

Approved Meeting Minutes

Fairfield Town Council
Regular Session Meeting
June 18, 2025

Regular Meeting

Date: Wednesday, June 18, 2025

Location: Fairfield Town Office, 103 East Main Street, Fairfield, Utah

Time: 7:01 P.M.

Minutes By: Stephanie Shelley

Call to Order

1) **Roll Call**

Town Council Members Present:

Mayor Hollie McKinney, RL Panek, Richard Cameron, Michael Weber, and Tyler Thomas (via Zoom) arrived in person at 8:01 pm

Staff Present:

Stephanie Shelley- Recorder, Todd Sheeran- Attorney, Codi Butterfield - Treasurer

Others Present: Tal Adair, Claudia Saldana (MAG), Jessica Delora (MAG), Amy Taylor, Wayne Taylor, Kelton Butterfield, Neil Schwendiman (North Pointe SW), Alina Pringle, Mark Pringle, Scot Hazard (Eagle Mountain), Colby Webb (Eagle Mountain), Cherie Anderson (IRL), Matthew Kolm (Eagle Mountain), Ronnie & Colleen Wilson, Kate Hooley, Tess Hooley, Vern Carson, Jayson Densley, Heidi Densley, Mike Burch, Frances Burch, Julie Clover.

Others Present Via Zoom: claudiasaldana, mckays, Brenda Tanner, Chans, Jim, iPad, Neal Fraser (JUB), Brian Carver (JUB), Rob, Dagan's iPhone,

2) **Prayer / Pledge Of Allegiance**

Councilman Cameron offered the prayer. The Pledge of Allegiance was then recited.

Public Hearing: *The Council will accept public comments, limited to two minutes per person*

1) **Staff report and discussion on Resolution [#R2025-07](#). A Resolution Adopting The Fairfield Town Budget For [Fiscal Year 2025-2026](#).**

Codi presented the staff report on Resolution #R2025-07, stating that nothing had significantly changed since the last discussion. She suggested adding a line item for LB Miller in the water operating expenses, proposing the title of "water operator" or "maintenance laborer." The council discussed appropriate titles, with Tyler suggesting "water operator" as the official state title. Codi recommended moving \$3,000 from line item 6131 to 6111 for employee wages.

2) **Public comment for resolution [#R2025-07](#)**

No one present had any comments on Resolution #R2025-07.

3) **Approve the [#R2025-07](#). A Resolution Adopting The Fairfield Town Budget For Fiscal Year 2025-2026.**

Councilman Weber made a motion to approve [#R2025-07](#). A Resolution Adopting The Fairfield Town Budget For Fiscal Year 2025-2026. Councillman Panek seconded the motion.

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Mayor McKinney - Yes
Councilman Thomas - Yes
Councilman Panek - Yes
Councilman Cameron - Yes
Councilman Weber - Yes

The motion passed unanimously.

4) Discuss the Vacation of the road located on the Christenson property. (This address was noticed incorrectly, so it will not be passed until July).

Mayor McKinney explained that the vacation of the road located on the Christenson Property was not properly noticed and would be tabled until the following month. The road in question is situated north of 75 North and south of approximately 200 North. The mayor opened the floor for public comment, but no one commented.

5) Public comment on vacation of the road

No one present had any comments

Reports and discussions

1) Sheriff's Department Update.

Sgt Dustson reported on incidents for the month of May, including one animal injury, a medical situation, suspicious activity, traffic stops, and crowd control measures. They also clarified a recent incident involving gunfire, which occurred south of Fairfield and not within the town limits, as incorrectly reported by KSL.

Fairfield - CAD Stats - May 2025				
Officer Generated		Public Generated		
CITIZEN CONTACT	1	ANIMAL INJURED	1	
EXTRA PATROL	5	DIABETIC	1	
TRAFFIC STOP	10	INFORMATION	1	
Grand Total	16	SUSPICIOUS	1	
		VIN INSPECTION	1	
		Grand Total	5	

2) Planning Commission Update.

Commissioner Wayne Taylor provided a formal report on the Planning Commission's recent activities. Public input included expressions of appreciation from airport representatives, as well as concerns regarding the proposed general plan maps, specifically, road placements that could impact public safety near the runway. Additional comments questioned the fire code in use, suggesting the adoption of the state fire code instead of the international version.

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The Commission approved a site plan for Mike Fraughton's residence, addressing and resolving questions related to road width adjustments. Definitions from Title 10, Chapter 16 (Special Use Regulations) were approved by the Planning Commission for advancement to the Town Council, with a public hearing to be scheduled to consider relocating these definitions into Title 12.

Proposed amendments to the general plan were reviewed and moved forward. Commissioner Strong formally submitted her resignation and will continue to serve until a replacement is appointed.

3) Discussion with [Avenue consultants](#)

Kevin from Avenue Consultants presented an update on the Interagency Action Plan for sustainable growth in Utah County. He explained the project's purpose, goals, and objectives, focusing on regional priorities for Cedar Fort, Fairfield, Eagle Mountain, Saratoga Springs and UDOT. Kevin outlined the project schedule and discussed the types of misalignments they are addressing in their analysis. He provided an example of active transportation planning, highlighting internal, external, and process misalignments. The presentation emphasized the importance of coordinating with neighboring cities and aligning planning timelines for more effective regional development.

4) Claudia Saldana and Jessica DeLora [CDBG - Utah County](#)

Claudia Saldana and Jessica DeLora from CDBG Utah County presented information about the Community Development Block Grant program. They explained the funding sources, eligibility criteria, and potential projects that could be funded. The council discussed the benefits of participating in the program and agreed to add a resolution for participation to the next month's agenda.

5) Discuss Enbridge Gas coming into Fairfield

Mayor McKinney reported on the open house held by Enbridge Gas. The company offered to bring natural gas to Fairfield at no cost if enough residents showed interest. The mayor encouraged residents to fill out interest forms, emphasizing that it was not a commitment but would help gauge community interest. Council members discussed the potential benefits and costs associated with connecting to natural gas.

6) Discussion on speed control in town, dips, humps or rumble strips.

Councilman Panek initiated a discussion on speed control measures in town. He expressed concerns about increased traffic and speeding, particularly near the park area. The council discussed various options including speed bumps, speed humps, rumble strips, and table-top style speed control measures. They also considered the possibility of planting trees along the roads to naturally slow traffic. The council debated the pros and cons of each option, considering factors such as cost, effectiveness, and impact on residents and emergency vehicles. They agreed to further investigate removable speed humps and to potentially implement a test installation.

7) JUB Engineering- [Airpark overlay](#) discussion.

Brian Carver and Neil Fraser from JUB Engineering presented detailed information on the

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proposed airpark overlay zone for Fairfield Town. They explained the current overlay requirements, which extend 5000 feet in all directions from the centerline of the runway. This includes a conical airspace that allows structures further from the runway to be built higher, but within certain height restrictions to ensure safety for both the structures and aircraft. Neil Fraser provided additional technical details, explaining that the height restrictions are primarily designed to protect both the structures within the overlay zone and the aircraft using the airstrip by ensuring clear and safe airspace.

The presentation highlighted the differences between privately owned and publicly used airstrips, noting that Fairfield Town does not have the same regulatory powers over the West Desert Airpark as it would if the airstrip were publicly owned. This has created complexities in applying state and federal regulations, especially concerning safety zones and permissible land uses within these overlays.

Residents and council members expressed concerns during the discussion. There was significant apprehension about how the overlay might limit property rights and future development opportunities for landowners within the zone. Questions were also raised about the clarity and legality of imposing such restrictions, particularly given their impact on surrounding private properties and existing land uses, such as nearby landfills.

Additionally, the conversation included queries on whether the overlay could be minimized or altered to better suit the town's needs without compromising safety. The possibility of limiting the size and type of aircraft to reduce the overlay's impact was also discussed. The council recognized the need for a comprehensive review of the overlay's terms and implications before making any decisions.

This discussion highlighted the community's stance on the airpark and the need for further conversations to find a balanced and legally sound path forward. The council agreed to further investigate the overlay and its broader implications while ensuring residents' property rights and safety remain a top priority.

General Public Comment (2-minute limit per person):

During the General Public Comment section, several residents and stakeholders expressed a range of concerns and opinions, with a particular focus on the contentious topic of the airpark overlay and its implications. There was a strong turnout from community members, reflecting widespread interest and concern about the potential impact of the overlay on their property rights and town development.

Mike Burch questioned the current authority of the Town Council, referencing past developments such as the airport and government infrastructure that, according to him, were built without town council input or permitting. He asked what authority the council has now to revisit or alter those decisions. In response, Mayor McKinney stated she does not believe the town has legal authority to make such changes. She emphasized her view that the developments in question involve a

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private entity and that the municipality cannot impose an easement on private property for private use.

Heidi Densley expressed surprise that the Town Council was initially reluctant to consider the matter, though she acknowledged they may now feel compelled to act. She highlighted past issues where certain public or appointed officials allegedly pursued personal agendas without proper oversight, leading to problematic outcomes. She emphasized that the council now has an opportunity to take meaningful action and cautioned that any decisions made could later serve as legal precedent, even if the underlying claims currently lack legal standing.

Heidi stressed that the town's legal counsel had made it clear that the council has the authority and responsibility to act in the best interests of residents. She underscored the overwhelming public support for regulating the airport, highlighting how many signed the petition demanding that the Town Council impose much more stringent regulations than currently exist, particularly in regard to privacy, noise, and health concerns. When asked, Councilman Thomas confirmed that nearly everyone in the community supported greater regulation, though he did not recall exact figures of who signed the petition.

She argued that the scale of public demand was undeniable, with the vast majority favoring regulation and only a small fraction advocating in favor of the airport's private interests, which she characterized as questionable and potentially unlawful. Heidi insisted that the council has no real choice but to side with the public, warning that failure to act could lead to legal consequences and public harm.

In closing, she framed the situation as an unconstitutional land taking that violates state and federal protections. Drawing a personal parallel, she reminded the council of past instances where they themselves defended private property rights and urged them to do the same now on behalf of the community. She warned that any attempt to justify this action in court would likely fail.

Casey Morris said Heidi had already said everything they wanted to express.

Wayne Taylor acknowledged that he made a mistake in April 2022 by expressing trust in the airport owners at a public hearing, a stance he has since reversed. He criticized the operation as overreaching and misleading, stating that while they claimed to support small aircraft use, specifically referencing 4-seat Cessnas, they failed to clarify that "small" under FAA rules includes jets weighing up to 12,500 pounds. He emphasized that jets within that weight limit, like a 10,000-pound jet, are legal. Taylor concluded by urging the town to work together while noting there are some people he personally would choose not to do business with, referring to the airport operators.

Ronnie Wilson stated he was already opposed to the airport before attending the meeting and remains firmly against it. He argued that no individual, family, or business should impose such burdensome restrictions on the community for personal gain. He emphasized the airport offers no benefit to residents—it's not a service-oriented business—and only serves one family. He questioned whether major stakeholders like the church fully understand the implications and

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urged the town to use every legal means necessary, including going to court, to stop the airport, which he believes brings only problems to the community.

Mike Burch asked Don't we need to amend the land use ordinance for the airport and possibly all related town ordinances to define the building envelope? That would be a significant expense for the town, and I agree with Ronnie on this point.

Vern Carson stated that he believed the airport represents a taking of private property and rights. He noted that what was originally proposed years ago is entirely different from the current situation. He argued that anything beyond the property's boundary should require purchase or legal action, comparing it to him moving his farm onto their land, something he clearly sees as equally unacceptable.

Mark Pringle defended the airport, stating they are not taking anyone's property and have remained consistent with their original proposals. He noted that while the town's building height ordinance was originally 35 feet, the council approved increasing it to 50 feet next to their property. He emphasized that most aircraft using the airport are small, two-seat planes and expressed a desire to be good neighbors.

Pringle encouraged open communication, highlighting their efforts to hire local residents, offer flights to community members, and implement noise mitigation measures. He acknowledged concerns about traffic but framed aviation as part of the necessary infrastructure. He urged the town and residents to collaborate, not oppose one another, and reiterated their long-standing presence since 2002 with an open-door policy.

Joel McKinney gave Heidi there two minutes. Heidi Densley criticized the credibility of the airport representatives, stating their word has lost value due to conflicting statements and documents. She shared that many residents have privately asked her to speak on their behalf out of fear of retaliation, specifically mentioning concerns about Alina visiting their homes. Heidi emphasized that this fear is a serious problem and called on the town to take a stand, insisting the airport must be regulated.

Amy Taylor, a longtime resident, expressed frustration over the disruption caused by aircraft noise, stating it has disturbed the peace and quiet she once enjoyed both inside and outside her home. She criticized what she sees as manipulative efforts by airport representatives to gain community support, emphasizing that recreation shouldn't come at the cost of residents' well-being.

She objected to the idea that the airport's \$2.4 million in funding should influence the town's decisions, stressing that residents never had a say in it. Taylor also raised concerns about potential legal risks to the town if other businesses are later restricted due to the precedent set by allowing the airport to expand. She opposed granting special allowances to one business for its benefit, primarily when it affects the property rights of others.

Finally, she pointed out the inconsistency in how the airport is labeled, sometimes as public and sometimes as private, depending on what suits its interests, calling for accountability and fairness.

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Jayson Densley, a former council member, reflected on past decisions made without a full understanding of their implications, stating that if an ordinance or overlay was passed under such conditions, it could be legally void. He strongly opposed taking from one property owner to benefit another, calling it unjust and harmful.

Densley warned that allowing one individual or business special privileges sets a precedent that could lead to legal and financial consequences for the town if others are later denied similar treatment. He emphasized the importance of fairness and expressed concern that his own building project is already close to the airport's proposed restrictions. He concluded by noting that 40 feet is not a significant building height, pushing back on imposed limits.

Brenda Tanner, speaking online, emphasized that poor communication has contributed to the current conflict over the airport. She noted that much of the dialogue has happened privately, one-on-one, rather than in public forums, leading to confusion and misunderstandings. Tanner urged the town to ensure consistent and transparent communication moving forward, so that all residents receive the same information. She also expressed agreement with most of the concerns previously raised.

Tal Adair, representing the incoming Fairfield Industrial Park development, expressed a desire to be a good neighbor and build a strong community. He emphasized the importance of respecting individual property rights, including his own and those of the airport. While acknowledging the airport's legal rights, he expressed concern about how its operations might impact nearby properties, such as his own.

Adair urged the council to carefully distinguish between enforceable laws and non-binding guidelines when making land use decisions, noting that conflicting rules from different agencies can cause confusion. He encouraged the council to rely on its authority as the land use body and to make thoughtful, informed decisions, acknowledging the difficulty of their position and thanking them for their efforts.

Alina Pringle stated that from the beginning, they worked collaboratively with the town and council, requesting a residential airport rather than imposing one. She said the town required them to build to FAA standards and that all processes, including overlays, were mandated by the state for public-use runways.

She thanked the commission for researching and distinguishing between laws and guidelines, and for thoroughly understanding the matter before voting. Pringle emphasized that their development actions were based on past assurances from town leadership and suggested that better early communication could have saved significant time and money.

Neil Schwendiman (North Pointe Landfill) raised concerns about whether his property falls within the proposed airport overlay zone, especially given the nearby landfill. He highlighted potential safety issues related to wildlife, specifically birds and dust, noting recent flocks of seagulls in the area. His primary concern was liability—questioning who would be held responsible in the event of a bird strike: the town, North Point, the pilot, or himself. He emphasized that while he tries to manage dust and deter birds, some factors are beyond his control.

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Mathew Kolm, owner and flight instructor at West Weather Flight and president of the West Desert Aviators, shared efforts made to reduce aircraft noise and improve community relations. He explained that a complaint form is available on their website, and all submissions are reviewed. In response to specific complaints, he personally worked with a new pilot to teach quieter flying techniques and contacted other pilots, such as one from Spanish Fork, to adjust flight patterns.

He emphasized that the airpark is a part of the Fairfield community and that they've hosted events for all residents, not just aviation members. Mathew expressed appreciation for Fairfield and urged an end to misinformation and name-calling, encouraging a more united and respectful community approach.

Dagen McKinney sent a text to Mayor McKinney. He stated that he is out of town but does not agree with the airport overlay. His property is in the runway path, and the overlay would affect him.

Text sent to Mayor McKinney. Hi Holli, this is Eramie James, and I want to go on the record the I oppose the airport. Thank you

Text sent to Mayor McKinney. For some reason I can't get off mute, I believe the air park has property rights just like anyone else' my problem is when their rights infringe on my rights as a property owner. Also generally speaking living next to an airport lowers property values, no one wants to live next to an airport unless they advertise as a fly in community which as far as I know Fairfield never has or wants to be known as.

There were emails sent in for Public Comment; they are attached at the end of the minutes.

Brian Carver's opinion is that Utah law strongly favors publicly owned and operated airports, granting them broad regulatory authority through police powers. However, the West Desert Air Park, being privately owned, does not have those powers. Brian acknowledged the complexity and confusion in how the definitions apply to the West Desert Airpark.

Wayne Taylor stated that you fill out a form called something like Form 7084— 1. He might have the number wrong, perhaps 7084½ or something similar. They sent it to the FAA. We obtained the FAA documents and, through a GRAMA request, but the FAA did not conduct any safety checks before allowing this to become public use.

After that happened, Utah Aviation turned around and stated that it was public use, and it gave them \$2.5 million. As far as I know, they didn't do any safety checks under AC 150, which is what the FAA would want you to follow if you're doing planning and zoning. It's not code, but it could be if we adopted it.

It even says the number two critter that airplanes hit is seagulls. And in Circular 130, I don't recall exactly where it states that a landfill should be at least six miles away. Now, I get it; this is a little smaller, but it doesn't need to be six miles. For cheese and rice, it should be over a hundred feet!

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That's just how that happened. There was no safety check, no oversight, nothing as far as he knew.

8) Discuss purchasing property and building a Town Hall.

The council discussed the possibility of purchasing the Goodwin property for \$725,000 and potentially using it for a new town hall. They debated various options, including remodeling the existing house, building a new structure, or selling part of the property. The council agreed to make a cash offer of \$665,000 for the property, contingent on appraisal and inspection. They also discussed the need for a larger meeting space and the possibility of using modular buildings as a temporary solution.

Consent Items

The Council may approve these items without discussion or public comment and may remove an item to the Business Items for discussion and consideration.

- 1) Approval of Minutes: [May 21, 2025](#), and [June 5, 2025](#).
- 2) Approval of Financials: [April 30, 2025](#), and [May 31, 2025](#).

Councilman Weber made a motion to approve the consent items, number one and two, approval of minutes for May 21, 2025, and June 5, 2025, and approval of financials for April 30, 2025, and May 31, 2025. Councilman Panek seconded the motion.

*Mayor McKinney - Yes
Councilman Thomas - Yes
Councilman Panek - Yes
Councilman Cameron - Yes
Councilman Weber - Yes*

The motion passed unanimously.

Business Items

1) Discuss and motion to approve the new planning commissioners.

The council discussed the appointment of two new planning commissioners, Kelton Butterfield and Jamie Mascaro, to fill the vacancy left by Heather Strong's request to be relieved of her duties.

Councilman Thomas motioned to approve Kelton Butterfield and Jamie Mascaro as new planning commissioners. Councilman Panek seconded the motion.

*Mayor McKinney - Yes
Councilman Thomas - Yes
Councilman Panek - Yes
Councilman Cameron - Yes
Councilman Weber - Yes*

The motion passed unanimously.

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Ordinances

1) **Ordinance No. 2025-12 An Ordinance Of Fairfield Town, Utah, Adopting Fairfield Town Code § 10.16 (Special Use Regulations).**

The council discussed Ordinance No. 2025-12, which adopts Fairfield Town Code § 10.16 (Special Use Regulations). Mayor McKinney explained that the ordinance addresses additional regulations for special use permits and clarifies the placement of definitions within the code.

Councilman Weber made a motion to approve Ordinance No. 2025-12, an ordinance of Fairfield Town, Utah, adopting Fairfield Town Code 10.16 (Special Use Regulations). Councilman Cameron seconded the motion.

*Mayor McKinney - Yes
Councilman Thomas - Yes
Councilman Panek - Yes
Councilman Cameron - Yes
Councilman Weber - Yes*

The motion passed unanimously.

The Town Council discussed installing speed bumps to reduce speeding, especially near the State Park, where children's safety is a major concern. Councilman Panek voiced his fear of a child being hit by a car, emphasizing that no parent wants to receive such a call. The Council agreed to install tabletop-style speed bumps, which they believe are more suitable for trucks and trailers. They decided to place them on 75 North and Main Street and will look into installing two on each street for greater effectiveness.

Closed Session

Possible motion to enter into closed session for the purchase, exchange, or lease of property; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual; or the deployment of security personnel, devices, or systems.

Councilman Cameron made a motion to temporarily recess the council meeting to go into a closed session for the following purposes: Discussion of the character, professional competence, or physical or mental health of an individual. Strategy sessions to discuss collective bargaining. Strategy sessions to discuss pending or reasonably imminent litigation. Strategy sessions to discuss the purchase, exchange, or lease of real property, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the city. Strategy sessions to discuss the sale of real property. Discussion regarding the deployment of security personnel, devices, or systems. Investigative proceedings regarding allegations of criminal misconduct. Considering a loan application. Councilman Panek seconded the motion.

*Mayor McKinney - Yes
Councilman Thomas - Yes
Councilman Panek - Yes
Councilman Cameron - Yes*

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Councilman Weber - Yes

The motion passed unanimously.

The time was 9:55 pm

Adjournment

*Councilman Weber made a motion to adjourn the meeting. Councilman Panek seconded the motion.
The motion passed unanimously.*

The meeting adjourned at 10:30 p.m.

July 16, 2025

Stephanie Shelley

Minutes Approval Date

Stephanie Shelley Town Recorder



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Fairfield Town - Town Council Wednesday, 18th 7 pm

Natalie Mckinney <macenat16@yahoo.com>

Wed, Jun 18, 2025 at 7:29 PM

To: Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

I would like to discuss my concern with the airpark overlay.

I have always been in favor of the airpark and have always been in favor of land owners to be able to do develop their land that being said it is of great need to do this along the side of the town with its guidelines, ordinances and for the safety and impact of the town.

It seems as if everything that was agreed upon, all the discussions and the plans of the airpark and its overlay have greatly increased and is now becoming something that was not what the town and its people are in favor of.

There are multiple safety issues and nuisance issues that come with this new increase of the airpark.

I was the Town Recorded for 2 years for Fairfield and sat through countless meetings discussing the airpark.

It was always sold and pushed as a private airpark/own community for private planes and private hangers for living spaces.

The pilots were never to fly their path over the town due to noise nuisances.

That all seems to have changed and about to become even more of what was not sold to the towns people and Council.

The town and its people never agreed nor would want this increase of the runway, overlay, being a public airport and the noise issues, safety issues, fire issues.

Once again I am all for the airpark and what was originally sold, pushed and agreed upon.

I can strongly tell you that 100 percent of the towns people would agree with everything I just stated.

Natalie Mckinney.

On Jun 17, 2025, at 5:01 PM, Stephanie Shelley <sshelley@fairfieldtown-ut.gov> wrote:

[Quoted text hidden]

<TC 25-06-18 Agenda.pdf>



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Flight path over Fairfield

1 message

Travis McKinney <travis@chunky.net>

Wed, Jun 18, 2025 at 8:22 PM

To: "sshelley@fairfieldtown-ut.gov" <sshelley@fairfieldtown-ut.gov>

This is Travis McKinney. I own land along Main Street I plan to build on after I retire. I don't want large cargo jets flying over my property.

Travis McKinney
801-368-0087



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Fairfield Town - Town Council Wednesday, 18th 7 pm

Daymon Stephens <daymon.stephens03@gmail.com>
To: Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Wed, Jun 18, 2025 at 2:13 PM

Attached are some documents for tonight's meeting.

Statement for the record.:

It is no secret that I am not now, nor have I ever been a proponent for enlarging the airport.

I love the pringles to death and they are both considered friends, even if we have a difference of opinion on the size and number of airplanes coming in and out of the airport. I have flown with Mark and absolutely loved every minute of it. I fully understand his and Alina's enjoyment and ambitions with flying, I just do not want to listen to it at my house.

I was on planning and zoning for many years and the actual chairman of the commission during the majority of the years when we were working on trying to come up with something that would be beneficial to both WDA (West Dessert Airport) and the residents of the town. Alina had been voted in as the chairman of the commission at the time in which the original public hearing was held on 4-6-22 concerning the airport zone.

Attached is the letter I had written along with an article written by UDOT in conjunction with Mountainland that was supposed to have been included into the public hearing minutes originally (4-6-22) but apparently never was and the town council states that they did not ever get a copy of it. I would like this letter to be included into tonight's meeting along with this email.

I do need to redact one thing in the original letter written. I had stated that the air park was going from 40 acres to 120 acres which was not correct. The airport ownership is over 200 acres.


In addition to the attached letter I would like it on record that I do not agree with the new overlay being presented tonight. This restricts what a very large majority of the residents in town can do with their property and basically encompasses I would guess 90% of the residential properties currently in town.


I hope that as a town we can come up with some sort of an ordinance that will allow the WDA to continue to operate in a manner in which they were originally allowed while still allowing them to utilize their property with the same standards and opportunities afforded all of their neighbors in the industrial zones.

Thanks for your time,
Daymon Stephens
Resident, Fairfield Utah.

[Quoted text hidden]

2 attachments

 **airport-land-use-guide---web.pdf**
10514K

 **letter on airport .docx**
26K

These are the facts that the post card from the town of Fairfield, and the distributed brochure from West Dessert Airpark (WDA) did not tell you about the proposed zone change for the airpark. To make sure that the voice of the residents of our town is heard, I implore you to come and voice your opinion at the public hearing tomorrow night, April 6th 7:00 pm at the schoolhouse.

When the Planning Commission originally stated that we needed to create an airpark zone and started working with the WDA several years ago, the intent was to have a zone that protected the airpark and allowed for WDA to continue operating as an airpark, which they have been doing since 2002. It was never the intention of the commission at that time to increase the size of the airport, or the number of planes allowed. The airport, in the state that it is in now, is in a light industrial zone and has been since Fairfield became a town. WDA agreed to be in a light industrial zone, and as such has all the same business opportunities that anyone else in the Light Industrial West Zone has.

- The proposed zone will literally triple the size of the current Airpark. This proposed change will allow the airpark to grow from the current 41.12 acres to over 120 acres.
- The proposed zone allows for the extension of the runway from 2600 feet to approximately 5000, moving the classification of the airport from a small to a medium sized facility. This change will allow for as many as 100 home based aircraft and up to 50,000 operations a year. The proposed zone as written controls none of this.
- The proposed zone allows for residential homes to be incorporated into the Light Industrial West Zone. We have residential zones and industrial zones for a reason, and it is because the 2 do not go together, they are completely different uses. The proposed zone has no verbiage at all on total number of homes that can be put in or the lot sizes for these homes. The only limitation is that they cannot encompass more than 25% of the Zone with residential. That equivalates out to 30 acres of ground with no mandatory lot sizes. Will these 30 acres be put into ¼ acre lots for a total of 120 homes? Maybe its ½ acre lots for a total of 60. There are not even 60 homes currently in Fairfield. Even if it is 1 acre lots that is still 30 additional homes in the middle of a light industrial zone. Adding 30 homes to the town brings the total to approximately 90 residences in town. This would make 1/3 of our voting demographic airplane pilots. Nothing particularly against pilots but I am not sure they have the same ideas about ranching and farming that the majority of the residents here have.
- The proposed zone does not limit the number of hangars that can be built on the property. WDA has made the statement several times that if they can't have residential then they can just fill the whole place with hangars. As written this zone would permit that.
- The proposed zone change does not have any limiting factors on the number of home-based planes. i.e., the number of planes that will be indefinitely kept, flown and landed at the air park will not and cannot be regulated.
- The proposed zone does not limit the number of flight operations in and out of the airport a year.

- This proposed zone allows for what are being deemed as Crew Rest Facilities to be allowed in every hangar. This basically allows for every hangar to be utilized as a living facility with a kitchen, sleeping quarters, bathroom etc. and no realistic way to govern it.
- The proposed zone change allows for an HOA to exist within the airpark zone. An HOA that the Town of Fairfield has absolutely no ordinances currently in place to govern. To date, HOA's and master planned developments have not been allowed in Fairfield because we have restricted the number of building permits allowed a year due to our current infrastructure and our ability to supply basic utilities to a development of this type.

(see attached article)

The air park as it exists today would be classified as a small airport according to an article written by the Utah Department of Transportation (UDOT) in conjunction with Mountainland Association of Governments (MAG).
This article was specifically written to help municipalities in making informed decisions about ordinances related to an airport/airpark.

Small Airport/Airpark:

- Less than 20 home based aircraft: WDA has stated that they already have 23+ home based aircraft located at the airpark.
- Runways of less than 5,000 feet in length: The existing runway is approximately 2600' long keeping WDA classified as a small airport. The current runway extends North to South and encompasses all but just a few feet of the frontage available on the 41 acre parcel of ground the airpark currently sits on.
- **NO Development Zone/Area:**
This zone states that there should be **no development of property at all 1200' North or 1200' South** of the current runway. WDA does not own any property to the North or the South of the current runway. Therefore, this **no development zone** completely limits the ability of other landowners who have nothing to do with the airpark to utilize their property.
- Limited Development Zone/Area:
3200' from the end of the runway x 5000' wide. This zone controls the height of buildings along with any residential uses in the area 3200' North or South of the current runway as well as 2500' East or West from the centerline of the runway. This is an area that stretches clear up into the Densely property to the North and over into Camp Floyd to the West.
Controlled Development Zone/Area: 5000' in each direction from the runway this zone controls the type of crops, building heights as well as lighting and other things that can be used in this area further limiting the use of property by current property owners other than WDA. This zone extends clear past what is now currently Main Street to the North.

Medium Airport/Airpark – what the proposed zone change allows for.

- Moves from 20 home based aircraft to 100
- Moves from 10,000 annual operations to 50,000
- No development zone would stay the same North to South but increases in width
- Limited use zone would extend from 5000' to 6200' which puts it just past Main Street to the North.
- Controlled development zone would extend from 5,000' to 10,000 feet. This is an area the goes past Vern Carsons home to the North and clear out into the dry farms to the west.

This proposed zone was written by WDA and rammed through planning and zoning by the Planning and Zoning Commission Chair Alina Pringle (owner of west desert airpark) and Mayor Gurney. The proposed zone change only benefits one property owner in this town period while limiting the utilization of property for many property owners to the North which is not right.

WDA keeps bringing up how much this change will benefit the town with special events, a café, bar and so on. The special events would only attract someone who is interested in flying. A larger airport with a café, bar, condominiums, and crew rest facilities only adds to the number of planes the residents must listen to coming and going.

I do not see the benefit of this to any of the residents of the town.

As a member of Planning and Zoning now for 15+ years I take very seriously the charge to ensure that the decisions we make today do not adversely affect our children or other future residents of Fairfield in the future. Cedar valley is growing rapidly and as it does, we need look 20-25 years into the future and ask ourselves, if an airport the size of what is being proposed is going to fit in with this growth. That answer *must* be NO. I would not have voted to put the current airport in 20 years ago and feel it was very negligent of the county commissioners who allowed it to be permitted as close as they did to what was then the main residential area of Fairfield. The airpark as a whole limits the use of others property while adding a nuisance that will exist indefinitely into the future.

Hopefully this never happens but with the addition of every plane that comes in and out also comes the chance that something goes wrong and one of those planes ends up crashing into someone's home. This will end up causing thousands of dollars in damage and in the worst of all scenario's loss of life. There was already one crash last year on an adjacent property to the current airport.

I agree that we need to create an air park zone, but it needs to be for the purpose of preserving what the majority of the residents in town enjoy while at the same time ensuring that the airpark is able to continue doing what it has done in the past. It should not be a one-sided ordinance that leaves everyone else to deal with more noise and restrictions put onto their property while WDA gets all the financial gains.

AIRPORTS & LAND USE

AN INTRODUCTION FOR LOCAL LEADERS



**WORKFORCE
SERVICES**
HOUSING & COMMUNITY
DEVELOPMENT
COMMUNITY
DEVELOPMENT OFFICE

AIRPORTS & LAND USE

An airport can provide numerous benefits to a community, but only if the community can balance between various local interests. Imbalances between public and private interests can result in overregulation or underregulation that fuels conflict between airport operators, sponsors, and the public. Finding balance between these interests requires establishing adequate airport land use buffers that keep people and property safe while adopting appropriately flexible regulations that do not overwhelm or frustrate the community. Although maintaining the right balance will be challenging, this document can help communities navigate common pitfalls associated with land use planning around airports.

This document was expressly created with Utah's rural communities in mind—particularly those communities who already operate or want to operate an airport. It provides a brief introduction to key considerations that local leaders need to understand about land use planning for airports. These considerations are vital for maintaining the long-term benefits of operating an airport and mitigating burdens on the surrounding community. It draws upon the guidelines and best practices promoted by the U.S. Federal Aviation Administration (FAA), the Utah Department of Transportation Division of Aeronautics (UDOT), and leaders in the aviation and aeronautics industries.

IN UTAH

THERE ARE

46

AIRPORTS

85%
OF THOSE
ARE IN

RURAL COUNTIES

LAND USE AIRPORTS IS A RURAL ISSUE¹



Good airport planning requires thinking comprehensively, considering long-term possibilities, and planning accordingly. This helps avoid future confrontations, protects the airport as an ongoing community asset, and provides community leaders with an opportunity to benefit future generations. Every community that hopes for or expects significant growth should consider how land use actions taken today will impact future opportunities.



Airports are generally stable community institutions whose long-term viability is determined by decisions made decades in advance. As a result, good airport plans and land-use decisions require planning well into the future. Most airport master plans contain airport goals and plans for 20–25 years and are updated about every 10 years. When considering land use around an airport, a much longer view, even 50–100 years, is required to adequately protect both residents and the airport. This long-run approach is justified by the large amount of property needed to house and maintain an airport along with the potential for frustration between airports and landowners.

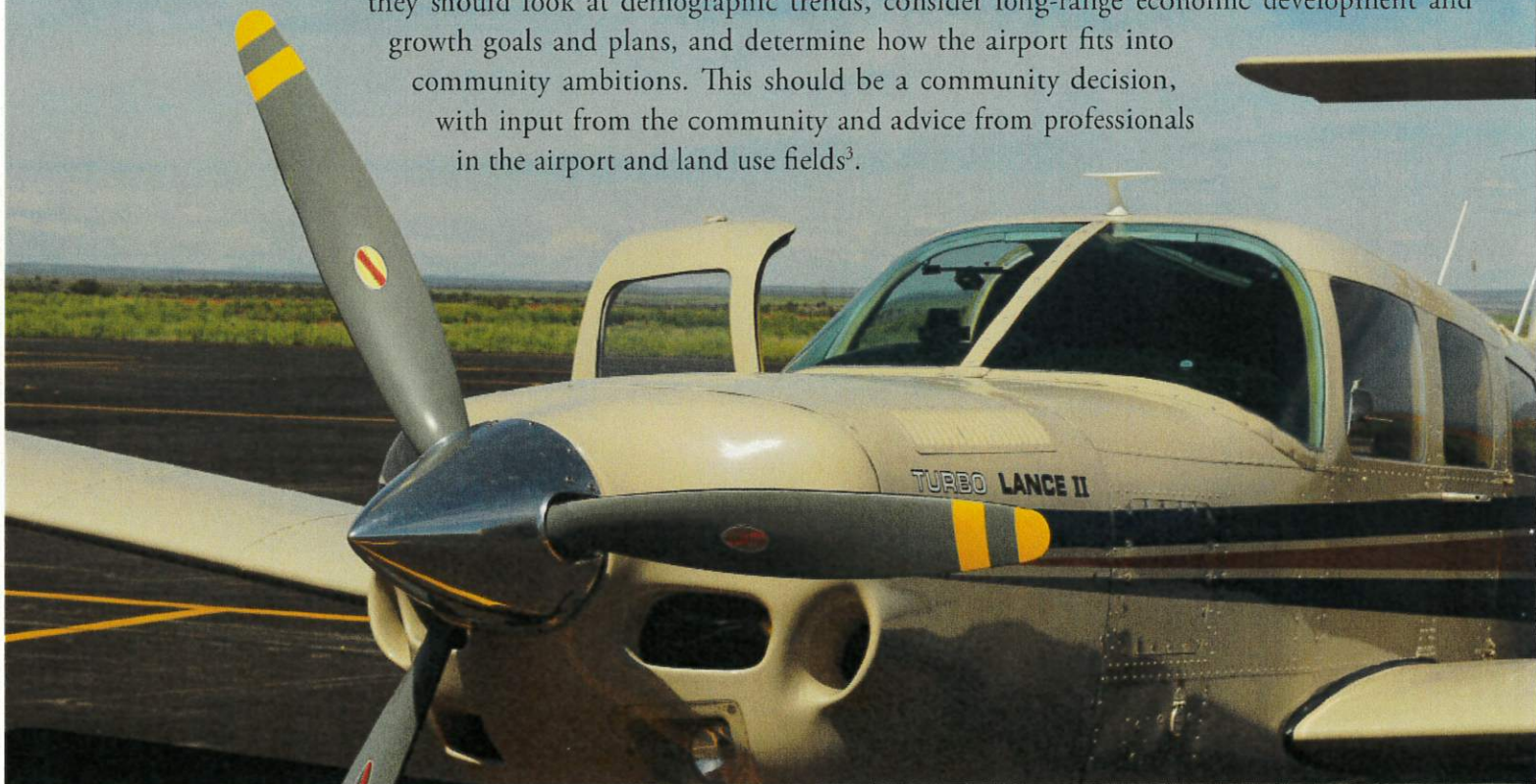
As a result, community leaders should understand what the community would like to become, what the community is likely to become, and how outside forces will affect the community's final outcome. These perspectives can then be applied to a community's unique airport situation.

Operationalizing a “long-term perspective” for your airport means assessing current conditions and long-term ambitions for the airport. Current conditions inform what should be done to protect residents and airport operations as they exist today. Assessing long-term ambition informs land use designations so that potential conflicts arising from airport expansion are prevented from occurring in the future.

To assist communities and counties as they consider land use regulation surrounding an airport, UDOT and the Mountainland Association of Governments (MAG) put together a reference guide called the *Compatible Land Use Guide for Utah Airports* (LUPG) for airport land use issues in Utah². LUPG lays out planning templates and considers how to address some common airport land use issues.

CURRENT CONDITIONS LONG-TERM AMBITIONS

Factors such as new technological advancements, tourism expansion, regional growth, or an influx of business operations in or near your community could alter the demand for airport use. These are important considerations for any airport. As communities consider the future of their airports, they should look at demographic trends, consider long-range economic development and growth goals and plans, and determine how the airport fits into community ambitions. This should be a community decision, with input from the community and advice from professionals in the airport and land use fields³.





Grant assurances are agreements entered into by an airport sponsor upon receiving federal or state assistance. FAA grant assurances 20 and 21 deal directly with land use and zoning ordinances and require airport sponsors to do what they can to maintain compatible uses around the airport (*see Appendix A*).

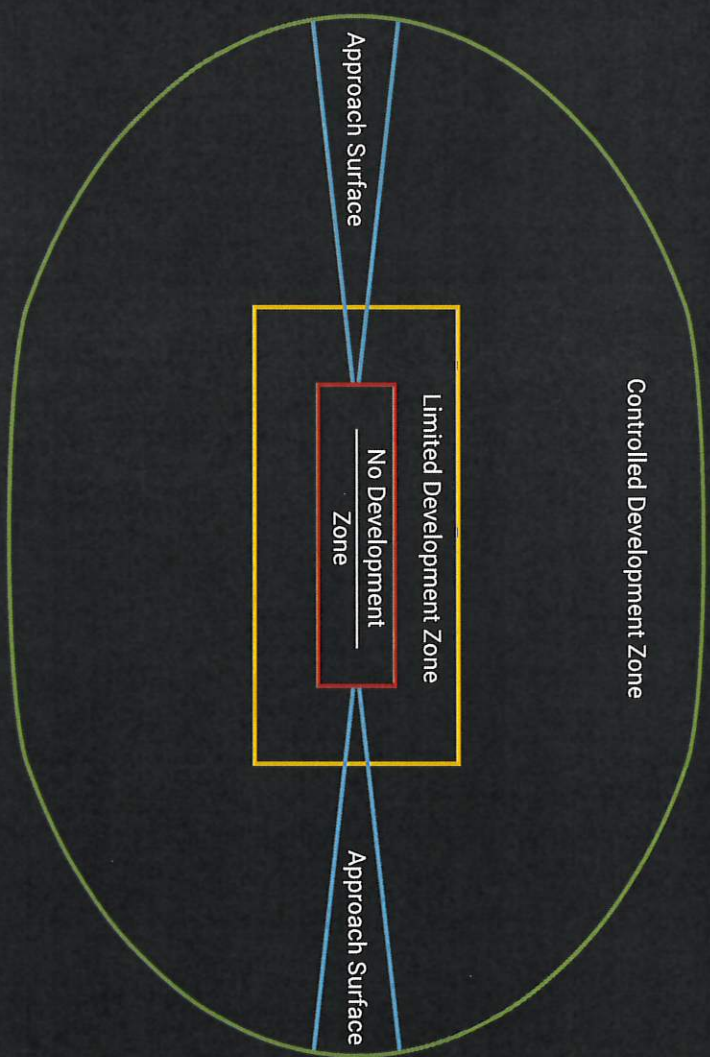
PLANNING TEMPLATES

LUPG defines three sizes of airports: small, medium, and large. Despite large differences in size and traffic, the same principles can be applied to manage land use around these different sizes of airports.

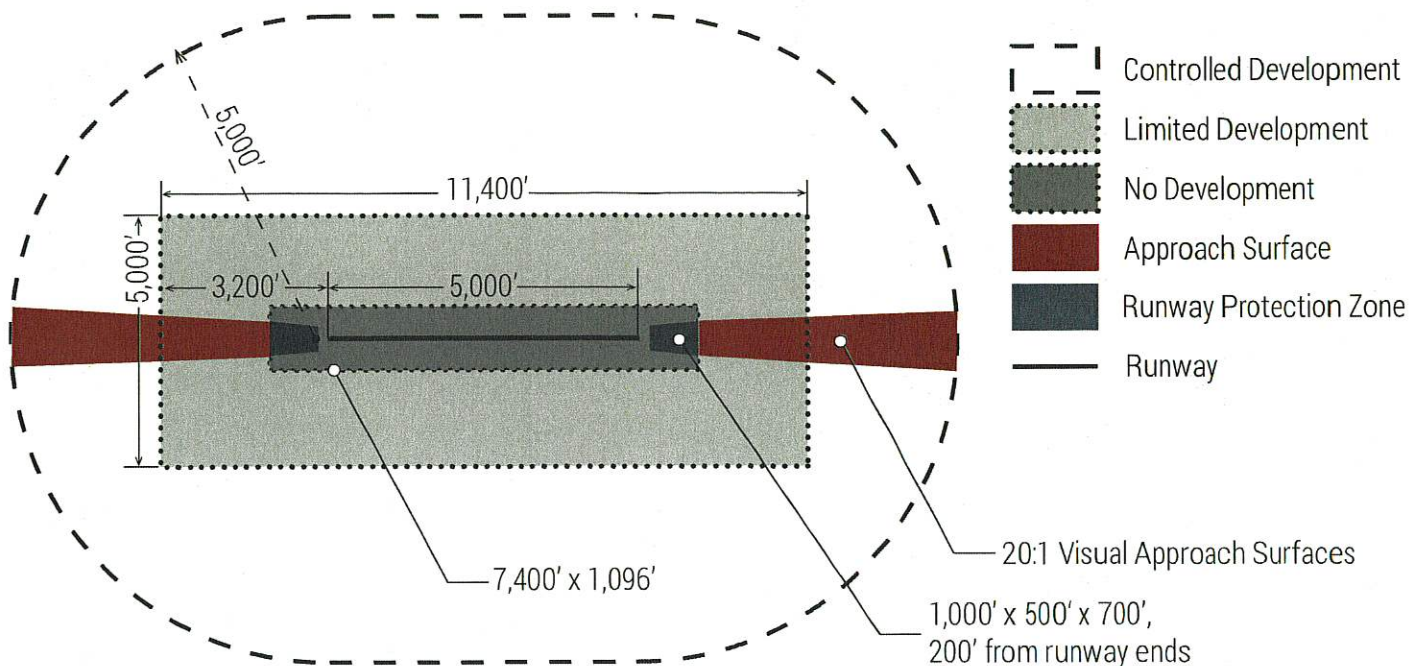
The graphic to the right is a general planning diagram of the areas impacted by the existence of an airport for current and future land use and contains recommendations from MAG and UDOT. These are not FAA requirements per se. They represent a planning framework that allows airports to meet FAA requirements and limits airport impact on residents through controlling specific uses. The templates on the following pages illustrate how this diagram is applied to an airport's current or planned size.

This document illustrates templates for small and medium sized airports, as large airports are uncommon and unlikely to develop in most rural areas.

NAME	DESCRIPTION
Controlled Development	The Controlled Development Zone sphere has relatively few regulations, primarily consisting of lighting and height.
Limited Development	The Limited Development Zone prohibits many kinds of uses while placing restrictions on others.
No Development	The No Development Zone only allows for airport-related building.
Approach Surfaces	Recommend no residential use to protect against noise and safety hazards.



Not to scale



SMALL AIRPORT TEMPLATE

For “small” airports (defined to the right), the areas illustrated above provide adequate regulations to keep operating at its current level. Regulating to these specifications limits safety concerns and the likelihood of conflict related to airport operations.

Specifically, FAA regulations and LUPG suggest that 548 feet on either side of the runway centerline and 1,200 feet off both runway ends be a “no development zone,” where only structures used for maintenance of the airport and storage of aircraft should be allowed.

The “Limited Development Zone” should be the width of the airport’s longest runway and extend 3,200 feet beyond the end of either runway. Residential uses in this zone should be prohibited to protect residents. However, commercial, industrial, and other uses are appropriate¹.

The 5,000 foot “Controlled Development Zone” should include restrictions on crops that attract birds, require buildings over 200 feet in height to register with the FAA, control lighting open to the sky, and limit residential development (or require disclosure statements about the location relative to the airport and associated hazards)⁴. “Approach Surfaces” extend from the end of the runway to the end of the “Controlled Development Zone.” These areas are the most impacted by safety concerns and noise nuisances.

SMALL AIRPORTS DEFINED

LUPG defines a small airport as:

- Runway less than 5,000 feet
- Less than 10,000 annual operations
- Visual approaches only
- Airport Reference Code (ARC) A-I/B-I
- Less than 20 based aircraft

Just because your community’s airport currently fits this definition does not mean this is the correct planning model to use for your airport. Rather, (as noted above) leaders should consider what their airport could become in the near- and long-term, then determine if they should regulate the land to protect for the possibility of expansion in the future.

Depending on community aspirations and probable futures, it may be most appropriate to prepare for a medium or even large airport. Taking current property owners rights into account is vital; communities should discuss possibilities as a community and with the FAA.

Medium airports (defined to the right) increase the size of the “No Development Zone” to 614 feet on either side of the runway centerline and 1,200 feet of either end of the runway to be used for airport specific development only.

The “Limited Development Zone” remains the width of the longest runway and 3,200 feet off the end of both sides of the runway. While LUPG recommends restricting residential development in this zone, other uses (including commercial, industrial, agricultural, etc.) are effective land uses that can maximize the transportation and shipping benefits attendant an airport.

The 10,000 foot “Controlled Development Zone” should have the same restrictions as the “Controlled Development Zone” for small airports.

“Approach Surfaces” are largely the same. However, their angle can change as new instrument approaches are used, changing from a 20:1 angle (20 feet forward for every 1 foot wider) to a 34:1 angle or even 50:1 angle depending on the instrument in use.

MEDIUM AIRPORTS DEFINED

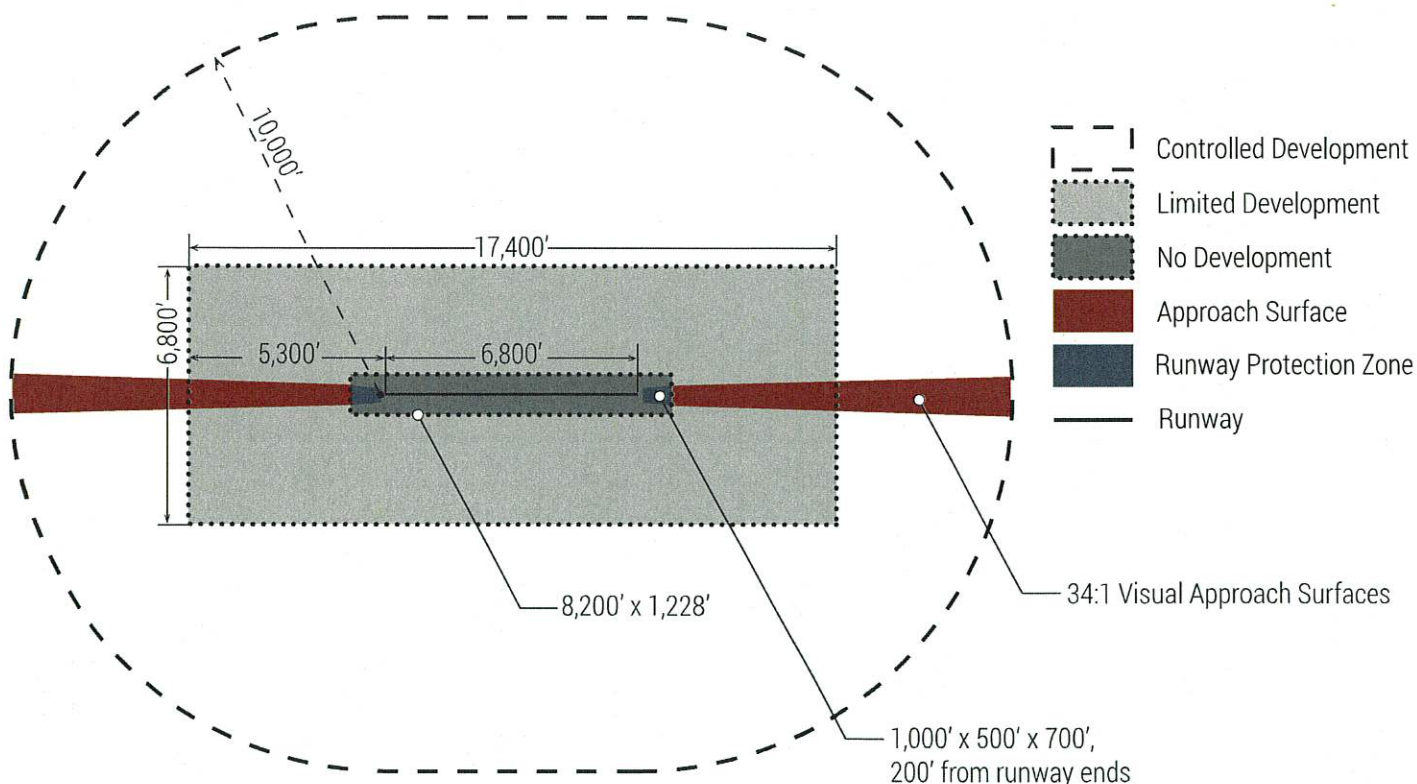
LUPG defines a medium airport as:

- Runway between 5,000–7,000 feet
- Between 10,000–50,000 operations annually
- Non-precision instrument approach
- Airport Reference Code (ARC) B-II
- Between 20–100 based aircraft
- Occassional jet aircraft operations

If leaders believe their airport will grow beyond the medium size, they may need to plan for an even larger airport. They should consider the potential timeline and discuss when this could occur and what steps they can take to protect that possibility for the airport.

Appendix B has specific recommendations for what constitutes compatible and incompatible land uses in each “Zone” and for the “Approach Surfaces.” These recommendations are an important tool for leaders as they discuss what zoning and regulatory measures should be taken to protect residents and the airport.

MEDIUM AIRPORT TEMPLATE



Leaders should first consider the airport's current size, followed by the intended runway size (information on planned expansions in the next 15–25 years should be available in the airport master plan, while expansions in a longer time frame will require assessment from leaders). The estimated maximum airport size should be the guide on zone sizes and regulation. This ensures that when the airport does expand, it will not have significant negative impacts on residents.

Where expansion is not likely for decades, but leadership want to retain the possibility of expansion, interim uses can allow certain uses in the short term with assurances from landowners that the use will phase out over time. These protect plausible expansions and property owners' rights.

OVERLAY ZONING

Traditional zones can be adopted for each of these different areas (no development, limited development, controlled development, approach surfaces); however, overlay zones can simplify land use regulations for land owners and residents. Overlay zones are sets of additional standards or requirements that are applied over the top of current zoning (*see Appendix C*). Overlay zones allow leaders to maintain consistent zones, while ensuring requirements for specific areas are met before development can occur. Overlay zones are recommended in the case of airports for four primary reasons:

1. **Flexibility.** An overlay zone still allows the zoning underneath to change. It ensures that however the zoning changes, the overlay will still protect residents from potential negative impacts of the airport.

2. **Workload.** It reduces workload for those developing the zoning regulations. Rather than creating entirely new zones, overlay zones allow the appropriate requirements to be added onto the current zoning structure.
3. **Community Understanding.** While overlay zones could increase complexity initially, it is overall much simpler for land owners, and residents. It helps buyers to understand that they are purchasing a commercial zone with additional requirements rather than understanding multiple (unfamiliar) new zones.
4. **Political feasibility.** Because overlay zones are only applied to specific areas and maintain the underlying zoning, they can be more politically feasible than multiple new zones.

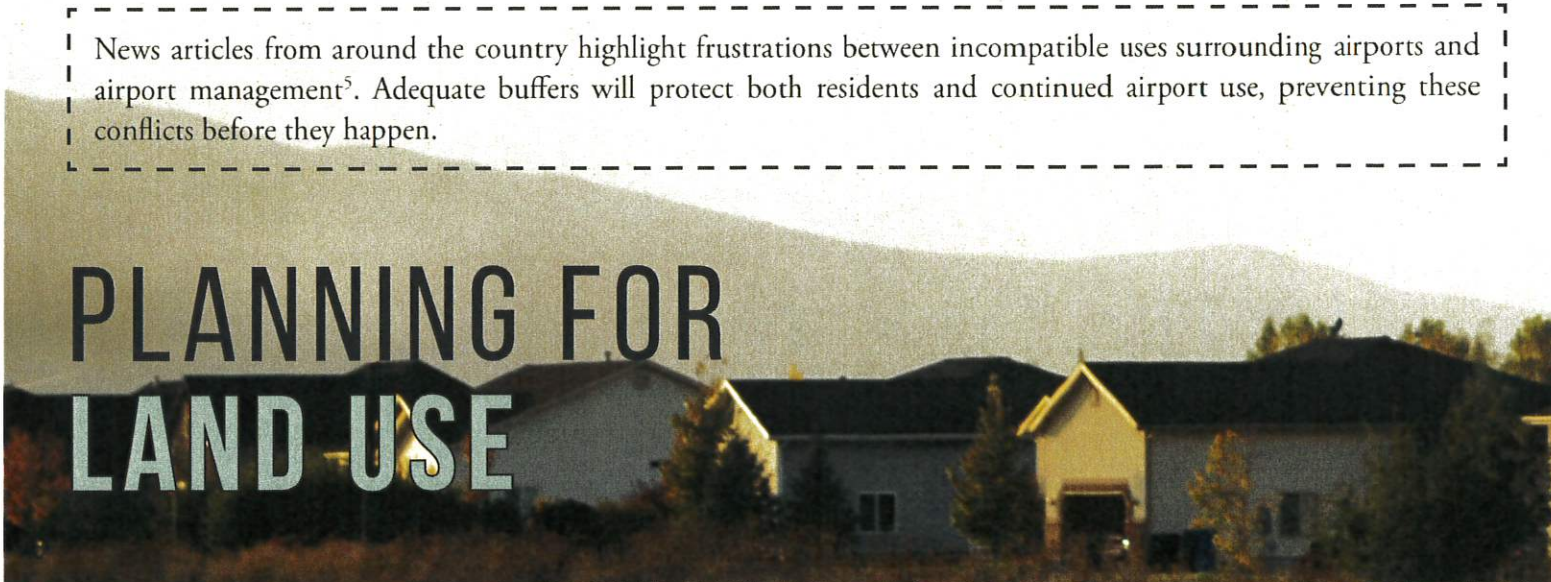
As leaders work with community members, landowners, and the airport board, they should look for the option that best meets community desires and airport needs.

COMPATIBLE LAND USES

Allowable uses in these zones do not encroach on height restrictions, prevent future safety hazards, reduce frustrations between citizens and the airport, and maintain long-term airport viability. In contrast, allowing incompatible uses increases frustrations between residents and the airport. These tensions typically increase as incompatible uses become more common and airport traffic increases. Land use around airports, even with limited development, can be threatened by incompatible uses. If the airport expands operations, conflict with residents is a common result⁵. See Appendix B for LUPG's list of compatible and non-compatible uses.

News articles from around the country highlight frustrations between incompatible uses surrounding airports and airport management⁵. Adequate buffers will protect both residents and continued airport use, preventing these conflicts before they happen.

PLANNING FOR LAND USE



WHO MANAGES PLANNING?

An airport sponsor is the city, county, company, or individual responsible for the airport. The airport's master plan is completed by the airport sponsor and establishes the airport's intentions for the next 20–25 years. However, land use surrounding the airport is up to the municipalities and counties that have jurisdiction over the airport's current and potential area of influence (*see maps pages 6–7*). As a result, land use planning around an airport regularly involves more than one community and/or the county.

For municipalities where the area of airport influence, or controlled development zone (*see map on pages 6–7*), is wholly within a community's boundaries, the community or county planning commission makes recommendations to the legislative body who adopts, alters, or rejects the recommendations.

For airports with influence areas that cross jurisdictional boundaries, each community maintains zoning authority for the area within their boundaries. If communities determine to maintain zoning authority over their portion of the airport influence area, significant efforts to streamline and coordinate zoning regulations between entities is vital to avoid future conflict.

The Utah State Legislature has provided another alternative for cross-jurisdictional airports in the Airport Zoning Act⁶. This act provides leadership with the option to create a Joint Airport Zoning Board. The commission requires “two representatives appointed by each political subdivision participating in its creation,” and provides the commission with authority to “adopt, administer, and enforce... airport zoning regulations for the airport hazard area.”

There are benefits and drawbacks to joint boards. Relinquishing local control can help increase zoning consistency for all residents by streamlining regulation,

reducing political pressure on individual communities, and forcing communities to create mutually agreeable terms. In contrast, joint boards may delay rule creation, or frustrate the current planning commissions and landowners who are unfamiliar with the concept of an airport zoning board.

Ultimately, it is up to the airport sponsor and entities with jurisdiction in the airport hazard area to determine when and how to handle regulations around an airport. Communities should not wait for conflicts to arise before trying to address land use in the area. Rather, they should proactively create a cooperative approach that increases clarity for landowners and public officials.

PLANNING QUESTIONS

The following questions should help entities plan for an airport's future:

Current Zoning. *Do current zones (or overlay zones) allow compatible uses while prohibiting incompatible uses?*

Are zones more restrictive than necessary, potentially and unnecessarily reducing land values?

Current Plans. *Consider the airport master plan. Are there intentions to extend the runway? Increase use? Expand facilities?*

How will these planned changes impact the size of areas that need additional land use regulations?

How does the airport fit into current quality of life and economic development in the community?

Future Possibilities. *Consider the next 50, 75, and 100 years. What are the ambitions and possibilities for the community?*

How does the airport fit into the economic ambitions and possibilities of the community in this time frame?

What essential services does the airport provide? What expanded services are foreseen or hoped for?

How will decisions affect landowner rights over the same time period?



LAND USE TOOLS

LUPG provides information on a variety of tools that airport sponsors, joint airport zoning boards, and affected communities can use to protect airports and residents from negative impacts. These tools are either cooperative (working with landowners to achieve mutually acceptable arrangements) or unilateral (government taking action without consent from property owners).

COOPERATIVE

Fee-simple Acquisition. Airport sponsors should own all land used for runways, terminals, hangars, tie down areas, and other airport-only uses. Fee title acquisition entails purchasing the land and all associated development rights.

Note: At times, purchasing land outside of these areas, then reselling them with conditions attached can help mitigate future problems.

Avigation Easements. Avigation easements are rights to the use of airspace above property. These are typically cost effective and protect the airport, pilots, and citizens from dangerous development.

Transfer or Purchase of Development Rights and Density Transfers. Transferring development rights separates development rights from the physical property and allows that development to move to another location⁷. This enables airport sponsors to protect the highest priority areas while maintaining property owner's rights to develop.

Real Estate Disclosure Statements. A real estate disclosure statements require sellers to notify potential buyers that overflight and noise impacts are likely to occur. These are typically attached to the warranty deed. Communities considering this mitigation tactic should require disclosures for areas that are likely to have an impact in the future.

Developer Incentives and Agreements. Incentives and agreements with developers can be used to limit density in a specific section of proposed development by trading it for higher density development in a zone further from the airport.

UNILATERAL

Zoning. Creating an overlay zone that prohibits incompatible uses protects airport users, current residents, and future residents from potential hazards and nuisances. Compatible and incompatible uses must be identified and defined in the community's land use code. The Land Use Planning Guide for Utah Airports provides recommended compatible uses for different overlay zones surrounding an airport (see Appendix B).

Interim Permits. Interim use permits allow uses for a set period of time to help protect the airports long-term development. This generally excludes any sort of residential or high-density uses. Interim uses require cooperation from landowners to work.

Note: Don't do conditional use permits.

Dedications and Extractions. Dedications are impact fees paid for with land, rather than cash. A developer may obtain a zone change for a specific area, and "pay" for the dedication by not developing in high sensitivity areas. Extractions are the same as dedications, except that the land cannot be substituted for cash—they are required land donations from the developer.

Eminent Domain. Eminent domain is the power to take private property for public use in exchange for fair compensation without the owner's consent. Eminent domain can also be conducted on landowners' future development rights. In all eminent domain cases, the government is required to (1) pay just compensation for the property and (2) demonstrate a need for the property for public use⁸.

Additional governmental tools exist. The best way to address issues is using a mix of available options that match community circumstances and culture, while reviewing airport planning best practices, current conditions, future aspirations, and then developing a plan that best meets community needs.

DRONES

Additional considerations exist for airports—particularly unmanned aircrafts. According to FAA rules, unmanned aircraft operators are required to register their drone with FAA, and must inform airport flight control if they intend to operate their drone within five miles of an airport⁹. The State of Utah could be introducing additional regulations in current or future legislative sessions. Airport sponsors and surrounding cities should pay attention to these rules and ensure residents and visitors are informed to help keep pilots and residents safe.

Residents of small communities may question the importance of protecting small, rarely used airports, or be unable to fathom their tiny airport having long-term, major impacts on the quality of life for residents. When communities zone explicitly to protect an airport and residents, they are protecting future potential and community ambition. The impact of the airport may not be felt for decades, however the potential benefits to local economies is enormous.

Leaders working to protect their airports and residents should give special consideration to maximizing property use options for affected landowners. Application of a wide range of tools will help ensure landowners have input in their land's future and can optimize their land's uses. Airports provide opportunities and challenges to landowners; leadership should actively help landowners recognize the opportunities while mitigating the impacts. Communities should come together to determine the possibilities for their community and airport and take steps necessary to protect both into the future.

LANDOWNER IMPACTS & PROTECTING AIRPORTS

REFERENCES & ADDITIONAL RESOURCES

Significant portions of this document came from the *Compatible Land Use Planning Guide for Utah Airports* prepared by the Wasatch Front Regional Council and Utah Division of Aeronautics (part of the Utah Department of Transportation) in December 2000. UDOT and FAA both recommended this guide as a relevant, good thought process for airport land use. Many additional documents were reviewed for information on FAA requirements, best practices, and land-use challenges other communities have faced surrounding their airports. The remainder came from meetings and interviews with UDOT, FAA, and involved residents and leaders. The resources below can provide additional information for leaders.

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6. Utah State Code. Airport Zoning Act. 72-10-4 (403-406).
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8. Utah State Property Rights Ombudsman. Takings and Eminent Domain. <http://propertyrights.utah.gov/takings-and-eminent-domain/>.
9. Federal Aviation Administration. "Airspace Restrictions." Unmanned Aircraft Systems, Where to Fly. https://www.faa.gov/uas/where_to_fly/airspace_restrictions/.

ADDITIONAL RESOURCES

Federal Aviation Administration. "Federal Aviation Regulation Part 77." <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=61302bd90d79271a583474ad2f9dcd7e&rgn=div5&view=text&node=14:2.0.1.2.9&idno=14>.

Federal Aviation Administration. "150/51&-48 "A Model Ordinance to Limit the Height of Objects Around Airports." 1987. https://www.faa.gov/documentLibrary/media/advisory_circular/150-5190-4A/150_5190_4A.pdf.

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APPENDIX A

ASSURANCES REQUIRED OF AIRPORT SPONSORS RECEIVING FAA FUNDS

These are assurances required of airport sponsors who receive federal funds from FAA. Manti-Ephraim has signed these (or similar) assurances with the intent of protecting nearby residents while ensuring long-term viability of the airport. These are taken from the Aircraft Owner and Pilots Association's (AOPA) "Guide to Airport Noise and Compatible Land Use." These are the two assurances most directly related to land use and provide context for the Cities' obligations.

ASSURANCE 20

Hazard Removal and Mitigation: [The airport owner] will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including establishing minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting, or otherwise mitigating existing airport hazards and by preventing the establishment or creating of future airport hazards.

ASSURANCE 21

Compatible Land Use: [The airport owner] will take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use within its jurisdiction that will reduce with compatibility, with respect to the airport, of the noise compatibility measures upon which federal funds have been expended.

APPENDIX B

COMPATIBLE LAND USE MATRIX (PAGES 27-32)

In their 2000 document, Wasatch Front Regional Council, Mountain Land Association of Governments, and Utah's Division of Aeronautics put together a list of compatible land uses that will protect residents from noise, light, and safety concerns, while allowing compatible uses near the airport. This helps protect property owners rights to use their property while securing the future of the airport. The table on pages 27 - 32 of the Compatible Land Use Planning Guide for Utah airports highlight recommended land uses in the zones established in the general planning diagram on page five of this document. These recommendations follow on the next six pages.

TABLE 3 - RECOMMENDED LAND USES AND ACTIVITIES		NO DEVELOPMENT (RED)	LIMITED DEVELOPMENT (BLUE)	LIMITED DEVELOPMENT APPROACH SURFACE	CONTROLLED DEVELOPMENT (GREEN)	CONTROLLED DEVELOPMENT APPROACH SURFACE
RESIDENTIAL DEVELOPMENT						
Single Unites		N	I 1,3	N	C 4	I 2,3
Duplexes		N	I 1,3	N	C 4	I 2,3
Multi-Family Units		N	I 1,3	N	C 4	I 2,3
Hotels and Motels		N	I 1,3	N	C 4	I 2,3
Mobile Home Parks		N	N	N	C 4	I 2,3
Recreational Vehicle Parks		N	N	N	C 4	I 2,3
Other Residential		N	I 1,3	N	C 4	I 2,3
OUTDOOR ACTIVITIES						
Religious Services and Assemblies		N	N	N	C 6,7	U
Entertainment Assemblies		N	N	N	C 6,7	U
Sports Event Assemblies		N	N	N	C 6,7	U
Sports Arenas, Courts, Fields		N	N	N	C 6,7	U
Circuses and Carnivals		N	N	N	C 6,7	U
Amusement and Theme Parks		N	N	N	C 6,7	U
Playgrounds and Neighborhood Parks		N	I 5	N	C 6,7	U
Community and Regional Parks		N	I 5	N	C 6,7	U
Y = Land use is compatible and should be permitted	C = Land use is generally compatible and should be permitted provided certain restrictions are complied with.	I = Land use is generally incompatible and should be prohibited. If a demonstrated community need for the development exists and no viable alternative exists, the use may be allowed provided specified conditions are met.	U = Land use is not clearly compatible or incompatible	N = Land use is not compatible and should be prohibited.		
1-Limit densities to <25 people per acre.						
2-Limit densities to <50 people per acre.						
3-During site development shift structures away from runway centerline when possible						
4-Cluster development to maximize open space						
5-Prohibit high overhead lighting						
6-Require downward shading of outdoor lighting						
7-Obtain Avigation Easements						
8-Obtain obstruction easements						
9-Ensure permitted uses will not create large areas of standing water, or generate smoke, steam or other visual obstructions						
10-Require the use of approved sound proofing techniques						

TABLE 3 - RECOMMENDED LAND USES AND ACTIVITIES		NO DEVELOPMENT (RED)	LIMITED DEVELOPMENT (BLUE)	LIMITED DEVELOPMENT APPROACH SURFACE	CONTROLLED DEVELOPMENT (GREEN)	CONTROLLED DEVELOPMENT APPROACH SURFACE
TRANSPORTATION \ COMMUNICATION \ UTILITIES						
Passenger Facilities	I	Y	C	Y	Y	
Cargo-Freight Facilities	I	Y	C	Y	Y	
Road and Rail Facilities	I	Y	C	Y	Y	
Vehicle Parking	I	Y	C	Y	Y	
Vehicle Storage	N	Y	C	Y	Y	
Telecommunications	N	Y	C	Y	Y	
Broadcast Communications	N	Y	C	Y	Y	
Electric Generating Plants	N	I	I	C	C	
Sewer-Waste Water Treatment	N	C	C	Y	Y	
Gas Utility Facilities	N	C	N	C	C	
Electric Utility Facilities	N	C	I	C	C	
Y = Land use is compatible and should be permitted	C = Land use is generally compatible and should be permitted provided certain restrictions are complied with.	I = Land use is generally incompatible and should be prohibited. If a demonstrated community need for the development exists and no viable alternative exists, the use may be allowed provided specified conditions are met.	U = Land use is not clearly compatible or incompatible	N = Land use is not compatible and should be prohibited.		
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**TABLE 3 - RECOMMENDED
LAND USES AND ACTIVITIES**

TABLE 3 - RECOMMENDED LAND USES AND ACTIVITIES		NO DEVELOPMENT (RED)	LIMITED DEVELOPMENT (BLUE)	LIMITED DEVELOPMENT APPROACH SURFACE	CONTROLLED DEVELOPMENT (GREEN)	CONTROLLED DEVELOPMENT APPROACH SURFACE
RETAIL TRADE						
Building Materials and Hardware	N	Y	C 3,7	Y	Y	
Automotive, Farm and Marine Craft	N	Y	C 3,7	Y	Y	
Apparel and General Merchandise	N	Y	C 3,7	Y	Y	
Groceries and Food Stuff	N	C 5, 6, 8	I 3,7	Y	Y	
Eating and Drinking Establishments	N	C 5, 6, 8	I 3,7	C	C	
Shopping Malls and Centers	N	C 5, 6, 8	I 3,7	C	C	
Gas and Convenience Stores	N	C 5, 6, 8	I 3,7	C	C	
Liquified and Bottled Gas	N	I	I 3,7	C	C	
WHOLESALE TRADE						
Home Furnishings and Building Materials	N	C	C 3,7	C	C	
Food Products and General Merchandise	N	C	C 3,7	C	C	
Liquified Gasses	N	I	N	C	C	
Petroleum and Distillate Products	N	I	N	C	C	
Industrial Chemicals	N	I	N	C	C	
Explosive and Pyrotechnic Products	N	I	N	C	C	
Other Wholesale Trade	N	C	C 3,7	C	C	
Y = Land use is compatible and should be permitted	C = Land use is generally compatible and should be permitted provided certain restrictions are complied with.	I = Land use is generally incompatible and should be prohibited. If a demonstrated community need for the development exists and no viable alternative exists, the use may be allowed provided specified conditions are met.		U = Land use is not clearly compatible or incompatible	N = Land use is not compatible and should be prohibited	
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APPENDIX C

OVERVIEW OF OVERLAY ZONES FROM AMERICAN PLANNING ASSOCIATION

The following is a brief description of overlay zones, their intended use, history, and legal implications. Additional information is available online. This is provided as a brief introduction for those not familiar with the concept.

OVERLAY ZONES

Basics — An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Communities often use overlay zones to protect special features such as historic buildings, wetlands, steep slopes, and waterfronts. Overlay zones can also be used to promote specific development projects, such as mixed-used developments, waterfront developments, housing along transit corridors, or affordable housing.

Historical and Legal Implications — As with traditional zoning, uses that can be justified as contributing to the health, safety, and welfare of the population are generally allowed to be regulated via overlay zoning. Common regulations include those for historic districts, natural resource protection, and economic development, though local governments are given broad authority to determine what regulation is in their community's best interest. As with zoning, however, communities must be careful not to violate the "uniformity clause" of the Standard State Zoning Enabling Act by ensuring that all similar properties are treated similarly. For further court opinions on the legality of overlay zoning, see *Jachimiek v. Superior Court*, 169 Ariz. 317 (Ariz. 1991) and *A- S- P Associates v. City of Raleigh*, 258 S.E.2d 444 (N.C. 1979).

Discussion — Overlay zones have the potential to be very effective governmental regulatory tools. Since they tailor regulations to specific properties and districts to meet specific community goals, they can be more politically feasible to implement and can help communities meet stated goals or address specific inequities. On the other hand, they can create inefficiencies and inequities by applying regulations and restrictions to some properties and not others. Moreover, additional regulations may increase time and expense both for developers and for the public bodies involved in the development approval process.

APPENDIX D

UTAH'S AIRPORTS

The Utah Department of Transportation's Division of Aeronautics is responsible for transportation issues in the state involving airports. The Federal Aviation Administration (FAA) provides rules that apply nationwide for all airport and plane use. FAA is broken into nine regions across the United States. Utah falls into the Northwest Mountain region. The Northwest Mountain region's office for Utah's district is in Denver. They provide funding for airports in the region and information for airport operations.

According to UDOT, there are 46 airports in the state of Utah—39 of these are in rural areas (see map to the right). There are four primary commercial airports, three commercial service airports, three reliever airports, and 36 general aviation airports.

AIRPORT CATEGORY DEFINITIONS

Primary Commercial Airport: Airports with > 10,000 passenger boardings annually.

Commercial Service Airport: Airports with between 2,500–10,000 passenger boardings annually.

Reliever Airport: Airports designated to relieve commercial airport congestion and provide general aviation access.

General Aviation Airport: Public-use airports without scheduled service or with < 2,500 passenger boardings annually.

Source: Federal Aviation Administration, Airport Categories

CONTACTS

UDOT Division of Aeronautics

135 N 2400 W

Salt Lake City, UT 84116

801-715-2260

tinyurl.com/zgmm46v

FAA Denver Airports District Office

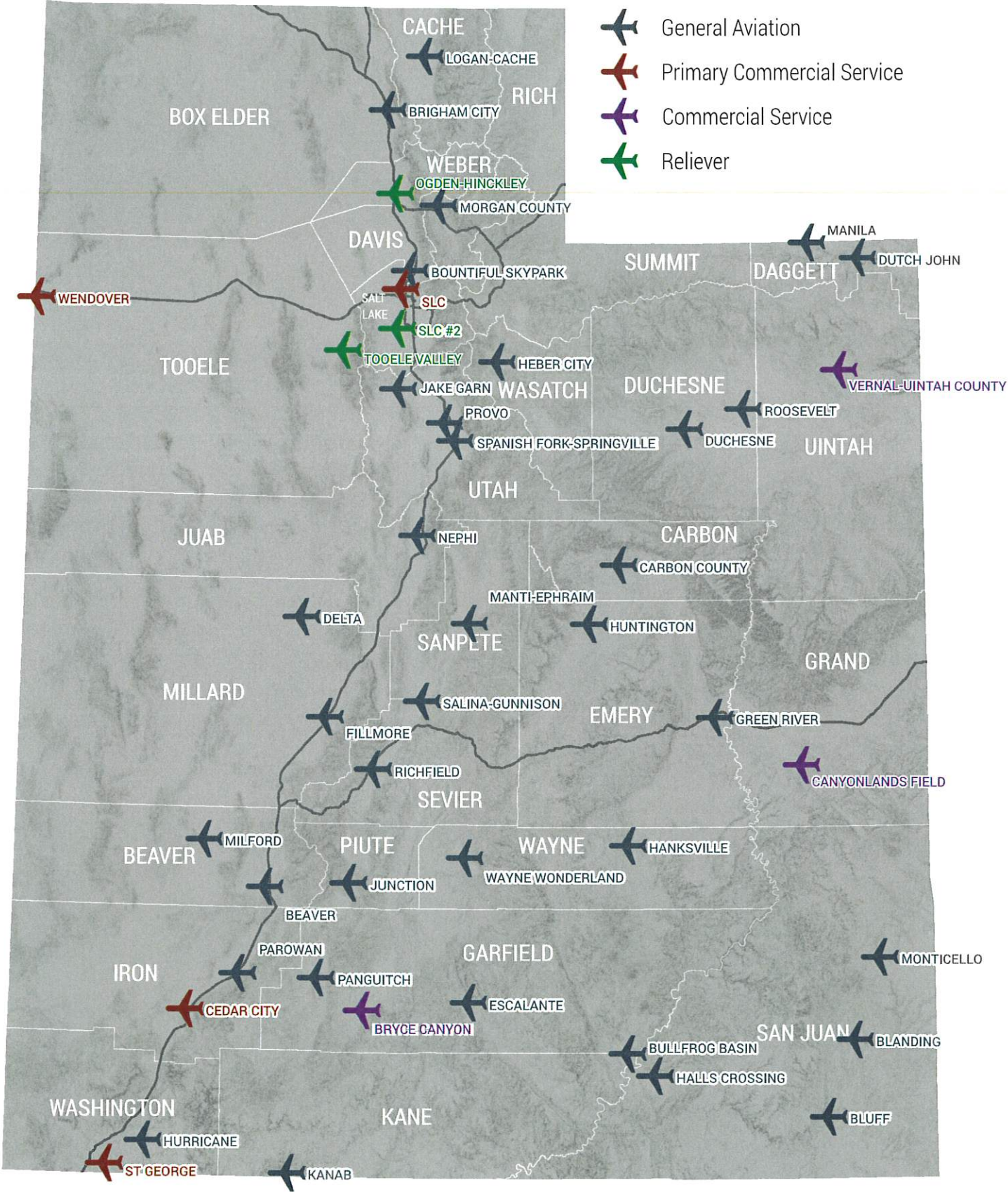
26805 E. 68th Avenue, Suite 224

Denver, CO 80249-6361

303-342-1260

www.faa.gov/airports/northwest_mountain/about_airports/denver/

UTAH'S AIRPORTS





**WORKFORCE
SERVICES
HOUSING & COMMUNITY
DEVELOPMENT
COMMUNITY
DEVELOPMENT OFFICE**

For more resources, visit ruralplanning.org/toolbox

*The Community Development Office is housed in the Housing and Community Development Division, part of the Utah Department of Workforce Services.
info@ruralplanning.org • 801-468-0133*