CHAPTER 34
DATA CENTER FACILITIES

34-1. Purpose and Intent.

This Chapter establishes land use standards and review procedures for data center facilities in Tooele County. The purposes of this Chapter are to:

(1) provide for the orderly development of data center facilities in locations where they are compatible with surrounding land uses and public infrastructure;

(2) establish objective standards for the review of data center facilities and provide a transparent, predictable, and legally defensible process for applicants, affected property owners, residents, service providers, reviewing agencies, the Planning Commission, and the County Council;

(3) protect residential areas, sensitive lands, agricultural operations, public infrastructure, and adjacent uses from reasonably anticipated detrimental effects, including noise, low-frequency sound, light trespass, air emissions, traffic, vibration, visual impacts, water demand, wastewater impacts, emergency response impacts, waste heat discharge, and construction impacts;

(4) ensure that the County and the public have complete, accurate, and timely information about a proposed facility's resource use, infrastructure needs, fiscal impacts, and operational impacts before a land use decision is made;

(5) ensure that phased, affiliated, or functionally integrated facilities are evaluated at full build-out and, where applicable, in combination with existing, approved, and complete pending facilities that share affected infrastructure or service areas;

(6) ensure that public infrastructure and public service costs attributable to a facility are identified and lawfully allocated through conditions of approval, improvement agreements, development agreements, reimbursement agreements, impact fees, service agreements, or other lawful mechanisms;

(7) provide for safe operation, continuing compliance monitoring, complaint response, annual reporting, and eventual decommissioning of data center facilities;

(8) support economic development that is consistent with the Tooele County General Plan, adopted land use regulations, infrastructure capacity, fiscal sustainability, and the health, safety, and welfare of County residents; and

(9) avoid unnecessary barriers to lawful data center development where the standards of this Chapter are met and reasonably anticipated detrimental effects can be substantially mitigated through reasonable conditions; and

(10) encourage power-supply designs that minimize air emissions, consumptive water use, and impacts on the regional electrical grid and existing utility customers, including utility-scale solar photovoltaic generation paired with battery or long-duration energy storage, consistent with the data center development principles established by Utah Executive Order 2026-03.

34-2. Applicability; Relationship to Other Laws; Land Use Authority.

(1) Applicability. This Chapter applies to the establishment, expansion, substantial modification, operation, monitoring, enforcement, and decommissioning of data center facilities, co-located power

generation facilities, and microgrids that serve data center facilities within Tooele County's land-use jurisdiction.

(2) Relationship to state law. References in this Chapter to the County Land Use, Development, and Management Act mean Utah Code Title 17, Chapter 79, as amended, and any successor provisions. This Chapter shall be interpreted and applied consistently with applicable Utah law, including the standards governing conditional uses, land use decisions, application completeness, appeal authorities, vested rights, development agreements, exactions, notices, records, and judicial review.

(3) Conditional use standard. A data center facility that is allowed as a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the objective standards of this Chapter and applicable Utah law. Mitigation does not require complete elimination of a detrimental effect. If the reasonably anticipated detrimental effects cannot be mitigated by the proposal or by reasonable conditions imposed to achieve compliance with applicable standards, the Land Use Authority may deny the application.

(4) Administrative decision. A decision on a conditional use permit under this Chapter is an administrative land use decision. When acting as Land Use Authority under this Chapter, the Planning Commission shall apply the standards of this Chapter to the evidence in the record. Public comment shall be received and considered as part of the record to the extent it presents evidence bearing on those standards. Consistent with Utah law, the decision shall rest on the standards of this Chapter and substantial evidence in the record rather than on opposition or support that is not tied to an adopted standard.

(5) Designated Land Use Authority. The Planning Commission is designated as the Land Use Authority for all data center facilities. The Planning Commission acts in an administrative capacity when deciding an application under this Chapter.

(6) Other permits required. Approval under this Chapter does not replace any building permit, fire code approval, health department approval, air quality permit, water right approval, wastewater approval, stormwater approval, encroachment permit, road access approval, utility approval, state or federal permit, or other approval required by law.

(7) Preemption and jurisdiction. Nothing in this Chapter authorizes the County to regulate any matter preempted by federal or state law. For nuclear generation, the County's review is limited to matters within the County's land-use authority, including site compatibility, local infrastructure, access, non-radiological land use impacts, emergency services coordination, and compliance with County development standards. The County does not regulate radiological safety, nuclear licensing, fuel enrichment, spent-fuel handling, or matters reserved to the United States Nuclear Regulatory Commission or another agency with exclusive jurisdiction.

(8) Development authority project areas. Where a facility is proposed within a project area of the Military Installation Development Authority (MIDA) or another entity exercising independent land use authority within its project area, land use review may occur under that entity's process rather than the County's. In such cases, the County may request that the disclosure, transparency, infrastructure, public safety, and mitigation standards of this Chapter inform that review and any intergovernmental agreement, participation agreement, development agreement, or project area plan.

(9) Other applicable state laws. The land use review under this Chapter shall also be informed by, and interpreted consistently with, the following state-law frameworks where they apply to the proposed facility: the County Energy Excise Tax Act, Title 59, Chapter 37; the Large-Scale Electric Service

Requirements, Title 54, Chapter 26, including the provisions of that chapter governing self-supplied and closed private generation systems for large loads; the qualifying data center provisions of Title 59, Chapter 12; the Prohibition on Tax Increment Incentives for Large Load Data Centers Act, Title 11, Chapter 41, Part 2; the Creation of Regionally Significant Development Zones, Title 63N, Chapter 3a; the data center development principles established by Governor's Executive Order 2026-03 (May 29, 2026), which state agencies are directed to apply in matters related to data centers; and the Regionally Significant Development Zones Act, Title 17C, Chapter 6. References mean the cited provisions as amended and any successor provisions. Nothing in this Chapter independently authorizes the County to impose, administer, collect, dedicate, transfer, rebate, or pledge a tax or other public revenue.

(10) Separate land use, utility, tax, and economic-development decisions. Approval under this Chapter does not determine whether a facility is a qualifying data center, large load customer, large load data center, or high-impact consumer; does not determine delivered value, tax liability, exemption eligibility, utility rates, or entitlement to an incentive; and does not create or approve a Regionally Significant Development Zone (RSDZ). Any tax levy, repeal, or rate change; RSDZ proposal or modification; dedication or transfer of revenue; incentive; tax-increment participation; utility tariff; or economic-development agreement requires separate action by the legally authorized body under applicable law. Fiscal estimates submitted under this Chapter are planning information only and do not bind the County, the Utah State Tax Commission, a utility, an RSDZ agency, or another taxing entity. The Land Use Authority shall not approve or deny a land use application solely because of the amount of projected tax revenue or the availability of an incentive, but may consider identifiable public infrastructure and service impacts and lawful mitigation of those impacts. Information submitted under this Chapter may be used to inform separate actions under the Tooele County Energy Excise Tax Ordinance, the RSDZ Overlay chapter, the RSDZ statutes, or other applicable tax, utility, and economic-development laws, subject to GRAMA and other applicable confidentiality requirements.

(11) County implementing ordinances. This Chapter shall be interpreted and applied consistently with the Tooele County Energy Excise Tax Ordinance adopted pursuant to Title 59, Chapter 37, Utah Code Annotated 1953, as amended, and the Regionally Significant Development Zone Overlay chapter of the Tooele County Land Use Ordinance.

(12) Responsibility for compliance; tenants and lessees. A conditional use permit issued under this Chapter runs with the land. The property owner, the permit holder, and the facility operator are jointly and severally responsible for compliance with this Chapter and the conditions of approval for the entire data center facility, including IT white space, supporting infrastructure, co-located power generation, and energy storage systems, regardless of whether any portion of the facility is leased, subleased, licensed, or operated by a tenant, colocation customer, or contractor. A lease, colocation, or service arrangement does not diminish those obligations, and the facility operator shall ensure each tenant's equipment and operations remain within the approved limits. The County may require compliance from any responsible party and is not required to determine responsibility among them. Nothing in this Chapter regulates the content of data stored, processed, or transmitted at a facility or the identity of a facility's end customers, except as disclosure is required by Section 34-5-1.

34-3. Definitions.

For this Chapter, the following terms have the meanings given below. Terms not defined in this Chapter have the meaning given elsewhere in the Tooele County Land Use Code or, if not defined there, their ordinary meaning.

A-weighted decibel (dBA). A measure of sound pressure level weighted to approximate the response of human hearing to ordinary audible sound.

Air cooling system. A cooling system that rejects heat primarily to the air without the consumptive use of water.

Appeal Authority. The person, board, commission, hearing officer, or other body designated by County ordinance to decide an appeal of a land use decision.

Applicant. The property owner, authorized agent, developer, operator, or other person submitting an application under this Chapter.

Backup generator. An internal combustion engine or combustion turbine, together with associated fuel supply, installed to provide standby electrical power and operated only as provided in Section 34-7(6).

Baseload generation source. An on-site or nearby generation source designed to operate continuously to meet the data center facility's electrical demand, as distinguished from a backup generator that operates only during outages or testing.

Battery energy storage system, or BESS. An electrochemical energy storage system, including but not limited to a lithium-ion battery system, used to store electrical energy for later use.

C-weighted decibel (dBC). A measure of sound pressure level weighted to capture more low-frequency sound energy than the A-weighted scale, used to evaluate tonal and low-frequency noise.

Closed-loop cooling system. A cooling system that circulates a cooling fluid within a sealed system and rejects heat to the air, to the ground, or to another closed heat-transfer loop without evaporative loss of the cooling fluid, so that consumptive water use is limited to metered make-up for maintenance, blowdown, and leakage.

Co-located power generation. An electrical generation facility, including a natural gas combustion or steam turbine, reciprocating engine, fuel cell installation, nuclear reactor (including a small modular or micro reactor), or other generation technology, developed on or adjacent to a data center site primarily to serve the data center facility, whether or not the generation facility also delivers power to the electrical grid.

Common ownership or control. Ownership, leasehold or tenancy interest, control, management, or beneficial interest by the same person or by affiliates, parent entities, subsidiaries, partners, joint ventures, or entities acting pursuant to a common development, financing, utility-service, or operating arrangement.

Community reinvestment agency. A community reinvestment agency designated to manage a regionally significant development zone under Title 17C, Chapter 6, Utah Code, as amended.

Complete application. An application that contains the plans, documents, studies, fees, and other information expressly required by this Chapter, the general conditional use permit provisions of the Land Use Code, and the County's published application checklist, subject to a written completeness determination under applicable law. A request for supplemental information shall identify the specific objective and the ordinance-based requirement that has not been satisfied.

Construction phase. The period beginning with grading, excavation, site preparation, utility work, or building construction and ending when the facility or applicable phase receives a certificate of occupancy or other authorization to commence operations.

Data center campus. One or more data center facilities shall be treated as a single data center campus if any of the following applies: the facilities are under common ownership or control; are included in a common master plan, development agreement, financing plan, construction program, or utility-service request; share applicant-owned or applicant-controlled access, security, water, wastewater, cooling,

electrical, generation, transmission, substation, microgrid, emergency-response, or other principal supporting infrastructure; are represented to a utility, government entity, lender, or taxing entity as phases or components of one coordinated project; or are contiguous or adjacent facilities developed as a coordinated expansion. Separate parcels, meters, tenants, ownership entities, phases, or application dates do not prevent aggregation under this definition. A data center campus includes the co-located power generation, energy storage systems, substations, switchyards, and other supporting infrastructure serving its data center facilities.

Data center facility. A building or group of buildings used primarily to house computer servers and associated electronic equipment for the storage, processing, or transmission of digital data, together with accessory cooling, electrical, fire-protection, security, and support systems.

Data center facility, hyperscale. A data center facility with a designed or contracted electrical demand of 100 megawatts or more at full build-out.

Data center facility, large. A data center facility with a designed or contracted electrical demand of 50 megawatts or more, or a gross floor area of 100,000 square feet or more, that is not a hyperscale data center facility.

Data center facility, mega. A data center facility or data center campus with a maximum coincident electrical demand of 300 megawatts or more at full build-out.

Data center facility, small. A data center facility that is neither a large nor a hyperscale data center facility.

Decommissioning. The cessation of facility operations, removal of equipment and structures, stabilization of the site, and restoration of the site as required by this Chapter and the approved decommissioning plan.

Demand response. A program or operating commitment under which a data center facility temporarily reduces electrical demand from the regional grid, shifts demand to on-site generation or storage, or otherwise modifies operations in response to grid conditions or utility direction.

Emergency operation. The use of backup generation or emergency systems during a utility outage, grid emergency, equipment failure, emergency response event, or other actual emergency condition, excluding routine testing.

Energy storage system. One or more devices, including battery energy storage systems and long-duration energy storage systems, used to store electrical energy for later use.

Energy-delivery meter. A revenue-grade meter, service meter, point-of-delivery meter, or other metering point used by an energy supplier, utility, or the Utah State Tax Commission to identify the location or quantity of energy delivered to a high-impact consumer.

Facility operator. The person or entity responsible for operating, maintaining, monitoring, and reporting on a data center facility after approval.

Firming generation. Electrical generation or utility grid import used to supplement a non-combustion primary power supply during periods when the primary generation and associated energy storage cannot meet facility demand, including a gas reciprocating engine, gas turbine, fuel cell installation, or utility grid import serving that purpose.

Grid-equivalent emissions baseline. The calculated annual emissions of nitrogen oxides (NO_X), carbon monoxide (CO), volatile organic compounds (VOC), sulfur dioxide (SO_2), particulate matter (PM10 and PM2.5), and carbon dioxide (CO_2) that would result if the facility's total annual electrical energy requirement at full build-out were supplied entirely from the regional electrical grid, calculated using the

most recent published EPA eGRID state-level emission rates for Utah, the EPA National Emissions Inventory rates for the Utah electric utility sector, or successor published federal or state data, together with documented assumptions stated in the air quality and emissions analysis.

High-impact consumer. An end-user of energy that meets the definition of a high-impact consumer under the County Energy Excise Tax Act, Title 59, Chapter 37, Utah Code Annotated 1953, as amended, and as applied under the Tooele County Energy Excise Tax Ordinance.

Incentive. For purposes of the state restrictions applicable to large load data centers, a payment of public funds funded by tax increment or personal property tax revenue that meets the definition in Section 11-41-201, Utah Code, as amended. The term does not include a sales and use tax exemption that state law excludes from the definition.

Islanded operation. Operation of a microgrid disconnected from the regional electrical grid and supplied entirely by on-site or nearby generation and storage.

IT white space. The floor area within a data center facility designed, constructed, or used to house server racks, cabinets, and directly associated information-technology equipment, measured to the interior face of the enclosing walls. IT white space excludes mechanical rooms, electrical rooms, switchgear and generator rooms, battery and energy-storage rooms, offices, security areas, loading areas, corridors, and storage areas that do not contain information-technology equipment.

Land Use Authority. The person or body designated by this Chapter to review and decide a land use application under this Chapter.

Large load customer. An electrical customer that meets the definition of a large load customer under Section 54-26-101, Utah Code, as amended, or any successor provision.

Large load data center. A large load customer that is also a qualifying data center, as provided in Section 11-41-201, Utah Code, as amended.

Leq (equivalent continuous sound level). The constant sound level that, over a stated measurement period, contains the same total sound energy as the actual fluctuating sound measured over that period.

Long-duration energy storage system, or LDES. An energy storage system designed to discharge stored electrical energy for at least eight continuous hours and that does not rely primarily on lithium-ion electrochemical cells, including but not limited to electrostatic, mechanical, thermal, gravity-based, and flow-battery storage technologies.

Low-emission power supply. A power-supply configuration in which the facility's electrical demand is supplied predominantly by non-combustion generation, including utility-scale solar photovoltaic generation paired with a battery energy storage system or long-duration energy storage system; in which firming generation is limited as provided in Section 34-8-1; and for which the total annual power-supply emissions are demonstrated to be below the grid-equivalent emissions baseline for each listed pollutant.

Maximum coincident electrical demand (also referred to as total campus power demand). The maximum aggregate electrical load designed, reserved, or contracted to be served simultaneously at full build-out, calculated at the facility load without deducting on-site generation, energy storage, demand response, curtailment capability, or another supply-side resource. Separate meters, tenants, phases, parcels, ownership entities, or power sources do not reduce the calculation for a data center campus.

Megawatt (MW). One million watts of electrical power. Unless otherwise stated, a reference in this Chapter to megawatts means electrical demand measured at the facility load.

Microgrid. A locally controlled electrical system comprising one or more major power consumers, one or more on-site or nearby baseload generation sources, optional backup generation or energy storage, optional interconnection to the regional electrical grid, and a control system that determines how and when the system interacts with the regional grid, including operation in islanded mode.

Nighttime hours. The period from 10:00 p.m. to 7:00 a.m., local time.

Noise-sensitive receptor. A dwelling, school, day care, place of worship, hospital, residential care facility, campground, public park, or other existing or approved use where quiet is reasonably expected.

Open-loop or evaporative cooling system. A cooling system that relies on the evaporation of water to reject heat and that consumptively uses water.

Operations phase. The period after a facility or phase has received a certificate of occupancy or other authorization to commence data center operations.

Public information summary. A plain-language summary of the proposed facility, impacts, mitigation, public process, and applicant commitments that excludes protected records and is suitable for posting on the County website.

Qualifying data center. A data center that meets the definition of a qualifying data center under Section 59-12-102, Utah Code, as amended, for purposes of the state sales and use tax exemption.

Regionally significant development zone, or RSDZ. A zone created under Title 63N, Chapter 3a, Part 2, Utah Code, as amended, and managed under Title 17C, Chapter 6, Utah Code, as amended.

Routine generator testing. Scheduled testing, maintenance, exercising, commissioning, or similar operation of backup generators that is not emergency operation.

RSDZ implementing documents. The approved or modified RSDZ proposal, terms established by the applicable increment-financing committee, and any zone governing document, entitlement agreement, development agreement, participation agreement, interlocal agreement, or other agreement required or authorized to implement the RSDZ under Title 63N, Chapter 3a, and Title 17C, Chapter 6, Utah Code Annotated 1953, as amended.

RSDZ Overlay. The Regionally Significant Development Zone Overlay established by the Tooele County Land Use Ordinance to pre-position land use entitlements for areas that may be proposed as, or have been approved as, a regionally significant development zone, as provided in the Regionally Significant Development Zone Overlay chapter of the Tooele County Land Use Ordinance.

Sending property. The parcel or parcels on which a data center facility is located. The sending property line is the boundary of the sending property from which noise and other effects are measured unless another measurement location is expressly required by this Chapter or a condition of approval.

Sensitive receptor. An existing or approved dwelling, school, day care, place of worship, hospital, residential care facility, campground, public park, or other use where prolonged human occupancy is reasonably expected. For purposes of the thermal buffer distance, sensitive receptor also includes the boundary of a residential zoning district.

Substantial modification. A change or series of changes, measured cumulatively from the original approval or the most recent approval processed as a substantial modification, that: increases approved electrical demand by more than 10 percent; increases approved annual or peak-day water use by more than 10 percent; increases gross floor area by more than 10 percent; increases approved IT white space by more than 10 percent, or converts floor area that is not IT white space into IT white space in an amount exceeding 10 percent of approved IT white space; changes the approved cooling-system type; adds or

materially expands co-located power generation, a microgrid, or an energy storage system; changes fuel type or the approved operating profile of a generation source; changes an energy-delivery meter, point of delivery, energy supplier, tenant configuration, ownership structure, or campus configuration in a manner that materially affects aggregation, infrastructure, emergency response, or fiscal analysis; changes approved access routes in a manner that materially affects public roads; or materially changes the facility's noise, emissions, lighting, traffic, water, wastewater, emergency response, visual, fiscal, or infrastructure impacts. A change that results only in a reduction of regulated impacts, including a reduction in electrical demand, consumptive water use, noise, emissions, or traffic, is not a substantial modification. A change that would create or expand a mega data center facility is prohibited and may not be approved as a substantial modification, except to the extent a low-emission power supply adjustment is authorized under Section 34-8-1.

Thermal buffer distance. The minimum horizontal distance required by Section 34-6(1) between the exterior wall or equipment perimeter of a data center facility, co-located power generation facility, energy storage system, substation, or switchyard and the nearest off-site sensitive receptor, established to mitigate waste-heat, noise, air-emissions, and visual impacts.

Thermal buffer easement. A recorded easement or restrictive covenant on land outside the sending property, granted with the consent of the landowner and naming the County as a beneficiary, that prohibits the establishment of a sensitive receptor within the thermal buffer distance for the operating life of the facility, as provided in Section 34-6(1)(d).

Waste heat. Thermal energy rejected to the outdoor environment by a data center facility's cooling systems, generation equipment, or other equipment, whether rejected to air, to water, or to the ground.

34-4. Permitted Locations; Conditional Use Permit Required; Review Matrix.

(1) Zoning districts. A data center facility may be established only in the Technology Industries (T-I) zoning district; within an area to which the Regionally Significant Development Zone (RSDZ) Overlay has been applied, where the zoning map specifically designates large load customer facilities, qualifying data centers, and supporting energy and utility facilities under the RSDZ Overlay chapter; or in another zoning district that expressly allows data center facilities by ordinance.

(2) Mega data center facilities prohibited. A mega data center facility is not a permitted use or a conditional use in any zoning district, including within an area to which the RSDZ Overlay has been applied, and shall not be established within the County's land-use jurisdiction. No approval, phase, extension, minor amendment, substantial modification, separate parcel, separate meter, separate tenant, affiliate, ownership entity, utility-service request, or supporting-infrastructure arrangement may authorize or be used to create a data center facility or data center campus with a maximum coincident electrical demand of 300 megawatts or more at full build-out. The applicant shall disclose information reasonably necessary for the County to determine campus aggregation and maximum coincident electrical demand. This Subsection governs land use only and does not determine a facility's classification as a large load customer, high-impact consumer, or qualifying data center under state law. This Subsection is subject to the low-emission power supply adjustment in Section 34-8-1(5), under which the Land Use Authority may approve a facility or data center campus exceeding the 300-megawatt threshold, up to but not exceeding a maximum coincident electrical demand of 900 megawatts, only where the power supply is predominantly non-combustion generation paired with energy storage and total annual emissions are demonstrated to remain below the grid-equivalent emissions baseline. A low-emission power supply adjustment shall not authorize a facility or data center campus with a maximum coincident electrical demand exceeding 900 megawatts. A facility or data center campus approved under Section 34-8-1(5) remains a mega data center facility for all other purposes of this Chapter, and a low-emission power supply

adjustment shall not reduce or alter the facility's notice radius, required studies, setbacks, thermal buffer distance, fiscal review, cumulative-impact review, monitoring, or financial assurance requirements.

(3) Conditional use permit required. No data center facility, no co-located power generation facility, and no microgrid serving a data center facility may be established, expanded, or substantially modified as a use permitted by right. Each facility requires a conditional use permit reviewed and decided under this Chapter.

(4) Co-located power generation and microgrids. Co-located power generation and microgrid components are not accessory uses exempt from this Chapter. They shall be reviewed as part of the data center facility conditional use permit or as a substantial modification of an approved permit.

(5) Substations and transmission infrastructure. To the extent within the County's land use jurisdiction and within the applicant's ownership or control, substations, transmission lines, switchyards, battery storage systems, long-duration storage systems, and related electrical infrastructure primarily serving a data center facility shall be disclosed and reviewed as part of the application. Such infrastructure shall not be segregated from the application to avoid compliance with the standards of this Chapter.

(6) Site plan and subdivision compliance. Approval under this Chapter does not eliminate site plan, subdivision, road dedication, access, grading, drainage, building permit, fire code, or other applicable review requirements.

(7) Coordination within the RSDZ Overlay. Where a data center facility is proposed within an area to which the RSDZ Overlay has been applied:

(a) the development standards, operational performance standards, submittal requirements, monitoring, enforcement, and decommissioning requirements of this Chapter apply in addition to the RSDZ Overlay chapter;

(b) if an RSDZ has been approved, County review shall be coordinated with the community reinvestment agency and shall consider the approved RSDZ proposal, committee-established terms, and applicable RSDZ implementing documents;

(c) the County retains its land use authority, and creation or approval of an RSDZ does not itself approve a land use application, amend this Chapter, waive a development standard, or create a vested right to a data center facility;

(d) the approved RSDZ proposal, committee-established terms, and RSDZ implementing documents govern RSDZ financing, revenue participation, and contractual commitments; this Chapter and other duly adopted land use regulations govern land use review unless a valid development or entitlement agreement lawfully provides otherwise; and

(e) a conflict or ambiguity shall be resolved in a manner consistent with state law, after consultation with the County Attorney.

Review and Decision Matrix

Facility Type	Land Use Authority	Planning Commission Role	Public Hearing	Final Action
Small data center facility	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Large data center facility	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny

Facility Type	Land Use Authority	Planning Commission Role	Public Hearing	Final Action
Hyperscale data center facility	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Any data center with co-located power generation or a microgrid	Planning Commission	Reviews and decides as Land Use Authority	Required before final decision	Approve, approve with conditions, or deny
Any data center within the RSDZ Overlay	Planning Commission	Reviews and decides as Land Use Authority; coordinates with the community reinvestment agency and applicable RSDZ implementing documents if an RSDZ has been approved	Required before final decision	Approve, approve with conditions, or deny
Substantial modification	Same Land Use Authority as original approval unless classified as minor under Section 34-13	As applicable	Required before final decision	Approve, approve with conditions, or deny

34-5. Pre-Application Review; Application and Submittal Requirements.

(1) **Pre-application conference.** A pre-application conference is required before submittal of an application for a large or hyperscale data center facility, any data center facility that includes co-located power generation, and any data center facility that includes a microgrid. The Community Development Department may require a pre-application conference for a small data center facility when site conditions, infrastructure needs, or potential impacts warrant early coordination.

(2) **Purpose of pre-application conference.** The pre-application conference is intended to identify applicable standards, required studies, reviewing agencies, public process expectations, utility and infrastructure issues, emergency response concerns, public information needs, and any potential need for a development agreement, improvement agreement, reimbursement agreement, participation agreement, or other legally authorized implementation mechanism.

(3) **Complete application required.** In addition to the objective submittal requirements that generally apply to a conditional use permit, an application shall include the materials described in this Section and the County's published checklist. The County may waive a specific item only in writing, with stated reasons, and only when the item is objectively inapplicable to the proposed facility or phase. A completeness deficiency notice shall identify the specific required item and the additional information needed. Studies shall be prepared by professionals qualified by education, licensure, certification, or demonstrated experience appropriate to the subject matter.

(4) **Independent review.** The County may obtain independent review of a technical study submitted under this Chapter when the scope or complexity of the application requires specialized expertise. Review costs charged to the applicant shall be limited to the County's actual, reasonable cost, imposed under an adopted fee schedule or written reimbursement agreement, and administered as provided in Section 34-

14. Independent review may address water, wastewater, traffic, noise, air quality, fiscal impact, fire protection, emergency response, utilities, environmental resources, geotechnical conditions, stormwater, lighting, energy storage, microgrids, cumulative impacts, or decommissioning. For a large or hyperscale data center facility, the County shall obtain independent technical review of the water supply and use study, the electrical power and infrastructure plan, the thermal impact and heat mitigation study required by Section 34-5-18, and the fire hazard analysis, and may obtain independent review of any other study. Where groundwater is proposed as a water source for a facility of any classification, the County shall obtain review the hydrogeologic analysis by a qualified hydrogeologist retained by the County. For a facility with a maximum coincident electrical demand of 100 megawatts or more, co-located power generation, or a microgrid, the County shall also obtain independent review of the fire hazard analysis (if not already required by this Subsection), air-quality analysis where combustion generation is proposed, and cumulative-impact analysis. A person performing independent review shall be professionally qualified and shall have no financial, employment, or contractual interest in the applicant, the proposed facility, or its approval. The independent reviewer's written findings shall be a public record and shall be published with the staff report under Section 34-9, subject to the Government Records Access and Management Act.

(5) **Phased applications.** A phased project shall disclose the impacts of each phase and the impacts at full build-out, including the maximum coincident electrical demand and the combined impacts of all phases and related data center campus facilities. Approval of an initial phase does not establish that later phases satisfy this Chapter. The Land Use Authority may condition approval of later phases on updated studies, completion of infrastructure, monitoring results, additional review, and confirmation that the later phase will not create a mega data center.

34-5-1. Project Description and Disclosure Statement

The application shall include:

(1) the applicant, property owner, facility operator if known, and each person or entity having common ownership or control of the proposed facility, and the contractual arrangement — ownership, lease, colocation, or service — among the property owner, the facility operator, and each tenant or occupant of IT white space, to the extent known;

(2) the anticipated end users or tenants of the facility, to the extent known and subject to GRAMA-protected records procedures;

(3) the identity of the ultimate parent entity, each beneficial owner of the applicant, and any anchor tenant or principal end user whose identity is known at the time of application; an organizational chart sufficient to identify affiliates and common ownership or control; this information shall be provided at intake, the public information summary shall be updated if any such identity is first disclosed after intake, and an applicant may not withdraw and refile an application for the purpose of delaying or avoiding disclosure required by this Chapter, subject to GRAMA-protected records procedures;

(4) the facility classification as small, large, or hyperscale and whether co-located power generation or a microgrid is proposed;

(5) the proposed maximum coincident electrical demand by phase and at full build-out; identification of each existing, approved, or proposed related data center facility or parcel; the applicant's proposed data center campus determination; and the facts supporting or refuting aggregation under this Chapter;

(6) total site area and parcel numbers; the area of the data center campus; the land relied on to satisfy the thermal buffer distance and ownership; the footprint of each principal building, support facility, energy storage system,and generation facility; building height, gross floor area, IT white space by phase and at full build-out, impervious area, and proposed phasing;

(7) construction schedule, anticipated operations date, and full build-out schedule;

(8) total estimated capital investment, supported by the assessment data schedule required by Section 34-5-10(18);

(9) estimated taxable value after each phase and at full build-out, stated separately for real property and tangible personal property; and

(10) a plain-language public information summary suitable for public posting. The public information summary shall state, in plain language: the proposed facility classification, maximum coincidental electrical demand by phase and at full build-out, and any data center campus relationship; the method of waste-heat rejection and the applicable thermal buffer distance; the type of water supply to be used for cooling, identified as culinary or potable water or as reclaimed or other non-potable water, together with projected annual, peak-month, and peak-day water use; the proposed cooling technology, the projected effect, if any, on existing residents' electric service reliability and on costs borne by existing utility customers, together with the status of the ratepayer-protection demonstration required by Section 34-7(14), to the extent within the County's authority to require disclosure; requested public financial participation, including any tax increment or public infrastructure district financing; permanent operations employment; requested public financial participation; permanent operations employment; and the principal mitigation and monitoring commitments.

34-5-2. Site Plan and Development Plan

The application shall include:

(1) a dimensioned site plan showing buildings, equipment yards, substations, transmission facilities, energy storage systems, microgrid components, antenna, satellite ground-terminal, and other radio-frequency transmission and receiving facilities, access points, emergency access, parking, loading, fencing, security features, lighting, landscaping, screening, drainage facilities, utilities, easements, setbacks, and phasing;

(2) grading, drainage, stormwater, erosion control, dust control, and construction management plans;

(3) architectural elevations and renderings showing building mass, materials, articulation, rooftop equipment, screening, and visibility from public rights-of-way and nearby properties; and

(4) a description of how the facility will comply with all applicable County engineering, road, stormwater, fire, building, and development standards.

34-5-3. Water Supply and Use Study

The application shall include:

(1) projected average, peak-day, peak-month, and annual water use stated in gallons per day, acre-feet per year, and gallons per megawatt-hour where reasonably calculable;

(2) a facility water balance stating, for each phase and at full build-out, total withdrawal by source, consumptive use, one-time system fill, annual make-up water, non-consumptive return flow, and discharge, each in acre-feet per year, reconciled so that withdrawals equal consumptive use plus return flow and discharge; an application is not complete without the water balance;

(3) the cooling system type and the basis for projected water use;

(4) the identity and location of each water source to be used, the maximum amount proposed from each source, and whether each source is culinary, potable, reclaimed, non-potable, surface water, or groundwater;

(5) evidence of water rights adequate to serve the facility, a written will-serve commitment from the water provider, or another legally sufficient water supply plan, identifying each water right, change application, exchange, or lease relied on by number, the quantity in acre-feet available under each, and the status of each before the State Engineer;

(6) if groundwater is proposed, a hydrogeologic analysis addressing sustainable yield and drawdown; an inventory, from Division of Water Rights records, of existing water wells within one mile of each proposed point of diversion; the reasonably anticipated drawdown at each such well and effects on springs, wetlands, and connected surface-water resources; a proposed well-interference mitigation commitment for existing wells shown to be affected; together with a proposed groundwater monitoring plan, including monitoring wells or equivalent measurement points and periodic reporting to the County;

(7) a metering and reporting plan providing separate revenue-grade or equivalent meters for cooling, domestic, landscape, process, and other material water uses; source-specific measurement; leak detection; and notification procedures for a material leak, unplanned discharge, or exceedance of an approved water-use limit;

(8) a water conservation plan, including reuse, non-potable water, reclaimed water, dry cooling, closed-loop cooling, or other conservation measures considered;

(9) projected volume and quality of wastewater generated;

(10) the proposed method of wastewater treatment and disposal, the expected quality and temperature of discharges, and written confirmation from the receiving treatment provider or reviewing agency that adequate capacity exists or will be provided before operation, and the status of any state discharge permit on which the proposed disposal method depends; where the disposal method depends on a permit that has not been issued, approval shall be conditioned on issuance of the permit before a certificate of occupancy;

(11) for a closed-loop cooling system, the one-time system fill volume required for construction and commissioning, stated separately from the annual make-up water allowance; the anticipated sources of make-up water loss, including maintenance, blowdown, and leakage; the procedures for metering and verifying make-up water use, and the procedures for coolant maintenance and recovery;

(12) the water demand of each co-located power generation, microgrid, and energy storage component, including generation cooling, emissions-control, and photovoltaic panel-cleaning water, stated separately and included in the facility totals under Subsection (1), with dry-cleaning or other water-minimizing panel-cleaning methods evaluated and preferred where practicable;

(13) identification of whether the facility meets, or at full build-out will meet, the definition of a large data center or new large data center under Utah Code § 73-5-8.3, together with copies of the notices, projections, and reports required by that section that are then due; if the facility meets such a definition, the County shall, before approving the land use application, notify the Division of Water Rights, the Division of Water Quality, and the affected water provider, if any; this item supplements and does not duplicate state reporting requirements; and

(14) certification that the study and its supporting data were prepared or updated within the three years preceding the application date.

34-5-4. Electrical Power and Infrastructure Plan

The application shall include:

(1) projected peak, average, and maximum coincident electrical demand stated in megawatts by phase, at full build-out, and for the complete data center campus, and the allocation of electrical demand among IT load, cooling, and other major subsystems;

(2) whether the electrical grid, on-site generation, co-located generation, a microgrid, energy storage, or a combination will supply power;

(3) a written statement from the serving electrical utility identifying, to the extent available, the maximum power to be delivered, planned method of delivery, transmission-line routing, voltage, substations, switchyards, capacity constraints, and anticipated service schedule;

(4) identification of each pending, approved, or anticipated utility-service request, interconnection request, capacity reservation, or private-generation arrangement associated with the facility or data

center campus, including requests submitted by an affiliate, tenant, property owner, generation provider, or another person acting for the project;

(5) the location and design of substations, switchyards, transmission infrastructure, energy storage systems, microgrid components, and utility corridors on or serving the site;

(6) the location of each existing or proposed energy-delivery meter and point of delivery; the identity of the energy supplier or utility serving each meter; whether buildings, phases, tenants, co-located generation, or behind-the-meter resources will use separate meters; and any anticipated change in meter location, ownership, or configuration during phasing, including information sufficient to identify the meter location for purposes of the Tooele County Energy Excise Tax Ordinance;

(7) a description of how the cost of new generation, transmission, distribution, substations, switchyards, and road-crossing infrastructure will be allocated, stated in dollar terms to the extent reasonably calculable, including whether any cost is proposed to be borne by existing utility customers or a public entity and the estimated magnitude of that exposure;

(8) known reliability, redundancy, emergency-operation, demand-response, curtailment, or grid-support commitments;

(9) a copy or public summary of any written will-serve commitment, electric-service agreement, capacity reservation, interconnection study, or similar utility communication in the applicant's possession, including planning and execution lead time and conditions on power delivery, subject to the protected-records procedures in section 34-5-15;

(10) identification of any take-or-pay tariff, minimum-capacity payment, capacity-reservation charge, or similar commitment offered, accepted, or under negotiation, including the stated percentage of contracted capacity and duration, to the extent the information is available to the applicant;

(11) an analysis of potential stranded infrastructure costs if projected demand is not realized, including proposed mitigation through phased construction, security, capacity commitments, or other measures;

(12) for an energy storage system, the technology type, chemistry or working medium, rated power and energy capacity, discharge duration, design service life, fire and thermal-runaway risk profile, applicable listing and testing certifications, manufacturer-recommended separation distances, hazardous-materials identification, and proposed fire-suppression, monitoring, and emergency-response measures;

(13) for a facility that meets or may meet the definition of a large load customer, a copy or public summary of any large-load-customer service agreement, special tariff, capacity reservation, or similar arrangement in the applicant's possession, including the categories of cost recovery, capacity payment, take-or-pay, and risk allocation and the agreement duration, subject to section 34-5-15;

(14) identification of whether the facility is expected to be a high-impact consumer or large load data center and the factual basis for the applicant's preliminary classification, for planning and coordination purposes only and without representing that the County, the Utah State Tax Commission, a utility, or any other entity has made a tax, utility, exemption, or incentive determination; and

(15) the number, unit capacity, and total capacity of backup generators; the fuel type and total fuel-storage volume; and the capacity, chemistry or technology, and location of each battery energy storage system or long-duration energy storage system.

34-5-5. Air Quality and Emissions Analysis

The application shall include:

(1) all sources of air emissions associated with the facility, including backup generators, routine generator testing, emergency operations, baseload generation sources, and co-located power generation;

(2) the type, number, capacity, fuel source, emissions rating, and control technology for all backup generators and generation units;

(3) modeled emissions of nitrogen oxides (NO_X), carbon monoxide (CO), particulate matter 2.5 microns and smaller (PM2.5), unburned hydrocarbons (HC), carbon dioxide (CO_2), and other regulated air pollutants, stated separately for each pollutant and for each generation source, and modeled ambient concentrations at property lines and nearest sensitive receptors;

(4) copies of applications for, and approvals of, permits from the Utah Division of Air Quality and any other agency with jurisdiction, as available;

(5) the anticipated frequency, duration, hours, and coordination procedures for routine generator testing; and for any baseload generation source, the anticipated operating profile, including continuous (24 hours per day, every day of the year) operating assumptions where applicable;

(6) for any proposed natural gas turbine, reciprocating engine, or other combustion source proposed to operate as a baseload generation source, identification of the emissions control technology proposed, including selective catalytic reduction or equivalent controls; the expected percentage reduction in NO_X and CO; the effect of the proposed controls on PM2.5 emissions, including any potential increase in PM2.5 from the use of ammonia-based selective catalytic reduction at varying engine loads; and the expected CO_2 emissions, which are not reduced by selective catalytic reduction and which may only be reduced through carbon capture and storage or fuel substitution; and

(7) a description of any proposed carbon capture and storage technology, including the maturity of the technology at commercial scale, the percentage of CO_2 expected to be captured, and the location and method of carbon storage; and

(8) for a facility requesting a low-emission power supply adjustment under Section 34-8-1, an annual emissions comparison between the proposed power-supply portfolio and the grid-equivalent emissions baseline, stated separately for each pollutant listed in the definition of that baseline, including the annual energy share of each generation source and of any grid import, capacity-factor and storage-duration assumptions, part-load and startup and shutdown effects, vendor-certified emission rates or, where vendor data are not available, EPA AP-42 or comparable published emission factors, and the published grid emission rates and data years used.

34-5-6. Noise and Vibration Study

The application shall include, prepared by a qualified acoustical professional, a study that:

(1) documents existing ambient sound levels at the sending property line and nearest noise-sensitive receptors, measured before construction in both dBA and dBC scales;

(2) projects operational sound levels at the same locations, including nighttime levels, in both dBA and dBC; evaluates one-third-octave bands; and models representative worst-case conditions including maximum cooling demand, simultaneous operation of major mechanical and electrical equipment, the loudest approved generator-testing configuration, and continuous operating assumptions for operation of any baseload generation source or microgrid;

(3) identifies tonal, low-frequency, narrowband, impulsive, or other distinctive noise components;

(4) documents construction noise impacts and mitigation;

(5) identifies the vibration sources at the facility; the nationally or internationally recognized standard and compliance threshold proposed under Section 34-7(8); predicted vibration levels at the sending property line and the nearest sensitive receptor; and proposed vibration mitigation measures;

(6) proposes noise mitigation measures, including equipment selection, siting, walls, enclosures, silencers, baffling, berms, operating limits, or other measures; and

(7) proposes a post-construction and periodic noise-verification protocol, including measurement locations, representative operating conditions, seasonal conditions, background-sound correction, complaint-triggered testing, and the location of any permanent sound monitor required by this Chapter.

34-5-7. Exterior Lighting Plan

The application shall include:

(1) a photometric exterior lighting plan showing fixture types, mounting heights, shielding, direction, controls, and projected light levels at property lines;

(2) demonstration of compliance with this Chapter and any applicable County outdoor lighting or dark-sky standards;

(3) a description of nighttime lighting reduction, motion controls, security lighting, and emergency lighting; including an evaluation of infrared, thermal-imaging, or other non-visible-spectrum surveillance in place of continuous security lighting; the Land Use Authority may require motion-activated security lighting where the fire agency having jurisdiction and law enforcement confirm that such surveillance provides equivalent security; and

(4) a glare analysis where lighting may affect residential areas, public roads, agricultural operations, or sensitive lands.

34-5-8. Traffic and Transportation Study

The application shall include:

(1) projected construction-phase and operational traffic, including employee, contractor, heavy-truck, oversize-load, fuel-delivery, equipment-delivery, and service traffic;

(2) proposed haul routes, access points, intersections, road segments, and construction staging areas;

(3) road and intersection improvements needed to accommodate the facility;

(4) rail access or rail crossing impacts, if applicable;

(5) a traffic control and safety plan for construction; and

(6) a description of how road improvements and ongoing maintenance attributable to the facility will be funded.

34-5-9. Fire Protection, Hazardous Materials, and Emergency Response Plan

The application shall include:

(1) fire-detection and fire-suppression systems for buildings, electrical rooms, battery energy storage systems, long-duration energy storage systems, fuel storage, and generation facilities;

(2) a hazardous-materials inventory, including fuel, coolant, battery materials, fire-suppression agents, cleaning agents, and other regulated materials;

(3) an emergency response plan addressing fire, explosion, hazardous-materials release, battery thermal runaway, fuel release, severe weather, seismic events, cyber-related operational disruption where relevant to physical response, and related events;

(4) written evidence that the plan has been reviewed by the fire agency with jurisdiction and by Tooele County Emergency Services;

(5) identification of additional fire-service capacity, apparatus, equipment, training, inspection, communications, water supply, access, or mutual-aid needs attributable to the facility and how those needs will be funded;

(6) a process for periodic emergency drills or tabletop exercises if required by the Land Use Authority or fire agency with jurisdiction; and

(7) a fire-flow analysis demonstrating that water supply and delivery capacity are adequate for the required fire-flow for the facility, prepared in coordination with the fire agency having jurisdiction.

34-5-10. Economic and Fiscal Impact Analysis

The application shall include:

(1) projected permanent operations employment stated separately from construction employment, including wage ranges and job classifications where available;

(2) projected construction employment and anticipated duration;

(3) commitments regarding local hiring, apprenticeship, workforce training, vendor opportunities, or coordination with Tooele Technical College, local school districts, or other workforce partners, if any;

(4) all incentives, tax abatements, tax-increment participation, public infrastructure district bonds or assessments, rebates, grants, discounted utility service, public infrastructure assistance, energy-excise-tax revenue sharing, RSDZ revenue, or other public financial participation requested or anticipated, identifying the proposed provider, source of funds, amount, duration, legal authority, and required separate approvals;

(5) a net fiscal impact analysis identifying projected public revenues and projected public capital and operating costs attributable to the facility over not less than 10 years, with assumptions and sensitivity ranges;

(6) identification of impacts on County services, special districts, school districts, utility providers, transportation agencies, or other public entities and the proposed method for addressing costs attributable to the facility;

(7) identification of whether the facility meets, or is expected to meet, the definitions of qualifying data center, large load customer, large load data center, and high-impact consumer, together with the factual basis for each preliminary classification;

(8) the estimated value of any state or local sales and use tax exemption claimed or anticipated for the facility, stated over not less than 10 years and identifying the assumptions used;

(9) if a county energy excise tax applies or may apply, the projected annual delivered value of energy and a schedule showing the assumed tax rate, gross tax collections, amounts required by state law to be deposited in or retained by a state account, amounts projected to be distributed to the County, amounts proposed to be dedicated or transferred to an RSDZ or provided as an incentive, and net revenue projected to remain available to the County, stated over not less than 10 years;

(10) a comparison of requested or anticipated public financial participation against projected property tax, county energy excise tax, and other public revenue and against projected public costs, presented so the County and public may evaluate net fiscal impact;

(11) a schedule of the principal applicant projections and commitments that will be compared with actual performance in annual public reporting, including electrical demand, water use, public financial participation, permanent employment, infrastructure obligations, and mitigation commitments;

(12) a property tax analysis prepared consistent with the methodology of the Kem C. Gardner Policy Institute, “Data Centers and Utah's Property Tax” (August 2026), or a successor methodology approved by the County, which shall be used as a methodology reference only, recognizing that illustrative examples in that publication are hypothetical and shall not be presented as County-specific forecasts, stating separately: (a) the projected taxable value of real property and of tangible personal property at full build-out and for each of not less than 10 years, with tangible personal property stated by Utah State Tax Commission property class (including Class 12 computer hardware) and depreciated using the Commission's recommended percent-good schedules in effect at the time of application; (b) the projected “new growth” under Utah Code § 59-2-924 attributable to the facility, recognizing that tangible personal property is excluded from the statutory definition of new growth under Utah Code § 59-2-924, as amended, and that, while excluded from new growth, its assessed value may nevertheless affect certified tax rates, tax distributions, valuation appeals, judgment levies, project-area calculations, and tax volatility; and (c) the applicant's planned equipment replacement cadence, including whether replacement of tangible personal property is expected to be phased over multiple years or concentrated in single years;

(13) identification of the anticipated assessment authority and property tax treatment for each major category of facility property, including real property, locally assessed tangible personal property, centrally assessed property under Utah Code § 59-2-201, exempt property, and property subject to a project-area arrangement, without assuming that every component receives the same assessment treatment; the County Assessor shall review the applicant's assessment and valuation assumptions, and the County may request review or guidance from the Utah State Tax Commission;

(14) certified-tax-rate impact modeling for the County, the school district, and each other affected taxing entity, under at least two scenarios — phased replacement of tangible personal property (approximately 20 percent per year) and concentrated replacement — showing for each scenario the projected year-over-year change in each entity's certified tax rate and in the property tax paid on a median-value County residence, and identifying the tax volatility ("boomerang") effects associated with rapid depreciation and replacement of high-value personal property; the modeling shall recognize that property taxes are distributed to taxing entities as collected and may not be withheld or reserved from year to year to smooth changes in taxable value;

(15) if the facility is or is proposed to be within a project area of the inland port, the Military Installation Development Authority, a community reinvestment agency, or other political subdivision or development authority, a schedule showing the projected division of property tax differential for the life of the project area, stating the assumed base-year taxable value and the assumed first year of increment collection, including the share passed through or distributed to local taxing entities, together with identification of any public infrastructure district organized under Utah Code Title 17D, Chapter 4 within which the facility is located, the district's outstanding and authorized bonds, the taxes or assessments securing them, and the amounts projected to be received by the County and the school district in each year of the project area, and modeling of project area expiration, recognizing that upon expiration increased personal property valuations are added to the existing tax base other than as new growth — initially decreasing the certified tax rate — after which the depreciation and replacement cycle operates on the enlarged base;

(16) a valuation-appeal and judgment-levy sensitivity analysis identifying the potential effect on other taxpayers of a material reduction in the assessed value of facility property, including through refunds and judgment levies under Utah Code § 59-2-1330, recognizing that data center valuation is cost-based, evolves rapidly, and may generate increased valuation appeals; and

(17) a statement acknowledging that all tax classifications, exemption estimates, delivered-value estimates, RSDZ assumptions, and incentive assumptions are preliminary planning information and are subject to separate determinations and approvals under applicable law.

(18) an assessment data schedule, prepared for use by the County Assessor, stating separately the estimated cost of: (a) land; (b) site improvements, including grading, paving, fencing, on-site utilities, and stormwater facilities; (c) each building and structure, identified by gross floor area, construction type, and number of stories; (d) building systems, including electrical distribution, mechanical, cooling, and fire-protection systems, stated separately from the building shell where practicable; (e) tangible personal property by Utah State Tax Commission property class, with the anticipated acquisition year of each class; and (f) annual operating costs by major category; together with the expected economic life of each building, structure, and major building system and the basis for each estimate, and, if a financial feasibility study or similar analysis has been prepared for financing or bonding purposes, a copy of that study; the schedule shall be updated at each phase and before issuance of the final certificate of occupancy for each building, and shall be submitted as a protected record under Section 34-5-15(4);

(19) a written acknowledgment that the applicant will provide the schedule required by Subsection (18) to the County Assessor in the form the Assessor prescribes and will cooperate with the Assessor in establishing structure-specific economic life and depreciation for the facility's buildings and systems; nothing in this Chapter alters the authority of the County Assessor or the Utah State Tax Commission

under Title 59, Chapter 2, the obligation of any person to file a signed statement under Utah Code § 59-2-306, or the valuation method the Assessor applies.

34-5-11. Environmental, Natural Resources, and Sensitive Lands Assessment

The application shall include:

(1) existing site conditions, including topography, drainage, floodplain, wetlands if any, wildfire interface, geologic hazards, seismic constraints, soils, vegetation, and sensitive lands;

(2) surveys or desktop analysis for sensitive wildlife, habitat, wildlife corridors, raptors, migratory birds, and other applicable natural resources;

(3) projected impacts and proposed mitigation;

(4) a sensitive receptor inventory: a map and accompanying table identifying each sensitive receptor and noise-sensitive receptor located within the applicable thermal buffer distance plus one mile of the site boundary, stating for each the use type, the distance and bearing from the nearest noise- or heat-emitting equipment, and whether the use is existing or approved but not yet constructed; the inventory shall be used in the noise study under Section 34-5-6, the air quality and emissions analysis under Section 34-5-5, and the thermal impact and heat mitigation study under Section 34-5-18, and shall be updated at each substantial modification;

(5) copies of federal or state environmental review documents prepared for the facility, if any; and

(6) identification of any permits or approvals required from state or federal agencies.

34-5-12. Decommissioning and Site Restoration Plan

The application shall include:

(1) the decommissioning and site restoration plan required by Section 34-11;

(2) a decommissioning cost estimate prepared by a qualified professional acceptable to the County;

(3) the proposed form of financial assurance; and

(4) a schedule for decommissioning after abandonment, closure, or revocation.

34-5-13. Community Engagement and Public Information Plan

The application shall include:

(1) a description of applicant outreach to adjacent property owners, affected residents, service providers, municipalities, special districts, and the public;

(2) any public information meetings held or proposed by the applicant;

(3) a proposed method for providing project information, application summaries, updates, and responses to common questions;

(4) a process for receiving, tracking, responding to, and reporting public comments and complaints;

(5) a method for notifying neighbors of operational changes, expansions, substantial modifications, construction impacts, emergencies, or incidents; and

(6) a plan for maintaining a publicly available facility contact during construction and operation.

34-5-14. Co-Located Power Generation and Microgrid Supplement

The application shall include:

(1) if co-located power generation or a microgrid is proposed, the applicant shall submit the additional information required by Section 34-8.

34-5-15. Protected Records and Public Version

The application shall include:

(1) the applicant shall identify any record or portion of a record for which the applicant asserts protected status under GRAMA and shall provide a written basis for the claim; protected status shall not be asserted for, and the County shall not agree to treat as confidential, the identification of water sources and water rights relied on, projected or metered water use, approved water-use limits, or water-monitoring results submitted under this Chapter, which are public records;

(2) the applicant shall provide a public version or public summary of the application sufficient to allow meaningful public review of the facility's location, scale, water use, power demand, infrastructure needs, reasonably anticipated impacts, mitigation measures, public costs, and requested approvals; and

(3) the County shall classify and respond to records requests in accordance with GRAMA and County records policies.

(4) cost, financial, and asset-level information submitted under Section 34-5-1(8), Section 34-5-10(18), or an annual compliance report under Section 34-10(5) shall be submitted directly to the County Assessor as a separate protected-records submission, shall be accompanied by a business confidentiality claim under Utah Code § 63G-2-309 as a trade secret or commercial information under Utah Code § 63G-2-305(1) and (2), and shall be protected by the County to the same extent as confidential commercial information submitted by a property taxpayer in a proceeding before the County Board of Equalization or the Utah State Tax Commission; the public version of the application shall state total estimated capital investment and estimated taxable value by phase and at full build-out, which are public records;

(5) each County officer or employee, reviewing agency, and outside qualified professional who receives information protected under this Section shall, before receiving it, execute a confidentiality agreement in a form approved by the County Attorney, shall use the information only for the review, assessment, and verification purposes of this Chapter and Title 59, Chapter 2, and shall not disclose it except as required by GRAMA, a court order, or other applicable law.

34-5-16. RSDZ, Tax, and Incentive Coordination Supplement

If the application is within the RSDZ Overlay, is within a proposed or approved RSDZ, or includes a request for an incentive or public revenue participation, the application shall include:

(1) the status and boundaries of the RSDZ or proposed RSDZ and the identity of the creating entity and community reinvestment agency;

(2) the approved or proposed RSDZ proposal, committee-established terms, and RSDZ implementing documents applicable to the site, to the extent available and subject to GRAMA;

(3) the amount, source, duration, and proposed use of any requested tax increment, personal property tax revenue, county energy excise tax revenue, zone revenue, infrastructure participation, rebate, or other incentive;

(4) an explanation of how each requested incentive or revenue commitment is authorized under Title 11, Chapter 41, Part 2; Title 63N, Chapter 3a; Title 17C, Chapter 6; or other applicable law, recognizing that land use approval does not approve the incentive or revenue commitment.

34-5-17. Cumulative Impact and Data Center Campus Analysis

A large data center facility, a facility with a maximum coincident electrical demand of 100 megawatts or more, a facility with co-located power generation or a microgrid, and any facility that is part of a data center campus shall submit a cumulative-impact analysis. The analysis shall:

(1) identify existing data center facilities, approved but unbuilt data center facilities, and complete pending data center applications that use or may use the same water source, electrical service area, transportation corridor, air basin, emergency-response system, or other materially affected infrastructure or service area;

(2) evaluate cumulative water demand, electrical and transmission infrastructure, noise, air emissions, traffic, road wear, visual impacts, hazardous-material and fire risk, emergency-service demand, wastewater, stormwater, and public capital and operating costs;

(3) identify shared infrastructure, remaining capacity, capacity constraints, overlapping construction schedules, and measures needed to avoid disproportionate impacts on residents, existing utility customers, public services, and adjacent uses;

(4) include maps, assumptions, data sources, and separate results for the proposed phase and full build-out; and

(5) be updated before approval of a later phase or substantial modification when cumulative conditions have materially changed.

34-5-18. Thermal Impact and Heat Mitigation Study

A thermal impact and heat mitigation study is required for every data center facility: identification of each waste heat source and rejection method, with total design heat rejection at full build-out; computational fluid dynamics or equivalent modeling, by a qualified professional, of off-site thermal effects — heat plume behavior, plume height, and localized air temperature increase at the sending property line, at the thermal buffer distance, and at the nearest off-site sensitive receptor — under summer design conditions, low-wind conditions, and continuous operating assumptions; a demonstration of compliance with the thermal performance standard in Section 34-6(1); site-design measures (roof and hardscape reflectivity, shading, impervious-area minimization, preserved vegetation); an evaluation of waste-heat reuse opportunities with reasons any option is infeasible; and a post-construction verification protocol specifying paired upwind and downwind measurement locations, measurement seasons and conditions, and reporting under Section 34-10.

34-5-19. Data Sources, Review Responsibility, and Verification

Each technical, fiscal, tax, and operational report submitted under this Chapter shall identify the data source, collection date, calculation method, and responsible preparer. The Community Development Director shall identify, in the completeness determination or the staff report, the County office, reviewing agency, or outside qualified professional responsible for reviewing the water, power, tax, fire, air quality, noise, thermal, and fiscal information submitted. An outside qualified professional engaged to review information under this Chapter shall have no financial interest in, and no current or recent affiliation with, the applicant, its affiliates, the property owner, or the project; shall disclose in writing any engagement by any of them within the preceding five years; and shall be engaged by and report to the County. The annual compliance report under Section 34-10 shall identify whether each reported metric was verified by the serving utility, the water provider, the County Assessor, the Utah State Tax Commission, a state agency, or an independent qualified professional.

34-6. Development Standards.

(1) Setbacks; thermal buffer distance; thermal performance standard. (a) General setbacks. A data center facility building, co-located power generation facility, energy storage system, substation, switchyard, or similar high-impact support facility shall be set back not less than 250 feet from any other property line or public right-of-way. (b) Thermal buffer distance. The facilities listed in Subsection (a) shall be set back from the nearest off-site sensitive receptor not less than 1,750 feet for a small data center facility, 2,500 feet for a large data center facility, and 3,000 feet for a hyperscale data center facility or any facility that includes co-located power generation or a microgrid. (c) Measurement. Setbacks and the thermal buffer distance are measured horizontally from the exterior wall or equipment perimeter of the regulated building or facility to the applicable property line or to the nearest point of the sensitive receptor. (d) Land within the thermal buffer distance. The applicant is not required to own land within the

thermal buffer distance that lies outside the sending property. Land within the thermal buffer distance may be used for agriculture, utility-scale solar photovoltaic generation, energy storage serving the facility, open space, or another use that does not introduce a sensitive receptor. Where any part of the thermal buffer distance lies outside the sending property, the applicant may satisfy this paragraph by recording, against the affected land and with the written consent of its owner, a thermal buffer easement or restrictive covenant, in a form approved by the County Attorney and naming the County as a beneficiary, that prohibits the establishment of a sensitive receptor within the thermal buffer distance for the operating life of the facility. Where land within the thermal buffer distance lies outside the sending property, the applicant may, but is not required to, record against that land a covenant or easement, in a form approved by the County Attorney and running for the operational life of the facility, that prohibits the introduction of a sensitive receptor within the thermal buffer distance; the Land Use Authority shall consider such an instrument in any adjustment under paragraph (f). (e) Thermal performance standard. A data center facility shall not increase ambient air temperature at the nearest off-site sensitive receptor by more than 2 degrees Fahrenheit above the temperature that would occur absent the facility, evaluated under summer design conditions, low-wind conditions, and continuous operating assumptions. Compliance shall be demonstrated by the modeling required in Section 34-5-18 and verified after construction under Section 34-10. (f) Adjustment. The Land Use Authority may reduce a thermal buffer distance by not more than 50 percent where the thermal impact and heat mitigation study under Section 34-5-18 and the noise study under Section 34-5-6, each confirmed by independent review under Section 34-5(4), demonstrate that the thermal performance standard in Subsection (e) and the noise standards of Section 34-7 will be met at the reduced distance. The Land Use Authority shall increase a thermal buffer distance where those studies demonstrate that those standards will not be met at the required distance. A reduction under this paragraph shall be supported by written findings and a post-construction monitoring plan and shall not reduce the notice radius required by Section 34-9(2). (g) Permitted encroachments. Security fencing, landscaping, stormwater facilities, access drives, and underground utilities may be located within a setback or the thermal buffer distance if otherwise permitted and if they do not defeat the purpose of the setback.

(2) Height. No building or structure shall exceed 60 feet in height unless a different maximum height is allowed in the underlying zone and the Land Use Authority finds that increased height will not create an unmitigated visual, lighting, emergency access, fire protection, or compatibility impact. Incidental rooftop equipment may exceed the height limit only as allowed by the Land Use Code and shall be screened in accordance with this Chapter.

(3) Site coverage and impervious area. The facility shall comply with the maximum lot coverage, and impervious area standards of the underlying zoning district. If the underlying district does not establish a numerical standard, site coverage shall be limited by compliance with adopted stormwater, drainage, fire-access, emergency-circulation, landscaping, screening, and setback requirements. The applicant shall demonstrate, through the approved drainage and site plans, that the impervious area will not create an unmitigated off-site drainage or flood impact.

(4) Screening and landscaping. The perimeter of the site shall be screened from existing or planned public rights-of-way and adjacent residential, agricultural, recreational, and sensitive land uses by a combination of drought-tolerant landscaping, preserved vegetation, earthen berms, walls, fencing, and architectural treatments. At installation or at the stated maturity date in the approved landscape plan, screening shall obscure direct ground-level view of generators, transformers, substations, switchyards, energy storage units, mechanical yards, loading areas, and refuse areas from the identified viewing locations, except at required access and ventilation openings. The approved landscape plan shall state the installation height, expected mature height, spacing, irrigation method, replacement standard, and maintenance responsibility for plant materials.

(5) Building design; principal façade standards. Exterior building facades shall reduce the appearance of large, uninterrupted blank walls. This Subsection applies to each principal façade, meaning a façade that faces an existing or planned public right-of-way; an adjacent parcel that is residentially zoned, residentially used, or approved for residential development; or an adjacent parcel containing an existing or approved school, day care, park, recreational facility, religious assembly, cemetery, community center, civic use, or agritourism use. A principal façade visible from an adopted scenic corridor or gateway shall comply with the same standards. (Refer to Figure 34-6-1.)

(a) Differentiated surfaces. Each principal façade shall incorporate, at horizontal intervals no less frequent than every 150 horizontal linear feet or three times the average height of the building, whichever interval is shorter: (i) fenestration or an approved green-wall treatment; and (ii) a change in at least one of the following design elements: building material, pattern, texture, color, or accent materials.

(b) Fenestration and fenestration-like treatments. Fenestration or fenestration-like architectural treatments shall comprise not less than 30 percent of the total surface area of each principal façade. Qualifying treatments include glazing, translucent panels, framed recessed panels, louvers, articulated equipment screens, or other façade elements that create the appearance, depth, and rhythm of window openings. Treatments shall be provided in separated placements or clustered bays, no one of which may count toward more than 7.5 percent of the total façade area; shall be distributed horizontally and vertically; and shall be compatible with the façade design and materials.

(c) Green-wall alternative. A green-wall treatment may substitute for up to one-half of the required fenestration or fenestration-like coverage only if the applicant submits a water budget, species list, irrigation and drainage plan, replacement standard, and long-term maintenance plan demonstrating suitability for the Tooele County climate. Drip irrigation and drought-tolerant species are required, and reclaimed or other non-potable water shall be used where lawfully available and technically feasible. Failure to maintain the green wall requires replacement with a compliant architectural treatment or restored vegetation. A green-wall treatment is an alternative and is never required; a green-wall treatment shall not be approved where it would materially increase potable-water use or cannot be maintained without unreasonable water or maintenance demand.

(d) Main entrance feature. Each data center building shall include at least one main entrance feature that projects or recesses from the main building plane, or is differentiated from the remainder of the façade by a change in building material. The main entrance feature shall incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, drought-tolerant ornamental grasses, or herbaceous perennials along not less than 50 percent of the length of the entrance façade or, in the alternative, required buffer and parking-area landscaping elsewhere on the site shall be provided at a rate of 20 percent more plant units than otherwise required.

(e) Mechanical equipment façade alternative. Where principal-façade standards apply to two opposing sides of a building, one façade facing an existing or planned public right-of-way may be designed as a mechanical-equipment façade if the equipment is screened from ground-level view from public rights-of-way and adjoining parcels using mesh, lattice, cladding, grillwork, or similar materials that permit required ventilation, and the façade and screening comply with the differentiated-surface intervals in paragraph (a).

(f) Consistent design. Where a building has more than one principal façade, the principal façades shall be consistent in design, materials, details, and treatment.

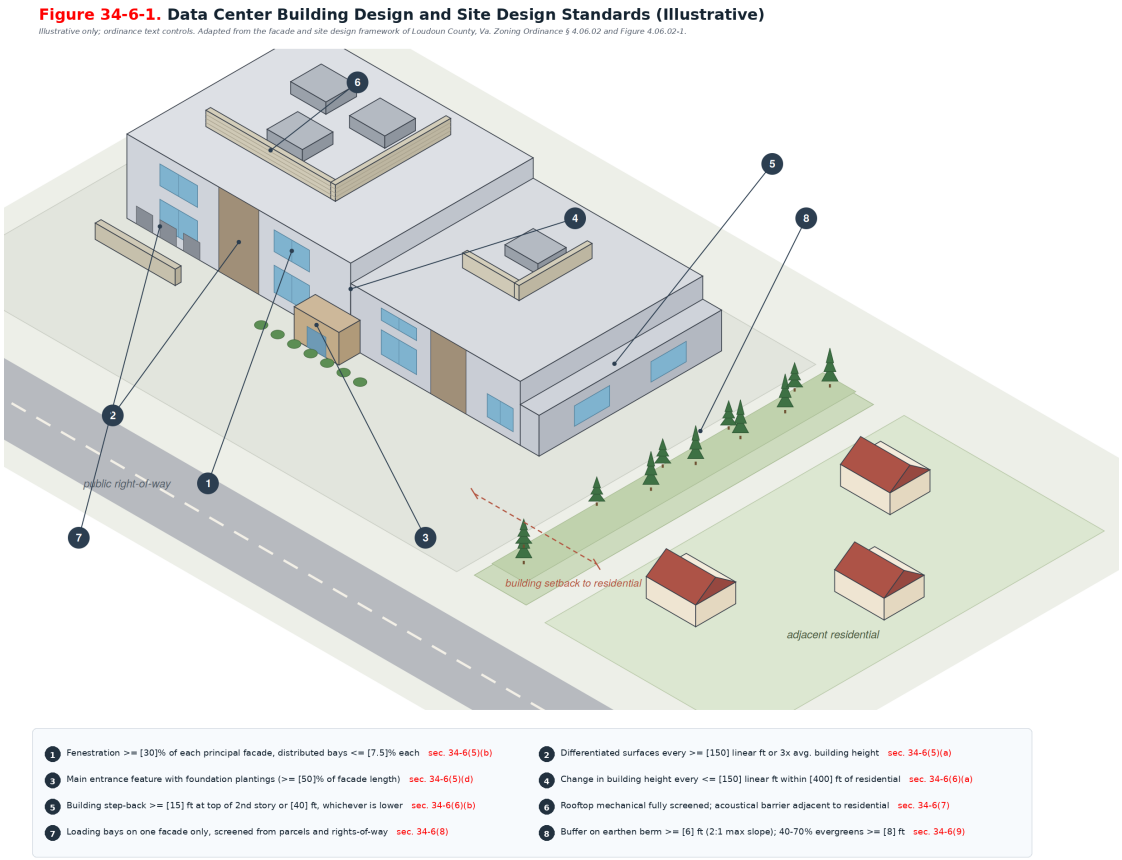

Figure 34-6-1. Illustrative depiction of building design and site design standards under Subsections 34-6(5) through 34-6(9). In the event of any conflict between this figure and the text of this Chapter, the text controls.

(6) Building massing adjacent to residential. Where any portion of a data center building is located within 400 feet of the property line of a residentially zoned or residentially used parcel, or a parcel approved for residential development, including where a public road separates the parcels, each building façade facing the residential parcel shall: (a) include a change in building height at horizontal intervals no less frequent than every 150 horizontal linear feet or three times the average height of the building, whichever interval is shorter; and (b) provide a step-back of not less than 15 feet from the plane of the building wall, beginning at the top of the second story of the building or at 40 feet in height, whichever is lower. (Refer to Figure 34-6-1.)

(7) Mechanical equipment location and screening. All ground-level and rooftop mechanical equipment shall be shown on the site plan and screened on all sides by materials compatible with the nearest principal façade. Screening may use perforated or louvered surfaces only to the extent needed for ventilation. Ground-mounted mechanical equipment may not be located in a required front yard and, where adjacent to residentially zoned or residentially used property, shall be located behind a principal building or at the side of the building farthest from the residential property unless the site plan demonstrates equivalent distance and acoustic attenuation. Exterior mechanical equipment adjacent to residential property shall include an acoustical barrier designed by a qualified acoustical professional to achieve the noise limits in Section 34-7. Screening from existing or planned public rights-of-way is required in all cases. Antennas, satellite ground terminals, and other exterior communications equipment shall be screened under this Subsection and, where applicable, shall comply with Chapter 28 (Siting of Wireless Telecommunications Facilities).

(8) Loading bays and refuse collection areas. Loading bays shall be located on only one façade of each building, shall not face a residentially zoned or residentially used parcel unless the Land Use Authority finds that no other location is feasible and enhanced screening is provided, and shall be screened from ground-level view from all adjacent parcels and existing or planned public rights-of-way. Refuse collection areas shall be fully screened on all sides by a permanent enclosure.

(9) Berms, buffer plantings, and parking setbacks adjacent to residential. Where the site is adjacent to a residentially zoned or residentially used parcel, or a parcel approved for residential development, including where separated by a public road, the following apply along the common or facing property line: (a) the perimeter buffer shall be located on an earthen berm not less than 6 feet in height with side slopes no steeper than 2:1, unless a certified sightline exhibit demonstrates that existing topography provides equal or greater screening; (b) buffer plantings shall consist of not less than 40 percent and not more than 70 percent evergreen trees not less than 8 feet in height at planting, not more than 30 percent large deciduous trees, not more than 30 percent small deciduous trees, and not more than 20 percent shrubs, drought-tolerant ornamental grasses, and perennials, using species suited to Tooele County climate and water conditions; (c) parking shall be set back not less than 50 feet from the property line and shall be screened from ground-level view by preserved vegetation, topography, or a professionally designed combination of berm, opaque fence or wall, and plantings shown on a certified sightline exhibit; (d) berms and fences shall be designed for drainage, erosion control, wind loading, fire access, and maintenance; and (e) preserved vegetation and topography may substitute where the Community Development Department determines from the submitted sightline exhibit that the substitution provides screening of equivalent density, depth, and height. (Refer to Figure 34-6-1.)

(10) Substations and transmission infrastructure. Substations, switchyards, transmission infrastructure, and utility corridors serving the facility shall be located on the site or on adjacent land included in the application to the extent practicable and within the applicant's ownership or control. Such facilities shall meet applicable setbacks, screening, fencing, access, safety, and emergency response requirements.

(11) Access and circulation. The site shall provide safe and adequate access for employees, contractors, deliveries, emergency responders, fire apparatus, maintenance vehicles, fuel delivery, oversize loads, and utility service vehicles. Access shall be designed to avoid unnecessary impacts on residential streets, school routes, agricultural operations, and local roads not designed for heavy industrial traffic.

(12) Stormwater, grading, and drainage. The facility shall comply with applicable County stormwater, grading, drainage, erosion control, and floodplain standards. The applicant shall demonstrate that runoff from roofs, parking areas, equipment yards, utility corridors, and impervious areas will be managed without creating adverse downstream impacts.

(13) Construction management. Before construction, the applicant shall submit a construction management plan addressing phasing, work hours, dust control, haul routes, staging areas, road protection, traffic control, noise, lighting, emergency access, worker parking, temporary utilities, public communication, and complaint response.

(14) Conditions tied to phases. The Land Use Authority may require infrastructure improvements, monitoring, mitigation, financial assurance, service agreements, or updated studies before a later phase may commence if the need for those measures is tied to the impacts of that phase.

(15) Heat-island mitigation. Site design shall minimize heat-island effects through high-albedo (light-colored or reflective) or shaded roofing and hardscape, minimized impervious area, preserved vegetation, and landscaping; heat-rejection equipment shall be oriented or shielded to direct discharge upward or away from the nearest sensitive receptors where feasible; the approved site plan shall identify the measures relied on in the thermal impact and heat mitigation study under Section 34-5-18; and the Land

Use Authority shall impose conditions implementing the approved thermal study, including the thermal performance standard in Section 34-6(1), as enforceable conditions of approval.

34-7. Operational Performance Standards.

(1) Noise. A data center facility shall not produce sound exceeding 50 dBA Leq at the sending property line during any 15-minute measurement period or 45 dBA Leq at the nearest noise-sensitive receptor during nighttime hours. Measurements shall be made under representative operating conditions with an integrating sound-level meter meeting the applicable ANSI performance standard, using documented weather conditions, microphone location, background-sound correction, and calibration. Compliance testing shall evaluate representative worst-case conditions, including maximum cooling demand and simultaneous operation of major mechanical and electrical equipment. The approved noise study shall include both dBA and dBC measurements and one-third-octave-band analysis sufficient to identify tonal, low-frequency, narrow-band, or impulsive components. If a tonal or impulsive component is identified under an applicable ANSI method, a 5 dBA penalty shall be added to the measured level for compliance. If the measured dBC level exceeds the measured dBA level by 20 decibels or more at a noise-sensitive receptor, the operator shall implement the low-frequency mitigation measures identified in the approved noise study and demonstrate compliance through follow-up monitoring.

(2) Post-construction and periodic verification. Compliance with the approved noise limits shall be verified by the post-construction noise study required under Section 34-10. If monitoring identifies an exceedance or a distinctive noise component requiring mitigation, the operator shall implement corrective measures and submit follow-up verification within the timeframe specified by the County. A large or hyperscale data center facility shall obtain independent noise verification at least once every three years and within 90 days after a substantial modification affecting cooling, mechanical equipment, or generation. A facility with a maximum coincident electrical demand of 100 megawatts or more, a baseload generation source, or a microgrid shall install and maintain at least one permanent Class 1 sound monitor at a representative compliance location identified in the approved noise study and shall provide quarterly public summaries of monitoring results.

(3) Exterior lighting. Exterior lighting shall use full-cutoff, shielded fixtures directed downward; shall use lamps with a correlated color temperature of 3,000 Kelvin or lower, except where a different specification is required by the Federal Aviation Administration or another agency with jurisdiction; shall be limited to the minimum level necessary for safety, security, and operations; and shall not cause illumination exceeding 0.1 foot-candle at a property line, measured at grade on a vertical plane, including security lighting. Lighting shall be reduced or curtailed during nighttime hours to the extent consistent with safety and security. Emergency lighting may exceed the limit only during an emergency or required testing. The photometric plan shall identify fixture output, mounting height, shielding, controls, and maximum property-line illumination.

(4) Water conservation and source limits. For every proposed cooling system, the applicant shall submit a life-cycle water and energy analysis comparing the proposed system with at least one air-cooled and one closed-loop alternative, evaluating combined water and energy performance under Tooele County climate and water conditions, and identifying the system producing the lowest combined environmental impact. A closed-loop or air-cooling system is required. [An open-loop or evaporative cooling system shall not be used as the principal means of heat rejection for a data center facility or for co-located power generation. Evaporative or adiabatic pre-cooling or trim cooling that supplements a closed-loop or air-cooling system may be approved only where the water supply and use study demonstrates that total consumptive cooling water use, including the supplemental cooling, remains within the make-up water allowance and water-use limits established under this Subsection and is supplied from reclaimed or other non-potable water.] Reclaimed or other non-potable water shall be used where lawfully available, technically feasible, and approved by the applicable provider and regulatory

agency. Culinary or potable drinking water shall not be used for cooling at a data center facility except to the extent the applicant demonstrates that no reclaimed or other non-potable supply is lawfully available and technically feasible, in which case the Land Use Authority may approve the minimum potable use necessary, subject to source-specific water-use limits and conservation measures. The operator shall maintain separate meters for material water uses, report water use by source at least quarterly, notify the County promptly of a material leak or limit exceedance, and may not substitute or materially increase an approved water source without County review under Section 34-13. For every data center facility, the Land Use Authority shall establish annual, peak-month, and peak-day water-use limits by source, stated in gallons or acre-feet, as enforceable conditions of approval based on the water supply and use study; for a closed-loop cooling system, the conditions shall state separately the approved one-time system fill volume and the approved annual make-up water allowance, each metered and verifiable. Operation above an approved water-use limit is a violation subject to Section 34-10, and an increase in an approved limit requires review under Section 34-13. A closed-loop cooling system shall be designed so that the annual make-up water allowance for cooling does not exceed 2,500 gallons per megawatt of approved maximum coincident electrical demand per year, which is a default limit and not a verified engineering standard. A different allowance may be approved only where an independent, site-specific water balance — accounting for design weather, cooling technology, maximum electrical demand, blowdown, one-time system fill, reuse, leakage, and water-provider constraints — demonstrates that a different allowance is necessary for the selected technology, the demonstration is reviewed under Section 34-5(4) and by the applicable water provider in writing, and the Land Use Authority approves the demonstrated amount through written findings. Each approved allowance shall be metered and enforceable. The water demand of each co-located power generation, microgrid, and energy storage component, including photovoltaic panel-cleaning water, shall be included within the facility's approved water-use limits, and a co-located power generation facility shall not use evaporative, and a steam-cyclegeneration unit shall use an air-cooled condenser or other closed-loop means of heat rejection.

(5) Drought-contingency water curtailment. The applicant shall submit, and the operator shall implement, a drought response plan that provides for staged reductions in the facility's consumptive water use when a drought stage is declared by the State of Utah, Tooele County, or the water provider serving the facility. The plan shall identify the operational measures available at each drought stage and the maximum reduction in consumptive water use achievable at each stage without compromising life-safety or fire-protection systems. The Land Use Authority may impose conditions of approval implementing the drought response plan, and the operator shall report drought-stage curtailment actions in the annual compliance report under Section 34-10. During a drought stage declared by the State of Utah, Tooele County, or the water provider serving the facility, the Land Use Authority may prohibit or further restrict the use of culinary or potable water for cooling to the extent provided in the approved drought response plan or reasonably necessary to protect the public water supply.

(6) Air emissions and generators. All generators, turbines, engines, and other emission sources shall comply with applicable federal and state emission standards and permits. A backup generator shall use the highest emissions-control tier or certification applicable to the engine category and intended stationary use that is commercially available at the time of permit issuance, unless the Utah Division of Air Quality approves or requires a different configuration. A baseload combustion source shall use the control technology required by the applicable air-quality permit and any additional control supported by site-specific modeling and a County finding that the condition is within County authority and reasonably necessary to mitigate a land-use impact. Routine, non-emergency generator testing shall comply with the approved testing plan and applicable air permit. On a site adjacent to residentially zoned or residentially used property, routine testing is allowed only from 7:00 a.m. to 5:00 p.m. from May 1 through September 30 and from 11:00 a.m. to 5:00 p.m. from October 1 through April 30. Except during commissioning approved in the testing plan, the operator shall not test multiple generator units simultaneously when

sequential testing is technically feasible. The operator shall post the routine testing schedule on the facility and County project pages and provide at least 48 hours' notice of testing expected to be audible at a noise-sensitive receptor. Except for commissioning and routine testing, backup generators may operate only during emergency operation and only for the duration of the emergency condition. Continuous operation of a baseload generation source shall comply with the noise limits in Subsection 1 at all hours.

(7) Energy storage systems. Energy storage systems shall comply with the State Construction Code, State Fire Code, County-adopted fire code, and the editions of NFPA 855 or successor standards incorporated into those codes. Where applicable to the technology and installation, the applicant shall provide evidence of UL 9540 listing and UL 9540A or equivalent fire-propagation testing. The system shall comply with the manufacturer's requirements for separation distances, monitoring, ventilation, fire-suppression, emergency response, and decommissioning. The Land Use Authority may impose an increased separation distance or additional monitoring only when supported by the site-specific fire and hazard analysis and reasonably related to proximity to occupied buildings, public rights-of-way, or sensitive receptors. Non-lithium-ion and long-duration technologies shall comply with the adopted codes and nationally recognized standards applicable to the specific technology.

(8) Vibration. A data center facility shall not produce vibration at or beyond the sending property line that exceeds an applicable County standard. If no County numerical standard applies, the applicant's vibration study shall identify a nationally or internationally recognized standard appropriate to the receptor and equipment, establish the compliance threshold before approval, and demonstrate compliance after construction. Construction vibration shall be addressed in the construction management plan.

(9) Odor, dust, and visible emissions. The facility shall not create persistent odor, dust, smoke, or visible emissions beyond the property line except as allowed by applicable permit and law. Construction dust shall be controlled in accordance with the approved construction management and dust control plans.

(10) Hazardous materials. Hazardous materials, fuel, batteries, coolants, fire-suppression agents, and similar materials shall be stored, handled, reported, and disposed of in accordance with applicable law, fire code, hazardous-materials requirements, and conditions of approval. Liquid fuels and hazardous liquids shall be provided with secondary containment sized in accordance with applicable law and the approved fire and hazard analysis. The operator shall maintain an updated hazardous-materials inventory and provide non-protected information to emergency responders and in the annual compliance report.

(11) Incident reporting. The operator shall immediately notify emergency responders of an active emergency and shall notify Tooele County Emergency Services and the Community Development Department as soon as practicable, but not later than one hour after a fire, explosion, battery thermal-runaway event, hazardous-material release, significant fuel spill, reportable air-permit event, extended emergency generator operation affecting surrounding properties, or incident that materially affects public infrastructure or off-site safety. The operator shall submit a preliminary written report within 24 hours and a final incident and corrective-action report within 10 business days, unless the County approves additional time for good cause. The County shall publish a non-protected public summary. A significant incident may require an after-action review and additional emergency exercise

(12) Operational changes. The operator shall notify the County before implementing any operational change that may materially affect approved water use, power demand, emissions, generator testing, noise, traffic, emergency response, hazardous materials, lighting, or other regulated impacts. A substantial modification requires review under Section 34-13.

(13) Demand response and grid resilience. For a large or hyperscale data center facility, or a facility that includes co-located generation or a microgrid, the Land Use Authority may require implementation of demand-response, load-shifting, curtailment, or grid-emergency commitments that the applicant offers, required or approved by the serving utility, or included in an applicable tariff or service agreement,

when the condition is technically feasible and reasonably related to a documented land-use, infrastructure, or emergency-response impact. The County shall not establish utility rates, service classifications, capacity charges, interconnection terms, dispatch requirements, or other matters reserved to the Public Service Commission, the serving utility, or another agency with jurisdiction.

(14) Ratepayer protection. A data center facility shall be served under a service arrangement designed so that the costs of generation, transmission, distribution, substation, and related infrastructure attributable to the facility are borne by the facility and are not shifted to existing retail electric customers in the County. Before issuance of a building permit, the applicant shall provide: (a) written confirmation from the serving utility that the facility will be served under a large-load contract, tariff, or service arrangement consistent with Title 54, Chapter 26, under which facility-attributable costs are assigned to the facility; or (b) evidence that the facility will be self-supplied behind the meter consistent with Title 54, Chapter 26. For a facility subject to Utah Code Title 54, Chapter 26, an applicant's unilateral written commitment shall not substitute for an executed large-load contract, private-generation contract, or other legally required service arrangement, together with evidence of Public Service Commission approval where required. For a facility outside the scope of Title 54, Chapter 26, the Land Use Authority may accept, and enforce as a condition of approval, a written confirmation from the serving utility or provider, supported by financial security. The Land Use Authority may accept, and enforce as a condition of approval, the applicant's written commitment that the facility will bear all facility-attributable infrastructure costs. The operator shall identify in the annual compliance report under Section 34-10 any pending rate proceeding in which the allocation of facility-attributable costs is at issue. This Subsection does not establish, and does not authorize the County to establish, a rate, tariff, surcharge, or cost-recovery determination, which are matters reserved to the Public Service Commission and the serving utility.

(15) Clean-energy commitments. A clean-energy, renewable-supply, energy-storage, or emissions commitment that the applicant expressly offers in writing as a proposed condition of approval, and that the Land Use Authority relies on in its findings, shall upon approval be incorporated as an enforceable condition of approval, stated in measurable terms, metered or otherwise independently verifiable, and reported annually in the compliance report under Section 34-10. A general marketing statement, corporate sustainability goal, or commitment made outside the application record is not converted into a condition of approval by this Subsection. A commitment that carries payment, revenue-sharing, or damages consequences is a matter for a host community benefit or development agreement under Section 34-14(5) and shall not be imposed as a condition of approval.

(16) Waste management and discharge monitoring. The operator shall maintain and implement a waste management plan identifying, for each waste stream generated by the facility — including solid waste, hazardous waste, universal waste, electronic waste, batteries and energy-storage modules, coolants and refrigerants, filters, lubricants, and water-treatment residuals — the estimated annual quantity, characterization, on-site accumulation and storage location, transporter, and receiving disposal or recycling facility. Where a cooling system produces blowdown or other process discharge, the operator shall sample the discharge not less than quarterly for temperature, pH, total dissolved solids, and each biocide, corrosion inhibitor, and other additive used. The facility shall not discharge process water, cooling blowdown, or thermal effluent except to an approved wastewater or stormwater system in accordance with applicable permits. Where aggregate on-site fuel or hazardous-material storage exceeds 10,000 gallons, the plan shall include soil and groundwater monitoring points and a sampling schedule. Results shall be reported in the annual compliance report under Section 34-10.

(17) Resource efficiency reporting. The applicant shall state design power usage effectiveness (PUE) and water usage effectiveness (WUE) in the electrical power and infrastructure plan under Section 34-5-4 and the water supply and use study under Section 34-5-3. The operator shall report actual annual PUE and WUE in the annual compliance report under Section 34-10, each calculated in accordance with the

applicable ISO/IEC 30134 standard or a successor standard, together with total annual electricity consumption and total annual consumptive water use.

(18) Independent water audit. A large or hyperscale data center facility shall obtain an independent water audit at least once every three years, prepared by a qualified professional having no financial, employment, or contractual interest in the applicant, the facility, or its approval, verifying metered use by source against the approved annual, peak-month, and peak-day limits and evaluating the effectiveness of the reuse, conservation, and leak-detection measures required by this Section. The audit shall be submitted with the annual compliance report under Section 34-10 and shall be a public record.

34-8. Co-Located Power Generation and Microgrids.

(1) Applicability. This Section applies to any electrical generation facility developed on or adjacent to a data center site primarily to serve the data center facility, whether generation is dedicated to the facility, supports the electrical grid, or serves both purposes, and to any microgrid serving a data center facility, whether or not the microgrid is interconnected to the regional electrical grid.

(2) Additional submittal requirements. An application that includes co-located power generation or a microgrid shall identify the generation technology, fuel type, fuel source, design capacity, operating profile, water demand, emissions profile, noise profile, safety systems, site layout, transmission interconnection, fuel delivery method, waste stream, if any, emergency response needs, permits required from state and federal agencies, and the status of each permit.

(3) Nuclear generation supplement. For nuclear generation, the application shall identify the status of licensing by the United States Nuclear Regulatory Commission, the applicable public docket or licensing process, the general technology type, site layout, emergency planning coordination, non-radiological land use impacts, transportation and access needs, infrastructure needs, and the agencies with jurisdiction. The application shall additionally identify:

(a) the reactor technology category (light-water small modular reactor, advanced non-light-water reactor including gas-cooled, liquid-metal-cooled, or molten-salt reactor, microreactor, or other), and the reactor vendor and design if known;

(b) the fuel type and enrichment level, including whether the design uses low-enriched uranium at no more than 5 percent enrichment or high-assay low-enriched uranium (HALEU) at enrichment up to 20 percent;

(c) the projected volume, classification, and physical form of spent nuclear fuel and other radioactive waste streams generated over the design operating life of the facility, and a comparison to the waste streams of traditional light-water reactors where applicable;

(d) the on-site spent-fuel and radioactive-waste storage plan, including the storage method (wet or dry cask), the footprint and location of the storage area on the site plan, the proposed duration of on-site storage, and the contingency plan if no federal repository or interim consolidated storage facility becomes available during the operating life of the facility;

(e) the transportation plan for fresh fuel deliveries and any spent-fuel shipments, including expected routes, frequency, vehicle types, and coordination with the Utah Department of Transportation, the Utah Highway Patrol, and Tooele County Roads and Emergency Services;

(f) documentation of coordination with the United States Nuclear Regulatory Commission, the Federal Emergency Management Agency, the Utah Division of Radiation Control or successor agency, and any local agencies designated in the facility's radiological emergency response plan; and

(g) identification of any host community benefit agreement, payment-in-lieu-of-taxes arrangement, or other lawful agreement proposed between the applicant and the County, the State, or any local taxing entity.

Nothing in this Subsection authorizes the County to regulate radiological safety, nuclear licensing, fuel enrichment, spent-fuel handling, or any matter reserved to the United States Nuclear Regulatory Commission or another federal or state agency with exclusive jurisdiction. The disclosures required by this Subsection are required to support the County's land use review, including site compatibility, local infrastructure, transportation, emergency response coordination, and host community impact.

(4) Application of standards. Co-located power generation and microgrid components are subject to all applicable development and operational standards of this Chapter, including setbacks, noise, lighting, traffic, emergency response, air emissions, hazardous materials, construction management, annual reporting, decommissioning, and financial assurance.

(5) Emergency planning. The applicant shall coordinate emergency planning for the generation facility or microgrid with the fire agency having jurisdiction, Tooele County Emergency Services, law enforcement, public works, the County Health Department where applicable, and any state or federal agency with jurisdiction. For nuclear generation, emergency planning coordination shall include agencies having jurisdiction over radiological emergency planning, while recognizing federal preemption and agency authority.

(6) Utility and public cost impacts. The application shall identify whether generation, transmission, substations, fuel delivery, emergency-response capacity, water supply, wastewater disposal, road improvements, or other infrastructure will require public participation, utility-customer funding, County or special-district service expansion, or intergovernmental coordination. The analysis shall distinguish matters governed by utility regulation from land-use impacts within County authority and shall identify how costs attributable to the facility will be addressed under applicable law.

(7) Microgrid review. Where the application includes a microgrid, each component of the microgrid — including each baseload generation source, each backup generation source, each energy storage system, each substation or switchyard, each fuel storage and delivery facility, and each emissions control system — shall be identified, located on the site plan, and individually evaluated against the applicable development standards of Section 34-6, operational performance standards of Section 34-7, submittal requirements of Section 34-5, and decommissioning requirements of Section 34-11. The combined and cumulative impacts of all microgrid components shall be evaluated together. A microgrid component shall not be reviewed as an accessory use exempt from this Chapter and shall not be segmented from the application.

(8) Islanded operation disclosure. The application shall identify whether the microgrid is designed to operate, or is capable of operating, in islanded mode; the conditions under which islanded operation is anticipated; and the duration the microgrid can sustain operation without grid interconnection. The Land Use Authority may impose conditions reasonably necessary to ensure that islanded operation does not increase noise, emissions, fuel storage, water use, or emergency response impacts beyond the limits approved under this Chapter.

(9) Separate utility and tax jurisdiction. Review under this Section does not authorize the County to regulate utility rates, electrical dispatch, interconnection terms, tax liability, delivered value, or matters reserved to the Public Service Commission, the Utah State Tax Commission, the Nuclear Regulatory Commission, or another agency with exclusive jurisdiction. The County may require information and impose conditions only to the extent reasonably related to land use, local infrastructure, access, non-radiological impacts, emergency coordination, and compliance with adopted County standards.

34-8-1. Low-Emission Power Supply Adjustment.

(1) Purpose. The land-use impacts of a data center facility's electrical demand depend substantially on how the power is supplied. A facility supplied predominantly by non-combustion generation paired with energy storage may serve a larger electrical demand while producing materially lower air emissions,

water demand, and regional grid impacts than a smaller facility served entirely from the regional electrical grid or by full-time combustion generation. This Section allows the megawatt thresholds of this Chapter to be applied with reference to demonstrated total impacts rather than nameplate demand alone, consistent with the data center development principles established by Utah Executive Order 2026-03, including protection of airsheds, minimization of water consumption, and protection of utility ratepayers.

(2) Request; demonstration. An applicant may request a low-emission power supply adjustment as part of an application under this Chapter. The request shall demonstrate, through the air quality and emissions analysis under Section 34-5-5 and subject to independent review under Section 34-5(4), that: (a) the facility's electrical demand will be supplied predominantly by non-combustion generation, including utility-scale solar photovoltaic generation paired with a battery energy storage system or long-duration energy storage system; (b) firming generation, including any gas reciprocating engine, gas turbine, fuel cell, or utility grid import, will supply no more than 20 percent of the facility's total annual electrical energy requirement; and (c) the total annual emissions of the complete power-supply portfolio, including firming generation and grid import, will remain below the grid-equivalent emissions baseline for each listed pollutant. The demonstration shall state capacity factors, storage durations, and the annual energy share of each source, and shall use vendor-certified emission rates or, where vendor data are not available, EPA AP-42 or comparable published emission factors.

(3) Adjusted electrical demand; classification. If the Land Use Authority finds that the demonstration required by Subsection (2) is met, then notwithstanding the definition of maximum coincident electrical demand, the facility's classification as a large or hyperscale data center facility under Section 34-3 shall be determined using the facility's adjusted electrical demand, which means the portion of maximum coincident electrical demand designed, reserved, or contracted to be served from the regional electrical grid, plus the aggregate nameplate capacity of on-site or co-located combustion generation other than backup generators. Notice, public hearing, and review requirements shall remain applicable to the classification based on the unadjusted maximum coincident electrical demand. Adjusted electrical demand shall not be used to reduce the thermal buffer distance, setbacks, or thermal performance standard under Section 34-6, the noise standards of Section 34-7, or the water-use limits established under Section 34-7, each of which shall be determined using the unadjusted maximum coincident electrical demand; waste heat rejection, noise, and consumptive water use are not reduced by the source of the facility's power supply.

(4) Standards unchanged. An adjustment under this Section does not waive or reduce any development standard, operational performance standard, submittal requirement, co-located power generation or microgrid requirement under Section 34-8, monitoring, reporting, decommissioning, or financial assurance requirement of this Chapter, and does not exempt any generation, storage, or microgrid component from review under this Chapter.

(5) Mega threshold. Notwithstanding Subsection 34-4(2), the Land Use Authority may approve a data center facility or data center campus with a maximum coincident electrical demand of 300 megawatts or more, but not more than 900 megawatts, as a conditional use if: (a) the adjusted electrical demand determined under Subsection (3) is less than 300-megawatts; (b) the demonstration required by Subsection (2) is met and total annual power-supply emissions will not exceed 50 percent of the grid-equivalent emissions baseline calculated for a 300-megwatt load served entirely from the regional electrical grid (300 megawatts x 8,760 hours per year x the published grid emission rates), for each listed pollutant; (c) a development agreement establishes enforceable annual emission caps by pollutant, a firming-generation energy-share limit, source metering, monitoring, reporting, and remedies for exceedance; and (d) the facility will not draw its load from distribution facilities serving existing retail customers except as provided in a utility service arrangement consistent with Title 54, Chapter 26; and (e) the thermal impact and heat mitigation study under Section 34-5-18, confirmed by independent review

under Section 34-5(4), demonstrates compliance with the thermal performance standard in Section 34-6(1)(e) at the unadjusted maximum coincident electrical demand at full build-out.

(6) Conditions; annual verification. The approved emission caps, firming-generation energy-share limit, and power-supply configuration are enforceable conditions of approval. The annual compliance report under Section 34-10 shall include metered annual generation by source, the annual energy supplied by firming generation and by grid import, and the calculated annual emissions of the power-supply portfolio compared to the approved caps and the grid-equivalent emissions baseline.

(7) Loss of adjustment. An exceedance of an approved emission cap or firming-generation limit, or a material change in the approved power-supply configuration, is a substantial modification under Section 34-13. If the facility ceases to qualify for the adjustment, the adjustment terminates, and the operator shall, in accordance with a County-approved compliance schedule, restore qualification, reduce electrical demand, or obtain approval based on the unadjusted maximum coincident electrical demand.

(8) Relationship to other law. An adjustment under this Section is a land use determination only. It does not determine the facility's status as a large load customer, high-impact consumer, large load data center, or qualifying data center under state law; does not modify any air-permitting obligation to the Utah Division of Air Quality; and does not authorize the County to regulate any matter reserved to the Public Service Commission, the Utah State Tax Commission, or another agency with jurisdiction.

34-9. Notice, Public Hearing, Public Information, and Decision.

(1) Notice of complete application. After the County determines an is be complete, it shall provide notice as required for a conditional use permit and as further required by this Chapter.

(2) Notice. Mailed notice shall be given to adjacent property owners.

(3) Additional notice methods. For a large or hyperscale data center facility, any facility with co-located power generation, or any facility with a microgrid, the County shall also provide notice by posting on the County website, posting on the Utah Public Notice Website when required by law, posting on or near the subject property where practicable, and notice to affected municipalities, school districts, special districts, water providers, sewer providers, fire authorities, transportation agencies, utility providers, and other reviewing agencies identified by the County.

(4) Public information materials. For each data center facility, any facility with co-located power generation, or any facility with a microgrid, the County shall make available a public information summary, staff report, hearing materials, application materials not classified as protected, written comments, and the written decision, subject to GRAMA and County records policies.

(5) Applicant public information meeting. Before the public hearing on a large or hyperscale data center facility, a facility with co-located power generation, or a facility with a microgrid, the applicant shall hold at least one public information meeting. The meeting is informational and does not replace a public hearing required by this Chapter or other law. The applicant shall provide notice and a written meeting summary in the manner specified by the Community Development Department.

(6) Public hearing. At least one public hearing shall be held before final action on every data center facility, any data center facility that includes co-located power generation, or any data center facility that includes a microgrid. Members of the public may speak and submit written comments. Public comments shall be included in the record, but the Land Use Authority shall base its decision on adopted standards and substantial evidence.

(7) Response to public comments. For a large or hyperscale data center facility, a facility with co-located power generation, or a facility with a microgrid, the Community Development Department shall prepare a written summary of the substantive public comments received and the County's response to each category of comment. The summary shall be included in the record and published with the staff report before the Land Use Authority takes final action. This requirement is informational and does not alter the standard of decision, which remains based on adopted standards and substantial evidence.

(8) Written staff report. The Community Development Department shall prepare a written staff report addressing application completeness, applicable standards, reviewing agency comments, public comments, technical review, recommended findings, recommended conditions, and any unresolved issues. Before the staff report is published, the County shall refer the complete application to the Tooele County Health Department for written comment on environmental-health matters within the Department's jurisdiction; comments received shall be included in the record and published with the staff report. This referral does not create an approval authority separate from the Land Use Authority.

(9) Public information and protected records. Applications, public summaries, staff reports, hearing materials, written decisions, and information material to the County's land use decision are public records unless classified otherwise under the Utah Government Records Access and Management Act. The County shall not enter into any agreement that conceals the existence of an application, the identity of the applicant or property owner, the general nature of the proposed use, or information necessary for the Land Use Authority to make required findings. An applicant may submit a written GRAMA confidentiality claim for specific records or portions of records the applicant believes are protected by law. The applicant shall also provide a public, non-confidential summary sufficient to allow meaningful public review of the application and its impacts. Cost, financial, and asset-level information submitted to the County Assessor under Section 34-5-15(4) is not information material to the land use decision for purposes of this Subsection, provided the public version states the aggregate figures required by that Subsection.

(10) Findings for approval. The Land Use Authority shall approve or approve with conditions a data center facility if it finds, based on substantial evidence in the record, that the application satisfies the findings in Subsection 11 of this Section.

(11) Required findings. The Land Use Authority shall make written findings addressing each of the following:

(a) the application is complete, and the proposed use is allowed in the applicable zoning district under this Chapter;

(b) the proposed facility complies with the development standards, operational performance standards, and submittal requirements of this Chapter, or compliance can be assured through reasonable conditions of approval;

(c) the applicant has demonstrated an adequate and legally available water supply, wastewater method, electrical service plan, road access, fire protection, and emergency response plan for the facility, or has agreed to conditions requiring such facilities before construction or operation;

(d) reasonably anticipated detrimental effects relating to noise, light, traffic, air emissions, vibration, visual impacts, water demand, wastewater, emergency services, public infrastructure, hazardous materials, waste heat discharge, cumulative impacts, and construction impacts can be substantially mitigated through compliance with this Chapter and reasonable conditions of approval;

(e) required infrastructure improvements, service impacts, inspection requirements, monitoring obligations, and public costs attributable to the facility have been identified and addressed through conditions of approval, an improvement agreement, development agreement, reimbursement agreement, impact fee, service agreement, participation agreement, or other lawful mechanism;

(f) the application includes sufficient public information to allow the County and the public to understand the facility's location, scale, reasonably anticipated impacts, mitigation measures, and requested approvals;

(g) the facility complies with applicable County land use regulations, site development standards, road standards, fire code requirements, public works standards, and other adopted standards within the County's jurisdiction; and

(h) all conditions of approval are reasonably related to mitigating reasonably anticipated detrimental effects of the proposed use or ensuring compliance with adopted standards; and

(i) where the facility is within the RSDZ Overlay, and an RSDZ has been approved, the facility is consistent with the approved RSDZ proposal, committee-established terms, and applicable RSDZ implementing documents, or consistency can be assured through lawful conditions or separate agreements; and

(j) fiscal and tax disclosures have been reviewed for infrastructure and service planning, but the land use decision does not determine tax classification, exemption eligibility, delivered value, RSDZ approval, or entitlement to an incentive; and

(k) to the extent within the County's authority to require disclosure, the costs of new generation, transmission, distribution, substation, and related infrastructure attributable to the facility have been identified and allocated so as not to shift those costs to existing utility customers, and the applicant has provided the utility confirmation or other documentation required by Section 34-7(14) that such costs will be borne by the facility, recognizing that utility rates, tariffs, and cost recovery are matters reserved to the Public Service Commission and the serving utility;

(l) the applicant has disclosed related facilities, ownership and control, utility-service requests, and supporting infrastructure sufficient for the County to determine that the proposed facility and data center campus will remain below the mega data center threshold at full build-out; and

(m) where a cumulative-impact analysis is required, cumulative infrastructure, service, and land-use impacts have been identified and can be mitigated through adopted standards, reasonable conditions, or other lawful mechanisms.

(12) Approval with conditions. The Land Use Authority may impose reasonable conditions that are necessary to ensure compliance with this Chapter, mitigate reasonably anticipated detrimental effects, require infrastructure or service commitments, require monitoring and reporting, protect public health and safety, or ensure compliance with other applicable County standards.

(13) Denial. If the Land Use Authority cannot make the required findings and determines that reasonably anticipated detrimental effects cannot be substantially mitigated by reasonable conditions, it shall deny the application and state the reasons for denial in writing.

(14) Continuance. The Land Use Authority may continue an application to allow the applicant to address deficiencies, provide additional information, complete the technical review, revise mitigation measures, negotiate lawful agreements, or respond to the reviewing agency's comments.

34-10. Conditions of Approval, Monitoring, Reporting, and Enforcement.

(1) Conditions of approval. Conditions may include limits on approved power demand, water use, cooling method, generator testing, generator count and capacity, fuel-storage volume, required insurance coverage and limits, operating procedures, construction hours, access routes, traffic management, lighting, noise, screening, emergency response, hazardous materials, infrastructure improvements, phasing, financial assurance, annual reporting, complaint response, independent monitoring, inspection, implementation of applicant or utility demand-response commitments, microgrid operating protocols, islanded-operation limits, or other matters reasonably related to adopted standards or mitigation of reasonably anticipated detrimental effects. A land use condition may not establish a tax, approve an incentive, commit RSDZ revenue, set a utility rate or tariff, or require a matter reserved to another agency.

(2) Conditions precedent. The Land Use Authority may require specified conditions to be satisfied before grading, issuance of a building permit, issuance of a certificate of occupancy, commencement of operations, expansion, or later phases.

(3) Post-construction noise verification. Within 90 days after the facility or approved phase commences operations, the operator shall submit a post-construction noise study prepared by a qualified acoustical professional demonstrating compliance with Section 34-7 under representative worst-case

operating conditions. If the study identifies an exceedance or distinctive noise component requiring mitigation, the operator shall implement corrective measures and submit a follow-up study within the timeframe specified by the County. The operator shall complete periodic and permanent-monitoring requirements established by Section 34-7.

(4) Post-construction thermal verification. Within 90 days after the facility or approved phase commences operations, and again during the first full summer season of operation, the operator shall submit thermal verification prepared by a qualified professional in accordance with the protocol approved under Section 34-5-18, using paired upwind and downwind measurement locations, demonstrating compliance with the thermal performance standard in Section 34-6(1). If the verification shows an exceedance, the operator shall implement corrective measures and submit follow-up verification within the timeframe specified by the County. Thermal verification results shall be included in the annual compliance report.

(5) Annual compliance report. The operator of every data center facility shall submit an annual compliance report. The report shall include, to the extent applicable, actual water use by source and approved limit; wastewater generation and disposal; peak, average, maximum coincident electrical demand; changes in data center campus relationships, energy-delivery meters, points-of-delivery, ownership, or tenant configuration; generator testing hours; generator emergency runtime; baseload generation operating hours and fuel use; air-permit compliance status; noise-monitoring results, lighting, traffic, dust, vibration, water, and other complaints and their resolution; hazardous-materials inventory updates; emergency incidents; fire-system inspection status; current employment; a reconciliation of actual capital investment, by the categories in Section 34-5-10(18), against the projections in the approved application, and confirmation that the signed statement required by Utah Code § 59-2-306 has been filed with the County Assessor for the reporting year; public financial participation and incentives received, and community-benefit payments made, if any (reported for transparency and administered exclusively under the applicable agreement as provided in Subsection(14)); status of infrastructure obligations, mitigation measures, and financial assurance; status of demand-response commitments; and confirmation of compliance with conditions of approval. The report shall be submitted by the deadline and in the standard format prescribed by the Community Development Director. Information claimed as protected shall be submitted with a public summary under Section 34-5-15. The operator shall also submit a public, plain-language annual summary, suitable for posting on the County website, that reports actual water use compared to the approved water-use limits and identified by source type, including, for a closed-loop cooling system, annual make-up water compared to the approved make-up allowance and, where applicable, the water demand of co-located power generation and microgrid components; actual peak and average electrical demand; backup-generator operating hours; the number and resolution of noise, lighting, and traffic complaints; and actual operations employment compared to the employment projected in the approved application. The County shall post the public annual summary on the County website. The County may provide non-protected portions of the annual compliance report to entities administering the Tooele County Energy Excise Tax Ordinance, the serving utility where reasonably necessary for infrastructure coordination, or an agency administering an approved RSDZ, subject to GRAMA and other applicable confidentiality requirements.

(6) Small facility reporting. The Land Use Authority may require annual or periodic compliance reporting for a small data center facility where necessary to verify compliance or mitigate site-specific impacts.

(7) County-controlled complaint process. The operator shall designate a responsible contact person available to the County at all times. The County shall maintain a publicly available process for receiving and resolving complaints regarding noise, light, traffic, dust, vibration, air emissions, water use, construction impacts, emergency incidents, or other effects of the facility. Complaints and their resolution shall be summarized in the annual compliance report.

(8) Additional monitoring. The County may require additional monitoring, testing, reporting, or independent verification if the County receives credible complaints, identifies a potential violation, determines that operations have materially changed, or determines that additional information is reasonably necessary to verify compliance with this Chapter or conditions of approval. The operator shall reimburse the County's actual, reasonable cost when testing identifies a violation, when the operator failed to provide required monitoring data, or when repeated credible complaints reasonably justify independent verification, as provided in Section 34-14.

(9) Inspection. The County may inspect the facility for compliance with this Chapter and the conditions of approval at reasonable times and in accordance with applicable law. The County may coordinate inspections with the fire agency having jurisdiction, public works, emergency services, the health department, building officials, code enforcement, or other agencies with jurisdiction.

(10) Notice of violation; opportunity to cure. If the County determines that the facility is not in compliance with this Chapter, a condition of approval, an approved limit on electrical demand, water use, or another regulated impact, required reporting, financial assurance requirements, or an approved mitigation plan, the County shall issue a written notice of violation to the facility operator and property owner. The notice shall identify each violation and the provision or condition violated, state the corrective action required, and establish a reasonable cure period not to exceed 30 days, unless the County extends the period in writing for a correction that cannot reasonably be completed within 30 days and the operator is proceeding diligently. The County may require immediate interim measures during the cure period as necessary to protect public health, safety, public infrastructure, or adjacent uses. A first violation corrected within the cure period may be resolved without civil penalty, except that the safe harbor does not apply to a knowing or concealed violation, operation above an approved limit, a materially false report, failure to report a significant incident, a violation creating an imminent hazard, or a violation causing material off-site harm. The violation and correction shall be reported in the next annual compliance report.

(11) Uncured and repeat violations; civil penalties. If a violation is not corrected within the cure period, or if the same or a substantially similar violation recurs within 24 months after a prior notice of violation, the County may: (a) impose a civil penalty for each day the violation continues beyond the cure period, in the amount established in the adopted County fee schedule, not to exceed the maximum permitted by applicable law, with escalating amounts for repeat violations as provided in the fee schedule; (b) require reimbursement of the County's actual, reasonable inspection, monitoring, independent-verification, legal, and enforcement costs as provided in Section 34-14; (c) suspend the specific activity, equipment operation, or phase giving rise to the violation until the violation is corrected; (d) withhold a building permit, certificate of occupancy, or approval for a later phase that is materially related to the violation, only to the extent authorized by Section 17-79-901, Utah Code, as amended, and other applicable law; and (e) require additional monitoring, testing, or independent verification under this Section. A civil penalty shall be proportionate to the nature, duration, severity, and public impact of the violation and shall not be imposed for a period during which correction was prevented by causes beyond the operator's reasonable control, provided the operator proceeds diligently to complete the correction.

(12) Operation in excess of approved limits. Operation of the facility in excess of an approved limit on electrical demand, water use, gross floor area, IT white space, thermal effect, noise, air emissions, generator testing or operation, or another approved limit or condition is a violation of this Chapter. In addition to the other remedies in this Section, the County may require immediate curtailment to approved limits and may require submission of a complete application for a minor amendment or substantial modification, as applicable, before the excess use may continue or resume. Payment of a civil penalty does not authorize continued operation in excess of an approved limit.

(13) Show-cause hearing; modification, suspension, or revocation. The Planning Commission shall hold a show-cause hearing, after written notice to the facility operator and the property owner, if: (a) a

material violation continues after imposition of a civil penalty under this Section; (b) three or more notices of violation for the same or substantially similar violations are issued within any 36-month period; or (c) a violation creates an imminent hazard to public health, safety, or essential public infrastructure. Following the hearing, and based on written findings supported by substantial evidence in the record, the Planning Commission may take no further action; modify the conditions of approval; impose or continue civil penalties; suspend the conditional use permit in whole or in part for a stated period or until a stated correction is completed; or revoke the conditional use permit. In selecting a remedy, the Planning Commission shall consider the severity, duration, and frequency of the violations; the harm or risk of harm to the public, public infrastructure, or adjacent uses; the operator's good faith and diligence in correcting the violations; the operator's enforcement history; and whether a lesser remedy can reasonably be expected to achieve compliance. Revocation is a remedy of last resort and requires a written finding that continued operation under the permit, as it may be modified, cannot reasonably be expected to achieve compliance with this Chapter and the conditions of approval. A decision under this Subsection shall be issued in writing and may be appealed under Section 34-12.

(14) Tax, utility, and incentive administration. Compliance monitoring under this Chapter does not include imposition, administration, collection, or enforcement of the county energy excise tax, a utility tariff, an RSDZ revenue commitment, or an incentive agreement, except to the extent a separate agreement expressly incorporates a land use condition or reporting obligation. The legally authorized entity shall administer those matters in accordance with applicable law. Land use conditions may require submission of information reasonably necessary to implement a separately adopted tax, utility, or RSDZ agreement, but this Chapter does not itself impose, administer, or enforce such agreements.

(15) Remedies cumulative. The remedies in this Chapter are cumulative and do not limit any other remedy available under County ordinance, state law, a development agreement, improvement agreement, financial assurance instrument, permit condition, or court order. Nothing in this Chapter authorizes the County to withhold a building permit or certificate of occupancy in a manner prohibited by Utah Code § 17-79-901 or the State Construction and Fire Codes Act; where permit withholding is unavailable, the County may pursue any other remedy authorized by law, including injunction, abatement, enforcement of conditions of approval, civil penalties, and financial assurance.

34-11. Decommissioning and Financial Assurance.

(1) Decommissioning plan required. Each application shall include a decommissioning and site-restoration plan addressing cessation of operations; removal of equipment and structures; removal of foundations to a depth of at least 36 inches below grade unless the County approves retention for a documented reuse; including retention of a building for reuse treatment under Subsection (3) of this Section; removal of microgrid components, generation equipment, energy storage systems, and fuel-storage and delivery facilities; proper disposal or recycling; grading, drainage stabilization, erosion control, revegetation where appropriate, utility disconnection, hazardous-materials removal, and restoration to a safe and stable condition.

(2) Cost estimate. The decommissioning cost estimate shall be prepared by a qualified professional acceptable to the County and shall include removal, hauling, disposal, recycling, grading, stabilization, revegetation, professional fees, administrative costs, and a contingency of not less than 15 percent. The cost estimates may include a credit for documented, verifiable salvage value supported by the qualified professional’s analysis; provided that the required financial assurance shall not be less than 50 percent of the gross decommissioning cost estimate calculated without salvage credit.

(3) Financial assurance. Before issuance of a grading or building permit for a facility or phase, the applicant shall provide financial assurance in the form of a bond, irrevocable letter of credit, escrow, or other instrument acceptable to the County in an amount equal to the approved decommissioning cost estimate. The financial assurance shall name the County as beneficiary or obligee and shall be in a form

approved by the County Attorney. For a phased facility, financial assurance may be provided incrementally, in amounts corresponding to the buildings, generation facilities, energy storage systems, and other improvements actually constructed or authorized for construction, so long as the assurance in place at all times equals the approved decommissioning cost estimate for the improvements then existing or authorized. Where the applicant demonstrates, and the County approves as part of the decommissioning plan, that a building is reasonably suitable for a documented industrial reuse, the required assurance attributable to that building may be limited to the estimated cost of removal of generation equipment, fuel-storage and delivery facilities, energy storage systems, and other equipment; hazardous-materials removal; and site stabilization and security, rather than full removal of the building and foundations. The County shall re-evaluate any reuse determination at each update under Subsection (4). A building is presumed reasonably suitable for a documented industrial reuse if it is structurally sound; is served by permanent utility connections; and consists of an enclosed shell of steel, concrete, or masonry construction suitable for occupancy by a use permitted in the underlying zoning district. The County may rebut this presumption only through written findings identifying the specific site or building characteristics that make reuse impracticable. A guaranty from a parent entity may supplement, but shall not replace, the bond, irrevocable letter of credit, escrow, or comparable secured instrument otherwise required by this Subsection, unless the County Attorney and the County's designated finance officer determine in writing that the guaranty is unconditional, irrevocable, enforceable in Utah, payable on demand, automatically renewable, provided by a guarantor that maintains an investment-grade credit rating from a nationally recognized statistical rating organization, and supported by audited financial capacity sufficient to cover the full current decommissioning obligation.If the guarantor ceases to maintain an investment-grade rating, or the County determines in writing that the guaranty no longer provides adequate security, the owner or operator shall provide a bond, irrevocable letter of credit, or escrow in the required amount within 60 days after written notice from the County.

(4) Updates. The decommissioning cost estimate and financial assurance shall be reviewed and updated at least every three years, upon substantial modification, upon transfer of ownership or operation, or upon request by the County if costs materially change. Between full updates, the financial assurance amount shall be adjusted annually for inflation and for material changes in facility scope, hazardous-material obligations, and documented salvage value.

(5) Abandonment. Cessation of facility operations for 9 consecutive months constitutes abandonment and triggers the obligation to decommission, unless the County grants an extension for good cause, based on a written plan to resume operations, maintain the site, and protect public health and safety. Cessation of construction of a facility or phase for 9 consecutive months after commencement, without a County-approved written schedule to resume, constitutes abandonment of the affected improvements. A change in the tenant, tenant mix, ownership, operator, equipment, technology, or lawful use of the facility does not constitute cessation of facility operations. A temporary suspension of operations for maintenance, renovation, equipment replacement, or re-tenanting for which the operator provides written notice to the County, including an estimated schedule for resumption, does not constitute cessation of facility operations for the noticed period.

(6) Continuing obligations. The obligation to decommission and restore the site is binding on the owner, operator, successors, and assigns. Before a certificate of occupancy is issued, the owner shall execute and record a notice or covenant, in a form approved by the County Attorney, identifying the decommissioning obligation and the financial assurance. The financial assurance shall remain in effect until the County confirms in writing that decommissioning and restoration are complete.

(7) County remedies. If the owner or operator fails to decommission the facility as required, the County may use the financial assurance to complete decommissioning and may pursue any other remedy available at law or equity. Use of financial assurance does not limit the County's ability to recover additional costs if the assurance is insufficient.

(8) Partial decommissioning. The Land Use Authority may require partial decommissioning of a phase, building, generation facility, energy storage system, microgrid component, or support facility that has been abandoned or permanently removed from service, even if other portions of the data center facility remain in operation.

34-12. Appeals.

(1) Written decision. The Land Use Authority shall issue a written decision approving, approving with conditions, or denying an application under this Chapter. The decision shall include findings of fact, conclusions, conditions of approval if applicable, and notice of appeal rights.

(2) Appeal Authority. An appeal of a decision under this Chapter shall be heard by the County's designated Appeal Authority, unless otherwise provided by County ordinance or applicable law.

(3) Time to appeal. A land use applicant or adversely affected party may appeal a written decision under this Chapter by filing a written appeal within the time established by County ordinance, which shall not be less than 10 calendar days after issuance of the written decision.

(4) Record on appeal. The record on appeal shall include the application, studies, peer reviews, staff reports, reviewing agency comments, public comments, hearing record, exhibits, written findings, conditions of approval, and any other materials relied upon by the Land Use Authority.

(5) Standard and scope of review. The Appeal Authority shall review appeals in accordance with the standard and scope of review established by County ordinance and applicable Utah law. The Appeal Authority may not substitute policy preferences for the adopted standards governing the application.

(6) Final decision and judicial review. A decision of the Appeal Authority is final when issued in writing or as otherwise provided by County ordinance and may be reviewed by a court only as provided by applicable Utah law.

34-13. Expiration, Amendments, Transfer, and Operational Changes.

(1) Expiration. A conditional use permit approved under this Chapter expires if substantial construction has not commenced within two years after final approval, unless a different period is stated in the conditions of approval or the Land Use Authority grants an extension for good cause before expiration.

(2) Extension. The Land Use Authority may grant an extension if the applicant demonstrates good cause, continued compliance with applicable standards, and no material change in circumstances that would affect the required findings. The Land Use Authority may require updated studies or conditions as part of an extension.

(3) Minor amendments. The Community Development Director may approve a minor amendment only if the change, considered cumulatively with all minor amendments since the original approval or most recent substantial modification, does not change the facility classification or data center campus determination; add co-located generation or a microgrid; change the cooling-system type; materially change common ownership or control, a utility-service request, meter configuration, or supporting infrastructure; trigger any numerical threshold in the definition of substantial modification; or materially increase water use, power demand, traffic, noise, emissions, lighting, visual impact, hazardous materials, or emergency-response impacts. A change that does not increase a regulated impact, including a cooling-system change that reduces electrical demand, water use, noise, or emissions, is eligible for approval as a minor amendment. The Director shall issue a written determination stating the applicable baseline and findings.

(4) Major amendments and substantial modifications. A substantial modification requires review and approval under the process required for the original approval, unless applicable law requires a different process. Thresholds are measured cumulatively from the original approval or the most recent approval processed as a substantial modification. The Land Use Authority may require updated studies,

public notice, a hearing, conditions, financial assurance, and lawful agreements to the extent they relate to the proposed modification.

(5) Transfer. A permit may be transferred to a new owner or operator only after written notice to the County, disclosure sufficient to evaluate common ownership or control and data center campus aggregation, confirmation that required financial assurance will remain continuously effective, and written acknowledgment by the new owner or operator that it accepts all conditions of approval, reporting obligations, decommissioning obligations, complaint response obligations, demand-response and curtailment commitments, if any, and other requirements of this Chapter.

(6) Ownership and operator changes. The operator shall notify the County within 30 days after any change in owner, operator, facility contact, emergency contact, or responsible party.

(7) No vested right to unapproved expansion. Approval of a data center facility or phase does not create approval for a later phase, expansion, generation facility, microgrid component, increased power demand, increased water use, changed cooling method, or other substantial modification unless expressly approved under this Chapter.

(8) Routine operations; no review required. Notwithstanding any other provision of this Chapter, the following do not constitute an amendment, a minor amendment, or a substantial modification, and require no review or approval under this Chapter, provided the facility remains within its approved electrical demand, water use, gross floor area, noise, emissions, and other approved limits and remains in compliance with the conditions of approval: (a) routine maintenance and repair; (b) replacement, upgrade, or refresh of computer servers and associated electronic equipment; (c) like-kind or more efficient replacement of mechanical, electrical, or cooling components; (d) interior alterations that do not increase gross floor area and do not convert floor area that is not IT white space into IT white space beyond the threshold in the definition of substantial modification; and (e) a change in the identity, number, or mix of tenants. Activities under this Subsection remain subject to applicable building, fire, and safety codes and shall be reflected in the next annual compliance report where reporting is otherwise required by this Chapter.

34-14. Applicant Cost Reimbursement; Agreements; Infrastructure and Service Mitigation.

(1) Reimbursement required. Under an adopted fee schedule or a written reimbursement agreement, the applicant or operator shall reimburse the County for the actual, reasonable cost of independent technical, legal, engineering, fiscal, assessment-data, acoustical, fire and hazard, cumulative-impact, or other specialized review; enhanced notice; public-meeting facilitation; records preparation; complaint verification; compliance monitoring; and enforcement support that is reasonably necessary to process the application or verify compliance. The applicant or operator may not be charged for general ordinance development, policy development, or costs unrelated to the application or facility.

(2) Deposit or escrow. The County may require an application review deposit, escrow, or reimbursement agreement before accepting or continuing the review of an application that requires independent review or extraordinary staff review. Unused funds shall be returned in accordance with County policy or the reimbursement agreement.

(3) Infrastructure and service mitigation. Where a facility creates a need for public infrastructure, public services, inspection capacity, emergency response capacity, road improvements, utility improvements, or ongoing County costs, the County may require lawful mitigation through conditions of approval, development agreements, improvement agreements, reimbursement agreements, participation agreements, impact fees, service contracts, special district arrangements, or other mechanisms authorized by law.

(4) No unlawful exaction. Any required dedication, improvement, payment, reimbursement, or service obligation shall comply with applicable law governing exactions and shall be roughly proportionate

and reasonably related to the impacts attributable to the proposed facility, unless voluntarily agreed to through a lawful agreement supported by adequate consideration.

(5) Host community benefit and development agreements. For any data center facility, the County and the applicant may negotiate and enter into a voluntary host community benefit agreement, development agreement, or both, negotiated separately from land use review and approved by the County Council in an open public meeting. Such an agreement — and not a condition of approval under this Chapter — is the appropriate instrument for: minimum annual payments, host community fees, or payments in lieu of taxes; protection of the County, the school district, and other taxing entities against tax shifts attributable to depreciation of tangible personal property, valuation appeals, judgment levies, or project-area expiration; property tax revenue floors; equipment-replacement reporting commitments and tax-stability safe harbors; community benefit funds and endowment contributions; workforce and local-hiring commitments; incentive terms, suspensions, and clawbacks; liquidated damages; financial security for contractual obligations; and clean-energy or power-supply commitments that carry payment or revenue consequences. No incentive, tax-increment payment, public-infrastructure subsidy, payment in lieu of taxes, revenue floor, or similar benefit may be offered or provided except as authorized by Utah Code § 11-41-202 and other applicable law. Each agreement providing public financial participation shall identify its legal authority, funding source, maximum amount, duration, performance requirements, reporting requirements, suspension provisions, and clawback remedies, and shall include a clawback or repayment obligation that applies if the facility is decommissioned, abandoned, or removed from the tax rolls within a stated period after receiving tax increment or other public funds. Any County-approved participation in a project area shall include a stated cap on the total amount of tax increment and the shortest increment collection period practicable. Such an agreement shall be supported by adequate consideration as provided in Subsection (4), shall remain severable from the land use approvals, and shall not be a condition of, or a prerequisite to, any approval under this Chapter. The agreement shall be administered and enforced according to its own terms and Section 34-10(14), not through the enforcement procedures of Section 34-10, except that an information-reporting obligation expressly incorporated into the conditions of approval may be verified under Section 34-10.

34-15. Interpretation, Conflicts, and Severability.

(1) More specific standard controls. Where this Chapter conflicts with another County land use, fire, building, engineering, public works, health, nuisance, or development standard, the more specific standard applies. If equally specific standards conflict, the standard that provides greater protection from the identified impact applies unless prohibited by law.

(2) RSDZ coordination. An approved RSDZ proposal, committee-established terms, and RSDZ implementing documents govern RSDZ financing, revenue participation, and contractual commitments. This Chapter and other duly adopted land use regulations govern land use review unless a later ordinance or a valid development or entitlement agreement lawfully provides otherwise. Creation of an RSDZ does not, by itself, amend this Chapter or approve a land use application.

(3) Consistency with law. This Chapter shall be interpreted consistently with applicable federal and state law. If a provision is determined to be preempted, invalid, or unenforceable, the remaining provisions shall continue in effect to the maximum extent allowed by law.

(4) Severability. If any section, subsection, sentence, clause, phrase, or application of this Chapter is held invalid by a court of competent jurisdiction, that decision does not affect the validity of the remaining portions.

EXHIBIT A

Facility Classes and Applicable Standards

Reference summary of Chapter 34, Data Center Facilities — illustrative only

ILLUSTRATIVE ONLY — NOT AN ORDINANCE STANDARD

This exhibit summarizes standards stated in this Chapter for the convenience of the Land Use Authority and the public. It creates no requirement, classification, threshold, or entitlement of its own, and is not a development standard. Where this exhibit and the text of this Chapter differ, **the text of this Chapter controls** — in particular §§ 34-3, 34-4, 34-6, 34-7, and 34-8-1. Distances are minimums: § 34-6(1)(f) allows the Land Use Authority to reduce a thermal buffer distance by up to 50 percent, or to increase it, on the strength of the studies required by §§ 34-5-18 and 34-5-6.

Table 1 — Classes, thresholds, and required distances

Facility class	Classification threshold — § 34-3	General setback § 34-6(1)(a)	Thermal buffer distance § 34-6(1)(b)	Mailed notice radius — § 34-9(2)
Small	Neither a large nor a hyperscale data center facility	250 ft from any property line or public right-of-way	**1,750 ft**	Greater of 1,000 ft or thermal buffer + 500 ft — 2,250 ft at the full buffer
Large	Designed or contracted demand of 50 MW or more, or gross floor area of 100,000 sf or more, and not hyperscale	250 ft	**2,500 ft**	Greater of 2,500 ft or thermal buffer + 500 ft — 3,000 ft at the full buffer
Hyperscale	Designed or contracted demand of 100 MW or more at full build-out	250 ft	**3,000 ft**	Greater of 0.5 mile or thermal buffer + 500 ft — 3,500 ft at the full buffer
Any class with co-located generation or a microgrid	Applies in addition to the underlying class	250 ft	**3,000 ft**	Greater of 0.5 mile or thermal buffer + 500 ft — 3,500 ft at the full buffer
Mega	Facility or data center campus with maximum coincident electrical demand of 300 MW or more at full build-out — **prohibited under § 34-4(2)**, except where a low-emission power supply adjustment under § 34-8-1(5) authorizes a maximum coincident electrical demand up to 900 MW.			

Distances are measured horizontally from the exterior wall or equipment perimeter of the regulated building or facility to the applicable property line or the nearest point of the sensitive receptor (§ 34-6(1)(c)). The applicant need not own land within the thermal buffer distance lying outside the sending property; that land may be used for agriculture, utility-scale solar, energy storage serving the facility, open space, or another use that does not introduce a sensitive receptor (§ 34-6(1)(d)). A facility may not raise ambient air temperature at the nearest off-site sensitive receptor by more than 2 °F under summer design, low-wind, continuous-operation conditions (§ 34-6(1)(e)). Section 34-9(2) sets mailed notice at the greater of the class radius or the thermal buffer distance plus 500 feet; at the full buffer distance the latter always controls, and the notice radius is calculated using the unreduced thermal buffer distance even where a reduction is approved under § 34-6(1)(f) (§ 34-9(2)).

Table 2 — Required studies, review, and verification by class

Requirement	Small	Large	Hyperscale	With co-located generation or microgrid
Pre-application conference — § 34-5(1)	*At County discretion*	**Required**	**Required**	**Required**
Submittals § 34-5-1 through § 34-5-16 (project disclosure, water, power, air, noise, lighting, traffic, fire, fiscal, environmental, decommissioning, engagement, records, RSDZ)	**Required**	**Required**	**Required**	**Required**
Thermal impact and heat mitigation study (CFD or equivalent) — § 34-5-18	**Required**	**Required**	**Required**	**Required**
Cumulative impact and data center campus analysis — § 34-5-17	*If part of a campus*	**Required**	**Required**	**Required**
Independent review of water study and power plan, thermal impact study, and fire hazard analysis — § 34-5(4)	—	**Required**	**Required**	*Per underlying class*
Independent review of air quality (if combustion), and cumulative impact — § 34-5(4)	—	*If ≥ 100 MW*	**Required**	**Required**
Applicant public information meeting — § 34-9(5)	—	**Required**	**Required**	**Required**
Written County response to public comments — § 34-9(7)	—	**Required**	**Required**	**Required**
Post-construction noise verification — § 34-10(3)	**Within 90 days**	**Within 90 days**	**Within 90 days**	**Within 90 days**
Post-construction thermal verification — § 34-10(4)	90 days and first full summer	90 days and first full summer	90 days and first full summer	90 days and first full summer
Annual compliance report and public plain-language summary — § 34-10(5)	**Annual**	**Annual**	**Annual**	**Annual**
Independent noise verification — § 34-7(2)	—	**Every 3 years, and within 90 days after a substantial modification**	**Every 3 years, and within 90 days after a substantial modification**	*Per underlying class*
Permanent Class 1 sound monitor with quarterly public summaries — § 34-7(2)	—	*If ≥ 100 MW*	**Required**	**Required**
Decommissioning financial assurance review and update — § 34-11	**At least every 3 years**	**At least every 3 years**	**At least every 3 years**	**At least every 3 years**