

PUBLIC NOTICE IS HEREBY GIVEN THAT

The Town Council of Fairfield, Utah
Shall hold a Work/Regular Session Meeting

On March 14, 2024 @ 7:00 P.M.

At the Town Office 103 East Main Street Fairfield, Utah


Regular Meeting Agenda

1. Open The Town Council Regular Session Meeting.
2. Roll Call
3. Prayer / Pledge Of Allegiance
4. Public comments (2-minute limit per person) Time has been set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the Agenda. Those wishing to speak are encouraged to show respect for those who serve the town. Comments should focus on issues concerning the Town. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 2 minutes or less.)
5. Motion to approve the joint meeting minutes with other municipalities on January 30, 2024.
6. Motion to approve the regular session minutes on February 8, 2024.
7. Motion to approve the Fairfield Town financials for the month ending February 29, 2024.
8. Discuss and motion to approve updating the town website and town logo.
9. Motion to approve the Silverlake amendment contract and give an update on improvements.
10. Motion to invest the Town's funds with Moreton Asset Management.
11. Motion to approve proposal for the engineering design for a waterline on Allens Ranch Road
12. Discuss possible zone change to the east side of town.
13. Discuss possible financing of water lines through town.
14. Planning commission update-
 - a. Airpark zone map amendment & preliminary plat,
 - b. Hape Properties and
 - c. Large Battery Storage
15. Discussion and motion to approve the West Desert Airpark Rezone application for 6.3 acres and update the Fairfield Town Zoning Map.
16. Motion to approve Airpark Preliminary plat showing changes required from February 8, 2024.
17. Discuss and pick a date to review the large battery storage ordinance.
18. Update from Councilman Cameron on Town Park.
19. Discuss and motion to approve the purchase or building of a town shed.
20. Discuss and motion to approve playground equipment.
21. Discuss and motion to approve Sprinklers for the park.
22. Discuss access trail from Main Street to the park and vacating the road on Town park property
23. Discuss and approve purchasing or leasing a backhoe for town use.
24. Discussion On Upcoming Agenda Items- Budget amendment and new budget
25. Discuss and motion to approve the proposed Town Fee Schedule.
26. Discussion On Old Business & New Business.
27. Adjourn The Town Council Regular Meeting.

Certificate of Posting

The above agenda notice was posted on or before the 13th day of March 2024 at the location of the meeting, Fairfield town office 103 East Main Street Fairfield, UT, and at the Fairfield Town website <https://fairfieldtown.org/agendas-minutes/>, and on the Utah State Public Notice website at <https://www.utah.gov/pmn/index.html>.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town offices at 801-766-3509.



Fairfield Town Park Conceptual Site Diagram

Scale: 1" = 20'-0"

10'
0' 25' 50' 100' 200'



AMENDMENT 1 TO AUGUST 1, 2017 SERVICE AGREEMENT

A Service Agreement (the “Agreement”), effective August 1, 2017 (the “Effective Date”), was executed by and between Fairfield Town (herein called the “Town”), and Brett A. Mansfield with Silver Lake Internet, LLC (“Service Provider”) a Utah company.

RECITALS

WHEREAS, the Town’s internet needs have increased since the Agreement was entered into; and

WHEREAS, the Town desires that Service Provider add additional equipment to improve services provided and better serve the needs of the Town and its residents; and

WHEREAS, the Town and Service Provider desire to amend the Agreement as set forth herein;

NOW, THEREFORE, in consideration of the premises and the mutual agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree to the following amendments to the Agreement:

Paragraph 3 of the Agreement entitled “TERM OF CONTRACT” is amended to read:

3. The term of this Agreement (the “Term”) is extended through the date that is five years after the date on which this Amendment 1 is executed, or until earlier terminated as provided in this Agreement.

Paragraphs 9 and 10 of the Agreement are amended to read:

9. For the services rendered by the Service Provider as required by this Agreement, the Town will advance Service Provider the amount of \$30,000.00 for Service Provider to add additional equipment to Service Provider’s internet infrastructure used for providing internet services to the Town. Service Provider anticipates adding radios and hardware that will cost approximately \$42,000.00. Service Provider will cover the additional costs of the equipment and any labor.

10. If Service Provider obtains a reconnect grant, Services Provider will promptly repay the Town the \$30,000.00 advanced by the Town under this Agreement. If Service Provider does not obtain a reconnect grant, but has fulfilled all the terms of this Agreement, Service Provider will not be required to repay the Town. If, however, Service Provider does not obtain a reconnect grant, and does not fulfill the promises contained in this Agreement, Service Provider shall repay the \$30,000.00 advanced by the Town over ten years at ten percent interest. The Town will provide Service Provider 60 days’ notice that it intends to request repayment, during which time Service Provider agrees to execute a promissory note to the Town to repay the funds.

All other provisions of the Agreement remain as set forth therein.

IN WITNESS WHEREOF, the parties have caused this Amendment 1 to August 1, 2017 Service Agreement to be executed by their duly authorized representatives.

Fairfield Town:

By: 

Printed: Shelli McKinney

Title: Mayor

Date: 2-27-2024

Silver Lake Internet LLC:

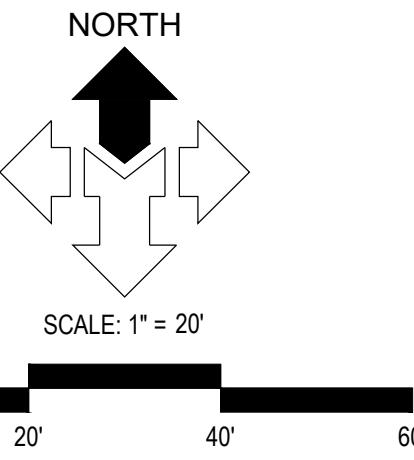
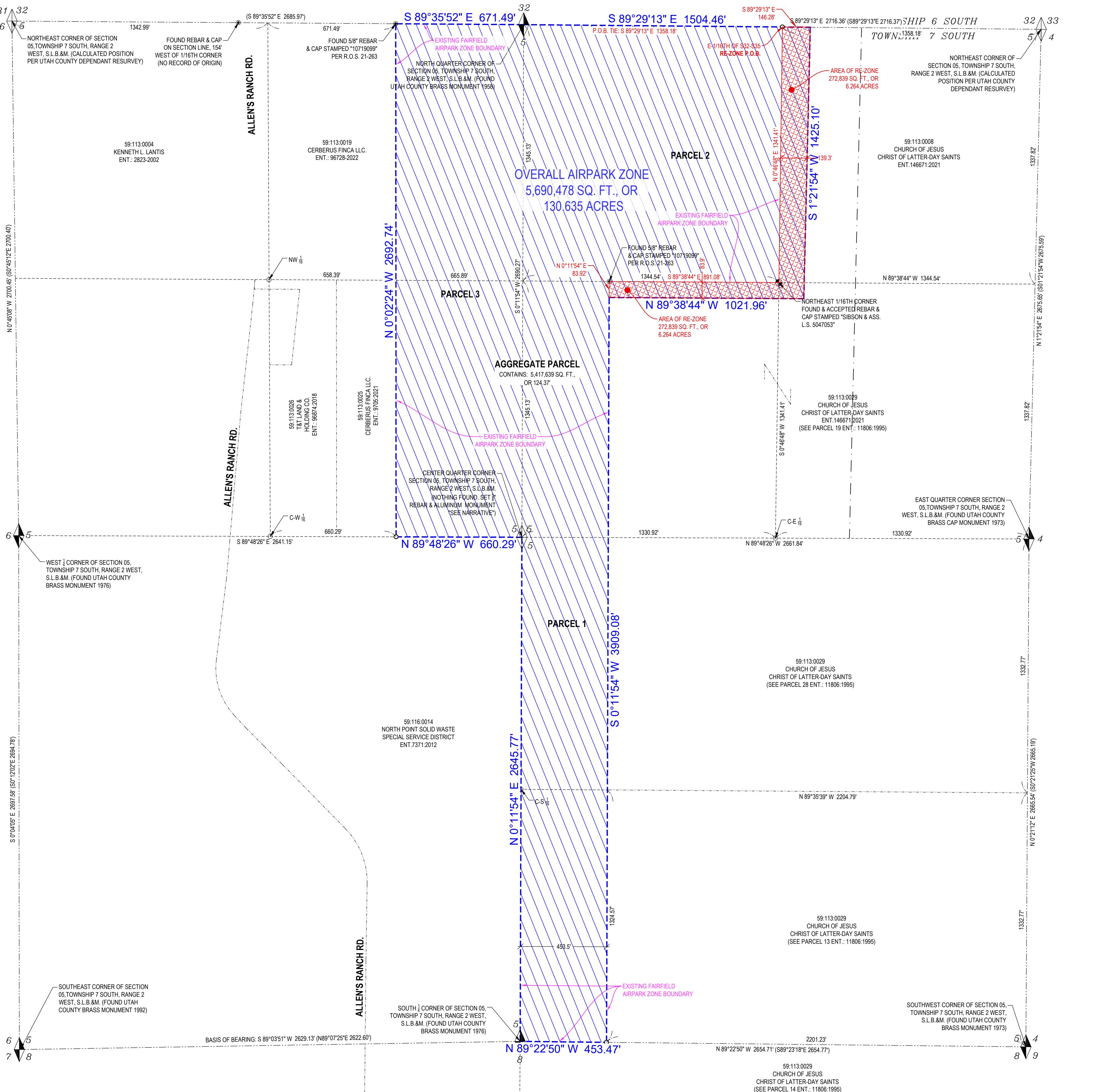
By: 

Printed: BRETT MANSFIELD

Title: President

Date: 2/26/2024

TOWN OF FAIRFIELD AIRPARK RE-ZONE EXHIBIT



AREA BEING APPENDED TO EXISTING AIRPARK ZONE

A parcel of land situate within the Northeast Quarter (NE-1/4) of Section 05, Township 7 South, Range 2 West, Salt Lake Base and Meridian, located in the Town of Fairfield, County of Utah, State of Utah and being more particularly described as follows:

Beginning at the E-1/16th corner common to Section 32, T.6S. R.2W., and Section 05, T.7S., R.2W., said 1/16th corner being the North East Corner of that Certain West Desert Airpark tract described in Entry No.: 122856-2018, said 1/16th corner being S 89°29'13" E, along the Quarter Section line common to said Sections, a distance of 1353.18 feet from the 1/4 corner common to said Section 32, T.6S. R.2W., and Section 05, T.7S., R.2W., S.L.B.&M., and running thence S 89°29'13" E, continuing along said Section line, a distance of 146.28 feet, thence S 1°21'54" W, parallel with and 269.34 feet perpendicularly distant Westerly of the East line of the West Desert Airpark, per that certain Boundary Line Agreement recorded as Entry No.: 1541-2024 and Quit-Claim Deed recorded as Entry No.: 1540-2024, a distance of 1425.10 feet, to a point 83.91 feet South of the E-W- 1/16th line of the NE-1/4 of said Section 05, thence N 89°38'44" W, parallel with said 1/16th line, a distance of 1021.96 feet, N 0°11'54" E, a distance of 83.92 feet, to the E-W 1/16th line, thence S 89°38'44" E, along said E-W 1/16th line, a distance of 891.08 feet, to the NE-1/16th corner of the NE-1/4 of said Section 05, thence N 0°46'48" E, along the N-S 1/16th line of the NE-1/4 a distance of 1341.41 feet, to the point of beginning.

Contains: 272,839 Sq. Ft., or 6.264 Acres

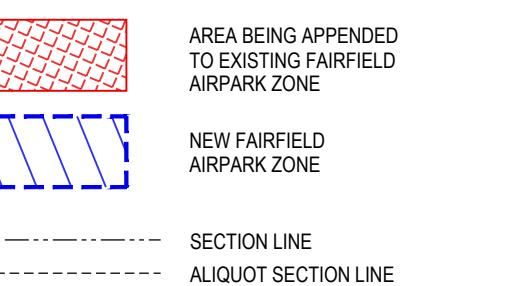
NEW AIRPARK ZONE

A parcel of land situate within Section 05, Township 7 South, Range 2 West, Salt Lake Base and Meridian, located in the Town of Fairfield, County of Utah, State of Utah and being more particularly described as follows:

Beginning at the Utah County brass monument marking the 1/4 Corner common to Section 32, T.6S., R. 2W. and Section 05, T. 7S., R. 2W., S.L.B.&M.; and running the S 89° 29' 13" E, along the Section Line, a distance of 1504.46 feet, thence S 1° 21' 54" W, parallel with and 269.34 feet perpendicularly distant Westerly of the East line of the West Desert Airpark, per that certain Boundary Line Agreement recorded as Entry No.: 1541-2024 and Quit-Claim Deed recorded as Entry No.: 1540-2024, a distance of 1425.10 feet, to a point 83.91 feet South of the E-W- 1/16th line of the NE-1/4 of said Section 05, thence N 89° 38' 44" W, parallel with said 1/16th line, a distance of 1021.96 feet; thence S 0° 11' 54" W, parallel with the N-S C-1/4 line of said Section 05, a distance of 3909.08 feet, to the Quarter Section line common to Sections 05 & 08; thence N 89° 22' 50" W, along said Section Line, a distance of 453.47 feet, to the 1/4 Corner common to said Section 05 & 08, T.7 S., R. 2 W., S.L.B.&M.; thence N 0° 11' 54" E, along aforesaid N-S C-1/4 line of said Section 05, a distance of 2645.77 feet, to the C-1/4 Corner of said Section 05, thence N 89° 48' 26" W, along the E-W C-1/4 line, a distance of 660.29 feet, to the C-E-W 1/64th corner; thence N 0° 02' 24" W, along the N-S 1/64th line of the E-1/2 of the NW 1/4, of said Section 05, a distance of 2692.74 feet, to the Section line common to said Section 32, T.6 S., R. 2W. and Section 05, T. 7S., R. 2W., thence S 89°35'52" E, along said Section line, a distance of 671.49 feet, to the point of beginning.

Contains: 5,690,478 Sq. Ft., or 130.635 Sq. Ft.

LEGEND



TOWN OF FAIRFIELD AIRPARK ZONE EXHIBIT

TOWN OF FAIRFIELD / WEST DESERT AIRPARK
LOCATED IN SECTION 05, TOWNSHIP 7 SOUTH, RANGE 2 WEST, S.L.B.&M.

RE-ZONE EXHIBIT

1 OF 1

Fairfield Town

Established 1855 - Incorporated 2004

103 East Main Street
Fairfield Utah

Zoning Amendment Application

(Please Print)

Applicants Name: West Desert Airpark Date 2/20/2024
Authorized Agent (if applicable): _____ Phone #: 801-580-5688
Address: 89 West Aviators Way Town: Fairfield St. UT Zip: 84013
Phone #: 801-580-5688 Email: alina@rmkplanes.com
Address of Proposed Amendment: 59:113:0033 No. of acres: _____
Current Zone: Light Industrial West Proposed Zone: Airpark Zone

I am applying for:

Zoning Amendment

Zoning Map Amendment

Application Submittal Requirements

Please read the applicable sections of the Fairfield Town Code in detail before submitting any type of project application. Attach all necessary documentation to the application. Missing information may be cause for denial of application.

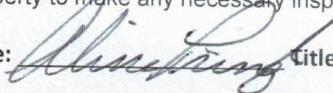
One digital/electronic PDF copy of all plans & other required materials is required on jump drive or through Dropbox. Please ensure there is only one PDF electronic file for each type of plan; do not separate the individual pages within a set of plans. Please label accordingly. Plans will not be reviewed until all digital files are received

Property owners desiring to change the zoning classification for property which they own, whether individually or as a part of a larger development project, shall make application to the Planning Commission. Applications to rezone property shall include, but not be limited to, the following requirements:

- A completed Fairfield Town Zone Change Application;
- A site plan showing existing and proposed utilities and infrastructure, roads, trails, etc. and type of development anticipated for each proposed zone. This has been included with the approved preliminary subdivision plat.
- Full Legal Description (A legal description, including total acreage or square footage for the subject property must accompany this application).
- A legal description of the property proposed for a Zoning Map amendment. If the amendment includes two or more parcels, a survey of the property included in the proposed amendment will be required by the Town. If a survey is required, the applicant shall submit a copy of the survey and indicate the name and phone number of the surveyor.
- Supporting documentation, including a map showing the properties included in the zone change, studies, and any other information which would allow the Town Council to make a well informed decision.
- Current Zone Designation: Light Industrial West
- Parcel Number: 59:113:0033
- Proposed Zone Designation: Airpark Zone
- Is the change/amendment consistent with the General Plan? Yes X No _____
- How the proposed zone change would specifically conflict, conform, complement or otherwise affect the General Plan. Creating open space through development agreements
- Reason and justification for the proposed amendment. Town Council requested a zone change to make possible 1 acre residential lots

- Provide general existing site characteristics including ownership, topography, soils, drainage, vegetation or other physical characteristics of the area proposed to be changed.
- Compatibility of the proposed zone with the existing land uses of nearby and adjoining properties.
- The effect of the proposed amendment on the character of the surrounding area, and whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for nearby and adjoining properties.
- An area map showing adjacent property owners and existing land uses within 300 feet of the area proposed to be rezoned. As a courtesy to property owners, all applicants for a zoning amendment shall provide the Town with stamped and pre addressed envelopes for each owner of record of each parcel located entirely or partly within three hundred feet of the any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities, together with a mailing list of those owners. The names and addresses shall be as shown on the most recently available Utah County tax assessment rolls. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate.
- If deemed necessary by the Planning Commission, an impact analysis, including but not limited to traffic, economic, and wildlife;
- The gain to the public health, safety and welfare and overall community benefit from the existing classification to the proposed amendment.
- Any other study or information required by the Planning Commission.
- Payment of all required rezoning application fees. (See Fairfield Town Fee Schedule)

Applicant(s) Certification: I certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Fairfield Town may rescind any approval or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Fairfield Town Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I acknowledge that I have reviewed and understand the applicable section from the Fairfield Town Fee Schedule and hereby agree to comply with the Town Code. I also agree to allow the staff, Planning Commission, or Town Council or appointed agent(s) of the Town to enter the subject property to make any necessary inspections thereof.

Applicant's Signature:  Title: Owner Date: 2/20/2024

(If the proposed Zoning Map Amendment involves more than one property owner, include the signatures of each owner.)

Applicants Name: _____ Phone: _____ Tax I.D./Parcel #(s) _____

Current Zone: _____ Proposed Zone Amendment: _____ Email: _____

Address: _____ Phone #: _____

The owner and signer for himself above agrees to the following: I have personally signed this application; I am aware of the requested Zoning Amendment and understand the terms and conditions of this application; I am an owner of a portion of the property above mentioned and located in Fairfield, Utah County, State of Utah, and my mailing address is correctly written above.

Signature: _____

Applicants Name: _____ Phone: _____ Tax I.D./Parcel: #(s) _____

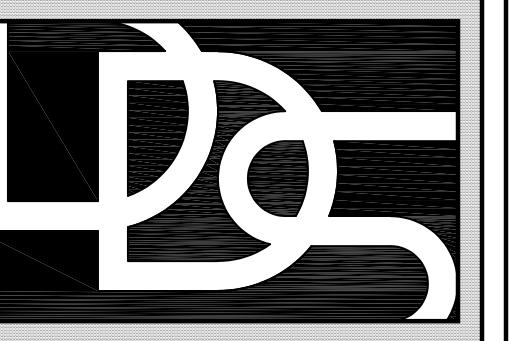
Current Zone: _____ Proposed Zone Amendment: _____ Email: _____

Address: _____ Phone #: _____

The owner and signer for himself above agrees to the following: I have personally signed this application; I am aware of the requested Zoning Amendment and understand the terms and conditions of this application; I am an owner of a portion of the property above mentioned and located at or near Fairfield, Utah County, State of Utah, and my mailing address is correctly written above.

(Attach additional sheets as necessary)

Signature: _____



Diversified

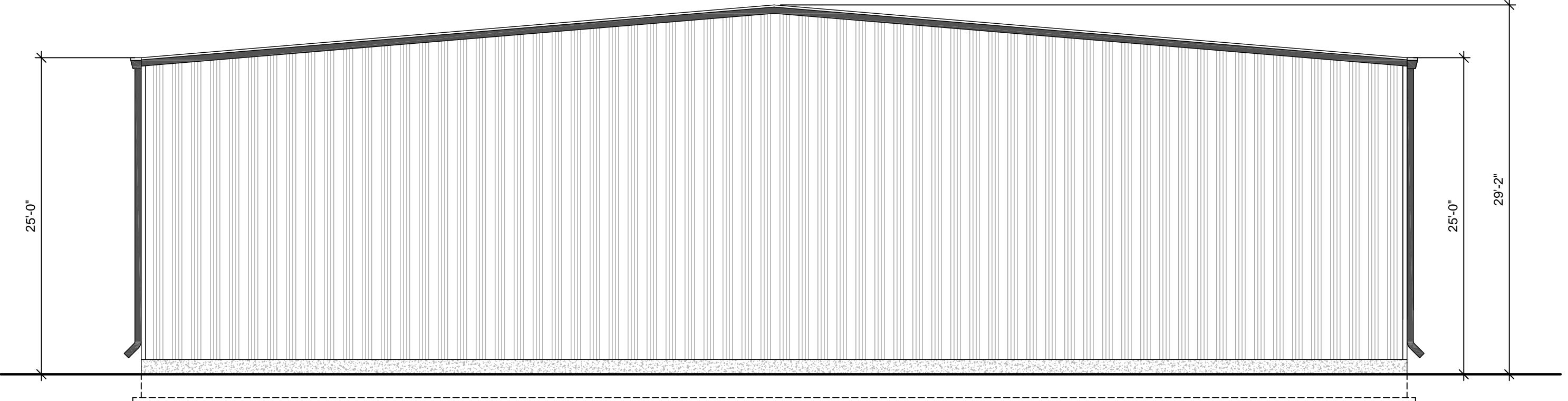
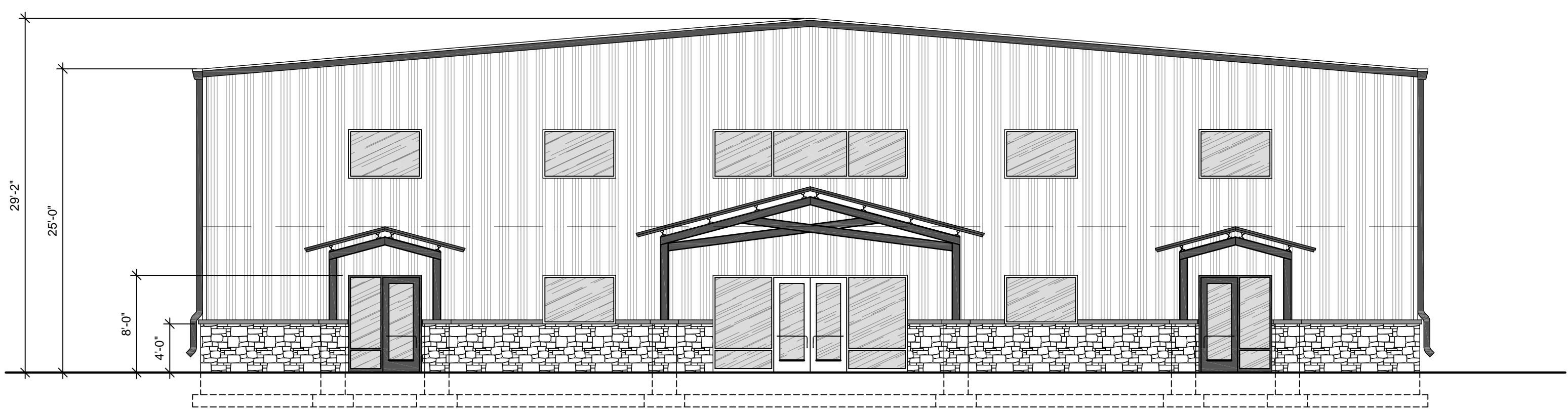
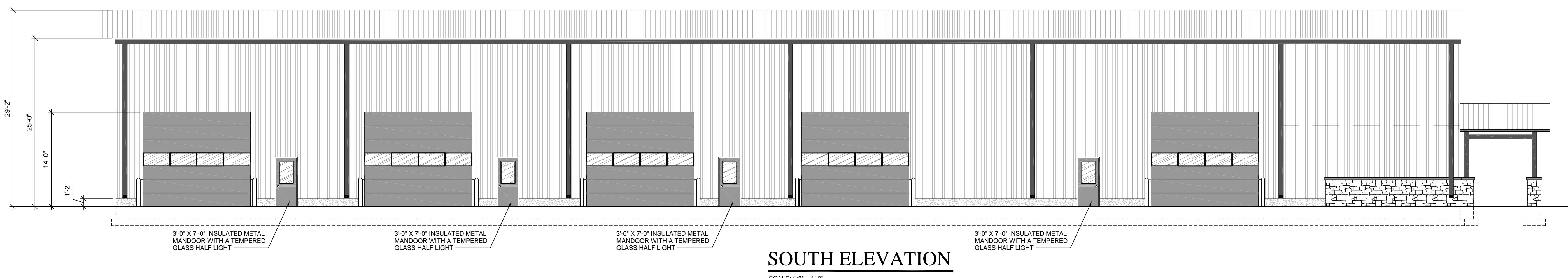
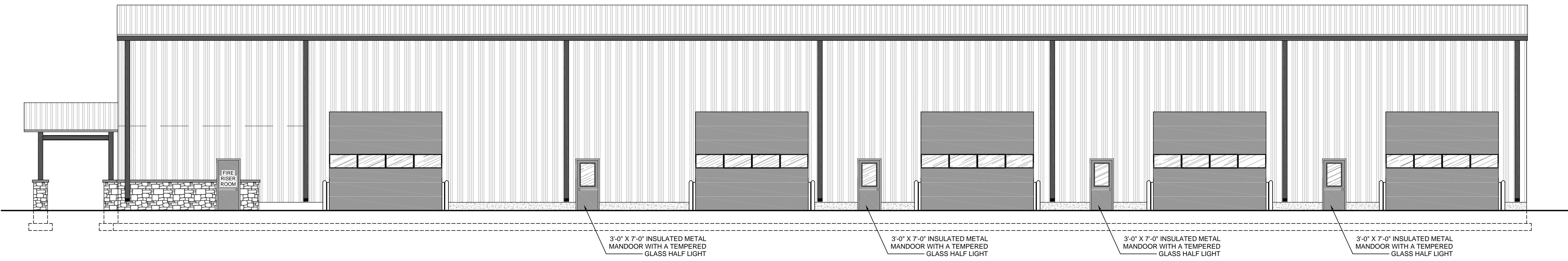
DESIGN SERVICES AND ENGINEERING, L.C.

6236 SOUTH TURPIN ST.

MURRAY, UTAH 84107

TELEPHONE (801) 347-2369

Email: brandon@dds-slc.com



A NEW BUILDING FOR:

PROJECT NAME:

PROJECT INFO.	
PROJECT NO.:	2024-015
CAD FILE NAME:	SP101 Site Plan V1.DWG
DRAWN BY:	BL
CHECKED BY:	
SCALE:	1/8" = 1'-0"
DATE:	01-26-2024

REVISIONS		
REV	DATE	DESCRIPTION

SHEET TITLE:	
	MAIN FLOOR PLAN

A 101

SHEET XX OF XX

995 N. Allens Ranch Rd., Fairfield, Utah

Fwd: hape properties preliminary**Alina Pringle** <alinafairfield@gmail.com>

To: Jane Lancaster <janefairfield1@gmail.com>, Heather Strong <heathersfairfield@gmail.com>, David Riet <david166618040@gmail.com>, Wayne Taylor <taylorturbos@yahoo.com>, Natalie McKinney <recorder@fairfieldtown.org>

Cc: Hollie McKinney <holliemc.fairfield@gmail.com>

Mon, Feb 19, 2024 at 12:13 PM

Stephanie,

Please include my comments listed below regarding the Hape concept site plan for the PC meeting on March 6.

Hape Properties Site Plan Requirements as per Fairfield Town Code

Please review Section 9.1.30 Site Plan and Document Requirements and Section 10.11.200 Light Industrial West Zone Ordinance

- Frontage?
- Section 10.11.200(F) Minimum Lot Size/Water Requirement. A ten (10) acre minimum lot size is required for any lot not connected to an approved municipal culinary water system.
- Setbacks are within code
- Location of nearest Fairfield water line?
- Zone is Light Industrial West
- What is the proposed surface of parking area?
- Does PC want to request stormwater engineering? There is flooding from time to time from CVWRF fields.
- Building height is less than 35'
- Landscaping as per 10.11.200(J) and Section 10.19.40 Landscape Requirements, Non-Residential?
- What is the planned use? Is it within our (L) Permitted Use?
- Need to remove one access from Allen's Ranch Road: 6.3.160 General Standards(J)(1) "*Access shall be by no more than two driveways from any one street*"
- Propane?
- Water?
- Fire Suppression?
- Fences?
- Septic?
- Lighting?
- Fire Department approval?
- Arsenic report?
- Parking Requirements Non-Residential Section 10.23.20. For the intended use, is the parking quantity sufficient? Are the stall sizes per our code?

Thank you.

Alina

[Quoted text hidden]

 [preliminary layout for city.pdf](#)
1010K

Ordinance # _____. Title 10.00. An Ordinance Adopting Amendments to Title 10.11.00. Light Industrial Zone East., adding #9. Battery Energy Storage Systems to the list of Conditional Uses in Section 10.11.210.L., and also amending Title 10.17.00. Conditional Uses., adding #10. Battery Energy Storage Systems to the list in Section 10.17.100.A; and adding K. Minimum Standards for Battery Energy Storage Systems to Section 10.17.100.

Dated _____

Document Control Changes: Created: January 18, 2024.

WHEREAS, the Fairfield Town Council deems it to be in the best interest of Fairfield Town to amend the Fairfield Town Code by amending Title 10.11.00., Light Industrial Zone East., adding #9 Battery Energy Storage Systems to the list of conditional uses in Section 10.11.210.L. and also amending Title 10.17.00. Conditional Uses., adding #10. Battery Energy Storage Systems, to the list in Section 10.17.100.A; and adding K. Minimum Standards for Battery Energy Storage Systems., to Section 10.17.100.

WHEREAS, the Fairfield Town Council has reviewed the proposed amendments to the Fairfield Town Code;

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, that Title 10. of the Town Code be amended as follows:

Add:

10.11.210.L.9. Battery Energy Storage Systems., to the list of approved conditional uses in the Light Industrial East Zone.

Add:

Section 10.17.100.A.10. Battery Energy Storage Systems, to the list of approved conditional uses.

Add:

Section 10.17.100 K.- Minimum Standards for Battery Energy Storage Systems.

1. Battery Energy Storage Systems. The purpose of this chapter is to establish the minimum requirements and regulations for the placement, construction, modification and decommissioning of Battery Energy Storage Systems within Fairfield Town (the "Town"), and issuing a conditional use permit subject to reasonable conditions that promote and protect the public health, safety, and welfare of the Town and its residents, by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- a. To provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of Battery Energy Storage Systems;
- b. To ensure compatible land uses in the vicinity of the areas affected by Battery Energy Storage systems;
- c. To mitigate the impacts of Battery Energy Storage Systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and

- d. To create synergy between Battery Energy Storage System development and other goals of the Town pursuant to its Master Plan.
- 2. Definitions. For the purpose of this chapter, the following words and terms shall have the meaning ascribed to them unless such definition is inconsistent with the manifest intent or contrary to the context of the language of the ordinance.

ANSI. Means American National Standards Institute.

Battery(ies). Means a single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products, mobile applications or for household purposes are excluded from these requirements.

Battery Energy Storage Management System. Means a control system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System. Means one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

1. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology; and
2. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are composed of more than one storage battery technology, which may be located outdoors in a cabinet, container or which may be located outdoors, in a cabinet, container or enclosed area.

Cell. Means the basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commissioning. Means a systematic process that provides documented confirmation that a Battery Energy Storage System functions according to the intended design criteria and complies with applicable code requirements.

Fire Code. Means the Utah Fire Code Act Title 15A Chapter 5 and Building Code adopted as currently in effect and as hereafter amended from time to time.

Nationally Recognized Testing Laboratory (NRTL). Means the U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC. Means National Electric Code.

NFPA. Means National Fire Protection Association.

Uniform Code. Means the Utah Fire Code Act 15A Building Code adopted as currently in effect and as hereafter amended from time to time.

3. Applicability.

- a. The requirements of this section shall apply to all Battery Energy Storage Systems permitted, installed, or modified in Fairfield Town after the effective date of this section, excluding general maintenance and repair of such facilities
- b. Unless approved as part of an existing conditional use permit, modifications to, retrofits or replacements of an existing Battery Energy Storage System that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this code and shall require the issuance of a new conditional use permit or approval by the Planning Commission of an amendment to an existing conditional use permit that complies with the requirements of this chapter.

4. General Requirements.

- a. A building permit and an electrical permit shall be required for installation of all Battery Energy Storage Systems.
- b. Issuance of permits and approvals by the Planning Commission shall include review of applicable state and federal environmental laws and implementing regulations; and
- c. All Battery Energy Storage Systems and all other buildings or structures that (1) contain or are otherwise associated with a Battery Energy Storage System and (2) are subject to the Uniform Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code and other applicable codes, including the Town Code.

5. Permitting Requirements for Tier 1 Battery Energy Storage Systems. Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the Fire Code, and exempt from site plan review.

6. Permitting Requirements for Tier 2 Battery Energy Storage Systems. Tier 2 Battery Energy Storage Systems are permitted through the issuance of a Conditional Use Permit only within the Light Industrial East Zone, and shall be subject to the Uniform Code, the Fire Code, and the site plan application requirements set forth in this section. Applications for a Conditional Use Permit for the installation of Tier 2 Battery Energy Storage System shall be:

- a. Reviewed by the Planning Commission for completeness. An application shall be complete when it addresses all matters listed in this section including, but not limited to:
 - i. Compliance with all applicable provisions of the Uniform Code, the Fire Code, and all other applicable codes;
 - ii. Applicants shall be advised within [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review;

iii. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation of any poles, with new easements and rights-of-way;

iv. Project description. A narrative identifying the applicant, owner and operator, and describing the proposed Tier 2 Battery Energy Storage System, including a detailed overview of the project and its location; the approximate estimated rated capacity of the Tier 2 Battery Energy Storage System; the approximate number, representative types and expected footprint of solar equipment to be used or constructed; if applicable and a description of any ancillary equipment, buildings, and structures, if applicable; an estimated construction schedule and project life;

v. Site and development plans. Site and development plans. For a Tier 2 Battery Energy Storage System requiring a Conditional Use Permit, shall include the following information:

- (a) Property lines, including roads, for the project site;
- (b) Property lines and setback lines;
- (c) Existing and proposed buildings and structures;
- (d) Existing and proposed access roads, drives, turnout locations, parking; and
- (e) Any other physical features, not mentioned above.

vi. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation, or structures;

vii. A single line electrical diagram detailing the Battery Energy Storage System layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

viii. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit;

ix. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit;

x. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage

system.;

- xi. Zoning district designation for the parcel(s) of land comprising the project site;
- xii. Commissioning Plan. A commissioning plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Battery energy storage system commissioning shall be conducted by a Utah State Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Building Department prior to final inspection and approval and maintained at an approved on-site location;
- xiii. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code;
- xiv. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code;
- xx. Erosion and sediment control and stormwater management plans and to such standards as may be established by the Planning Commission;
- xxi. Prior to the issuance of the building permit but not required as part of the application, engineering documents must be signed and sealed by a Utah State Licensed Professional Engineer;
- xxii. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - (a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions;
 - (b) Procedures for inspection and testing of associated alarms, interlocks, and controls;

(c) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;

(d) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire;

(e) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required;

(f) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility;

(g) Other procedures as determined necessary by the Fairfield town to provide for the safety of occupants, neighboring properties, and emergency responders;

(h) Procedures and schedules for conducting drills of these procedures; and

(i) Fencing or other methods of ensuring public safety.

xxii. Areas of wildlife habitat and migration corridors and areas of historic, archeological, and cultural resources within one-quarter mile of the Battery Energy Storage System;

xxiii. Any floodplains or wetlands;

xxiv. Additional information may be required, as determined by Town officials or staff, such as a scaled elevation view and other supporting drawings, photographs of the proposed Site, photos or other realistic simulations or modeling of the project, coverage map, and additional information that may be necessary for a technical review of the proposal;

xxv. Documentation of the Right to use the Site for the Proposed Project. Documentation shall include proof of ownership or control over the site or legal proof of the owner/operator's right to use the site in the manner requested. The applicant may redact sensitive financial or confidential business information from the documentation provided, so long as doing so does not prevent Town officials or staff from confirming the applicant's legal right to utilize the site for the proposed purpose. Copies of recorded deeds or memoranda of leases and easements shall be deemed sufficient

for purposes of demonstrating site control under this Code;

- xxvi. Documentation of Permits or Permit Applications. As a condition of approval of any conditional use permit approved pursuant to this Code, the applicant shall be required to provide Town staff with certified copies of all necessary permits to construct and operate a Tier 2 Battery Energy Storage Systems; prior to the issuance of a building permit;
- xxvii. Local Economic Benefits. The applicant must provide an analysis of local economic benefits, describing estimated project cost, generated taxes, the percentage of construction dollars to be spent locally, and the number of local construction and permanent jobs that are anticipated to be created as a result of the project. In addition to these factors, the analysis of local economic benefits shall include an analysis of the anticipated life of the project, the costs of decommissioning the project at the end of its useful life, an estimate of the costs of disposal of all components of the project, including the potential cleanup costs of any hazardous waste generated both by the operation of the project and as part of the decommissioning the project and disposal of the buildings, materials, components, waste, and accessory structures that exist because of the project;
- xxviii. Solid and Hazardous Waste. Include plans for the spill prevention, Clean-up, and disposal of fuels, oils, and hazardous waste, as well as collection methods for all solid waste generated by the project. In addition, an application for a conditional use permit pursuant to this ordinance shall include, as part of the decommissioning plan required under section 17.100.5(K)(7)
 - a disposal plan for all solid waste and any hazardous waste that will be generated by the implementation of the decommissioning plan. The calculation of the decommissioning costs (as defined in Section 17.100.5(K)(7)
 - shall include the costs to dispose of any hazardous waste generated by a proposed Tier 2 Battery Energy Storage System as part of the decommissioning of the project. Prior to the issuance of a building permit, an applicant shall provide the Town with the Safety Data Sheets (SDS) from the manufacturer of the batteries proposed for the project, as well as the SDS for all other components of the proposed project for which SDSs exist;
- xxix. Transportation Plan for Construction and Operation Phases. Indicate by both a narrative description and a map the roads the Applicant will utilize during the construction and operational phases of the Project, along with their existing surfacing and condition. In addition, the application must specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the Project during both the construction and operation of the Project. Any application must also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways, address road improvement, restoration or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling and/or decommissioning of the Project, provide projected traffic counts for the

construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. If significant impacts to the Town's transportation system are anticipated, the Town may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. In such cases, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos, photos, and written records, in order to provide a proper reference for restoration;

- xxx. Public Safety. Identify and address any known or suspected potential safety hazards to the Town, adjacent properties, public roadways, communities, and any other potential impacts to public safety that may be created by the proposed project;
- xxxi. Noise limitations. Include sufficient information regarding noise generated during both the construction and the operation of the proposed project so as to demonstrate compliance with Fairfield Nuisance code 5.1.00.;
- xxxii. Revegetation Areas and Methods;
- xxxiii. Dust and Erosion Control;
- xxxiv. Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned by the applicant, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the Project necessary leases, easements, or other agreements between the applicant and the affected parties must be in place prior to commencing construction, unless specified otherwise by the conditional use permit;
- xxxv. Identify the anticipated points of interconnections between the Tier 2 Battery Energy Storage Systems and the power grid of the utility whose facilities will transmit the power stored and released by the Tier 2 Battery Energy Storage System for which a conditional use permit is being sought.
- xxxvi. Plans to mitigate the reasonably anticipated detrimental effects the Tier 2 Battery Energy Storage System; and
- xxxvii. Additional Impacts. In addition to the impacts identified above, the Planning Commission may require the identification, assessment, avoidance, or mitigation of any other probable and significant impacts, as identified through the review process.

7. Decommissioning-Plan. Submit a decommissioning plan which complies with this chapter.

- a. Standards for a Decommissioning Plan. As part of the Conditional Use Permit application, applicant must submit a Decommissioning Plan, which must include the following:

- i. The anticipated life of the project;
- ii. The estimated cost to remove, dismantle and dispose of the project improvements at the end of their useful life (the “decommissioning cost”), as determined by a licensed professional engineer not employed by the applicant, owner or operator, with experience in the design/construction or operation of Tier 2 Battery Energy Storage; and
- iii. The manner in which the project will be decommissioned.
 - (a) Before any conditional use permit may be issued pursuant to this Code, the Planning Commission must approve the decommissioning plan submitted in connection with the application for a conditional use permit issued pursuant to this ordinance. Any such approval must include an election by the applicant of the means by which assurance will be provided to the Town that the applicant for the conditional use permit will be able to implement its proposed decommissioning plan, chosen from the following alternatives, which shall be provided to the Town prior to the issuance of a building permit authorizing the commencement of construction of the Project:
 - (i) A federally insured certificate of deposit in the name of the Town in the amount of one hundred twenty-five (125) percent of the decommissioning cost, along with a power of attorney, made in favor of the Town, allowing the Town to access the certificate of deposit in the event the applicant either fails to fulfill its decommissioning plan, declares bankruptcy, or is otherwise deemed to be insolvent by a court with competent jurisdiction;
 - (ii) A cash deposit in the amount of one hundred twenty-five (125) percent of the decommissioning costs, along with a power of attorney, made in favor of the Town, in the event the applicant fails to fulfill its decommissioning plan, declares bankruptcy, or is otherwise deemed to be insolvent by a court with competent jurisdiction;
 - (iii) An irrevocable letter of credit in favor of the Town, in the amount of one hundred twenty five percent (125 %) of the decommissioning cost, along with a power of attorney, made in favor of the Town, allowing the Town to access the letter of credit in the event the applicant either fails to fulfill its decommissioning plan, declares bankruptcy, or is otherwise deemed to be insolvent by a court with competent jurisdiction; and
 - (iv) Posting a performance bond of one hundred twenty five percent (125%) of the decommissioning cost, such bond to be made in favor of the Town and allowing the Town to access the bond in the event the applicant either fails to fulfill its decommissioning plan, declares bankruptcy, or is otherwise deemed to be insolvent by a court with competent jurisdiction.

b. If the owner of any Tier 2 Battery Energy Storage System finances the project with debt secured by the project, the owner shall ensure that the debt shall not be secured by and the lender(s) may not access the financial assurance posted by the applicant, owner, or operator to ensure the decommissioning costs of the project.

c. In order to assure that the decommissioning cost upon which the decommissioning plan required by this section remain valid, the applicant shall prepare and present to the Town an updated decommissioning plan and decommissioning cost not later than five (5) years following the issuance of any building permit issued by the Town for any project permitted pursuant to this Code.

d. **Unsafe or Abandoned Project.** If the Planning Commission, after the delivery of notice to the owner or operator, finds that a Tier 2 Battery Energy Storage Systems is in violation of any Town Code or has been abandoned (as defined in this Code), the owner or operator shall repair the Tier 2 Battery Energy Storage System in a manner so as to assure that the project complies with all federal, state, and local safety standards, or, if the Planning Commission finds that the project has been abandoned, the owner or operator shall remove the project in accordance with the decommissioning plan. Such a finding by the Planning Commission must be made in writing and be preceded by a Public Hearing that complies with applicable Utah law. An owner or operator may appeal a finding of the Planning Commission pursuant to the Town's Land Use Appeal Ordinance within thirty (30) days of the date such a finding has been made. The Planning Commission may extend the one hundred eighty (180) day deadline set forth in the definition of an "abandoned project", if the Planning Commission finds that the owner or operator intends to repair and restore operations of the project and provides the Planning Commission with a restoration plan and timeline for completing such work. If the owner or operator fails to repair or decommission an abandoned Tier 2 Battery Energy Storage System within the time frame set forth in the decommissioning plan (or as otherwise approved by the Planning Commission as provided herein) or fails to file a timely appeal with the Land Use Appeal Authority, this failure will be deemed as sufficient cause for the Town to utilize the security accepted by the Town pursuant to the previous section of this ordinance and to remove the Project and implement the decommissioning plan prepared by the applicant. When the owner, operator or other responsible party decommissions a Tier 2 Battery Energy Storage System, that person or persons shall handle and dispose of the equipment and other project components in conformance with all state and local requirements. At such time as a Tier 2 Battery Energy Storage System is scheduled to be decommissioned at the end of the project's useful life, the owner, operator, or other responsible party shall notify the Town no less than three hundred sixty five (365) days prior to the date of decommissioning, as well as notify the Town of the schedule within which the owner, operator or other responsible party shall complete the physical removal of the Tier 2 Battery Energy Storage System. This period may be extended at the request of the owner, operator, or other responsible party, upon approval of the Town Council.

8. Standards for Location, Appearance, and Operation of a Project Site:

- a. **Height Restrictions.** Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district;
- b. **Setbacks.** Storage Systems shall comply with the setback requirements of the

underlying zoning district for principal structures;

- c. Fencing. An appropriate security/livestock fence (height and material to be established through the conditional use permit process) shall be placed around the perimeter of any Tier 2 Battery Energy Storage Systems. Knox key lock boxes and keys shall be provided at locked entrances in order to allow emergency personnel access; Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a [7-foot-high] fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports;
- d. Signage on Tier 2 Battery Energy Storage Systems. Signage for battery energy storage systems shall be required as follows:
 - i. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the Battery Energy Storage System, any special hazards associated, the type of suppression system installed in the area of Battery Energy Storage Systems, and 24-hour emergency contact information, including reach-back phone number; and
 - ii. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - iii. Signage shall be in compliance with Fairfield Town Title 10. Chapter 21. Signs
- e. Noise Requirements. Tier 2 Battery Energy Storage Systems shall comply with all applicable Town noise ordinance or code;
- f. Buildings and Accessory Structures. All buildings and accessory structures incorporated into any Tier 2 Battery Energy Storage Systems shall use materials, colors, and textures that are of a natural earth tones that blend the facility into the existing environment; white, gray, silver and black are acceptable 'colors' for buildings and accessory structures as it pertains to this Chapter.
- g. Landscaping. Appropriate landscaping and/or screening materials that are consistent with the fire safety compliance plans may be required to help screen a Tier 2 Battery Energy Storage System and buildings and accessory structures from major roads and neighboring residences;
- h. Lighting. Lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. Cut-off lighting as required by the Town Lighting Code may be required when determined necessary to mitigate visual impacts;
- i. Fire Protection. Tier 2 Battery Energy Storage System shall have a defensible space for fire protection with a fire protection plan which will be approved and signed off by the Fire Marshall; and
- j. Local, State and Federal Permits. Tier 2 Battery Energy Storage System shall be

required to obtain all necessary permits from the Utah PSC, the Utah Department of Environmental Quality (“Utah DEQ”), including the Utah Division of Air Quality and the Utah Division of Water Quality, any applicable permits required by the Town, and all applicable Federal permits. A condition of approval of any conditional use permit for a Tier 2 Battery Energy Storage System shall require the applicant to submit reasonable documentation that the applicant has obtained all required permits to construct the Tier 2 Battery Energy Storage System from FERC, the Utah PSC, and the Utah DEQ, prior to the issuance of a building permit. The Town may withhold approval of a building permit for a Tier 2 Battery Energy Storage System if such condition is not satisfied at the time the applicant applies for such building permit.

9. Standards of Approval for a Conditional Use Permit:

- a. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards set forth in this chapter and with all other applicable portions of the Town’s land use code. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. For purposes of this Chapter, the applicable standards which shall be applied in assessing any application submitted pursuant to this ordinance shall be:
 - i. Whether the proposed use meets the applicable requirements for conditional use of a Tier 2 Battery Energy Storage System in the proposed zone;
 - ii. The use is compatible, or with conditions of approval, can be made compatible, with surrounding uses;
 - iii. The use is consistent with all applicable adopted Town planning policies and master plans; and
 - iv. The reasonably anticipated detrimental effects of the proposed use can be mitigated by the imposition of reasonable conditions.

b. Limitations on Conditional Use Approval. Subject to an extension of time granted by the Planning Commission, no conditional use permit approved pursuant to this Code shall be valid for a period longer than three (3) years, unless a building permit has been issued or complete building plans have been submitted to the Town building department within that period and the permitted project is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer period of time is requested and granted by the Planning Commission. Any request for a time extension shall be required not less than thirty (30) days prior to the expiration of the three (3) year time period.

10. Safety.

- a. System Certification. Battery energy storage systems and equipment shall be listed

by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- i. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications);
- ii. UL 1642 (Standard for Lithium Batteries);
- iii. UL 1741 or UL 62109 (Inverters and Power Converters);
- iv. Certified under the applicable electrical, building, and fire prevention codes as Required; and
- v. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

- b. Site Access. Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.
- c. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

11. The Planning Commission is the approval authority.
12. Enforcement. Any violation of this Section regulating Battery Energy Storage Systems shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the Town's zoning or land use regulations.
13. Appeals See 10.5.170.
14. Application to Successors and Assigns. The terms of any conditional use permit issued pursuant to this Code shall run with the land and be binding on any successor or assignee of an applicant, owner or operator and any party that purchases and/or operates a project.
15. Savings Clause. If any part of this ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.
16. Penalties. Any person or entity who violates any of the provisions of this chapter or who fails

to comply therewith, or who violates or fails to comply with any order or directive made thereunder, shall severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor, subject to penalty as provided in section 10.1.25 of this code. Furthermore, the imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons or entities shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

Effective Date: This Ordinance shall become effective immediately upon passage and adoption.

Passed and Adopted this _____ day of _____, 20____.

FAIRFIELD TOWN

Hollie McKinney

RL Panek	yes _____	no _____
Tyler Thomas	yes _____	no _____
Michael Weber	yes _____	no _____
Richard Cameron	yes _____	no _____

ATTEST:

Stephanie Shelley, Town Recorder/Clerk

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the _____ day of _____, 20____.

Ordinance # _____. Title 10.00. An Ordinance Adopting Amendments to Title 10.11.00. Light Industrial Zone East., adding #9. Battery Energy Storage Systems to the list of Conditional Uses in Section 10.11.210.L., and also amending Title 10.17.00. Conditional Uses., adding #10. Battery Energy Storage Systems to the list in Section 10.17.100.A; and adding K. Minimum Standards for Battery Energy Storage Systems to Section 10.17.100.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this _____ day of _____, 20____.

Stephanie Shelley
Fairfield Town Recorder/Clerk
(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
)
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the _____ day of _____, 20____ and herein referred to as:

SUMMARY.

An Ordinance amending the Fairfield Town Code by amending the Light Industrial Zone East., by adding #9 Battery Energy Storage Systems to the list of Conditional Uses in Section 10.11.210.L., and also amending Title 10.17.00. Conditional Uses., by adding #10. Battery Energy Storage Systems to the list in Section 10.17.100.A; and also by adding K. Minimum Standards for Battery Energy Storage Systems to Section 10.17.100.

The three places are as follows:

1. Fairfield Town Hall
2. Fairfield Town Website
3. Utah State Public Notice Website

Stephanie Shelley
Fairfield Town Recorder/Clerk

Date of Posting _____ day of _____, 20____