

ORDINANCE No. 16-2026

ROLL CALL

VOTING	YES	NO	ABSENT	ABSTAIN
MIKE MENDENHALL <i>Mayor (votes only in case of tie)</i>				
STACY BECK <i>Councilmember</i>	X			
JESSE CARDON <i>Councilmember</i>		X		
SHANE MARSHALL <i>Councilmember</i>	X			
KEVIN OYLER <i>Councilmember</i>	X			
LANDON TOOKE <i>Councilmember</i>		X		

I MOVE this ordinance be adopted: Councilman Kevin Oyler

I SECOND the foregoing motion: Councilman Shane Marshall

ORDINANCE No. 16-2026

AN ORDINANCE AMENDING TITLE 15 DATA CENTER AND ONSITE POWER GENERATION

WHEREAS Spanish Fork City has enacted Title 15 of the Spanish Fork Municipal Code ("Code") to regulate the development of land within the City, establish zoning to protect property values, and establish administrative rules concerning land use;

WHEREAS amendments to the land use ordinances and other sections of the Code need to be made from time to time in order to remain compliant with state and federal

law, become more efficient, to keep standards in line with best construction and safety practices, and to promote commerce in the community;

WHEREAS the proposed land use regulation was reviewed by the Planning Commission in accordance with law;

WHEREAS the Planning Commission held a public hearing on August 5, 2026, wherein public comment was received; and

WHEREAS the proposal was presented to the Spanish Fork City Council on August 18, 2026, whereat the Council held a public hearing and received comment on the proposed amendment;

NOW THEREFORE, be ordained by the Spanish Fork City Council as follows:

Section 1. Amendment of Code. The Spanish Fork Municipal Code is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein. Only the sections of the Code set forth in Exhibit A shall be amended. All other sections of the Code remain unchanged.

Section 2. Effective Date. This Ordinance shall become effective twenty (20) days after passage and publication, or 30 days after final passage, whichever is sooner.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH: September 21, 2026.


MIKE MENDENHALL, Mayor

Attest:


TARA SILVER, City Recorder



EXHIBIT A

AMENDMENT TO THE
SPANISH FORK MUNICIPAL CODE

SPANISH FORK CITY

TITLE 15 — AMENDMENTS

Data Center and Onsite Power Generation Facilities

§ 15.1.04.020 — DEFINITIONS

Add the following definitions to § 15.1.04.020 in alphabetical order:

“Controlled-Emission Generation Technology” means stationary, non-combustion, electric generation equipment (such as fuel cells or linear generators) fueled exclusively by natural gas, renewable natural gas, hydrogen, biogas, propane, or blends thereof. Combustion-based generation equipment, including reciprocating engines, turbines, and microturbines, does not qualify as Controlled-Emission Generation Technology and shall not be used for primary generation, regardless of fuel type. Controlled-Emission Generation Technology does not include compression-ignition diesel or dual-fuel engines used for prime power. Compression-ignition diesel or dual-fuel reciprocating engines shall not be used for standby, backup, emergency, black-start, or other electrical generation associated with a Data Center or Onsite Power Generation Facility approved under § 15.3.24.090(O), except temporary portable equipment used during construction or by emergency-response agencies as otherwise permitted by law.

“Data Center” means a facility used primarily for the housing and operation of computer servers, networking equipment, and data storage systems, together with associated electrical, mechanical, cooling, fire suppression, and security infrastructure. A Data Center may include accessory offices, maintenance areas, and an Onsite Power Generation Facility as regulated by this Title.

“Energy Storage System” means one or more devices, assembled together, capable of storing energy and supplying electrical energy at a future time, including, but not limited to, battery energy storage systems, together with associated inverters, controls, thermal management, and enclosures. When installed as a component of an Onsite Power Generation Facility, an Energy Storage System is a functional element of that facility used for load-following, power quality, ride-through, black start, and reliability purposes, and is not a separate principal use.

“Material Modification” means any modification that could reasonably be expected to materially change the environmental, utility, safety, or neighborhood impacts of an approved facility, including an increase in approved generating or computing capacity; a change in generation technology or primary fuel; a material change in cooling or heat-rejection technology; a material addition to or change in an Energy Storage System; a material change in facility layout affecting setbacks or Sensitive Receptors; an increase in approved water use; a change reasonably expected to increase noise, vibration, heat, emissions, wastewater, chemical storage, or fire risk; or another change determined by the Zoning Administrator to materially affect compliance with § 15.3.24.090(O). Routine repair or replacement with substantially equivalent equipment that does not increase an approved impact shall not constitute a Material Modification. Any approval obtained in the site plan process shall not be considered a material change.

“Onsite Power Generation Facility” means stationary Controlled-Emission Generation Technology, together with Energy Storage Systems, switchgear, controls, fuel-handling equipment, thermal-recovery equipment, and appurtenant structures, that generates, conditions, and stores electric power exclusively for consumption by principal and accessory uses located on the same site or within the same unified development, operating in electrical isolation from, and without interconnection to, any electric utility distribution or transmission system. An Onsite Power Generation Facility shall not export, sell, or deliver electric power at wholesale or retail to any offsite customer or electric system. An Onsite Power Generation Facility does not include facilities owned or operated by Spanish Fork City or another public utility.

“Sensitive Receptor” means a residence, school, licensed child care or elder care facility, medical facility, or public park located within a distance of the site stated in the site plan approval or development agreement. The City shall identify Sensitive Receptors applicable to a proposed facility at the pre-application meeting held under the site-plan review process, for use in the air-quality, acoustic, vibration, and thermal-impact analyses required by this Section.

§ 15.3.16.120 — I-1 LIGHT INDUSTRIAL ZONE

Amend § 15.3.16.120(B), Uses Subject to Conditions, by adding:

...

5. Data Center with Onsite Power Generation Facility, subject to the standards of § 15.3.24.090(O), Onsite Power Generation Facilities.
6. Onsite Power Generation Facility, subject to the standards of § 15.3.24.090(O), Onsite Power Generation Facilities.

§ 15.3.24.090(O) — ONSITE POWER GENERATION FACILITIES

1. Purpose.

To allow electric power to be generated, stored, and consumed entirely onsite in support of permitted uses and uses subject to conditions in the I-1 Zone, noted in the Amended § 15.3.16.120(B) 5 and 6, in a manner that does not create an unapproved interconnection with the City's electric utility system and that complies with all applicable provisions of the Spanish Fork Municipal Code.

This Section applies existing City requirements for noise, fugitive dust and emissions, environmental protection, wastewater, site plan review, setbacks, screening, landscaping, construction controls, building and fire safety, and enforcement to Data Centers and Onsite Power Generation Facilities. This Section also establishes additional use-specific standards for electrical isolation, Energy Storage Systems, water use, decommissioning, successor obligations, annual compliance reporting, and project-specific development agreements.

2. Applicability and Capacity.

This Section applies to all Onsite Power Generation Facilities in the I-1 Zone. An Onsite Power Generation Facility may be established only in conjunction with, and scaled to serve, one or more principal uses lawfully established or concurrently approved on the same site or within the same unified development.

A Data Center with an Onsite Power Generation Facility and a standalone Onsite Power Generation Facility are uses subject to conditions and shall comply with this Section and all other applicable provisions of the Spanish Fork Municipal Code.

An Onsite Power Generation Facility shall generate a minimum of 50 megawatts and not more than 450 megawatts of nameplate generating capacity, measured per Onsite Power Generation Facility.

Site plan approval for nameplate generating capacity shall authorize the owner to construct and operate at the approved nameplate generating capacity. Expansion shall occur in accordance with subsection 19.

3. Development

Each application shall include a development plan identifying the generating capacity and computing load proposed for the project. equipment proposed; anticipated construction and commercial-operation dates; expected water use, emissions, noise, heat rejection, vibration, wastewater, and other regulated impacts, including the cumulative impacts anticipated at full buildout.

The Onsite Power Generation shall not exceed the capacity approved by the City through the site plan and development-agreement process.

The City may require technical studies for the Onsite Power Generation, including modeling, utility information, fire review, or State and federal permit documentation for emissions.

4. Air Quality.

The facility shall comply with all applicable provisions of Utah law, federal law, applicable permits, approval orders, regulations, monitoring requirements, testing requirements, recordkeeping requirements, and reporting obligations administered by the Utah Air Quality Board, Utah Division of Air Quality, United States Environmental Protection Agency, or another agency having jurisdiction.

The facility shall also comply with SFMC Chapter 9.36, Fugitive Dust and Emissions. Nothing in this Section modifies the standards, inspection authority, enforcement procedures, remedies, or penalties established in Chapter 9.36.

Before construction, installation, operation, expansion, or Material Modification of a stationary source subject to State air-quality regulation, the owner shall obtain and maintain all applicable State and federal approvals and permits. The facility shall obtain and maintain an approval order from the Utah Division of Air Quality authorizing

the facility as a minor source under Utah Admin. Code R307-40, meet its terms and conditions, and may not exceed the levels in the approval order as issued. The facility may not operate under a Title V major source operating permit.

The applicant shall submit an air-quality analysis prepared by an independent qualified professional with the site plan application. The analysis shall identify proposed emissions units, proposed fuels, anticipated emissions, proposed emissions-control equipment, the applicable State permitting pathway, and Sensitive Receptors identified by the City.

The owner shall provide the City with copies of air-quality applications, approval orders, permits, amendments, renewals, source-test results, compliance reports, monitoring reports, notices of violation, corrective-action plans, and material agency correspondence concerning the facility within ten business days after filing, receipt, or issuance.

5. Air Quality Baseline, Testing, and Monitoring.

Air-quality monitoring, testing, recordkeeping, reporting, and compliance verification shall be conducted as required by the Utah Division of Air Quality, another agency with jurisdiction, an applicable approval order or permit, or a lawful City site plan or development-agreement condition.

Before site plan approval, the applicant shall submit independent, site-specific predictive air dispersion modeling, using accepted methodology such as AERMOD or an equivalent EPA-preferred model, together with representative local meteorology, terrain, and building downwash effects, to evaluate anticipated pollutant concentrations at Sensitive Receptors identified by the City. Where the City requires additional air-quality information to evaluate a proposed site plan, expansion, or Material Modification, the City may require the applicant to submit available representative monitoring data, permit documentation, source-test information, or other relevant material prepared by an independent qualified professional.

Within 180 days after commencement of full commercial operation, the owner shall submit a post-commissioning verification report, prepared by an independent qualified professional, confirming that actual fuel use, operating hours, and stack parameters are consistent with the assumptions used in the predictive modeling required above. Where actual conditions materially exceed those assumptions, the owner shall submit updated modeling and any corrective action required by the Zoning Administrator.

Nothing in this subsection creates an independent municipal air-emissions limit or monitoring regime that conflicts with an applicable State or federal permitting program.

6. Energy Storage.

An Onsite Power Generation Facility may include an Energy Storage System as a functional component of the facility.

Energy Storage Systems shall comply with the City's adopted building, electrical, and fire codes and all applicable State and federal requirements. The Energy Storage System shall be subject to Fire Marshal review before issuance of a certificate of occupancy.

The owner shall provide any fire-protection plans, emergency-response information, testing, certifications, access information, or other documentation required by the Fire Marshal under applicable City-adopted code.

An Energy Storage System may be used for load following, transient response, ride-through, black-start capability, power quality, and reliability for the onsite load. It shall not be used to export or sell electricity to an offsite customer or electric system.

7. Electrical Isolation.

The Onsite Power Generation Facility shall not interconnect with, parallel, export electricity to, or deliver electricity into the Spanish Fork City electric system unless the owner obtains all approvals required under the City's utility code and utility policies.

If the facility proposes no interconnection, the owner's electrical system plans shall demonstrate electrical isolation in the electrical design submitted with the application.

No approval under this Section obligates Spanish Fork City to provide backup, standby, emergency, supplemental, or replacement electrical power to the principal Data Center or Onsite Power Generation Facility.

Ordinary office, maintenance, custodial, and other similar portions of the site may continue to be connected to the Spanish Fork City electric system if separately metered and compliant with applicable City utility requirements.

Electricity supplied through this connection shall be used exclusively for ancillary purposes and shall not supply, supplement, or serve as backup power for the isolated Data Center or Onsite Power Generation Facility load.

8. Noise and Low-Frequency Sound.

A. The facility shall comply with SFMC Chapter 9.32, Noise, including its classifications, measurement procedures, zone-specific noise limits, exceptions, enforcement provisions, and remedies. Under § 9.32.050(B), the most restrictive limit applies at the boundary between different land-use categories. Nothing in this subsection changes the existing Chapter 9.32 measurement method or noise limits.

B. Before site plan approval, and before any construction activity begins, the applicant shall measure existing ambient sound levels, in both A-weighted (dBA), C-weighted (dBC) decibels, and unweighted 1/3 octave band decibel levels at the property line, the nearest residential-zone boundary, the nearest existing residences, and other Sensitive Receptors identified by the City. Measurements shall be taken under representative daytime, nighttime, and meteorological conditions and shall establish the baseline against which the facility's contribution is measured under subsections D and G below. The levels shall be measured at the source property boundary and measure (in parallel) the 15-minute overall levels and spectra: LAeq, LCEq, LAmin, LCmin, LAmax, LCmax, LA90, LC90 to provide a full statistical picture of the varying ambient sound environment. The levels shall be measured continuously for a minimum of a 72-hour period to include a weekend day/night. The basic measurement methodology must conform to: ASA/ANSI S12.18-1994 (R2023) Procedures for Outdoor Measurement of Sound Pressure Level.

C. The applicant shall submit an acoustic analysis prepared by an independent qualified professional with the site plan application. The analysis shall utilize the ISO 9613-2 standard for measuring sound propagation, and shall model all significant sound sources operating simultaneously under two scenarios: (1) maximum reasonably anticipated load, and (2) full nameplate generating and computing capacity. The analysis shall evaluate daytime and nighttime conditions, tonal sound, low-frequency sound, representative meteorological conditions, and topography, and shall predict sound levels, in both dBA and dBC, at the same locations identified in subsection B.

D. In addition to the Chapter 9.32 dBA limits, the facility's contribution shall not exceed 60 dBC (measured in 15-minute Leq) between 9 p.m. and 6 a.m. or the daytime ambient level (dBC) measured at the same locations identified in subsection B and at the nearest residential-zone boundary and nearest existing residences.

E. The acoustic analysis required under subsection C shall include a one-third octave-band analysis, with band center frequencies as specified in ANSI S1.11. The analysis shall identify tonal components, narrow-band noise, and low-frequency-dominated sound. The City shall require additional evaluation and mitigation where there is evidence of excessive tonal, narrow-band, or low-frequency-dominated noise, including substantiated complaints, recurring noise disturbances, or spectral characteristics suggesting potential adverse community impact. In such cases, the jurisdiction may require one-third-octave-band compliance evaluation using a recognized assessment methodology approved by the City.

F. Within 180 days after commencement of full commercial operation of each phase, the owner shall conduct field verification testing, in dBA and dBC, at the same locations identified in subsection B, under representative operating conditions, confirming compliance with subsections A and D. Results shall be reported to the Zoning Administrator.

G. The owner shall conduct verification testing not less than once per calendar year. Any substantial change to cooling equipment or onsite power generation equipment shall trigger additional verification testing outside the annual cycle, independent of whether the change constitutes a Material Modification.

9. Ground-Borne Vibration.

Before site plan approval, the City shall require the applicant to submit a vibration analysis prepared by an independent qualified professional if the proposed facility includes equipment reasonably expected to create ground-borne vibration affecting nearby residential uses, other Sensitive Receptors, or public infrastructure.

The scope, measurement locations, methodology, baseline conditions, applicable standards, mitigation measures, and post-operation verification requirements shall be established through site plan review or the development agreement when warranted by the facility's anticipated impacts.

Power generation, cooling, and other mechanical equipment may not induce ground-borne vibration at the property line that would exceed the ISO Residential Day Curve, without installing vibration isolators appropriate to prevent structure-borne noise transmission into the building structure or surrounding ground, as identified in the acoustic analysis.

This subsection does not alter any applicable building, construction, nuisance, or environmental standard otherwise established in the Spanish Fork Municipal Code.

10. Heat and Thermal Effects.

Before site plan approval, the City shall require a thermal-impact analysis prepared by an independent qualified professional if the proposed facility includes generation, computing, storage, cooling, or heat-rejection equipment reasonably expected to create offsite thermal effects.

The analysis shall identify anticipated heat rejection, operating conditions, cooling technology, property-line effects, effects on identified Sensitive Receptors, topography, and representative meteorological conditions.

The City may impose lawful site plan or development-agreement conditions addressing equipment location, screening, cooling design, monitoring, mitigation, or other measures reasonably necessary to address demonstrated offsite thermal effects. These conditions shall include ongoing monitoring at the facility and locations off-site (which may include existing heat islands) for heat increases compared to the baseline analysis.

11. Setbacks, Screening, Lighting, and Height.

Generation equipment, Energy Storage Systems, cooling equipment, fuel-handling equipment, and appurtenant structures shall comply with the applicable I-1 Zone setbacks, height restrictions, site plan requirements, landscaping, buffering, wall, lighting, and design standards of Title 15.

The facility shall comply with § 15.4.08.010 et seq., Site Plan Review; § 15.4.16.120, Parking; § 15.4.16.130, Landscaping, Buffering, Walls; and all other applicable requirements of Title 15.

The site plan shall identify the location of generation equipment, Energy Storage Systems, cooling equipment, fuel-handling equipment, utility facilities, emergency-access routes, screening improvements, and exterior lighting.

The City may impose additional site-specific placement, screening, buffering, landscaping, lighting, access, and safety conditions through its existing site plan-review process when authorized by Title 15 and reasonably related to the facility's impacts. Existing I-1 setback rules, including the rules applicable near a residential use or district, remain controlling.

12. Water Use and Cooling.

The site plan application shall include an annual water-use estimate, by category of use, for review by the Public Works Director.

The application shall identify anticipated water use for cooling and process water, interior humidification, domestic and sanitary use, landscaping, maintenance and flushing, equipment cleaning, fire-system inspection and testing, and all other anticipated water uses.

The facility shall comply with applicable City utility, building, environmental, construction, and site plan standards for water service, water use, cooling systems, drainage, and protection of City infrastructure.

Any water-use limitation applicable to the facility shall be stated in the site plan approval or development agreement. The water use already available to the facility shall be allowed for construction, office, business, and landscaping uses. An increase in an approved water-use limitation constitutes a Material Modification. Data Center water use for the initial filling of the Cooling system of the compute areas shall not exceed 600,000 gallons. Thereafter, Data Center water use for cooling and humidification may not exceed 300,000 gallons per year.

A facility is excused from the water use limitation if it cannot comply due to causes that are uncontrollable or unforeseeable, such as acts of God, earthquakes, floods, fires, war, terrorism, riots, and civil disturbances.

Actual water consumption shall be metered and subject to City verification under applicable City utility authority and project-specific approval conditions.

13. Wastewater, Chemicals, PFAS, Spill Prevention, and Groundwater Protection.

Any discharge to the public sewer system from the facility, including cooling-system blowdown, maintenance flushing, or process wastewater, shall comply with SFMC Chapter 13.24 and all applicable wastewater permits, pretreatment standards, monitoring requirements, sampling requirements, and discharge conditions.

The facility shall comply with § 15.4.24.010 through § 15.4.24.110, including existing requirements governing environmental review, inspections, groundwater, release reporting, remediation, mitigation, cost recovery, and financial assurance.

Before issuance of a building permit, the owner shall provide the City with an inventory of chemicals, fuels, coolants, lubricants, fire-suppression materials, treatment chemicals, and other regulated hazardous materials expected to be stored or used onsite. The inventory shall be updated annually and within thirty days after introducing a new material that materially changes environmental or emergency-response risk. Whereas ethylene glycol is poisonous to humans and animals, propylene glycol is Generally Recognized as Safe (GRAS) by the FDA for foods, drugs, and cosmetics, and shall be used as an alternative to ethylene glycol in cooling or computing processes. The facility shall develop a spill-response plan that employs active 24/7 containment, leak detection, spill-prevention, shutoff, controlled-drainage, and emergency-response measures required by applicable City, State, and federal law and permits.

Any release shall be reported and addressed in accordance with § 15.4.24.080 and applicable county, State, and federal law. Contaminated groundwater or groundwater suspected of contamination shall not be dewatered, diverted, or discharged except in accordance with § 15.4.24.010(C), required permits, and applicable approvals.

Utah Tier II Compliance: A facility shall represent and covenant in a development agreement or otherwise that it shall remain in full compliance with Utah Tier II Reporting Requirements, including the accurate and timely annual submission of hazardous chemical inventory reports to the Utah Department of Environmental Quality and all applicable local emergency response agencies prior to the March 1 statutory deadline.

14. Fuel Supply and Project-Specific Infrastructure.

Where the facility relies on natural gas or another utility-delivered fuel, the applicant shall provide written confirmation from the serving utility before commencement of construction that:

1. The utility can serve the approved phase of the project;
2. Required project-specific infrastructure has been identified;
3. The proposed service is not expected to impair service to existing customers under applicable utility standards; and
4. Responsibility for project-specific infrastructure costs has been identified.

Project-specific fuel-delivery infrastructure, studies, upgrades, extensions, and facilities required solely or primarily to serve the project shall be addressed in the development agreement or other City-approved agreement.

Approval under this Section does not obligate Spanish Fork City or its utility customers to subsidize project-specific energy infrastructure.

15. Emergency Response and Public Safety.

Before commercial operation, the owner shall provide the Fire Marshal with an emergency-response plan and the emergency contacts, site-access information, facility information, equipment information, and other materials required under applicable City-adopted fire, building, electrical, or public-safety code.

The emergency-response information shall address, as applicable, fire; Energy Storage System thermal runaway; gas or fuel release; chemical spill; electrical incident; cooling-system failure; emergency shutdown; hazardous-material response; evacuation; and site access.

The owner shall maintain current 24-hour emergency contact information with the City.

The Fire Marshal may require facility familiarization, training, tabletop exercises, emergency drills, access improvements, emergency-response planning, or other lawful measures reasonably necessary for responder safety.

16. Decommissioning and Financial Assurance.

Upon permanent cessation of the principal use served by the Onsite Power Generation Facility, the owner shall remove the Onsite Power Generation Facility, including Energy Storage Systems, and restore the site within twelve months unless the City approves a different schedule based on good cause.

Before permanent cessation of commercial operation, the owner shall submit a decommissioning and site-restoration plan identifying the anticipated removal, disposal, and restoration procedures for generation equipment, Energy Storage Systems, fuel-handling equipment, and related improvements.

The City shall require financial assurance to conduct a Phase 1 environmental site assessment, and a Phase 2 environmental site assessment, if required, together with the recommended restoration, environmental investigation, remediation, removal of hazardous materials, and mitigation of hazardous materials determined to be on site at permanent cessation of operations. Any required financial assurance shall be administered consistently with the City's existing financial-assurance provisions. The amount of required financial assurance shall not exceed the owner's professional engineer's estimate of the cost to decommission the facility and restore the site under this subsection, and shall be reviewed and adjusted, if necessary, not less than once every five years.

As used in this subsection, "permanent cessation" shall mean any period of inactivity greater than 365 days.

17. Successor Owners and Operators.

Conditions of approval, permit terms, and applicable development-agreement obligations imposed under this Section shall run with the land to the extent permitted by law and shall bind successor owners and operators.

A sale, lease, merger, acquisition, foreclosure, bankruptcy transfer, assignment, or other transfer of ownership or operational control does not relieve the facility of obligations imposed by this Section, a site plan approval, an applicable permit, or a development agreement.

The owner shall notify the City in writing at least thirty days before a proposed voluntary transfer of ownership or operational control. A successor owner or operator shall acknowledge in writing its continuing obligations before the City recognizes the transfer for purposes of City approvals.

18. Independent Verification.

The owner shall conduct independent verification testing of noise, water use, and air-quality compliance not less than once per calendar year, performed by an independent qualified professional approved in advance by the Zoning Administrator. Results of this testing shall be included in the Annual Compliance Report required under subsection 21. The independent qualified professional shall be a Utah-licensed professional engineer, or shall meet the qualification standard stated in the development agreement, and approval by the Zoning Administrator shall not be unreasonably withheld or delayed. Additionally, where testing, monitoring, modeling, or verification is required by this Section, a site plan approval, a development agreement, or applicable City Code, the City may require that work be performed by an independent qualified professional approved in advance by the Zoning Administrator.

The City may have a City representative or City-retained third party present during testing or inspection as authorized by applicable City Code, a site plan approval, or a development agreement.

Raw data, methodologies, field notes, modeling inputs, monitoring information, and summary reports shall be made available to the City upon request to the extent permitted by law.

The City may require reasonable retesting when results are incomplete, inconsistent, disputed, or indicate possible noncompliance.

Upon receipt of a written complaint with supporting evidence alleging noncompliance with a noise, water-use, or air-quality standard under this Section, the Zoning Administrator shall determine within fourteen (14) business days whether the complaint is substantiated. If the complaint is substantiated, the Zoning Administrator shall require retesting of the relevant standard, performed by an independent qualified professional, within twenty-one (21) days of that determination.

19. Material Modifications.

No Material Modification may be implemented without written City Council review and approval.

The Zoning Administrator shall require a Material Modification to undergo amended site plan review, updated technical studies, updated modeling, additional Fire Marshal review, development agreement amendment, new or

amended State or federal permits, or other review applicable to the nature and significance of the proposed modification.

A Material Modification may not be approved if it would cause the facility to violate applicable City Code, a State or federal permit, a site plan condition, or a development agreement obligation.

20. Development Agreement Required.

Concurrent with site plan approval, the owner shall execute a development agreement with the City.

The development agreement shall incorporate applicable project-specific requirements, including, approved water-use limitations, utility and infrastructure obligations, emergency-response obligations, decommissioning requirements for hazardous materials, financial assurance, monitoring requirements, and enforcement provisions.

The development agreement or a notice of the development agreement shall be recorded against the property to the extent permitted by law and shall bind successors as provided by law.

No development agreement may waive, reduce, or supersede an otherwise applicable requirement of the Spanish Fork Municipal Code unless the City lawfully approves a waiver or modification through the procedure required by applicable law.

21. Annual Public Compliance Report.

On or before the date established in the development agreement or site plan approval each year, the owner shall submit an Annual Compliance Report to the Zoning Administrator covering the preceding calendar year.

The report shall include, to the extent applicable:

1. Actual generating capacity and commercial operating phase;
2. Annual operating hours;
3. Water-use information;
4. Air-quality permit, monitoring, and testing information;
5. Noise-verification information;
6. Wastewater and stormwater compliance information;
7. Updated chemical inventory;
8. Material spills, releases, fires, or environmental incidents;
9. Regulatory or City notices of violation;
10. Corrective actions and mitigation completed;
11. Complaints received regarding regulated facility impacts and their disposition;
12. Financial-assurance status;
13. Ownership or operational-control changes; and
14. Material Modifications issued during the year.

The City shall make the Annual Compliance Report available to the public subject to applicable public-record, security, proprietary-information, and privacy laws.

22. Citywide Limitation.

Not more than one Data Center with Onsite Power Generation Facility site may be approved and active within the corporate limits of Spanish Fork City at any time.

For purposes of this subsection, a “site” means a single parcel or unified development operating under an active approval subject to conditions granted under this Section.

Upon decommissioning of a site under subsection 16, or upon expiration or revocation of the applicable approval, that site no longer counts toward the limitation and the corresponding capacity becomes available for a future application.

A standalone Onsite Power Generation Facility counts as a site. The limitation may not be avoided by separating a Data Center and its associated generation facility onto separate parcels or approvals within the same unified development.

23. Enforcement.

A. City Inspection and Testing Rights.

The City may exercise the inspection, testing, monitoring, enforcement, abatement, cost-recovery, and other authority available under the Spanish Fork Municipal Code, a site plan approval, a development agreement, or applicable law.

The City may inspect or test compliance with this Section; Chapter 9.32; Chapter 9.36; Chapter 13.24; Title 15, Part 4; a site plan approval; or a development agreement at reasonable times and with or without prior notice where authorized by law.

B. Self-Reporting, Notice, and Cure.

1. Owner self-reporting. The owner shall notify the Zoning Administrator in writing within 48 hours of discovering any violation of this Section, a site plan condition, or a development-agreement obligation, regardless of whether the City has independently identified the violation.
2. Notice. When the Zoning Administrator determines that the facility has violated an applicable requirement, the City shall issue written notice identifying the violation and the supporting measurements, data, or information.
3. Standard cure period. The owner shall have fifteen (15) days from the date of notice to remedy the violation and demonstrate compliance through re-testing conducted or verified by the City.
4. Shortened cure period. The Zoning Administrator may impose a shorter cure period where reasonably necessary to protect public health, safety, property, or the environment.

C. Penalties, Operational Restrictions, and Suspension.

1. Daily penalties. A violation not remedied within the applicable cure period is subject to a civil penalty of \$750 per day, the maximum permitted under Utah Code § 10-20-1002, or prosecution as a Class C misdemeanor, for each day the violation continues, with each day constituting a separate violation.
2. Operational restrictions and suspension. If a violation is not remedied within the applicable cure period, or if a material performance standard is repeatedly violated, the City may impose lawful operational restrictions, suspend noncompliant equipment, suspend an operating phase, suspend the facility, or pursue any other available remedy up to and including revocation of the business license to operate the Data Center or Onsite Power Generation Facility.
3. Hearing and appeal. An operational restriction or suspension is subject to notice, hearing, and appeal. Upon determination by the Zoning Administrator that a violation might exist based upon evidence provided, a hearing shall be held. The City shall provide 14 days' notice, and in any case, the hearing must be held within 30 days of the City's determination to hold a hearing. A decision of the Zoning Administrator regarding an operational restriction or suspension may be appealed to the City Council. A hearing before the City Council shall be held within 30 days of filing the appeal, and shall be decided within 30 days after the hearing.
4. Penalties cumulative. Daily penalties under paragraph 1 continue to accrue during any hearing or appeal unless stayed by the hearing body.

D. Additional Remedies.

The remedies under this subsection are cumulative and are in addition to remedies available under Chapters 9.32, 9.36, 13.24, Title 15 Part 4, a site plan approval, a development agreement, or applicable law.

E. Cost of Enforcement.

The owner shall bear reasonable City testing, verification, inspection, review, and enforcement costs where cost recovery is authorized by the applicable Spanish Fork Municipal Code provision, site plan approval, development agreement, or other applicable law.

24. Other Codes and Permits Unaffected.

Nothing in this Section modifies, repeals, limits, waives, or replaces any existing provision of the Spanish Fork Municipal Code.

Nothing in this Section modifies or limits the applicability of City-adopted building, fire, utility, wastewater, stormwater, hazardous-material, environmental, public-safety, or construction standards, or applicable State and federal law, permits, approval orders, regulations, and requirements.

Where an existing Spanish Fork Municipal Code provision governs a subject addressed in this Section, that existing Code provision controls unless this Section expressly establishes an additional use-specific requirement.

The City's existing construction standards require applicable improvement standards and temporary controls for noise, dust, mud, surface water, groundwater, pollution, and erosion, and recognize potential SWPPP, NOI, and UPDES requirements.