

July 22, 2026

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Harvey,

Following our hearing on 7/16/26, I have compiled the following list of potential stipulations and supplemental information that I believe would significantly strengthen the applicant's project while helping address many of the concerns that have been expressed by neighboring property owners, Pinal County Citizens, public utility agencies, and the Planning & Zoning Commission members.

Data centers represent a unique and relatively new land use within Pinal County. Unlike traditional industrial development, these facilities have substantial history to present long-term operational considerations related to power generation, water use, mechanical equipment, emergency services, infrastructure, and compatibility with surrounding properties. Because of their scale and operational characteristics, I believe additional commitments beyond those typically associated with industrial rezoning and entitlements are appropriate.

The following recommendations are offered in the interest of creating a project that has the opportunity to be both successful for the applicant and compatible with the long-term interests of Pinal County and the surrounding community.

Requested Information and Potential Stipulations

1. Building Height

Provide additional justification demonstrating why building heights exceeding the County's standard 50-foot maximum are necessary for the operation of the proposed facility.

2. Future Compliance

Agree that any portion of the development that has not received an active building permit (excluding grading permits) shall comply with any Pinal County Data Center Ordinance or related development regulations that are in effect at the time such permits are issued and outside any outside of the stipulations contained herein – the more stringent of the two shall prevail.

3. Enhanced Setbacks

Provide enhanced setbacks as follows:

- Minimum 200-foot building setbacks adjacent to all zoning districts except I-3 and approved Green Energy uses.
 - Minimum 50-foot setback adjacent to I-3 and Green Energy properties (GEP).
 - All setbacks are measured from the property line and not from any adjacent use.
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4. Noise Performance Standards

The applicant shall agree to the following noise performance standards to protect adjacent properties and ensure long-term compatibility with surrounding land uses and their future or current development status.

The applicant shall:

- Demonstrate, through an independent acoustical engineering analysis prepared by a qualified third-party consultant, that the facility will comply with established property-line performance standards for:
 - Audible sound (A-weighted decibel levels)
 - High-frequency tonal noise
 - Low-frequency sound
 - Infrasound generated by cooling equipment, generators, transformers, mechanical systems, and other operational equipment.

- Establish maximum property-line performance standards (adjacent to any zoning/use except I-3/GEP) of:
 - **65 dBA maximum audible sound level** (or lower if required by County ordinance or adjacent land use). (7am – 10pm)
 - **45 dBA maximum audible sound level** (or lower if required by County ordinance or adjacent land use). (10pm – 7am)
 - **Maximum infrasound level of 80 dB (Linear) below 20 Hz**, or other County-approved performance standard at all times.
- Complete pre-construction acoustical modeling and submit the results to Pinal County P&Z for review.
- Conduct post-construction acoustical testing within six (6) months of full operation of each building and generating system to verify compliance with approved performance standards.
- Submit independent third-party acoustical verification reports annually throughout the life of the project.
- Post all annual acoustical reports on the project website for public review.
- Immediately notify Pinal County of any exceedance of the approved performance standards.
- Implement all necessary mitigation measures, including equipment modifications, acoustical shielding, operational changes, sound walls, or other corrective actions necessary to restore compliance.
- Allow Pinal County inspectors to verify sound attenuation standards at any time to verify compliance.

Enforcement

Failure to comply with the approved noise performance standards shall result in the following:

1. First Violation

- Written Notice of Violation.
- Submission of a corrective action plan within thirty (30) days.
- Independent follow-up acoustical testing at the applicant's expense.

2. Second Violation

- Implementation of all required mitigation measures within a timeframe established by the County.
- Continued independent monitoring until compliance has been demonstrated.

3. Third Violation within any rolling five-year period

- Suspension of approvals for future expansion or additional development phases.
- Restriction of equipment or operations determined by the County to be the source of exceedance until independent testing confirms compliance.

4. Material Non-Compliance

- Knowingly submitting false or misleading acoustical reports, refusing access for required testing, or failing to implement required mitigation shall constitute a material violation of the development approval and may result in additional enforcement actions authorized under the Pinal County Zoning Ordinance, including revocation proceedings and/or Restriction of equipment or operations where applicable.

5. Water Resources

The applicant shall agree to the following:

- Utilize a closed-loop cooling system or equivalent technology designed to minimize water consumption. Demonstrate during P&Z and BOS actual use standards to be established.
- Permanently prohibit conversion to evaporative, once-through, or other higher-consumption cooling systems without a new public hearing and approval by the Pinal County Board of Supervisors.
- Maintain annual water consumption at or below the levels presented during the rezoning process, allowing a maximum annual variance of **10%** due to operational fluctuations.
- Submit annual third-party water-use audits prepared by a qualified independent consultant.
- Post all annual water reports on the project website for public review.
- Provide documentation identifying:
 - Water discharge quantities
 - Treatment methods
 - Reuse methods
 - Retention and evaporation facilities
 - Groundwater protection measures
 - Annual groundwater quality testing results.

Enforcement

Failure to comply shall result in the following:

1. **First violation:** Written Notice of Violation and submission of a corrective action plan within 30 days.
2. **Second violation:** Independent follow-up verification at the applicant's expense and assessment of any applicable civil penalties authorized by County ordinance.
3. **Third violation within any rolling five-year period:** Suspension of any future expansion approvals and suspension of water-intensive operations until compliance is demonstrated and verified by an independent third party acceptable to the County.

6. Power Generation, Supply, and Reliability

The applicant shall demonstrate that all electrical demand associated with the proposed development can be reliably supplied without adversely impacting the existing electrical grid or existing utility customers. Compliance with the following conditions shall be required:

a. Independent Power Analysis

- Submit an independent electrical engineering study prepared by a qualified third-party engineering firm prior to P&Z & BOS demonstrating:
 - Maximum anticipated electrical demand at full build-out.
 - Phased electrical demand during each construction phase.
 - Capacity of the proposed on-site generation system.
 - Available reserve capacity.
 - Grid interconnection requirements.
 - Verification that the project can operate within the electrical demand represented during the rezoning process.
- The study shall be reviewed and approved by Pinal County Development Services and the serving utility prior to final action by the Board of Supervisors.

b. Operational Power Requirement

- The applicant's permanent on-site power generation facilities shall be constructed, tested, commissioned, and capable of supporting approved operational demand prior to issuance of any Certificate of Occupancy for any data center building.
 - Phasing is allowed, but each new building shall operate independently with the phased power generation.

- Temporary utility power may be utilized solely for construction activities.
- No data center operations, commissioning, equipment testing, or server installation shall occur utilizing temporary construction power or utility grid power.

c. Utility Grid Limitation

- Normal facility operations shall be powered exclusively by the applicant's approved on-site generation system.
- Annual electrical consumption from the local utility provider (Electrical District No. 3) shall not exceed 5 percent (5%) of the Data Center facility's total annual electrical consumption.
- Utility power may only be utilized for:
 - unforeseen emergency operating conditions;
 - equipment failures;
 - scheduled maintenance;
 - Temporary transition periods with prior approval by the County Manager and the Pinal County Data Center Oversight (PCDCO) manager (when developed).
- Routine operations shall not rely upon utility power.

d. Annual Independent Power Verification

- An independent third-party engineering firm shall prepare an annual electrical compliance report documenting:
 - Total annual electrical consumption.
 - On-site generation production.
 - Utility power consumption.
 - Peak demand.
 - System reliability.
 - Compliance with all approved power stipulations.
- Reports shall:
 - Be submitted & reviewed annually to Pinal County (PCDCO) staff.
 - Be published on the applicant's public website within thirty (30) days of County acceptance.
 - Remain publicly available for the life of the project.

e. Annual Compliance Threshold

- Annual electrical demand may fluctuate by no more than 10 percent (10%) above the approved maximum annual electrical demand established during the rezoning process without prior approval by the PCDCO Manager and County Manager.
- Exceeding this threshold shall require a formal amendment to the approved entitlement.

f. Enforcement

- Failure to submit required annual reports shall constitute a violation of the Conditions of Approval.
- Following three (3) verified violations of these power-related conditions, whether consecutive or cumulative within any five-year period, the County may:
 - suspend Certificates of Occupancy for affected facilities;
 - prohibit expansion of the campus;
 - withhold future permits;
 - require corrective action plans;
 - order cessation of data center operations until full compliance has been verified by the County.

g. Utility Provider Support

- Prior to Planning & Zoning Commission consideration, the applicant shall provide written correspondence from Electrical District No. 3 acknowledging review of the proposed electrical infrastructure. Their conditional support is acceptable at this stage.
- Prior to Board of Supervisors consideration, the applicant shall provide written confirmation from Electrical District No. 3 verifying:
 - the proposed electrical infrastructure is technically feasible;
 - the project will not negatively impact existing utility customers;
 - any required utility improvements have been identified; and
 - the utility has no outstanding objections to the proposed electrical service plan.
- Failure to provide such documentation prior to Board consideration shall constitute grounds for denial.

h. Generator Operations

- Routine testing of backup generators shall be limited to the hours of 9:00 a.m. through 5:00 p.m., Monday through Friday, excluding federal holidays.
 - Noise mitigation shall be exempt during Maintenance & Testing.

- Prior notification of Maintenance & Testing shall be posted on the company's website, social media, and written notification to PCDCO with as much notice as possible (minimum 48 hours, except in an emergency situation).
- Emergency operation during actual power interruptions shall be exempt.

i. Future Expansion

- Any expansion of computing capacity, electrical demand, or generating capacity beyond that specifically approved through the rezoning process shall require updated independent engineering studies and approval by Pinal County prior to implementation by an amendment to the zoning case with both P&Z and BOS review and approval.

j. Costs

- No costs associated with construction, operation, maintenance, upgrades, emergency response, transmission improvements, or replacement of electrical infrastructure required to serve the project shall be borne by existing ED3 ratepayers or Pinal County taxpayers. All such costs shall be the sole responsibility of the applicant or subsequent property owner unless otherwise approved by the Board of Supervisors

7. Fuel Cell Technology Validation

Because the applicant proposes to utilize fuel-cell technology as the primary power source, the applicant shall demonstrate that the technology has been successfully deployed at a comparable scale and is suitable for long-term operation within a high-temperature desert environment.

a. Independent Performance Study

- Submit an independent engineering study evaluating fuel-cell performance under sustained high-temperature desert operating conditions, including impacts on efficiency, reliability, maintenance, emissions, cooling requirements, and lifecycle performance.

b. Comparable Facility Documentation

- Provide documentation for a minimum of three (3) operating facilities within the United States utilizing substantially similar fuel-cell technology at comparable scale.
- Preference shall be given to facilities operating in hot or arid climates.
- Documentation shall include:
 - years in operation;
 - generating capacity;
 - annual reliability metrics;
 - operational availability;

- maintenance history;
- significant outages or failures;
- owner/operator references with contact information where available.

c. Independent Verification

- All studies shall be prepared or peer-reviewed by an independent engineering firm with demonstrated expertise in utility-scale power generation and fuel-cell technology and shall not rely solely upon manufacturer-provided performance data.

8. Dark Sky Compliance

The applicant shall design, install, operate, and maintain all exterior lighting in a manner that preserves the rural nighttime environment, minimizes sky glow, glare, and light trespass, and protects adjacent properties and surrounding agricultural and rural land uses.

1. The project shall be designed to comply with the DarkSky International Model Lighting Ordinance (MLO) Lighting Zone LZ1 (Low Ambient Lighting) standards. Where operational or public safety requirements necessitate additional illumination, limited areas may be designed to LZ2 (Moderate Ambient Lighting) standards only upon written approval by Pinal County. No portion of the project shall exceed LZ2 standards.
2. All exterior lighting fixtures shall be fully shielded, full-cutoff luminaires utilizing warm-colored light sources with a correlated color temperature (CCT) not exceeding 2700 Kelvin, except where federal or state safety regulations require otherwise. Exterior lighting shall follow DarkSky International's principles of being useful, targeted, low-level, controlled, and warm-colored.
3. Decorative lighting, façade uplighting, architectural accent lighting, and unnecessary overnight illumination shall be prohibited unless specifically approved by the Board of Supervisors and/or County Manager.
4. Parking lots, equipment yards, substations, loading areas, and service areas shall utilize adaptive lighting controls, including motion sensors, occupancy sensors, timers, and dimming systems, so lighting is provided only when necessary for safety, security, or active operations.
5. Prior to issuance of any Certificate of Occupancy, the applicant shall submit an independent photometric analysis prepared by a qualified lighting engineer demonstrating compliance with the approved DarkSky lighting zone requirements.
6. Pinal County may require post-construction field verification of lighting performance and periodic lighting audits throughout the life of the project. Any verified violations shall be corrected within thirty (30) days of written notice.
7. Failure to maintain compliance with the approved lighting standards shall constitute a violation of the Conditions of Approval and may result in enforcement actions authorized under the Pinal County Land Use Code.

9. Community Outreach

Establish:

- A community liaison with contact info located on the first page of their website.
- A project website.
- Public notice of planned generator testing.
- Annual community meetings.
- A formal complaint tracking and response process.

The applicant shall establish a Community Advisory Committee consisting of representatives from nearby property owners, local businesses, agricultural interests, emergency services, the school district, and County staff. The committee shall meet at least annually to review operational performance, compliance reports, community concerns, and proposed operational changes. Meeting agendas and summaries shall be publicly available.

10. Architectural Standards

Commit to enhanced architectural design standards that exceed conventional warehouse construction through:

- Building articulation.
 - Varied massing.
 - Material changes.
 - Decorative screening.
 - Enhanced landscaping.
 - Architectural treatment of publicly visible elevations.
 - Full screening of mechanical equipment & generators with sound attenuation materials or techniques.
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11. Employment

Applicant shall provide actual employment data anticipated for the use, maintenance and operation of each building within the facility. This shall be actual on-site staff working a minimum of 32 hours per week.

Provide annual public reporting identifying:

- Construction employment.

- Permanent on-site employment.
- Permanent off-site employment.
- Average wages.
- Local hiring initiatives.

Employment Accountability. The applicant shall maintain the minimum permanent full-time employment level represented during the rezoning process. Beginning one (1) year after issuance of the first Certificate of Occupancy, the applicant shall submit an independently verified annual employment report to Pinal County. For each permanent full-time position below the approved employment commitment, the applicant shall pay an annual Community Benefit Fee to Pinal County in an amount established by the Board of Supervisors and/or County Manager at the time of approval. Such fee shall continue annually until the approved employment level is achieved or otherwise modified by the Board of Supervisors.

12. Workforce Development Investment

The applicant shall establish and annually fund a Workforce Development Program to mitigate regional construction labor impacts resulting from the development of the project and to expand the skilled trades workforce within Pinal County.

1. Funding Requirement
 - a. The applicant shall contribute an annual Workforce Development Fee, as established by the Board of Supervisors and/or County Manager at the time of approval. The fee shall be assessed only during periods of active annual construction. This adjustment is intended to accommodate phased development, construction sequencing, and changing market conditions.
2. Eligible Recipients
 - a. Funds shall be allocated by Pinal County to Central Arizona College (CAC) and Central Arizona Valley Institute of Technology (CAVIT), or their successor institutions, to expand capacity in skilled trades and technical workforce programs.
3. Eligible Uses
 - a. Funding may be used for:
 - i. Expansion of skilled trades training programs related to data center operation and construction.
 - ii. Purchase of training equipment and laboratory facilities.
 - iii. Instructor recruitment and retention.
 - iv. Student scholarships.
 - v. Tuition assistance.

- vi. Certification and licensing costs.
 - vii. Required tools and equipment.
 - viii. Student loan repayment or forgiveness programs for graduates who obtain employment within Pinal County.
4. Eligible Programs
- a. Funding shall support programs including, but not limited to:
 - i. Electrical, HVAC, Plumbing, Welding, Heavy equipment operations, Industrial maintenance, Concrete construction, Information technology, Automation and controls, Data center operations
 - ii. Other skilled trades approved by Pinal County.
5. Purpose
- a. The purpose of this program is to offset construction labor shortages created by this and similar projects, strengthen the regional skilled workforce pipeline, support continued residential, commercial, industrial, and public infrastructure development throughout Pinal County, and reduce financial barriers for students entering skilled trades careers.
6. Reporting
- a. Pinal County shall receive an annual report from participating institutions documenting funding received, program enrollment, student completion rates, scholarships awarded, graduates employed within Pinal County, and measurable workforce outcomes.

13. Emergency Services Support.

The applicant shall provide an annual Emergency Services Mitigation Fee, in an amount established by the Board of Supervisors and/or County Manager, to offset the increased demands placed on fire, emergency medical, hazardous materials, law enforcement, and emergency management services resulting from the construction and operation of the project.

The applicant shall coordinate annually with Pinal County Emergency Management and all affected emergency response agencies to evaluate operational risks, identify resource needs, and update emergency response plans as necessary.

14. County Oversight and Compliance Fund (PCDCO)

The applicant shall enter into an agreement with Pinal County to contribute annually to the Pinal County Data Center Oversight (PCDCO) and Compliance Fund, in an amount established by the Board of Supervisors and/or County Manager, for the life of the project. The purpose of the fund is to ensure that all Conditions of Approval, Development Agreement requirements, operational standards, monitoring requirements, and mitigation measures are independently administered and enforced without financial burden to Pinal County taxpayers.

The fund shall be used exclusively by Pinal County to establish and maintain dedicated staff, consultants, legal support, technical experts, monitoring equipment, independent inspections, compliance audits, and enforcement activities necessary to oversee data center operations. The County may utilize these funds to conduct scheduled and unannounced inspections, review annual compliance reports, investigate potential violations, verify corrective actions, retain independent subject matter experts, and pursue enforcement actions where necessary. Funding shall remain in effect for the duration of project operations and shall not be reduced or discontinued without approval of the Board of Supervisors. The fund may be re-evaluated by county staff (PCDCO) and the Data Centers Community Advisory Committee every 5 years to adjust for inflation and/or market conditions.

It is believed that the history, scale, complexity, and long-term operational impacts of hyperscale data centers require a proactive compliance and enforcement program beyond the County's traditional complaint-based enforcement model. Dedicated oversight is necessary to ensure ongoing compliance with the Conditions of Approval, protect public health, safety, and welfare, preserve critical natural resources, and safeguard the rights and quality of life of neighboring property owners and the community for the operational life of the project.

15. Decommissioning

Provide a comprehensive decommissioning plan prior to final zoning approval that includes:

- Complete removal of structures and associated power generation facilities.
- Removal of infrastructure no longer serving an approved use.
- Phase I and Phase II environmental assessments.
- Site restoration to a County-approved condition.
- Financial assurance, escrow, or bonding sufficient to guarantee implementation of the decommissioning plan.
- Periodic review of financial assurance to account for inflation and changing costs.

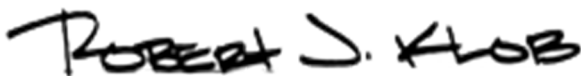
Conclusion

Hyperscale data centers represent one of the most significant emerging land uses facing local governments. While these facilities offer substantial economic investment opportunities, they also present long-term operational demands that differ significantly from traditional industrial development.

The proposed development commitments and long-term operational performance standards contained within this document are intended to establish a balanced framework that provides direction and options for the applicant while ensuring the long-term protection of Pinal County's residents, natural resources, infrastructure, and neighboring property owners.

It is my hope that proactive adoption of these commitments will strengthen the application, build public confidence in the Data Center entitlement process, reduce future operational conflicts, and establish a model framework for future hyperscale data center development within Pinal County.

Respectfully submitted,

A handwritten signature in black ink that reads "ROBERT J. KLOB". The signature is stylized with a large, bold "R" and "K".

Robert Klob, CPBD

Chairman

Pinal County Planning & Zoning Commission

Disclaimer

This document is submitted in my capacity as Chairman of the Pinal County Planning & Zoning Commission and reflects my professional planning recommendations based upon the information presented to date. The recommendations contained herein are intended to assist County staff and the applicant in strengthening the proposed development and do not constitute an official action, recommendation, or position of the Pinal County Planning & Zoning Commission, the Pinal County Board of Supervisors, or Pinal County Development Services unless and until they are formally considered through the public hearing process.