COUNCIL MEMBERS
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Loren Steck
Dennis Nordfelt
Anthony Beal
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MANAGER
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COMMUNITY DEVELOPMENT DIRECTOR/ENGINEER
Bryan Kimball

RECORDER
Candice Maudsley

EPHRAIM CITY CORPORATION

CHRIS LARSEN, MAYOR

5 South Main, Ephraim, Utah 84627

RICH IN HERITAGE. INVESTED IN THE FUTURE.

CITY PLANNER
Megan Spurling

TREASURER
Aubrey Adams

FINANCE DIRECTOR
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PUBLIC SAFETY DIRECTOR
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POWER DIRECTOR
Cory Daniels

PUBLIC WORKS DIRECTOR
Jeff Jensen

NOTICE OF PUBLIC HEARING

CODE AMENDMENT – EXPIRATION OF CONDITIONAL USE PERMITS

Public notice is hereby given that the Ephraim City Planning and Zoning Commission, in accordance with Sections 10.04.060 and 10.20.060 of the Ephraim City Municipal Code, will conduct a public hearing to discuss and possibly make recommendation to the Ephraim City Council regarding a proposed amendment to the Ephraim City code regarding the expiration of Conditional Use Permits. The City is considering expiration dates for Conditional Use Permits to ensure that approved projects move forward within a reasonable timeframe and that unused or abandoned permits do not remain active indefinitely. Expiration dates would also help ensure that projects align with current City codes and development standards, supporting responsible growth and consistency with the community's planning goals.

The public hearing will be held:
Wednesday, November 10, 2026
beginning at 6:00 p.m.
Ephraim City Hall
5 South Main Street, Ephraim, Utah 84627

Should the Planning Commission recommend approval, the City Council is expected to review and possibly give final approval for the Amendment regulations regarding short term rentals on **Wednesday, November 18, 2026, at 7:00 PM at Ephraim City Hall.**

Interested parties may attend in person or electronically via zoom. Those wishing to attend electronically should notify Ephraim City Staff prior to 3:00 p.m. of the day of the meeting. For further information, or to request a meeting link, please contact Megan Spurling, City Planner, 5 South Main Street, Ephraim, Utah 84624; call at (435) 283-4631; or email mspurling@ephraim.gov

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Ephraim City at (435) 283-4631 at least 24 hours prior to the meeting.

Posted: October 28, 2026
Published: October 28, 2026 – *ephraim.gov and Utah Public Notice Website*

EPHRAIM CITY
ORDINANCE ECO 26-13A

NOW THEREFORE, be it ordained by the Council of the Ephraim City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.12.070 Conditional Uses" of the Ephraim City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.12.070 Conditional Uses

Certain uses have characteristics that may have a greater impact on the adjoining properties, surrounding neighborhood, or community as a whole than do other permitted uses in the specific zoning district. These uses require a more comprehensive review to determine whether the proposed use at a specific location is appropriate, or whether the use can be made compatible by placing certain conditions on its operation that mitigate or eliminate potential detrimental impacts. The Planning Commission shall review and then recommend to the City Council to grant, to grant with conditions, or to deny each conditional use permit application, subject to the requirements of this section.

A. **Permit required**: A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this ordinance. Any change of use to other than a permitted use or any proposed expansion for a previously approved conditional use permit must reapply and secure a new conditional use permit from the City before proceeding with the proposed changes and/or expansions.
B. **No Presumption of Approval**: The listing of a conditional use in any table of permitted and conditional uses found in this ordinance does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this ordinance and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location. It is intended that review of conditional uses be site and case specific as well as fact-based.
    1. **Application**:
        a. Application for a conditional use permit shall be made to the Planning Director who, upon confirming that the application is complete, shall present the application to the Planning Commission for review.
        b. Each application for a conditional use permit shall be accompanied by maps, drawings, statements or other documents as required by the Planning Commission.

c. Applications and submittals must be filed with the Planning Director for staff and public review by noon of the fourteenth day prior to the Planning Commission meeting. This deadline may be waived and/or adjusted at the discretion of the Planning Director.

C. **Conditional Use Standards Of Review**: The City shall not issue a conditional use permit unless the Planning Director, in the case of an administrative conditional use, or the Planning Commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

1. **General Review Criteria**: An applicant for a conditional use in the zone must demonstrate:
    a. The application complies with all applicable provisions of this chapter, state and federal law;
    b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation.
    c. The use is not detrimental to the public health, safety and welfare;
    d. The use is consistent with the City General Plan as amended;
    e. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, acceleration and deceleration lanes, pedestrian access, and capacity of the existing streets;
    f. There is sufficient utility capacity;
    g. There is sufficient emergency vehicle access;
    h. Off-street parking is of sufficient location and design, as well as compliance with off street parking standards (2012);
    i. There is a plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
    j. Exterior lighting that complies with the lighting standards of the zone.
    k. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.
    l. There is sufficient landscaping and landscaped parking
    m. There is adequate and appropriate exterior and street lighting
2. **Specific Review Criteria For Certain Conditional Uses**: In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for each of the following conditional uses:
    a. **Adult Oriented Businesses**: The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the health, safety and welfare of the City, and to prevent inappropriate exposure of such businesses to the community. This chapter regulates the time, place, and manner of the operation of

sexually-oriented businesses, consistent with the United States and Utah State Constitutions. See also ECC 10.12.120 for additional requirements.

(1) No adult-oriented business may be located within five hundred feet (500') of any: school, day care facility, cemetery, public park, library, religious institution, residential zoning boundary, liquor store, or other adult-oriented business.

b. For the purposes of this section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:

(1) The closest exterior wall of another adult-oriented business;
(2) The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and
(3) The nearest property line of any residential zone.

D. **Reasonable Conditions**: A conditional use permit cannot be denied if detrimental effects can be mitigated by reasonable conditions, and that conditions are to be imposed in accordance with applicable standards.

E. **Denial**: If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. (Utah Code §. 10-9a-507)

F. **Public Hearing**: A public hearing on the conditional use permit application may be held if the Planning Director, Planning Commission or City Council shall deem a hearing to be necessary and in the public interest.

G. **Substantial Action Required**: Unless there is substantial action under a conditional use permit within one year of its issuance, the permit shall expire.

H. **Extension for Good Cause**: The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension.

I. **Notification**: See Notice Matrix, ECC 10.20.060 Table E.

J. **Appeals**: Any person aggrieved by a decision of the City Council regarding the issuance, denial or revocation of a conditional use permit may appeal such decision to the Appeal Authority provided such appeal is filed within 30 days of the City Council's decision. The appeal shall be filed with the City Council and with the Appeal Authority.

K. **Revocation**:

1. Any conditional use permit shall be revocable by the City Council at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the city code, or state or federal law in regard to the maintenance of improvements or conduct of the use or business as approved. The city shall also have a right of action to compel offending

structures or uses to be removed at the cost of the violator or owner.

2. No conditional use permit shall be revoked until a hearing is held by the City Council. Written notice to the permittee shall be postmarked at least fifteen days prior to the date of the scheduled hearing. The notification shall state the grounds for complaint or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence.

L. **Transfer of Conditional Use Permit**: A Conditional Use Permit granted in accordance with this section shall run with the land and continue to be valid regardless of ownership of the site or structure, as long as it operates within the conditions or stipulations of the Conditional Use Permit approval. If use is discontinued for a period of 1 year, the applicant must re-apply under the zoning ordinances which are current at the time of re-application. (2006)

AFTER AMENDMENT

10.12.070 Conditional Uses

Certain uses have characteristics that may have a greater impact on the adjoining properties, surrounding neighborhood, or community as a whole than do other permitted uses in the specific zoning district. These uses require a more comprehensive review to determine whether the proposed use at a specific location is appropriate, or whether the use can be made compatible by placing certain conditions on its operation that mitigate or eliminate potential detrimental impacts. The Planning Commission shall review and then recommend to the City Council to grant, to grant with conditions, or to deny each conditional use permit application, subject to the requirements of this section.

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I. **Notification**: See Notice Matrix, ECC 10.20.060 Table E.

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1. Any conditional use permit shall be revocable by the City Council at any time

due to failure of the permittee to observe any condition specified or failure to observe other requirements of the city code, or state or federal law in regard to the maintenance of improvements or conduct of the use or business as approved. The city shall also have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

2. No conditional use permit shall be revoked until a hearing is held by the City Council. Written notice to the permittee shall be postmarked at least fifteen days prior to the date of the scheduled hearing. The notification shall state the grounds for complaint or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard. The permittee may call witnesses and present evidence.

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M. **Expiration for Failure to Commence**: A conditional use permit shall expire and become null and void if the approved conditional use has not commenced within one (1) year for the date of final approval. An extension may be granted by the land use authority upon written request, submitted 60 days before expiration, upon showing of good cause. For purposes of this section, commencement shall mean the actual establishment of the approved use or the initiation of substantial, permitted construction directly related to the approved use. Preliminary activities, including planning, financing or obtaining permits, shall not constitute commencement.

N. **Discontinuance or Abandonment:** A conditional use permit shall expire and become null and void if the approved conditional use is discontinued or abandoned for six (6) consecutive months. The determination of discontinuance or abandonment shall be based on object evidence of the use's cessation and the property owner's intent, actions and circumstances. Temporary interruptions resulting from seasonal operation, maintenance, repairs, casualty events, governmental restrictions, or other circumstances beyond the property owner's reasonable control shall not, by themselves, constitute abandonment.

O. **Effect of Expiration:** Upon expiration, the conditional use permit shall not be reestablished unless a new conditional use permit is approved in accordance with the City's then-applicable land use regulations.

P. **Transferability:** A Conditional Use Permit may be transferred to a subsequent owner of the property, provided the new owner complies with all existing permit conditions, approved plans, applicable licensing requirements and before the one (1) year expiration as discussed in other areas of this code. Any proposed change to the approved use, plans, or conditions that constitutes a deviation from the original approval shall require review and approval through the City's established application process. A Conditional Use Permit is specific to the parcel for which it was approved and shall not be transferred or applied to a different parcel, included another parcel

under the same ownership.

PASSED AND ADOPTED BY THE EPHRAIM CITY COUNCIL _____.

	AYE	**NAY**	**ABSENT**	**ABSTAIN**
Councilmember Nordfelt	_____	_____	_____	_____
Councilmember Beal	_____	_____	_____	_____
Councilmember Steck	_____	_____	_____	_____
Councilmember Dalene	_____	_____	_____	_____
Councilmember Powell	_____	_____	_____	_____

Presiding Officer

_____
Chris Larsen, Mayor, Ephraim City

Attest

_____
Candice Maudsley, Recorder, Ephraim City