

ERDA, UTAH
ORDINANCE NO.26-05

**AN ORDINANCE ADOPTING A TEMPORARY LAND USE
REGULATION PURSUANT TO UTAH CODE §10-20-504, FOR THE
DISCONNECT AREAS**

WHEREAS, the Erda City Council (the “*Council*”) met in regular session on May 14, 2026, to consider, among other things, an ordinance adopting a temporary land use regulation pursuant to Utah Code §10-20-504 for the disconnect areas; and

WHEREAS, Utah Code §10-20-504 authorizes the Council to enact a temporary land use regulation that prohibits the erection, construction, reconstruction, or alteration of any building or structure, as well as subdivision approval or other development activity submitted during the pendency of such proceedings, provided that the regulation does not exceed 180 days and that the Council finds a compelling, countervailing public interest; and

WHEREAS, on or about January 30, 2026, pursuant to Utah Code §10-2-501(2), Erda received two disconnection petitions, one for the area known as the East Disconnect and another for the area known as the West Disconnect, each as depicted in the attached exhibits labeled East Disconnect and West Disconnect; and

WHEREAS, the Council finds that the disconnect areas are extensive, may significantly affect Erda financially, may threaten the City’s financial viability, involve at least two elected officials, and create uncertainty because new development may be subject to one set of regulations before disconnection and to another set after disconnection if either petition is approved; and

WHEREAS, the Council hereby finds that the reasons stated above constitute a compelling countervailing public interest; and

WHEREAS, the Council further finds that adopting a temporary land use regulation pursuant to Utah Code §10-20-504 promotes the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the City, including, among other things, reducing congestion on streets and roads, securing safety from fire and other dangers, providing adequate light and air, guiding the classification of land uses and the distribution of land development, protecting the tax base, promoting economy in governmental expenditures, fostering the City’s agricultural and other industries, and protecting both urban and nonurban development.

NOW, THEREFORE, BE IT ORDAINED, that the Council finds a compelling, countervailing public interest and adopts the following temporary land use regulations for the City:

Section 1 – Prohibition. Except as specifically provided in this Ordinance, and to protect the public health, safety, and welfare and to implement the City’s planning and zoning objectives, the Council hereby invokes the pending ordinance doctrine and Utah Code Ann. §10-20-504, and expressly prohibits the erection, construction, reconstruction, or alteration of any building or structure, as well as any subdivision approval or other development activity, on property within Erda’s corporate boundaries. Notwithstanding the foregoing, a person may: (i) rebuild, maintain, repair, or restore a structure damaged by a casualty, an act of God, or vandalism; (ii) maintain or repair a structure due to normal wear and tear; or (iii) construct a structure for which Erda properly issued a building permit on or before May 14, 2026.

Section 2 – Permitted and Conditional Uses; Exceptions. No conditional use of any real property within the City shall be permitted unless a complete application, together with the applicable fee, is submitted to the City on or before May 14, 2026. During the term of this Ordinance, all uses not expressly permitted shall be deemed prohibited.

Section 3 – Subdivision. No subdivision of real property within the City shall be considered, permitted, or approved.

Section 4 – Zoning or Plan Amendments. No amendment to the general plan and no amendment to the zoning designation of any parcel or lot of real property located in the City shall be considered, permitted, or approved during the term of this Ordinance. This prohibition shall not affect the City’s right, through its Planning Commission and Council and in accordance with the procedures specified in Utah Code §10-9a-101 *et seq.*, to formulate, propose, or adopt a new general plan, comprehensive zoning ordinance, or zoning map during the term of this Ordinance, provided that any such plan, ordinance, or map becomes effective only upon termination of this Ordinance and upon its final adoption and approval.

Section 5 – Severability. All provisions of this Ordinance are severable. If any section, clause, or provision of this Ordinance is held invalid or unenforceable for any reason, that invalidity or unenforceability shall not affect the remaining sections, clauses, or provisions of this Ordinance.

Section 6 – Duration. Unless sooner terminated by action of the Council, this Ordinance shall remain in effect until the date that is 180 days after its effective date.

Section 7 – Violation; Penalty. A violation of this Ordinance is a misdemeanor and shall be punishable as provided by law.

Section 8 – Effective Date. This Ordinance shall take effect immediately.

PASSED AND APPROVED by the Council this 14th day of May 2026.

CITY OF ERDA BY:

Sheldon B. Birch, Council Chair

ATTEST:

Jennifer Poole, City Recorder