# JUAB COUNTY

## PLANNING COMMISSION MEETING

Wednesday, September 16, 2026, at 7:00 PM
Commission Chambers – 160 N Main, Nephi, UT

---

Commission Members Present: Chair Shirl Nichols, Vice Chair Mike Kramer, Steven Bunker, Marc Rowley

Commission Members Absent: Chris Memmott

Others Present: County Commissioner Marty Palmer, Zoning Administrator Colby Park, Secretary Tracy Painter, See attached attendance sign-up sheets.

---

## MINUTES

**1. Welcome**

Chair Shirl Nichols called the meeting to order at 7:00 PM, welcomed the unusually large audience, and noted he was speaking with a cold.

**2. Prayer / Pledge**

Steven Bunker offered the invocation and Colby Park led the Pledge of Allegiance.

**3. Public Hearing — Raccoon Eye Properties Zone Change Request**

The Chair opened the public hearing and explained that comment was reserved for affected property owners who had received mailed notice. Colby Park described the request: property at the site of the old turkey barns west of Nephi, currently split between the A1 and GMRF-160 districts, proposed for a change to industrial for the purpose of small contractor shops or "flex space." He clarified that notice was mailed to property owners within 1,000 feet. Tom Fowkes approached but confirmed he was not an affected property owner; one other attendee asked only about the notice radius. No affected parties offered comment, and the hearing was closed.

**4. Minutes -– August 19, 2026**

Marc Rowley stated he had reviewed the August 19, 2026 minutes and moved approval; Steven Bunker seconded. Motion carried unanimously.

**5. Raccoon Eye Properties LLC Zone Change Request — Recommendation**

Marc Rowley recused himself from discussion and the vote due to family relations. Staff clarified the Commission's role was limited to forwarding a recommendation to the County Commission. Mike Kramer moved to recommend approval of the Raccoon Eye Properties LLC zone change; Steven Bunker seconded. The motion carried unanimously, and the request will be forwarded to the county commissioners.

**6. S&S Development Group Zone Change Request — New Public Hearing Date and Time**

Colby Park reported a clerical error in the notices mailed to property owners and in the website posting, requiring the hearing to be re-noticed. He explained the request concerns the remaining parcel of a subdivision the developers previously completed, proposed for industrial zoning with the intent of an industrial park similar to the one across the street, though not limited to that use. The Commission scheduled the new public hearing for October 21, 2026 at 7:00 PM.

**7. Steven & Cody Gray — Nebo North LLC Conditional Use Permit Concerns**

Steven and Cody Gray of Mona addressed the Commission, stating at the outset that they were not there to protest but to ask questions about the conditional use permit issued to Nebo North LLC for a proposed data center approximately 970–978 feet from their lot line. They asked whether a conditional use permit can be revoked or reconsidered, and whether the community has any means to stop the project.

Chair Nichols responded that property rights apply equally to all owners, and that the Commission cannot remove rights from one applicant without jeopardizing them for everyone. Colby Park explained that the code allows either a conditional use permit or a zone change; the applicant chose the CUP route, met every code requirement, and the permit was properly issued with conditions. He noted that CUPs do not trigger the 1,000-foot mailed-notice requirement that applies to zone changes, though county code does require a public hearing for a CUP even where state statute does not.

Cody Gray read the county's code definition of "industry" aloud and questioned whether an AI data center satisfies it. Park responded that the use could be interpreted as falling under industry or, alternatively, under warehouse, wholesale, and storage. The Grays asked whether a more suitable, remote location could be identified and requested greater

transparency going forward. Park emphasized that the project remains early in the process with substantial hurdles remaining, that staff must apply the code neutrally to large and small applicants alike, and that the county commissioners adopted a temporary land use restriction in June to allow time to update the code. The discussion was at times heated, with audience interruptions; the Chair reminded attendees that commissioners serve as unpaid volunteers.

**8. JDH Zone Change Request**

No representative for the applicant was able to attend, so the item could not be discussed. No action was taken and nothing was denied.

**9. Land Use Code — Industrial Uses Discussion**

Continuing the discussion from the prior meeting, Colby Park suggested aligning county industrial zoning with the municipalities, citing Nephi City's tiered ID-1 through ID-4 districts — with ID-4 reserved specifically for uses such as data centers. Under that model, such a use would require a zone change, triggering notice to affected property owners. Marc Rowley and Steven Bunker both supported clearly defined, "black and white" permitted uses to reduce reliance on conditional use permits; Bunker noted the Commission had little discretion precisely because the recent project came through as a conditional use.

Chair Nichols urged prompt attention to the areas around the two large interchanges/underpasses, the railroad corridor, and old Highway 91, arguing that heavy industry should be sited near rail and freeway access and separated from residential areas, coordinated with the cities' master plans.

Tom Fowkes questioned whether commissioners were satisfied with the conditions attached to the recent CUP and suggested they review the code for authority to rescind or modify conditions. Mike Kramer restated an unresolved concern about the project's megawatt threshold relative to state code requiring large users to supply their own power. A resident and small business owner requested that the county voluntarily post redacted applications and maps online — as some other counties do without a code change — so residents can tell whether a proposal is a flex shop, a restaurant, or a data center before deciding to attend. Staff acknowledged the suggestion as a new and valid concern.

**10. Planning Commission Meeting Agenda Discussion — More Detailed Agenda Postings**

Colby Park presented an administrative change responding to public concern: future agendas will list the applicant's **intent** in addition to the applicant's name. He asked that it be reflected in the minutes so that all future applicants are demonstrably treated the same.

He also demonstrated a website improvement adding direct links from the posted agenda to the corresponding public hearing notice and map. Marc Rowley had asked whether map links were possible; Steven Bunker commended the improvement. The Commission voiced its support.

**11. Other Business**

A resident asked whether additional opportunities would be provided for public questions as the Nebo North permit progresses, and whether the required environmental review had been completed. Colby Park confirmed the environmental review has not yet been done and will be part of the process, and stated staff are working toward an educational special meeting with a panel to answer community questions about data centers and land use generally. Asked about CUP duration, Park explained the permit requires the applicant to commence within one year; once started, it runs with the land and does not require renewal. Another attendee reported attending a Utah County meeting the prior evening where that county does not allow data centers by conditional use permit; Chair Nichols and Park confirmed Juab County's intent is to place such uses in their own zone.

**12. Adjourn**

Chair Nichols reiterated that the Commission's goal is to zone the county so residents are not infringed upon, and adjourned the meeting at 8:03 PM.

Approved: _____ Attest: _____

Shirl Nichols
Planning Commission Chair

Colby Park
Planning & Zoning Administrator