vehicle trips, including heavy truck traffic.

Roadway improvements required under this Condition are intended solely to mitigate impacts of the approved Project and shall not be construed to authorize, imply, or support any future expansion, increased intensity, or additional development.

Prior to commencement of any project-related construction traffic on County roads, the applicant and the County Engineer shall conduct a joint pre-construction road condition survey documenting the existing condition, structural section, and extent of all County roads that will be used by project-related construction traffic. The survey shall be documented in writing, with photographs, and shall be signed by both parties. This baseline survey shall govern the applicant's road repair and restoration obligations under this condition.

Prior to final design and construction of roadway improvements, the applicant shall submit a drainage and hydrology study evaluating stormwater runoff, culverts, and roadway drainage impacts. All roadway and drainage improvements shall be designed in accordance with the approved studies and County standards and are subject to review and approval by the County Engineer.

The applicant shall be responsible for:

1. Constructing all roadway improvements necessary to serve the project as identified in the approved plans and Traffic Impact Analysis;
2. Repairing damage to County roads caused by project-related construction traffic on an ongoing basis throughout all phases of construction. Repairs shall be completed at intervals determined by the County Engineer based on observed roadway degradation, following any phase of construction that generates substantial heavy truck traffic, and whenever roadway conditions fall below acceptable safety or service standards, as determined by the County Engineer. Such repairs may include, but are not limited to, patching, regrading, asphalt repair, shoulder stabilization, dust control, and drainage maintenance;
3. Bearing all costs for roadway repairs and maintenance to the extent such costs are reasonably attributable to project-related traffic impacts;
4. Providing a financial guarantee, in a form acceptable to the County, to ensure completion of ongoing maintenance and final restoration obligations under this condition;
5. At the conclusion of construction, restoring all affected roadways to the condition documented in the pre-construction baseline survey, or to the standard required by the approved Traffic Impact Analysis, whichever is greater, to the satisfaction of the County Engineer.

C-7. Roadway Relocation Authorization. Written authorization from affected property owners for roadway relocation shall be obtained prior to issuance of a grading permit for road construction, including the proposed relocation of Antelope Springs Road and its intersection with Iron Springs Road. Such authorization shall include, at a minimum, recorded easements, right-of-way dedications, or other legally binding agreements sufficient to allow construction, access, and long-term maintenance of the relocated roadway, as approved by the County.

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D. LOCAL ECONOMIC BENEFITS

D-1. Tax Incentives and Economic Development Programs. Approval of this CUP is strictly limited to land-use and development matters under Iron County Code. It does not constitute, imply, or create any support, endorsement, expectation, or assurance by Iron County for the applicant's participation in the Utah Inland Port Authority (UIPA), any tax abatement, tax incentive, payment in-lieu-of-taxes agreement, or any other economic development program.

D-2. Infrastructure Cost Responsibility. The applicant shall be financially responsible for infrastructure improvements that are necessitated by or attributable to the project and required to provide adequate public facilities and services. Such improvements shall be reasonably related and proportionate to the impacts of the project under applicable law.

E. VISUAL IMPACTS, APPEARANCE, & SCENIC VIEW SHEDS

E-1. Security Plan. Prior to issuance of any building permit, the applicant shall submit a Security Plan for review and approval by the Zoning Administrator, in coordination with the Iron County Sheriff's Office and Fire Warden. The plan shall:

- Identify secured areas, including infrastructure perimeters, and demonstrate that such areas are limited to what is reasonably necessary for operational security;
- Show fencing, access points, surveillance systems, and security lighting zones;
- Include a site plan clearly delineating all security and lighting areas; and
- Be consistent with all applicable CUP conditions, including lighting, fire access, and emergency response.

E-2. Lighting. Prior to issuance of any building permit, the Applicant shall submit a complete Exterior Lighting Plan prepared by a licensed lighting engineer or Dark-Sky International certified professional. Outdoor lighting shall be minimized as much as possible, and limited to entryways, or other locations where lighting is needed for security, safety, and functionality purposes. Outdoor lighting that does not serve a functional purpose, including landscape lighting, is prohibited. The plan shall demonstrate strict compliance with the following:

a) Fixture Standards: All exterior lighting shall be full cutoff, fully shielded, and directed downward. No light shall be emitted at or above the horizontal plane.
b) Color Temperature: Maximum correlated color temperature (CCT) of 2,700 Kelvin. All exterior lighting fixtures shall also meet a maximum rating of B0-U0-G1, as defined by TM-15 of the Illuminating Engineering Society. Uplight ratings above U0 are prohibited. Lower BUG (backlight, uplight, glare) ratings may be required where necessary to ensure compliance with light trespass and glare standards established in this approval.
c) Light Trespass: Lighting at all property lines and rights-of-way shall not exceed 0.1 foot-candles in horizontal illuminance, except as provided below for approved security lighting zones. A full photometric grid (point-by-point calculation) must show compliance in every direction.
d) Security Lighting Zones: Lighting within approved security zones, as defined in the approved Security Plan, may operate at a low continuous level where necessary for safety and security, provided that illumination within such zones does not exceed 0.5 foot-candles at grade, light

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trespass beyond the project boundary does not exceed 0.1 foot-candle, and the extent of such zones is limited to areas demonstrated as reasonably necessary for security. In addition, lighting within these areas shall not exceed a maximum density of 2.5 lumens per square foot of hardscaped area, consistent with recommendations from Dark-Sky International. All standards in this subsection shall be met concurrently.

e) 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 zones.

f) Pole Height: Maximum pole height shall be 18 feet, except within approved security zones where a maximum height of 25 feet may be permitted if demonstrated as necessary and approved as part of the Security Plan.

g) Prohibited Lighting: Floodlights, unshielded high-intensity fixtures, and constant non-security exterior lights.

h) Lighting, Glare, and Reflectivity Performance Standard: The Lighting Plan shall include a full photometric and glare analysis and fixture schedule. The analysis shall evaluate direct and reflected light impacts from exterior lighting, building materials, equipment surfaces, and ground surfaces within all illuminated areas, including drive aisles, parking areas, and outdoor operational yards. The analysis shall demonstrate that the project will not create direct or reflected glare visible from adjacent properties, public rights-of-way, or designated scenic view sheds in a manner that creates a nuisance or safety hazard, and shall demonstrate compliance with light trespass limits established in this approval. For modeling purposes, ground surface reflectance within illuminated areas shall be assumed not to exceed 0.30, unless the applicant demonstrates through analysis that a higher reflectance will not increase light trespass, uplight, or glare impacts.

i) Approval and Verification: For each phase of the project, an as-built photometric and glare certification confirming compliance with the approved Lighting Plan and associated light trespass, glare, and reflectivity performance standards 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. Failure to achieve compliance within the required timeframe shall constitute a violation of this approval and shall be subject to enforcement under the County Code, including but not limited to revocation of this approval, withholding of permits, or other remedies available under applicable law.

E-3. Landscaping / Screening. Building materials and colors shall blend with the environment. Landscaping or screening shall be required as part of the approved site plans.

F. WILDLIFE HABITAT AREAS & MIGRATION PATTERNS

F-1. Utah Prairie Dog. Prior to any ground disturbance, the applicant shall complete protocol level surveys for Utah prairie dog and any other applicable threatened and endangered (T&E) species within all areas of disturbance, including utility alignments and any affected federal lands.

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The applicant shall complete all required consultation and coordination with the U.S. Fish and Wildlife Service and, where applicable, the Bureau of Land Management, and shall obtain all necessary authorizations, clearances, or permits required under federal law.

Documentation demonstrating completion of surveys and compliance with all applicable T&E requirements, including any correspondence, determinations, or permits issued by the U.S. Fish and Wildlife Service and/or BLM, shall be submitted to Iron County's Natural Resource Specialist.

No ground disturbance shall occur in areas where protocol surveys identified Utah prairie dog colonies or T&E habitat, until required authorizations are obtained for those specific areas. Ground disturbance may proceed in survey-cleared areas concurrent with ongoing federal coordination.

F-2. Pronghorn Antelope Habitat. (See B-2.)

G. ENVIRONMENTAL ANALYSIS

G-1. Water Use Limitations and Supply Verification. Prior to issuance of any grading or building permit, the applicant shall submit a water demand and supply study prepared by a licensed hydrologist, water-resources engineer, or licensed engineer qualified in water system planning and analysis. The study shall include a description of all proposed cooling system(s), including projected annual water consumption, peak day demand, and Water Usage Effectiveness (WUE), demonstration of legal availability of water rights, water service, or contractual supply sufficient to meet projected demand, and identification of whether the project will connect to the Cedar Valley Water Conservancy District or other approved public water provider or develop and operate an on-site public water system regulated under Utah Administrative Code R309. The study shall be reviewed by the County Engineer for consistency with the approved application materials, and alignment with the impact assumptions relied upon in the approval of this CUP. Upon County acceptance, the study is incorporated by reference into this CUP and shall serve as the basis for enforceable water use limitations under Condition G-3.

The County's review is limited to land use compatibility, operational intensity, and impact evaluation. This CUP does not approve, vest, or guarantee water rights, groundwater withdrawal, or public water system approval, which remain under state jurisdiction and applicable water providers.

G-2. Metering, Reporting, and Monitoring. All water use associated with the project shall be continuously metered.

Option A — Public Water Provider Connection: If the project is served by the Cedar Valley Water Conservancy District (CVWCD) or another approved public water provider, the applicant shall provide the County with access to or copies of all water use reports, compliance reports, and related correspondence submitted to CVWCD or Utah Division of Drinking Water within 15 days of submission. Where necessary to verify compliance with the water use assumptions and operational limitations incorporated into the CUP, the applicant shall provide the information reasonably requested by the County.

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Option B — On-Site PWS: If the project develops or operates an on-site public water system under Utah Administrative Code R309, the applicant shall install and maintain master and phase sub-meters at the point of connection or wellhead, and submit annual water use reports to the County covering total consumption, peak-day demand, calculated Water Usage Effectiveness, and water use by category (cooling, construction, domestic, etc.). Quarterly reports may be required by the Zoning Administrator upon reasonable notice, to evaluate compliance with this CUP. The County may require independent third-party verification of reported water use or WUE where reasonably necessary to confirm compliance with this CUP.

G-3. Water Use Limitation, Allocation, and Operational Controls.

Option A — Public Water Provider Connection: Where the project is served by CVWCD or another approved public water provider, operational regulation of the public water system shall remain under the jurisdiction of the provider and applicable state agencies. The County retains authority to enforce the land use limitations, and impact mitigation measures incorporated into this CUP.

The project shall operate consistent with the water demand and operational assumptions identified in the approved water demand and supply study incorporated under Condition G-1. Material increases in annual water demand, peak-day demand, or WUE beyond approved levels may require administrative review or amendment of this CUP.

Cooling systems shall be designed and operated to minimize consumptive water use to the maximum extent reasonably feasible. Systems relying primarily on evaporative loss, including evaporative cooling towers or equivalent high-consumptive systems, are not approved unless specifically authorized through amendment of this CUP.

The project shall incorporate water reuse and efficiency measures where reasonably feasible to reduce net consumptive use.

If the County determines, based on submitted monitoring data or provider reports, that the project is operating materially inconsistent with the water demand assumptions incorporated into this CUP, the County may require corrective measures reasonably necessary to restore compliance with approved operational limitations.

No building permit, certificate of occupancy, or approval for any subsequent phase shall be issued unless the County determines that sufficient water service and supply exists to serve the phase consistent with the approved water demand and supply study and the assumptions incorporated into this CUP.

Option B — On-Site Public Water System: The following standards establish enforceable limits on water use as an element of land use intensity, applicable where the project operates an on-site public water system under Utah Administrative Code R309. All phases shall comply with the limits established in the approved water demand and supply study incorporated under Condition G-1.

(a) Water Entitlement Caps. The project shall be subject to maximum enforceable water use caps established by the County-approved water demand and supply study, including maximum annual

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consumption in acre-feet per year, maximum peak-day demand, and maximum Water Usage Effectiveness. These limits represent the maximum authorized water intensity of the project and are incorporated into this CUP.

(b) Phase-Based Water Allocation. Each approved development phase shall be assigned a specific water allocation budget based on annual and peak-day demand. No building permit shall be issued for any phase unless the phase's allocated water budget falls within the project-wide entitlement cap and the applicant demonstrates that the phase will not cause the project to exceed any established cap. Water allocations shall not transfer, accumulate, or expand between phases without express County approval.

(c) Cooling Systems. Cooling systems shall be designed and operated to minimize consumptive water use to the maximum extent feasible. Any modification to approved cooling systems shall be subject to administrative review and shall require a CUP amendment if the modification materially increases water demand or alters consumption characteristics beyond the limits established under G-3(a).

(d) Water Efficiency and Reuse. The project shall incorporate water reuse and efficiency measures where reasonably feasible to reduce net consumptive use.

(e) Monitoring and Compliance. The project shall operate continuously within all established water entitlement caps. If monitoring or reporting demonstrates that the project is projected to exceed or is exceeding any established cap, the applicant shall submit a written corrective action plan to the Zoning Administrator within 15 days of the exceedance being identified, and shall implement approved corrective measures within a reasonable time as determined by the County Engineer based on the nature and severity of the exceedance.

(f) Phasing and Continued Compliance. No building permit, certificate of occupancy, or approval for any subsequent phase shall be issued unless the County determines, based on submitted monitoring data, that the project is in compliance with all established water caps, and sufficient water entitlement exists within the project-wide allocation to serve the phase.

(g) Relationship to State Authority. These conditions regulate land use intensity and operational impacts only. Nothing herein shall be construed to regulate water rights, public water system permitting, or groundwater withdrawal authority, which remain under the jurisdiction of the State of Utah and applicable water providers. Compliance with state-issued water rights, permits, and reporting requirements does not, by itself, constitute compliance with this CUP where the project operates inconsistent with the operational assumptions or limitations incorporated herein.

(h) Enforcement. Failure to maintain compliance with established water use caps or to implement an approved corrective action plan shall constitute a violation of this CUP. Prior to any enforcement action, the County shall provide written notice to the applicant identifying the specific violation and allowing a reasonable cure period, not less than 15 days, except where the County Engineer determines in writing that an immediate risk to public health, safety, or welfare exists. Enforcement remedies may include required operational adjustments and, upon findings made consistent with applicable law, modification or revocation of this CUP.

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(i) Drought Conditions. The project shall comply with all applicable drought restrictions imposed by the State, water providers, or local authorities.

G-4. Air Quality Permitting and Compliance. Prior to issuance of any building permit, the applicant shall obtain all required permits, Approval Orders, or determinations from the Utah Department of Environmental Quality, Division of Air Quality (DAQ), for all equipment and operations that may emit air contaminants. This includes, but is not limited to:

1. Natural gas generators or turbines
2. Emergency backup generators
3. Boilers, heaters, or combustion equipment
4. Cooling systems, chillers, or cooling towers
5. Fuel storage and delivery systems
6. Any other stationary or temporary emission source associated with construction or operation of the project

Copies of all DAQ Approval Orders, permits, or written determinations that no permit is required shall be submitted to the Iron County Zoning Administrator prior to commencement of construction.

All conditions, limitations, emission caps, monitoring requirements, and reporting requirements imposed by the Division of Air Quality shall be considered conditions of this CUP and shall be complied with at all times during construction and operation of the facility.

The County's approval of this CUP does not constitute approval of air emissions. Regulation of air quality, emissions, and fuel combustion equipment is under the exclusive jurisdiction of the Utah Division of Air Quality and the U.S. Environmental Protection Agency.

Any future modification to the project that increases emissions, increases generator capacity, adds additional generators, or requires a new or modified DAQ Approval Order shall require review by Iron County to determine whether an amendment to this CUP is required.

G-5. Other State and Federal Permits. Division of Water Quality (DEQ) and Southwest Utah Public Health Department approvals for wastewater and water systems; Utah Division of Water Rights approval or transfer for any on-site wells/water rights. No construction or operation shall begin until all listed permits are issued. Any conditions of approval imposed by these agencies shall be considered conditions of this approval for this permit, and shall be complied with at all times during construction and operation of the facility.

G-6. Decommissioning and Site Restoration. Prior to issuance of any building permit for any phase containing covered infrastructure identified under this condition, the applicant shall submit a Decommissioning and Site Restoration Plan for review and approval by the Iron County Zoning Administrator. The purpose of this condition is to ensure that specialized infrastructure associated with the approved use is safely removed or secured upon abandonment or permanent discontinuance of operations, and that disturbed areas are restored to a safe and stable condition. This condition is not intended to require removal of reusable commercial or industrial buildings,

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foundations, parking areas, or utilities that remain capable of lawful reuse, redevelopment or continued operation.

The Plan shall address decommissioning and restoration of project-specific infrastructure and improvements including:

1. On-site power generation facilities
2. Fuel storage, fuel delivery, and fuel system infrastructure
3. Substations and electrical infrastructure
4. Cooling infrastructure and associated water systems
5. Pipelines and associated utility infrastructure dedicated primarily to the approved use
6. Hazardous material storage and handling areas
7. Other specialized infrastructure identified by the County as requiring decommissioning due to potential public health, safety, environmental, or nuisance impacts.

The Plan shall include:

a. Procedures for hazardous material handling, removal, and disposal in accordance with applicable law;
b. Erosion control, stabilization, and revegetation measures for disturbed areas;
c. A decommissioning cost estimate prepared by a qualified professional engineer or contractor, limited to the reasonably anticipated cost of decommissioning and restoring the covered infrastructure identified in the approved plan; and
d. Financial assurance in a form and amount acceptable to the County equal to 110% of the approved decommissioning cost estimate.

Acceptable forms of financial assurance include a surety bond, irrevocable letter of credit, cash deposit, or other instrument approved by the County Attorney. The financial assurance shall name Iron County as the sole beneficiary and shall remain in effect until the County provides written release upon verification that decommissioning and restoration are complete.

Financial assurance may be phased proportionally with construction and expansion of covered infrastructure, provided the applicant maintains financial assurance sufficient to cover the estimated cost of decommissioning all installed covered infrastructure at any given time.

Temporary shutdowns for construction, repairs, maintenance, upgrades, or events outside the applicant's control shall not be considered abandonment.

If any portion of the project is not operated for 24 consecutive months, the County may presume that portion has been abandoned unless the applicant provides evidence of intent and ability to resume operations. If the Zoning Administrator determines that a portion of the project has been abandoned, after providing notice and an opportunity to respond, the County may require implementation of the approved Decommissioning Plan and may draw upon the financial assurance to complete the required work.

The financial assurance amount shall be reviewed and updated (if necessary) every five (5) years or upon any material expansion or modification of covered infrastructure. Any required increase shall be posted within 60 days of County notice. Partial releases of financial assurance may be approved as portions of covered infrastructure are decommissioned or removed.

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H. SOLID WASTE OR HAZARDOUS WASTE

H-1. Hazardous Materials and Waste Management. All chemical, propellant, and hazardous materials shall be stored, handled, and transported in compliance with the approved Draft SPCC Plan, and all applicable federal and state regulations. Waste propellant and hazardous materials shall be removed and disposed of off-site exclusively by a licensed contractor. No onsite disposal or open-air treatment is permitted.

The applicant shall comply with all applicable reporting requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA), including Tier II hazardous chemical inventory reporting, if threshold quantities are met. Copies of submitted Tier II reports shall be provided to the County upon request.

H-2. Refuse and Solid Waste. A Construction Solid Waste Management Plan shall be submitted for review and approved prior to issuance of a grading or building permit. The plan shall identify anticipated waste streams, including construction debris, packaging, and scrap materials, and shall describe methods for storage, handling, recycling, and disposal. The plan shall also include measures to prevent litter, illegal dumping, and off-site migration of waste materials during construction. During construction, all waste materials shall be contained on-site in designated areas and regularly removed to prevent accumulation, fire hazards, or nuisance conditions.

During operations, solid waste containers shall be screened from view and maintained in a manner that prevents fire, health, rodent, or insect hazards. Waste shall be collected and disposed of by a licensed hauler.

I. HEIGHT RESTRICTIONS & FAA HAZARD REVIEW

I-1. Height Restrictions & FAA Review. All structures shall comply with airport overlay zoning and FAA regulations on hazards to air navigation. Compliance shall be demonstrated through the incorporated application materials and final design approvals.

J. TRANSPORTATION PLAN FOR CONSTRUCTION & OPERATION

J-1. County Road Improvements and Maintenance. (See C-6 above)

J-2. Roadway Relocation Authorization. (See C-7 above)

J-3. Livestock - Vehicle Conflict Mitigation. Prior to issuance of any grading or building permit for any phase, the applicant shall submit for County approval a Livestock–Traffic Management Plan (LTMP) addressing project-related traffic along Antelope Springs Road, a designated livestock trail. The LTMP shall be prepared in coordination with the County Road Department, Iron County Livestock Association, and affected grazing permittees, and shall:

- Identify livestock movement patterns, routes, and seasonal use, and establish coordination and communication procedures for livestock drives and crossings;

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- Define required traffic control measures during livestock movement, including signage, reduced speeds, flaggers/spotters, temporary traffic holds, and any necessary roadway or operational improvements; and
- Include a site-specific implementation approach to minimize conflicts between project traffic and livestock movement.

The applicant shall fund, install, and implement all approved LTMP measures. All employees, contractors, and delivery operators shall comply with LTMP requirements.

The operator shall maintain a 24-hour contact method for coordination with livestock operators, provide reasonable advance notice of high-traffic activities upon request, and coordinate in good faith with affected grazing permittees.

K. PUBLIC SAFETY

K-1. Fire Protection and Emergency Services. The applicant shall prepare a detailed Fire Protection Plan addressing fire flow requirements, on-site water storage, access, hydrant placement, emergency access routes, and coordination with the Cedar City Fire Department.

The plan shall be reviewed and approved by the Iron County Fire Warden and the Cedar City Fire Department, prior to issuance of any building permit.

If the Fire Protection Plan identifies that additional equipment, infrastructure, training, or service capacity is required to adequately serve the project, the applicant shall:

1. Provide or fund such improvements; or
2. Enter into a separate agreement with the serving agency to address the identified needs.

All required improvements or contributions shall be reasonably related and proportionate to the impacts of the project.

The applicant shall be responsible for all reasonable, directly attributable extraordinary costs associated with emergency response services required due to the project's operations, including specialized or regional response services from outside agencies, where such costs are directly attributable to the project's operations.

K-2. Wildfire Defensible Space & Mitigation Plan. The project shall maintain a 100-foot defensible space perimeter around all structures per the Iron County Wildland-Urban Interface Code. Prior to issuance of any building permit, the applicant shall submit a site-specific Wildfire Mitigation Plan (including the full Utah Wildfire Risk Explorer report and any additional fuel-reduction measures) for approval by the Iron County Fire Warden and Cedar City Fire Department.

K-3. Gas Safety & Emergency Coordination. Applicant shall coordinate with Iron County Emergency Management, the Fire Department, and the gas utility to prepare a Natural Gas Emergency Response Plan prior to operation of the power plant.

K-4. Hazardous Materials. (See H-1 above)

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L. NOISE LIMITATIONS

L-1. Noise Mitigation. The generators shall be equipped with intake/exhaust silencers providing a minimum 30 dBA reduction at the source. Sound walls shall be constructed, as needed, in accordance with the Acoustic Report. Noise mitigation measures and compliance shall be implemented for each phase of the project and shall be fully effective prior to operation of that phase. Each phase shall independently comply with the 65 dBA noise limit at the project boundary.

For each phase of the project, an as-built certification confirming compliance with the 65 dBA project-boundary limit shall be submitted to the Zoning Administrator within three (3) months of commencement of operation of that phase. The certification shall be prepared by a qualified acoustic consultant.

L-2. Hours of Operation. Operations may occur 24 hours per day. Outdoor activities (including material handling, vehicle movement, or equipment use outside fully enclosed buildings) between 8:00 PM and 7:00 AM shall be limited to essential operational, safety, security, or emergency functions only.

Construction activities, including site work, grading, equipment operation, and building construction, shall be limited to the hours of 7:00 AM to 10:00 PM. No construction activity shall occur between 10:00 PM and 7:00 AM, except for emergency work necessary to protect life, safety, or property.

L-3. Vibration. The applicant shall implement measures to monitor and limit vibration impacts from power plant operations and construction activities:

Prior to commencement of construction or operation of the power plant, the applicant shall prepare and submit a vibration monitoring and mitigation plan for review and approval by the County. The plan shall include:

1. Predicted vibration levels at nearby residences, structures, and sensitive lands.
2. Monitoring methods and equipment locations.
3. Threshold limits for vibration exposure consistent with industry standards to prevent structural damage, nuisance, or wildlife disruption.
4. Corrective measures to reduce vibration if thresholds are exceeded.

During construction and operation, the applicant shall implement the approved plan and maintain records of vibration measurements. If monitoring indicates that vibration levels exceed approved thresholds, the applicant shall immediately implement corrective actions reasonably necessary to restore compliance and reduce impacts to levels consistent with this approval.

L-4. Backup Generator Testing Schedule. (See A-6)

M. OTHER PROBABLE & SIGNIFICANT IMPACTS

M-1. Other Probable & Significant Impacts. All remaining impacts identified during the review process are addressed through the conditions set forth above, the incorporated application materials, and any additional mitigation required by the Planning Commission or other regulatory agencies. Any future modification that could create new significant impacts shall require review and possible amendment of this CUP.

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Exhibit A
Iron County Resource Management Plan – Noxious Weeds Section

1. POLICY INTENT

In accordance with the Iron County RMP, Iron County shall implement measures to:

- Prevent the introduction and spread of invasive and noxious weeds
- Protect native and desirable plant communities
- Reduce ecological and economic impacts associated with weed infestations
- Coordinate weed management efforts across jurisdictions and landowners

The RMP identifies ground-disturbing activities, such as construction, roads, and infrastructure, as primary pathways for the spread of noxious weeds and supports integrated management approaches to address these impacts.

2. APPLICABILITY

These requirements apply to all County-issued permits involving ground disturbance, including but not limited to:

- Subdivisions
- Roads and rights-of-way
- Utility and transmission projects
- Energy development - including solar
- Commercial and large-scale development

3. REQUIRED WEED MANAGEMENT PLAN

Policy Requirement:

Prior to approval of any permit involving ground disturbance, the applicant shall submit a Weed Management Plan. Plan shall be consistent with:

- Iron County Resource Management Plan
- Utah Noxious Weed Act
- Utah Department of Agriculture and Food standards
- Include, at minimum:
- Prevention measures
- Construction BMPs
- Revegetation strategy
- Monitoring schedule
- Treatment and control methods

4. PREVENTION (MANDATORY BMPs)

Policy Requirement:

All permitted projects shall implement prevention measures to minimize the introduction and spread.

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Required Practices:

- All equipment shall be cleaned prior to entering and leaving the project area
- All seed, mulch, gravel, and fill materials shall be certified weed-free
- Disturbance areas shall be minimized to the maximum extent practicable
- Topsoil shall be properly handled, segregated, and protected from contamination

5. REVEGETATION STANDARDS

Policy Requirement:

All disturbed areas shall be stabilized and revegetated to reduce weed establishment.

Requirements:

- Disturbed soils shall be stabilized as soon as practicable following disturbance
- Revegetation shall utilize:
- Approved seed mixes appropriate for site conditions
- Consideration of UDOT seed mix specifications for roadsides and similar disturbed areas

· Revegetation success shall be measured based on:

- Establishment of desirable vegetation
- Absence or control of noxious weed species

6. MONITORING AND TREATMENT

Policy Requirement:

Permittee/property owner shall be responsible for ongoing weed monitoring and control.

Requirements:

- Conduct annual monitoring of project areas for noxious weeds
- Implement timely treatment of all listed noxious weed species
- Utilize integrated management methods, mechanical, chemical, and biological, as appropriate
- Continue monitoring and treatment for a minimum of 3–5 years, or until site stabilization criteria are achieved

7. RESPONSIBILITY FOR COMPLIANCE

Policy Requirement:

Responsibility for noxious weed prevention and control shall rest with the:

- Permittee
- Property owner
- Operator

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This aligns with County policy and State law, placing responsibility for weed control on landowners and operators.

8. ENFORCEMENT MECHANISMS

Policy Requirement:

Compliance shall be enforced through permit conditions and project approval processes.

Enforcement Tools:

- Inclusion of all requirements as binding permit conditions
- Requirement for financial assurance or bonding, where applicable

· Verification during:

- Final inspection
- Project closeout

· Non-compliance may result in:

- Withholding of final approvals
- Required corrective actions

9. COORDINATION

Policy Requirement:

Iron County shall coordinate with:

- Utah Department of Agriculture and Food
- Federal land management agencies
- Municipalities and private landowners

To ensure consistent and effective implementation of weed management practices across jurisdictions.

10. IMPLEMENTATION

These policies shall be implemented through:

- Standardized permit conditions
- Project review processes
- Coordination with County departments and applicable agencies

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DATED this 18 day of AUGUST, 2026.

IRON COUNTY BUILDING & ZONING DEPARTMENT:

County Planner

IRON COUNTY PLANNING COMMISSION:

Erick Cox, Chair

APPLICANT:
Pronghorn Development, LLC

By: _____

Name: RICHARD FINLAYSON

Title: C. MANAGER

Certificate of Notary Public

On this 9th day of September, 2026 Richard Finlayson, personally appeared before me to be the signer of the foregoing document and acknowledges that he/she signed it.

NOTARY PUBLIC
CHANTELLE MARTIN TAYLOR
738533
MY COMMISSION EXPIRES
AUGUST 06, 2028
STATE OF UTAH

Notary Public

State of Utah
County of Iron

My Commission Expires: 08-06-2028

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