

ORDINANCE NO. DO-2026-08-21

DATE: 8/21/26

**AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON
DEVELOPMENT IN THE P-160 PRESERVATION ZONE**

WHEREAS, Daniel Town (the "Town") is a municipality and political subdivision of the State of Utah authorized to enact land use regulations to protect the public health, safety, and welfare;

WHEREAS, Utah Code Section 10-20-504 authorizes the Town Council, without prior consideration or recommendation from the Planning Commission, to enact an ordinance establishing a temporary land use regulation for all or part of the Town when the Town Council finds a compelling, countervailing public interest;

WHEREAS, Daniel Town Code Section 8.05.01 establishes the P-160 Preservation Zone for remote and environmentally sensitive lands and identifies, among its purposes, protection of water supplies, natural features, sensitive environmental areas, grazing and forestry lands, recreational opportunities, and the Town from excessive costs associated with scattered development and extension of public services;

WHEREAS, the P-160 Preservation Zone permits residential, agricultural, utility, infrastructure, recreational, extractive, and other development activities, some as permitted uses and others only after conditional use approval;

WHEREAS, development within the P-160 Preservation Zone may affect compatibility, public-service burdens, traffic, drainage, erosion, soil stability, groundwater and water resources, wildlife, dust, odor, noise, vibration, public health, safety, and welfare;

WHEREAS, the Town is actively completing and updating its General Plan, including consideration of the appropriate location, intensity, compatibility, infrastructure, and cumulative effects of all development within the P-160 Preservation Zone;

WHEREAS, acceptance or approval of new development before completion of that planning process could establish land use patterns, create infrastructure and service obligations, or cause environmental and community impacts that may conflict with the policies and recommendations ultimately adopted in the General Plan;

WHEREAS, because the Town's review concerns the overall mix, location, intensity, infrastructure needs, and cumulative effects of development throughout the P-160 Preservation Zone, a temporary pause applicable to all new development in that zone is reasonably necessary while the Town completes the General Plan and evaluates corresponding amendments to its land use regulations;

WHEREAS, the Town Council finds that protecting the Town's water resources, sensitive lands, rural character, fiscal resources, and ability to complete a coherent and lawful general-planning process constitutes a compelling, countervailing public interest supporting a temporary land use regulation under Utah Code Section 10-20-504;

WHEREAS, the Town Council finds that a period not exceeding 180 days is reasonably necessary for the Town to complete the relevant General Plan work, obtain public input, evaluate the appropriate types, locations, intensities, and standards for development in the P-160 Preservation Zone, and consider permanent amendments through the procedures required by law; and

WHEREAS, the Town Council intends this Ordinance to be temporary, to preserve the status quo during the planning process, and to be applied consistently with all vested rights and other protections required by Utah law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF DANIEL:

SECTION 1. FINDINGS.

The Town Council adopts the foregoing recitals as findings of fact and legislative findings supporting this Ordinance and expressly finds that the compelling, countervailing public interests identified above warrant enactment of the temporary land use regulation established herein.

SECTION 2. TEMPORARY DEVELOPMENT MORATORIUM.

During the term of this Ordinance, no new development may be commenced, authorized, or approved on property located wholly or partially within the P-160 Preservation Zone. For purposes of this Ordinance, "development" includes the erection, construction, reconstruction, placement, enlargement, material alteration, or relocation of a building or structure; or subdivision or division of land.

No Town officer, employee, the Planning Commission, Town Council acting as a land use authority, or other Town land use authority may issue or grant an approval or permit authorizing development subject to this moratorium. The Town may receive application materials, collect fees, determine application completeness, maintain records, and undertake other ministerial or procedural actions when required by Utah law, but no such action shall constitute substantive approval, create a vested right beyond that provided by law, authorize physical development, or shorten the term of this moratorium.

SECTION 3. PURPOSE AND WORK PROGRAM.

During the moratorium, the Town Council, Planning Commission, staff, and consultants are directed to proceed with reasonable diligence to: (a) complete the portions of the General Plan relevant to the P-160 Preservation Zone; (b) evaluate the types, locations, density, scale, intensity, and cumulative effects of development appropriate in the zone; (c) evaluate whether additional objective standards, studies, mitigation requirements, geographic limitations, or use-specific regulations are necessary; (d) obtain appropriate public input; and (e) prepare and consider any recommended amendments to the Town's land use regulations.

SECTION 4. EXCEPTIONS AND VESTED RIGHTS.

This Ordinance does not prohibit the continuation of a lawful use or activity existing on the effective date of this Ordinance and does not revoke, suspend, or modify a land use approval or permit lawfully issued before that date. Routine inspections, enforcement, and administration of an existing approval may continue under the laws and conditions applicable to that approval. Any material amendment, enlargement, intensification, relocation, or other change requiring a new or amended approval is subject to this moratorium.

This Ordinance does not prohibit ordinary repair and maintenance that does not enlarge a structure, materially alter a site, increase the intensity of a use, or require discretionary land use approval. Work reasonably necessary to respond to an immediate threat to life, health, safety, property, or essential public infrastructure may be authorized by the Mayor or the Mayor's designee to the minimum extent necessary to address the emergency.

This Ordinance shall not be applied to an application that, before the effective date of this Ordinance, became complete, all applicable application fees were paid, and the applicant obtained a vested right under Utah Code Section 10-20-902 or other controlling law. Nothing in this section concedes that any particular application is complete or vested. The applicable land use authority

shall determine any claim of completeness or vesting from the governing law and the specific application record.

Nothing in this Ordinance limits the Town's authority under Utah Code Section 10-20-902(1)(a)(ii)(A), or any other applicable law, to make a case-specific finding, on the record and in writing, concerning a compelling, countervailing public interest that would be jeopardized by approval of a particular application.

SECTION 5. DURATION AND TERMINATION.

This Ordinance shall remain in effect for 180 days after its effective date unless the Town Council repeals it earlier. The Town Council may terminate the moratorium before expiration if it determines that the relevant General Plan work and any necessary land use regulation amendments have been completed. This Ordinance shall expire automatically at the end of the 180-day period without further action by the Town Council.

SECTION 6. NO CODIFICATION; CONFLICTING PROVISIONS.

This Ordinance is a temporary land use regulation and need not be codified in the Daniel Town Code. For the duration of this Ordinance, any conflicting provision of the Daniel Town Code is temporarily superseded only to the extent necessary to give effect to this Ordinance. All other provisions remain in full force and effect.

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remaining portions shall remain in effect. The Town Council declares that it would have enacted this Ordinance and each part of it without the invalid portion.

SECTION 8. EFFECTIVE DATE; PUBLICATION AND RECORDING.

This Ordinance shall take effect immediately upon publication or posting as required by law. The Town Clerk shall deposit, publish or post, number, record, and certify this Ordinance as required by Daniel Town Code Section 1-5-7 and applicable Utah law.

ADOPTED AND APPROVED at a duly called meeting of the Daniel Town Council on this 21st day of August 2026.

TOWN OF DANIEL

By: _____

Scott Kohler, Mayor

ATTEST

Clerk



Town Council Vote as Recorded:

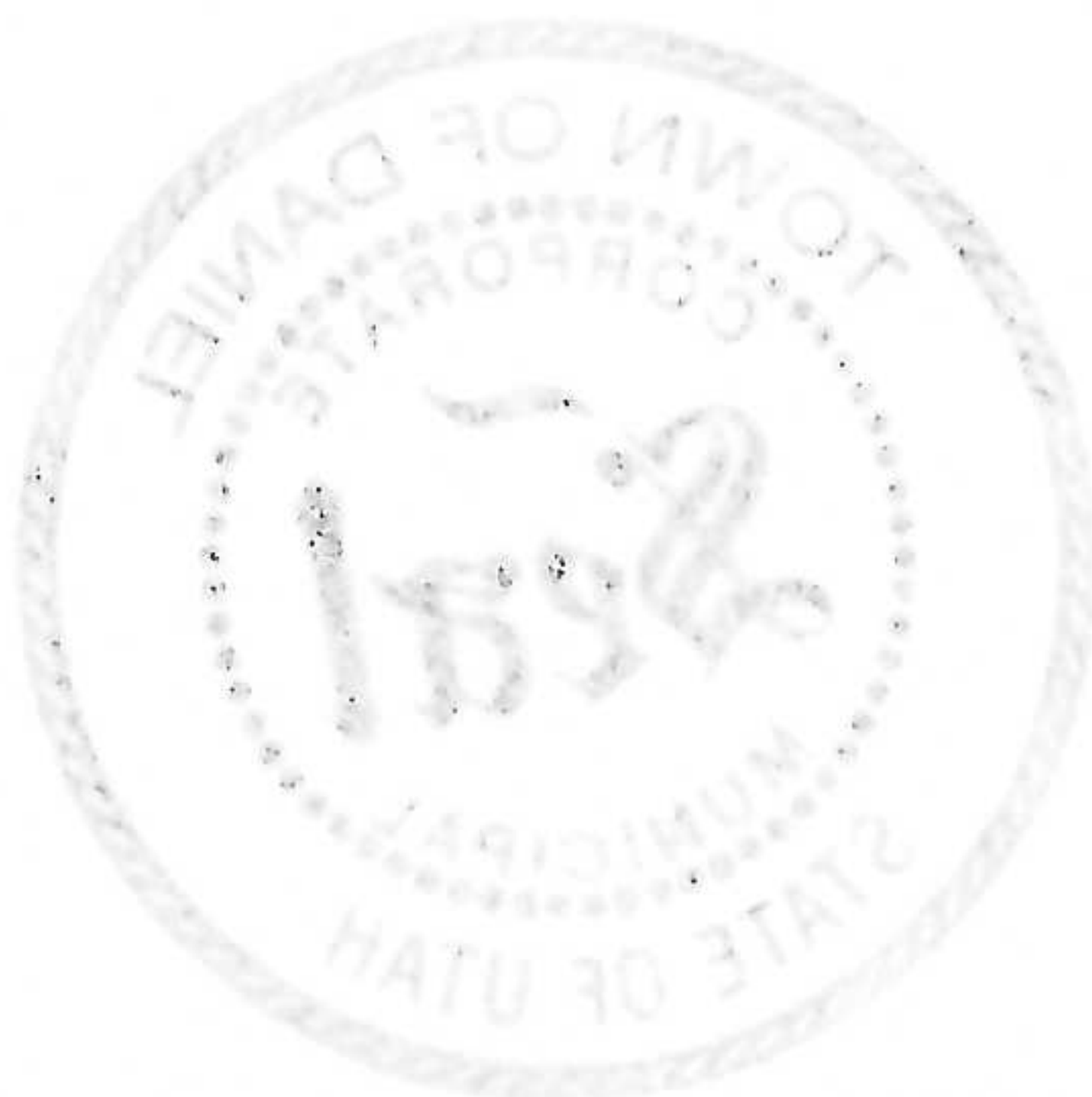
Councilmember Walton voting
Councilmember Bennet voting
Councilmember Grady voting
Councilmember Rose voting
Mayor Kohler voting

YN.
AB
SD
BR
JK

(Complete as Applicable)

Date ordinance summary was posted to the Town of Daniel website, the Utah Public Notice website, and in a public place within the Town of Daniel per Utah Code §10-3-711: August 21, 2026

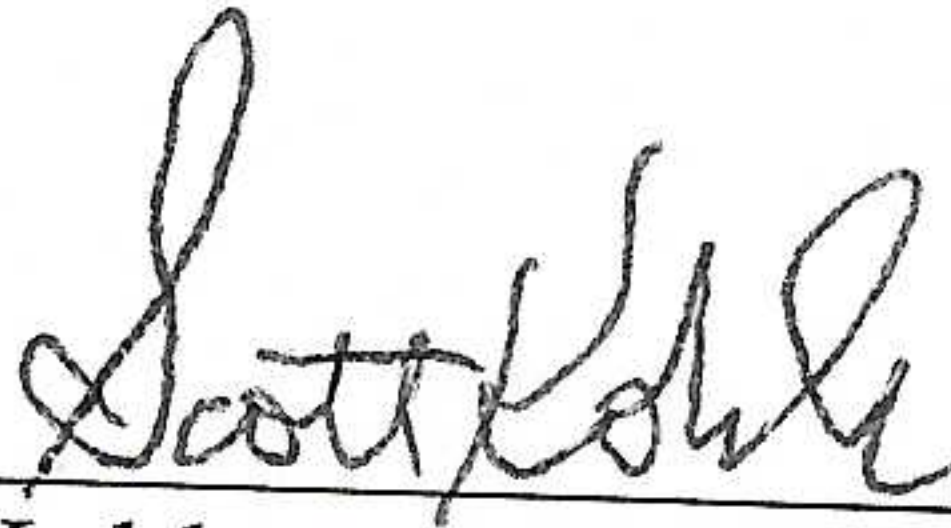
Effective date of ordinance: 8/21/26 August 21, 2026



**SUMMARY OF
DANIEL TOWN ORDINANCE
ORDINANCE NO. DO 2026-08-21**

An ordinance of the Town Council of Daniel Town, Utah, establishing a temporary land use regulation that prohibits new development within the P-160 preservation zone; making findings of a compelling, countervailing public interest; providing exceptions for existing lawful uses, emergency work, and legally vested applications; establishing a limited duration; providing for severability; and providing an effective date.

TOWN OF DANIEL

By: 
Scott Kohler, Mayor

ATTEST


Clerk



Town Council Vote as Recorded:

Councilmember Walton voting
Councilmember Bennet voting
Councilmember Grady voting
Councilmember Rose voting
Mayor Kohler voting



A complete copy of Ordinance No. DO 2026-08-21 is available in the office of the Town Clerk,
3500 S Highway 40 Unit A #102, Heber Utah 84032.