EMERY COUNTY, UTAH
ORDINANCE NO. ~~9-15-26~~

AN ORDINANCE OF EMERY COUNTY, UTAH, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF LEVEL II AND LEVEL III CONDITIONAL USE PERMIT APPLICATIONS

WHEREAS, Emery County has previously adopted zoning regulations providing for the review and approval of Conditional Use Permits ("CUPs") at various levels; and

WHEREAS, the Emery County Commission has determined that it is in the best interest of the County to conduct a comprehensive review of the County's current Conditional Use Permit process, including the procedures, standards, criteria, and review requirements applicable to Level II and Level III Conditional Use Permits; and

WHEREAS, the County Commission further desires to review and, where appropriate, update the County's related zoning ordinances to ensure that the CUP process is clear, consistent, and adequately addresses current and anticipated land-use issues; and

WHEREAS, the County Commission finds that temporarily suspending the acceptance, processing, and consideration of Level II and Level III Conditional Use Permit applications is necessary to allow sufficient time for the County to complete this review and consider appropriate amendments to its ordinances; and

WHEREAS, this temporary moratorium is intended to preserve the status quo while the County undertakes its review and is not intended to constitute a final determination regarding any particular land use or development proposal.

NOW, THEREFORE, BE IT ORDAINED BY THE EMERY COUNTY COMMISSION AS FOLLOWS:

SECTION 1. TEMPORARY MORATORIUM

Effective upon the effective date of this Ordinance, Emery County shall impose a temporary moratorium on the acceptance, processing, review, approval, denial, or other consideration of any application for a Level II or Level III Conditional Use Permit within Emery County.

During the moratorium, the County and its officers, employees, departments, boards, commissions, and agents shall not accept for processing, process, review, schedule for hearing, consider, or take final action on any new Level II or Level III Conditional Use Permit application.

SECTION 2. APPLICATIONS SUBJECT TO MORATORIUM

The moratorium shall apply to all new Level II and Level III Conditional Use Permit applications, regardless of the proposed use or location of the proposed development.

Applications that have not been formally accepted for processing as of the effective date of this Ordinance shall be subject to the moratorium.

SECTION 3. PURPOSE OF MORATORIUM

The purpose of this temporary moratorium is to provide Emery County with an opportunity to:

1. Review the existing Conditional Use Permit process;
2. Evaluate the procedures and standards applicable to Level II and Level III Conditional Use Permits;
3. Review related zoning ordinances and development regulations;
4. Identify areas where clarification, revision, or amendment may be appropriate; and
5. Consider and, if appropriate, adopt amendments to the County's zoning ordinances and Conditional Use Permit procedures.

SECTION 4. DURATION

The moratorium established by this Ordinance shall remain in effect for 180 days from the effective date of this Ordinance, unless earlier terminated, extended, or superseded by action of the Emery County Commission as permitted by applicable law.

During the moratorium, County staff and the appropriate County bodies may continue reviewing and developing proposed amendments to the Conditional Use Permit process and related zoning ordinances.

SECTION 5. SEVERABILITY

If any provision of this Ordinance is determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity or enforceability of the remaining provisions of this Ordinance.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption and publication or posting as required by applicable Utah law.

ADOPTED this 15TH day of SEPTEMBER, 2026, by the Emery County Commission.

EMERY COUNTY COMMISSION

Dennis Worwood

Emery County Commission Chairman

ATTEST:

Brenda Tuttle

Emery County Clerk/Auditor