

CLEARFIELD CITY ORDINANCE 2026-13

AN ORDINANCE OF THE CLEARFIELD CITY COUNCIL ESTABLISHING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE § 10-20-504 REGARDING DATA CENTER USES; MAKING FINDINGS OF A COMPELLING, COUNTERVAILING PUBLIC INTEREST; TEMPORARILY REGULATING DEVELOPMENT ASSOCIATED WITH DATA CENTER USES WHILE THE CITY EVALUATES APPROPRIATE LAND USE CLASSIFICATIONS AND DEVELOPMENT STANDARDS; ESTABLISHING A PERIOD OF LIMITED EFFECT; PROVIDING FOR EXCEPTIONS REQUIRED BY LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Clearfield City Council ("City Council") is the legislative body of the City and is authorized by Utah law to enact land use regulations governing the use and development of land within the City; and

WHEREAS, Utah Code § 10-20-504 authorizes a municipal legislative body, without prior consideration of or recommendation from the Planning Commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the municipality upon a finding of a compelling, countervailing public interest; and

WHEREAS, data centers are an evolving land use characterized by the housing and operation of computer servers, data-processing equipment, telecommunications equipment, and related infrastructure used to process, store, manage, or transmit electronic data; and

WHEREAS, the Clearfield City Code does not currently identify or define "data center" as a distinct land use or expressly designate the zoning district or districts in which a data center is permitted, conditionally permitted, or an overlay zone; and

WHEREAS, because data centers are not presently defined or specifically regulated as a distinct land use, the City's existing land use regulations do not contain standards specifically developed to address the reasonably anticipated land use and infrastructure impacts of data center facilities; and

WHEREAS, depending upon the size, design, equipment, cooling technology, and operational characteristics of a particular facility, a data center may create land use or infrastructure impacts materially different from other uses presently identified in the City's land use ordinances, including impacts associated with electrical demand, water consumption, wastewater, cooling systems, emergency and backup power generation, noise, building design, utility infrastructure, fire protection, transportation, and other public infrastructure; and

WHEREAS, the Utah Legislature enacted legislation during the 2026 General Session addressing water use and reporting associated with certain data center facilities, reflecting statewide consideration of the infrastructure and resource demands associated with this evolving land use; and

WHEREAS, the City Council finds that data centers vary significantly in size, operational characteristics, resource consumption, and potential impacts and that a land use

definition and regulatory framework should account for such differences rather than treating all facilities as having identical impacts; and

WHEREAS, the City Council desires to evaluate factual information concerning data centers, including facility size, electrical demand, water demand and cooling technology, wastewater impacts, backup generation, noise, fire and emergency response considerations, infrastructure capacity, employment characteristics, and compatibility with existing zoning districts before adopting permanent land use regulations governing data centers; and

WHEREAS, allowing development associated with a data center to proceed before the City has had a reasonable opportunity to evaluate these issues and establish appropriate zoning classifications and generally applicable land use standards could result in development or infrastructure commitments that may be difficult or impracticable to address after construction or operation has commenced; and

WHEREAS, the City Council intends that this temporary land use regulation apply uniformly to development associated with data center uses based upon the characteristics of the proposed land use and not upon the identity of a particular property owner, applicant, tenant, operator, or proposed occupant; and

WHEREAS, the City Council does not, by adoption of this Ordinance, find that data centers are inherently incompatible with industrial, manufacturing, commercial, or other areas of the City, nor does the City Council determine that data centers should ultimately be prohibited within the City; and

WHEREAS, rather, the City Council finds that additional study is necessary to determine how data centers should be defined, the zoning district or districts in which such uses should be permitted, conditionally permitted, or an overlay zone, whether different categories of data centers should be established based upon their scale or operational characteristics, and what generally applicable land use standards are reasonably necessary to address their impacts; and

WHEREAS, the City Council finds that the presently undefined status of data centers within the Clearfield City Code, together with the potentially significant and presently unaddressed infrastructure and land use impacts associated with such facilities, creates an immediate need for a limited period in which the City may study and establish appropriate regulations before development associated with such uses proceeds; and

WHEREAS, based upon the foregoing, the City Council finds that protecting the City's ability to adequately plan for and regulate potentially significant electrical, water, utility, infrastructure, public safety, and land use impacts associated with data centers constitutes a **compelling, countervailing public interest** within the meaning of Utah Code § 10-20-504; and

WHEREAS, the City Council finds that the temporary land use regulation established by this Ordinance is limited in scope and duration and is reasonably necessary to protect the compelling, countervailing public interest identified herein while the City studies and considers permanent land use regulations governing data centers.

**NOW, THEREFORE, BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL,
STATE OF UTAH, AS FOLLOWS:**

Section 1. Finding of Compelling, Countervailing Public Interest.

The City Council hereby finds that a compelling, countervailing public interest exists requiring the immediate adoption of a temporary land use regulation governing development associated with data center uses. The compelling, countervailing public interest includes:

Protecting the City's ability to plan for and evaluate potentially significant electrical, water, wastewater, utility, transportation, emergency service, and other infrastructure demands associated with data centers;

Providing the City a reasonable and limited period in which to determine whether existing land use classifications and development standards adequately address the characteristics and impacts of data center facilities;

Protecting surrounding properties and existing land uses from potentially significant impacts that are not presently addressed by data center specific land use standards;

Allowing the City to evaluate whether data centers should be divided into different classifications based upon electrical demand, water consumption, facility size, cooling technology, or other operational characteristics;

Allowing the City to determine the zoning district or districts in which data centers or particular categories of data centers may appropriately be located and whether such uses should be a permitted use, conditional use, or an overlay zone;

Allowing the City to evaluate recent changes in Utah law affecting data centers and determine how those requirements should be incorporated into or coordinated with the City's land use regulations; and

Preventing development or infrastructure commitments from occurring before the City has had a reasonable opportunity to evaluate and adopt generally applicable land use regulations governing the use.

Section 2. Definition.

For purposes of this Ordinance:

"Data Center" means a building, portion of a building, or group of buildings primarily used to house and operate computer servers, data-processing equipment, network telecommunications equipment, digital storage systems, or related electronic equipment for the purpose of processing, storing, managing, hosting, exchanging, or transmitting electronic data for commercial, institutional, governmental, or other users.

A data center includes equipment and infrastructure accessory to the primary use, including cooling systems, electrical substations or distribution equipment, uninterruptible power supplies, battery energy storage systems serving the facility, emergency or standby generators, telecommunications equipment, and similar infrastructure.

The term does not include:

Computer servers, network equipment, or data-processing equipment that are accessory and incidental to another principal use conducted on the same property;

An ordinary office, retail establishment, governmental facility, educational institution, medical facility, financial institution, manufacturing facility, or other principal use merely because the use maintains computer servers or information-technology equipment primarily supporting its own operations; or

A telecommunications facility otherwise separately classified and regulated by the Clearfield City Code or applicable state or federal law.

The City shall consider the primary purpose, physical characteristics, equipment, and operational characteristics of the facility in determining whether a proposed use constitutes a data center under this Ordinance.

Section 3. Geographic Application.

This temporary land use regulation applies to all zoning districts and all real property located within the incorporated boundaries of Clearfield City.

Section 4. Study And Work Program.

During the effective period of this Ordinance, City staff is directed to evaluate and prepare recommendations concerning permanent land use regulations for data centers.

Nothing in this section requires the City Council to adopt any particular land use classification, zoning designation, development standard, or other permanent regulation.

Section 5. Duration.

This temporary land use regulation shall remain in effect for **one hundred eighty (180) days from its effective date**, unless terminated earlier by ordinance of the City Council.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, definition, or other portion of this Ordinance is for any reason held invalid or unenforceable by a court of competent jurisdiction, the invalid portion shall be deemed a separate, distinct, and independent provision, and the remaining portions of this Ordinance shall remain effective to the fullest extent permitted by law.

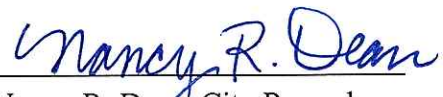
Section 7. Conflicting Provisions.

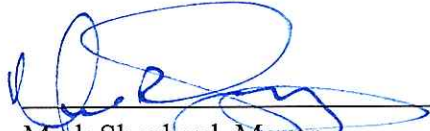
To the extent that any provision of the Clearfield City Code conflicts with this temporary land use regulation during its effective period, this Ordinance shall govern to the extent permitted by Utah law.

Passed and adopted by the Clearfield City Council this 8th day of September, 2026.

ATTEST:

CLEARFIELD CITY CORPORATION


Nancy R. Dean, City Recorder


Mark Shepherd, Mayor

VOTE OF THE COUNCIL

AYE: Councilmembers King, Peterson, Ratchford, Wurth

NAY: None

ABSENT: Councilmember Thompson

