

**ERDA, UTAH**  
**ORDINANCE NO.26-06**

**AN ORDINANCE VACATING (CANCEL OR ANUL) THE COPPER  
COVE DEVELOPMENT AGREEMENT**

**WHEREAS**, the Erda City Council (the "*Council*") convened in regular session on May 14, 2026, to consider, among other matters, an ordinance vacating (cancel or annual) the Copper Cove Development Agreement; and

**WHEREAS**, on or about October 24, 2024, Erda City and the Owner/Developer entered into that certain Master Development Agreement (the "MDA") concerning certain real property located within the City, as more particularly described in the attached exhibit (the "Property"), commonly known as "Copper Cove"; and

**WHEREAS**, Section 5.1 of the MDA confers certain vested rights upon the Owner/Developer, subject to such laws, rules, or regulations as the City's land use authority finds on the record to be necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i), which is recodified as Utah Code Ann. § 10-20-504; and

**WHEREAS**, on or about January 30, 2026, pursuant to Utah Code § 10-2-501(2), Erda received two petitions for disconnection, one designated the East Disconnect and the other the West Disconnect; the East Disconnect and the West Disconnect are depicted in the maps attached to Ordinance 26-05; and

**WHEREAS**, in Ordinance 26-05, the Council found that the East Disconnect and West Disconnect areas are unusually large, would impose a significant financial impact on Erda, and could threaten the City's financial viability; that the proposed disconnection area includes at least two elected officials and raises governance concerns; and that new development could otherwise be subject to two potential regulatory schemes, depending on whether the disconnection is approved; and

**WHEREAS**, in Ordinance 26-05, the Council further found that the circumstances set forth above constitute a compelling, countervailing public interest; and

**WHEREAS**, in Ordinance 26-05, the Council further found that adopting a temporary land use regulation pursuant to Utah Code § 10-20-504 promotes the health, safety, morals, convenience, order, prosperity, and general welfare of the City's present and future inhabitants, including, without limitation, by lessening 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 development, protecting the tax base, securing economy in governmental expenditures, fostering the City's agricultural and other industries, and protecting both urban and nonurban development; and

**WHEREAS**, the Council hereby finds and determines, on the record, that the compelling, countervailing public interest identified in Ordinance 26-05 is sufficient to invoke the vesting exception set forth in the MDA.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council, that, based on the foregoing findings and as reflected in Ordinance 26-05, a compelling, countervailing public interest exists, sufficient to invoke the vesting exception set forth in the MDA. The Council therefore declares that the Owner/Developer and the Property are no longer entitled to vested rights under the MDA, and, pursuant to Utah Code § 10-20-504, the Property is hereby temporarily zoned \_\_\_\_\_.

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