

After recording, please send to:

Town of Fairfield
Attn: Town Clerk
Address:
Address:

APN: 59:065:0070 and 59:065:0067

DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is between the Town of Fairfield, a Utah municipal corporation (“Town”), and Fairfield Industrial Park, LLC, a Utah corporation (“Applicant”).

RECITALS

WHEREAS, the Applicant is the owner of certain real property identified as Utah County Assessor Parcel Number(s): 59:065:0070 and 59:065:0067, which is more specifically described in the attached **Exhibit A** (“Property”) and is approximately located at 600 South Allen Ranch Road; and

WHEREAS, the Property is subject to the Fairfield, UT Code of Ordinances (“Code”); and

WHEREAS, the Applicant desires to develop the Property for use as an industrial park (“Project”), in accordance with the concept plan attached hereto as **Exhibit B** (“Concept Plan”); and

WHEREAS, in furtherance of the Applicant’s desire to develop the Project, the Applicant has requested that the Town apply modified zoning standards to the Project, in accordance with the Code as modified by the Design Standards attached to **Exhibit E**; and

WHEREAS, the Fairfield Town Council (“Town Council”), acting pursuant to its authority under Utah Code § 10-9a-102(2) et seq., as amended, and the Code, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has elected to exercise its legislative discretion to enter into this Agreement for the purpose of regulating the development of the Project pursuant to the terms contained herein.

NOW, THEREFORE, the parties agree as follows:

TERMS

1. **Definitions.** Any capitalized term used but not otherwise defined in this Agreement shall have the meaning ascribed to such term in the Code.

2. **Enforceability.** This Agreement shall be enforceable, and the rights of Applicant relative to the Property shall vest, only if the Town Council, in its sole legislative discretion, approves this Agreement pursuant to Resolution No. , a copy of which is attached as **Exhibit D**.

3. **Effective Date.** This Agreement is effective as of the day, the Town Council approves the Resolution ("Effective Date"). The Applicant shall sign the Agreement within 30 days of the Effective Date and record it with the Utah County Records Office. Failure to comply with this section shall automatically terminate the Agreement.

4. **Conflicting Terms.** The Project shall be developed in accordance with the requirements and benefits of the Code, and this Agreement as of the Effective Date. If there is a discrepancy between the requirements of the Code, and this Agreement, this Agreement shall control.

5. **Development Obligations.**

A. Concept Plan. The Applicant shall develop the Project in accordance with the Concept Plan.

B. Uses. The Property shall be entitled to all uses otherwise permitted under the Code, in addition to those uses listed in **Exhibit E**.

C. Phasing. The Project may be constructed in four phases. Each phase must contain at least 9 lots or acres.

D. Development Standards.

i. Water. Prior to the issuance of any building permit within the Project, the Applicant shall convey to the Town 10 acre-feet of water, which the Town will hold in a designated "Water Bank." At the time of each building permit application, the Applicant or lot owner shall submit a water use analysis prepared by Bowen and Collins estimating the expected water demand based on the proposed use. The Town will deduct the estimated amount from the Water Bank. The Applicant shall ensure that the Water Bank maintains a minimum balance of 5 acre-feet at all times. If a lot or building owner seeks to change the approved use, the owner shall provide

an updated analysis from Bowen and Collins demonstrating either that the new use does not exceed the previously allocated water or, if it does, shall convey to the Town sufficient additional water to meet the increased demand.

ii. Well and Pumphouse.

1. As a condition precedent to the issuance of any building permit within Phase 1 of the Project, the Applicant shall convey Lot ___ of the Project ("Well Lot") to Town for the purpose of constructing a functional well and pumphouse to serve the Project and other properties, as the Town determines. If the Town does not construct a well and pumphouse within ten (10) years of the Effective Date of this Agreement, the fee title ownership of the Well Lot, shall automatically revert to the Association. The nature of the reversionary interest will be documented by the conveying deed, which will establish that the conveyance is "fee simple subject to a possibility of reverter".

2. If the Town and the Applicant agree in writing to a reimbursement mechanism acceptable to both parties, the Applicant shall construct the pumphouse and related improvements. In such case, the Town shall cooperate in good faith to facilitate the construction and reimbursement process consistent with the agreed-upon terms.

E. Rights-of-Way.

i. All roads within the Project as shown on Exhibit C ("Roads"), including all curbs, gutters, and the 13-foot wide Road buffer between the property lines and the curb on each side of the Roads (collectively, "Road Improvements") shall be private and constructed by the Applicant in accordance with the Code. Each Road and all Road Improvements shall be owned and maintained by the Applicant at the Applicant's sole cost and expense, unless and until such Roads and Road Improvements are dedicated to the Town, and the Town accepts the dedications.

ii. The Applicant shall grant to the Town, at no cost, perpetual access easements over all private Roads and Road Improvements within the Project for purposes of inspection, emergency access, and enforcement of applicable laws, regulations, and agreements. Such easements shall be

recorded prior to or concurrently with any final plat affecting the applicable Roads. The Town shall have the right, but not the obligation, to enter upon any private Road to perform inspections or take reasonable action necessary to protect public health, safety, and welfare.

iii. Upon sixty (60) days' written notice from the Town, the Applicant shall dedicate all private Roads and Road Improvements within the Project, to the Town at no cost to the Town. As a condition of dedication, the Applicant shall ensure that the Roads and Road Improvements are in good condition and fully compliant with this Agreement and the Code as of the date such dedication goes into effect ("Road Standards"). The Town may not require (i) the Applicant or (ii) any future owner of a lot within the Project, including if applicable the Applicant ("Property Owners"), to dedicate fewer than all the Roads and Roadway Improvements, and in return Town shall not be obligated to accept any dedication unless and until the Roads and Road Improvements meet the Road Standards. If the Roads or Road Improvements are not up to standard and the Applicant fails to bring the Roads or Road Improvements to standard, the Town may bring the Road and Road Improvements to standard and charge the Applicant for those related costs.

F. Noise Restrictions. No Property Owner may generate or allow to be generated noise levels exceeding Eighty-Five (85) decibels, as measured at any point on the Property Owner's property line ("Acceptable Noise Level"). The Town may require the Property Owner to remedy noise levels if operations consistently exceed the Acceptable Noise Level. In addition, the Town may initiate enforcement proceedings, including the issuance of notices of violation or other remedies available under law or this Agreement, against the Property Owner responsible for a violation of this provision.

G. Design Standards. The construction of each building in the Project must comply with the design standards attached hereto as **Exhibit E** ("Design Standards").

H. Management Plan. The Project will be managed by a common association created by the Applicant ("Association"), which shall record Covenants, Conditions, Restrictions ("CC&Rs") for the Project. Before approving any preliminary or final plat for any phase of the Project, the Town shall review the CC&Rs and ensure that they are consistent with this Agreement and will be recorded against the Property.

I. Amenities.

i. Landscaping. Each Property Owner shall complete all required front yard landscaping prior to the Town issuing a certificate of occupancy. If the Property Owner is unable to complete the required front yard landscaping at the time a certificate of occupancy (i.e., during wintertime) is applied for, the Applicant may, in lieu of completing the required landscaping improvements, provide a bond or other financial assurance acceptable to the Town. The amount of such bond or other financial assurance shall be determined by the Property Owner's engineer or other landscaping professional. The bond shall be conditioned upon the completion of the front yard landscaping within a time period specified by the Town, not to exceed one year from the date of issuance of the certificate of occupancy.

ii. Trail and Park.

1. The Project shall include a trail ("Trail") and a park ("Park"), both of which shall be constructed by the Applicant in accordance with the Amenity Approval Process. The primary amenity in the Park will be a pickleball court. The Applicant shall be solely responsible for all costs associated with the construction of the Trail and Park. After construction, the Association shall be responsible for maintaining the Trail and Park. Once building permits have been issued for 59.71 acres of the available land area in the Project, the Applicant shall complete the construction of the Trail and Park before a building permit is issued for any additional lots. The Town may withhold issuance of any building permits or certificates of occupancy if the Trail and Park are not substantially completed by that time.

2. The Trail and Park shall remain privately owned and maintained, and neither shall be dedicated to the Town unless otherwise mutually agreed to in writing by the Town and the Applicant or if applicable the Association.

3. The Applicant shall ensure that the obligation to maintain the Trail and Park is clearly set forth in the CC&Rs, including provisions requiring that such maintenance responsibilities run with the land. The CC&Rs shall further provide that while the public at large may use the Trail and Park, the Association shall still have the authority to regulate who may or may not specifically use the Trail and Park and that it may enforce rules and regulations related to the use thereof. This authority shall include the right to restrict or prohibit access to the Trail or Park by any individual who violates such rules or regulations. Unless, specifically dedicated to the Town, the public's use of the Trail and Park may not constitute a public use in such a way as to create any prescriptive right in the Trail or Park.

4. Amenity Approval Process. The Applicant shall submit a set of plans ("Amenity Plans") to the Town for approval prior to the development of the Trail and Park. The Amenity Plans must include a site plan, along with a detailed description of the amenities and elevations or other depictions of the proposed features. The Town shall have 21 days from the date of submission to review the Amenity Plans and provide any feedback. If no feedback is received within this period, the plans shall be deemed automatically approved. In the event that feedback is provided, the Applicant shall address the comments and resubmit the revised Amenity Plans, which will initiate a 14 day review period. If after three rounds of comments the Town has not approved the Amenity Plans, the parties may proceed to the dispute resolution procedures, including mediation, as outlined in this Agreement.

J. Soil Testing. Arsenic testing has been completed by a certified lab as requested by the Town. The test results found that arsenic levels within the soil were within the acceptable levels provided by the Code. No additional arsenic testing is required by any Property Owner before they are granted a building permit.

K. Compliance with Code. The Project must comply with the Code, except where Code requirements are otherwise modified by this Agreement.

L. Building Facades. Building facades for buildings within the Project, should align with the examples shown in **Exhibit F**.

6. **Minor Changes.** The Town Administrator, after conferring with the Town Attorney and Engineer, may approve minor modifications to the standards contained in Section 5, if, such a modification, in the Town's discretion, will improve the function or aesthetics of the Project.

7. **Town Obligations.** The Town shall review development applications with respect to the Property in a timely manner, consistent with the Town's routine development review practices and in accordance with all applicable laws and regulations.

8. **Infrastructure Reimbursement.**

A. The parties agree to enter into a separate pioneering agreement, subject to approval by the Town Council, establishing the terms under which the Applicant may be reimbursed by future property owners or users who benefit from the improvements constructed along the road currently designated as 750 South. The Town acknowledges that the infrastructure to be installed by the Applicant, including but not limited to approximately eight (8) feet of asphalt, will provide direct benefit to adjacent properties, including those owned by the adjoining property owner(s).

B. The Town agrees to reasonably cooperate in implementing a reimbursement mechanism requiring future connecting property owners to pay a proportionate share of the Applicant's construction costs. The reimbursement shall be based on the extent of benefit received by each adjacent property, considering factors such as frontage, access, and utility use.

C. The pioneering agreement shall clearly define the proportional share to be paid by each benefiting property, ensuring that the allocation is equitable based on the benefit derived from the infrastructure improvements. The Town shall not approve or issue any building permits or final approvals for properties benefiting from the improvements unless the required reimbursement has been paid to the Applicant in accordance with the terms of the pioneering agreement.

9. **Vested Rights and Reserved Legislative Powers.**

A. Vested Rights. Consistent with the terms and conditions of this Agreement, the Town agrees Applicant has the vested right to develop and construct the Project during the Term of this Agreement in accordance with: (i) the Code, and (ii) the terms of this Agreement. The parties hereby agree that the Applicant's vested rights shall be in the version of the Code attached hereto as

Exhibit XX, subject to the amendments made by the ordinances attached hereto as Exhibit YY, which shall prevail over any conflicting provisions in the Code attached to Exhibit XX.

B. Reserved Legislative Powers. The Applicant acknowledges that the Town is restricted in its authority to limit its police power by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to the Town all of its police power that cannot be so limited. Notwithstanding, the retained power of the Town to enact such legislation under the police powers, such legislation shall only be applied to modify the vested rights of Applicant under this Agreement and with respect to use under the zoning designations as referenced in this Agreement based upon the policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed change affecting the vested rights of the Property shall be of general application to all development activity in Town and Utah County; and, Applicant shall be entitled to prior written notice and an opportunity to be heard to the Town Council with respect to the proposed change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine. Notwithstanding the foregoing, the Town may take immediate legislative or administrative action affecting the Property if necessary to respond to a bona fide emergency, such as wildfire, contaminated water supply, or geologic hazard, that poses a clear and present danger to public health, safety, or welfare.

10. **Effectiveness of Agreement.** This Agreement shall become effective only upon execution by both parties, which must occur within thirty (30) days following the City's adoption of the Resolution. If the Resolution is approved, the Town must execute this Agreement. If Applicant fails to execute this Agreement within that time, the Applicant shall not obtain any vested rights under this Agreement, and the Agreement shall automatically be deemed null and void without further action by either party.

11. **Term.** This Agreement shall run with the land and shall continue in full force and effect until all obligations hereunder have been fully performed and all rights hereunder fully exercised; provided, however, that unless the parties mutually agree to extend the Term, this Agreement shall not extend further than a period of fifteen (15) years from its date of recordation in the official records of the Utah County Recorder's Office ("Term"). Notwithstanding the foregoing, the Applicant may terminate this Agreement at any point during the Term, provided that (i) construction on the Project has not commenced, or (ii) if construction has commenced, termination shall only apply to future phases of the Project, and the Applicant shall remain responsible for

constructing the Trail and Park.

12. General Provisions.

A. Notices. All Notices, filings, consents, approvals, and other communication provided for herein or given in connection herewith shall be validly given, filed, made, delivered or served if in writing and delivered personally or sent by registered or certified U.S. Postal Service mail, return receipt requested, postage prepaid to the following addresses or to such other addresses as either party may from time to time designate in writing and deliver in like manner. Any such change of address shall be given at least ten days before the date on which the change is to become effective:

If to Town:

If to Applicant:

Sam Smith

With a copy to:

Buchalter P.C.
Attn: Wesley Felice
60 E South Temple, Suite 1200
Salt Lake City, UT 84111
wfelice@buchalter.com

B. Mailing Effective. Notices given by mail shall be deemed delivered seventy-two hours following deposit with the U.S. Postal Service in the manner set forth above.

C. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

D. Headings. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any provision this Agreement.

E. Authority. The parties to this Agreement represent that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. The Applicant represents and warrants that it is fully formed and validly existing under the laws of the State of Utah and that it is duly qualified to do business in the State of Utah and is in good standing under applicable state laws. Applicant and Town warrant to each other that the individuals executing this Agreement on behalf of their respective party are authorized and empowered to bind the party on whose behalf each individual is signing. Applicant represents to Town that by entering into this Agreement, the Applicant has bound all persons and entities having a legal or equitable interest in the terms of this Agreement as of the Effective Date.

F. Entire Agreement. This Agreement, together with the Exhibits attached hereto, documents referenced herein, and all regulatory approvals given by the Town for the Property contain the entire agreement of the Parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements, or understandings between the parties which are not contained in such agreements, regulatory approvals and related conditions.

G. Amendment. This Agreement may be amended in whole or in part with respect to all or any portion of the Property by the mutual written consent of the parties or by their successors-in-interest or assigns. Any such amendment of this Agreement shall be recorded in the official records of the Utah County Recorder's Office.

H. Severability. If any of the provisions of this Agreement are declared void or unenforceable, such provision shall be severed from this Agreement. This Agreement shall otherwise remain in full force and effect provided the fundamental purpose of this Agreement and Applicant's ability to complete the Project as set forth in the Concept Plan is not defeated by such severance.

I. Governing Law. The laws of the State of Utah shall govern the interpretation and enforcement of this Agreement. The parties shall agree that the venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Utah County, Utah. The

parties hereby expressly waive any right to object to such choice of law or venue.

J. Disputes. Defaults, denials, claimed breaches, or other matters subject to this Agreement that are disputed by the parties are subject to the following procedures of resolution:

i. Meet and Confer. Prior to mediation as provided herein, the parties to any dispute hereunder shall meet within thirty (30) calendar days of a request to meet and confer to resolve the dispute. Disputes that are unresolved after the parties meet and confer shall be resolved by mediation, then by litigation.

ii. Mediation. The parties shall attempt, within thirty (30) calendar days (or such longer period as mutually agreed in writing), to appoint a mutually acceptable mediator knowledgeable about the denial, default, or dispute. If the parties cannot agree on a single mediator within that period, each party shall, unless otherwise agreed, appoint its own representative within ten (10) business days (or such longer period as mutually agreed), and those representatives shall jointly select the mediator. Within ten (10) business days (or such longer period as mutually agreed) after the mediator's selection, each party shall provide the mediator and the other party a position paper setting forth its respective position, including relevant facts or circumstances. The mediator shall, within fourteen (14) calendar days (or such longer period as mutually agreed), review the parties' positions and schedule the mediation. The mediator's final decision shall not be binding on the parties.

iii. Appeals. In the event that, in Applicant's reasonable discretion, the mediation provisions of this Agreement would interfere with Applicant's ability to timely appeal a final land use decision, Applicant may, at its option, (i) appeal the final decision, and (ii) move to mediate the dispute. However, before either party files a responsive pleading, including an answer, to the appeal, the parties shall first follow the dispute process contained in this Agreement. If the parties successfully mediate the dispute, the Applicant must withdraw its appeal. However, Applicant is not obligated to withdraw its appeal under any other circumstances and may simultaneously pursue mediation while litigating the appeal. Under no circumstances shall the mediation provisions of this Agreement interfere with Applicant's rights to timely file any appeal..

iv. Litigation. If the parties are unable to resolve the denial, default, or dispute through mediation, either party may pursue any remedies available at law or in equity, including initiating litigation.

v. Termination. The Town may terminate this Agreement following a judicial determination that a material default by the Applicant remains unresolved after Town has given Applicant or in some cases Property Owner, notice and a reasonable opportunity to cure the default.

K. Attorney's Fees and Costs. If either party brings legal action either because of a breach of this Agreement or to enforce a provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs.

L. Binding Effect. The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the parties and their respective heirs, legal representatives, successors in interest, and assigns. This Agreement shall be incorporated by reference in any instrument purporting to convey an interest in the Property.

M. No Third-Party Rights. The obligations of Applicant and Town set forth in this Agreement shall not create any rights in or obligations to any other persons or parties except to the extent otherwise provided herein.

N. Assignment. The Applicant may assign or transfer this Agreement, or any rights or obligations hereunder, without the prior written consent of the Town. Upon such assignment, the Applicant shall be released from all further obligations under this Agreement, provided that the assignee assumes all of the Applicant's obligations hereunder in writing.

O. No Agency Created. Nothing contained in this Agreement shall create any partnership, joint venture, or agency relationship between the parties.

P. Recitals and Exhibits. The recitals set forth at the beginning of this Agreement and the Exhibits referenced throughout, are incorporated herein by reference and made a part of this Agreement as if fully set forth herein.

To evidence the parties' agreement to this Agreement, each party has executed it on the date stated under that party's name.

[SIGNATURE PAGE FOLLOWS]

TOWN

Approved as to form:

Signature: _____

By: _____

Legal Department/Office

Its: _____

Date: _____

State of _____)

§

County of _____)

On this ____ day of _____, 20____, before me personally came _____ (name of document signer), whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who duly sworn/affirmed to me that he/she is the Mayor of _____ (Town) and said he/she has the authority of said Town to sign this instrument and said Town executed the same.

Notary Public

(seal)

APPLICANT

Signature: _____

By: _____

Its: _____

Date: _____

Acknowledgement

State of _____)

§

County of _____)

On this ____ day of _____, 20____, before me personally came _____ (name of document signer), whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who duly sworn/affirmed to me that he/she is the _____ (title of office) of _____ (name of corporation/trust/entity) and said he/she has the authority of said corporation/trust/entity to sign this instrument and said corporation/trust/entity executed the same.

Notary Public

(seal)

EXHIBIT A
Property Description

The land referred to in this report is situated in the County of Utah, State of Utah, and is described as follows: Parcel 1:

Beginning at the South Quarter Corner of Section 32, Township 6 South, Range 2 West, Salt Lake Base and Meridian (Basis of bearings is North 0°25'28" East between said South Quarter Corner and a Wilson rebar & cap marking the Center of said Section 32) and running thence along the South Line of the Southwest Quarter of said Section 32, North 89°35'50" West 1,447.093 feet to the Centerline of Camp Floyd Cemetery Road, thence along said Centerline the following (3) courses: 1) North 01°29'00" West 649.986 feet, 2) North 00°16'30" East 320.000 feet, 3) North 02°22'00" East 296.513 feet to a point lying 66.000 feet perpendicularly South and parallel to an East-West 40 Acre Line, thence along said 66.000 feet perpendicularly South and parallel line South 89°33'15" East 1,459.517 feet to a point on the East Line of the Southwest Quarter of said Section 32, thence along said East Line South 00°25'28" West 1,264.875 feet to the point of beginning.

The above-described property is also known by the street address of: Vacant Land, Fairfield, UT 84013 APN: 59-065-0067

Parcel 2:

Beginning at a point on the East Line of the Southwest Quarter of Section 32, Township 6 South, Range 2 West, Salt Lake Base and Meridian, said point lies North 00°25'28" East 1,264.875 feet along said East Line from the South Quarter Corner of Section 32, Township 6 South, Range 2 West, Salt Lake Base and Meridian, and running thence North 89°33'15" West 1,459.517 feet to a point on the Centerline of Camp Floyd Cemetery Road, thence along said Centerline North 02°22'00" East 66.037 feet to an East-West 40 Acre Line, thence along said East-West 40 Acre Line South 89°33'15" East 118.000 feet to a North-South 40 Acre Line, thence along said North-South 40 Acre Line, North 00°35'18" East 1,001.899 feet, thence South 89°30'45" East 1,336.414 feet to a point on said East Line of said Southwest Quarter, thence along said East Line South 00°25'28" West 1,066.925 feet to the point of beginning.

The above-described property is also known by the street address of: Vacant Land, Fairfield, UT 84013 APN: 59-065-0070

Property Depiction

(See Attached)

EXHIBIT B

Concept Plan

(See Attached)

EXHIBIT C

Depiction of the Roads

(See Attached)

EXHIBIT D

Resolution _____

(See Attached)

EXHIBIT E

FAIRFIELD INDUSTRIAL PARK

DESIGN AND DEVELOPMENT STANDARDS

1. **Project Overview.** The Fairfield Industrial Properties Subdivision consists of 47 one-acre Lots which accommodate industrial and commercial uses (“Project”). The Subdivision is located in the Town’s Light Industrial West Zone and spans approximately 75 acres. The Subdivision is located off Allen Ranch Road, adjacent to the Camp Floyd Cemetery. The Project is also located within the Pony Express Project Area, a designated port authority zone established to fund public improvements associated with the Project.

2. **Purpose and Intent.** The purpose of these Design and Development Standards (“Standards”) is to establish consistent guidelines that support the goals of the Town’s General Plan, while also allowing for some deviation from the established Code.

3. **Compliance.** All development within the Project shall comply with this Development Agreement (including these Standards), the Code, and all other applicable approvals. No building permit, or other development approval shall be issued or approved unless the Property Owner’s plans and application demonstrates full compliance with the Development Agreement (including these Standards) and the Code, as determined by the Town. These requirements apply to all new construction, as well as to any exterior renovation, expansion, or site modification within the Project.

4. **Conflict.** As this Development Agreement was entered into to permit some deviation from the Code, the Development Agreement (which includes these Standards) shall control in the event of a conflict.

5. **Development Standards.**

a. Uses. In addition to those uses specifically permitted or conditionally permitted by the Code, The following uses are allowed within the Project:

Use	Classification (S – Special Use; P – Permitted Use; A – Accessory Use).
Commercial/professional office space	S

Energy-generating facility	S
Truss Plant	P
Water well treatment plant and pump house	P
Central heating and cooling facility	A
Security building	A
General storage and maintenance facility	A
Elevated water storage tank or tower	A

i. If a proposed use is not expressly listed in the Use Table but is substantially similar in type, intensity, and impact to a listed permitted or special use, the Town Council may, as an administrative interpretation, determine that the proposed use falls within the scope of the comparable listed use. This determination shall be based on the use’s compatibility with the character, purpose, and intent of the applicable zoning district. A use approved under this provision shall be treated as the same category—permitted or special—as the comparable use and shall not require a special or conditional use permit unless the comparable use is designated as such.

ii. The above uses shall have the following definitions and conditions:

1. **Commercial/Professional Office Space** means any building or portion thereof used primarily for conducting business or professional activities, including but not limited to administrative offices, consulting rooms, legal or accounting practices, real estate agencies, medical or dental offices, financial services, or other similar services provided to clients or customers. This definition excludes retail sales, manufacturing, or industrial uses.

2. **Energy-Generating Facility** means any structure, equipment, or installation used to produce energy. An energy-generating facility is limited to solar panels, generators, fuel cells, or other technologies designed to generate electricity, heat, or other forms of usable energy. This term includes both on-site and off-site facilities intended to supply energy to the Project or to the electrical

grid. There may only be one energy-generating facility located in the Project and must be contained within a building to mitigate sounds. This definition does not include the installation of solar panels incidental to a primary use on any building in the Project.

3. **Truss Plant** means a facility used for the fabrication, assembly, and storage of structural wood or metal trusses, typically including manufacturing equipment, materials storage areas, and associated office space. The use generally involves cutting, assembling, and pre-fabricating trusses for construction purposes.

4. **Water Well Treatment Plant and Pump House** means a facility comprising a water well, associated treatment equipment, and a pump house structure designed to extract, treat, and distribute potable or non-potable water for the Project. This includes all mechanical, electrical, and filtration systems necessary for water quality management and delivery.

5. **Central Heating and Cooling Facility** means a centralized system or facility that provides heating and/or air conditioning to multiple buildings or units within a development. This includes boilers, chillers, cooling towers, heat exchangers, distribution lines, and all related mechanical and control systems used to generate and deliver thermal energy for space heating or cooling.

6. **Security Building** means a structure used for the monitoring and control of access to a property or facility, which may include security personnel offices, surveillance equipment, access gates, visitor check-in areas, and related functions necessary to manage and enforce site security.

7. **General Storage and Maintenance Facility** means a building or structure used for the storage of equipment, tools, materials, and supplies, and for the performance of routine maintenance, servicing, or repair of vehicles, machinery, or other operational assets related to the Project. This may include indoor and

outdoor storage areas, workshops, and administrative space associated with maintenance operations.

8. **Elevated Water Storage and Tank** means a structure designed to store potable or non-potable water at an elevated height sufficient to provide gravity-fed water pressure for a water distribution system. The facility includes the tank, supporting structure, access ladders or stairs, piping, instrumentation, and related control equipment. An elevated water storage and tank shall be located 50 feet from any property line and 25 feet from any structure. The Town or its designee shall be granted 24-hour access for inspection, maintenance, or emergency response, subject to reasonable notice when practicable.

b. Setbacks. The following setbacks are specific to the Project, and supersede the setback requirements outlined in the Code.

Location	Minimum Setback
Front	30 feet (may be reduced by Planning Commission to 20 feet)
Side	10 feet
Rear	10 feet
Accessory Structures	6'

i. For lots with two or more street frontages, the required setbacks shall apply to the primary street frontage as designated on the approved subdivision plan. Setbacks along secondary street frontages may be reduced by up to 10 feet upon approval by the Town, provided that such reduction does not adversely impact sight distance, pedestrian access, streetscape continuity, or public safety. Any reduction in setbacks on secondary frontages shall be subject to Town staff review and may require additional conditions to ensure compatibility with the surrounding neighborhood character.

ii. Notwithstanding the Project setback standards above, the setbacks for any lot line adjoining the Well Lot shall be determined based on the actual building line of the pumphouse structure, rather than the property line.

c. Lot Size. The minimum lot size in the Project shall be one (1) acre. The calculation for minimum lot size shall exclude any portion of a lot containing a Road or Road Improvements.

d. Screening and Fencing. The following screening and fencing standards are specific to the Project and supersede the screening standards outlined in the Code. The screening requirements of the Code, do not apply to permitted accessory uses including, without limitation, electric substations and transmission or distribution facilities.

e. Parking and Loading. The following parking and storage requirements are specific to the Project and supersede the parking and storage standards outlined in the Code.

i. Setback Parking. Parking shall be permitted within the setbacks of any lot within the Project.

ii. Truck Parking and Storage. The following truck parking and storage standards are specific to the Owner's Lot. Up to eight (8) heavy-duty vehicles, or double axle trailers ("Semi Trucks") may be parked or stored on the Owner's Lot at any given time without requiring the Property Owner to obtain a conditional use permit. Any parking or storage of more than eight (8) Semi Trucks will require the Applicant to apply for and obtain a conditional use permit in accordance with the procedures outlined in the Code. All Semi Trucks must be parked in designated areas that are screened from view, and the Property Owner shall ensure that the parking area is maintained in a manner compatible with the surrounding environment.

f. Landscaping. The following landscaping standards are specific to the Project and supersede the landscaping standards outlined in the Code. The Property Owner of each lot within the Project shall be responsible for installing standard, uniform landscaping within the front setback of each lot. Xeriscaping or

zero-scaping shall be the primary landscaping methods used throughout the Project. Trees, shrubs, and ground cover must be drought-tolerant. When planting, consideration must be given to temperature variations to ensure the survival of the landscaping. The following landscaping standards apply to the Project:

- i. Mulch, Gravel, and Aggregate. Decorative mulch, gravel, and aggregate must be used throughout the Project in place of sod. Landscaping efforts must comply with Utah State Code requirements, including reducing outdoor water usage whenever possible.
- ii. Monument Landscaping. Plantings around monument signs must be contained to prevent obstruction of any lettering or numbering on the sign.
- iii. Grass, Seed, and Other Materials. Grass, seed, and other landscaping materials must be clean and reasonably free of weeds, noxious pests, and insects.
- iv. Grass Lawns. Grass lawns must be kept to a minimum, focusing on drought-tolerant landscaping methods.
- v. Park and Trail Areas. Landscaping in the Park and Trail areas must enhance the aesthetic value of the site and reflect the approved architectural theme. It must also consider the historical context of the Town and the intended use of the Park and Trail areas.
- vi. Entryway Landscaping. Landscaping at entryways must include design elements consistent with the development, such as entry wall monuments, raised planters, specimen trees, and shrub plantings.
- vii. Irrigation. Irrigation systems must incorporate water-conserving fixtures, such as drip irrigation and bubblers, directed to each tree or plant whenever possible.
- g. Signage. The following signage standards are specific to the Project and supersede the signage standards outlined in the Code. Two monument signs may be installed at the entrances to the Project, subject to the following standards:

i. Location and quantity. One primary monument sign may be installed at the principal entrance to the Project, and one secondary monument sign may be installed at a secondary access point, if applicable. Both signs shall be located entirely on private property and outside of public rights-of-way and “Clear Vision Areas”. For purposes of this Agreement, a “Clear Vision Area” is the triangular area at the intersection of two streets or a street and a driveway, measured by a specified distance of 20 feet along each intersecting edge from the point of intersection. Within this area, no visual obstructions, including but not limited to buildings, fences, walls, landscaping, signs, or parked vehicles, shall be permitted above a height of 3 feet as measured from the adjacent street or driveway surface grade. The clear vision area is intended to maintain unobstructed visibility for the safety of motorists, cyclists, and pedestrians.

ii. Size and Height. The primary sign shall not exceed twelve (12) feet in height and one hundred (100) square feet in total sign area per face, if double-sided. The secondary sign shall not exceed six (6) feet in height and forty-eight (48) square feet in total sign area per face, if double-sided.

iii. Sign Content. The signs shall include only the name of the Project and the names or logos of businesses located within the Project. Off-premises advertising, scrolling, flashing, or electronic messaging shall not be permitted. All text and logos must be static and professionally fabricated.

iv. Materials and Design. Signs shall be constructed of durable, weather-resistant materials such as masonry, metal, stone, or composite panels, and shall be consistent with the overall architectural theme of the Project. Landscaping shall be installed and maintained at the base of each sign to enhance visual appeal and ensure contextual integration.

v. Illumination. External illumination is permitted, provided it is downward-directed, fully shielded, and does not produce glare onto adjacent properties or roadways. Internal illumination, such as backlit logos

or text, may be allowed if approved by the Town and designed to minimize visual impacts.

EXHIBIT F

Building Façade Examples

(See Attached)

Exhibit ____

Amended Code Provisions

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Ordinance #2024-01. 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 April 11, 2024

Document Control Changes: Created: April 11, 2024.

WHEREAS, the Planning Commission held public hearings on November 1, 2023, February 7, 2024, regarding a proposed amendment to Title 10, Section 10.11.00; adding 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 deems it to be in the best interest of Fairfield Town to amend the Fairfield Town Code, 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 amendment to the Fairfield Town Code:

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, that certain sections of 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 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.

Abandoned Battery Energy Storage System. Means any Battery Energy Storage System that remains nonfunctional or inoperative, meaning it is not being used or is not maintained in compliance with the terms of an approved conditional use permit for a continuous period of one hundred eighty (180) days. A Battery Energy Storage System that is nonfunctional or inoperative for any period of time as a result of a force majeure event, any maintenance, repair, or any other periods of nonuse that are planned or scheduled by the owner or operator for which advance notice is provided to the Town shall not be deemed abandoned for purposes of this 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 600 kWh 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 600 kWh 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; and
- 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 ten (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 is 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;
- xix. 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 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 System 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 System 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.
- xxxviii. Applicants shall commit to following the Solar Industry Commitment to Environmental & Social Responsibility developed by the Solar Energy Industries Association by including with their application a declaration to that effect.

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 Systems; 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; or
 - (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 System 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. Battery Energy 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. To the extent consistent with the Fire Code, the Knox key lock boxes and keys shall be provided at locked entrances in order to allow emergency personnel access;
- d. 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;
- e. 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 the Battery Energy Storage System, and 24-hour emergency contact information, including reach-back phone number;
 - 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; and
 - iii. Signage shall be in compliance with Fairfield Town Title 10. Chapter 21. Signs
- f. Noise Requirements. Tier 2 Battery Energy Storage Systems shall comply with all

applicable Town noise ordinances or codes;

- g. 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;
- h. 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;
- i. 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;
- j. 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
- k. 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.; and

c. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within

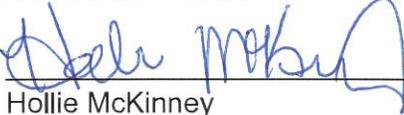
weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

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 Battery Energy Storage System. Any successor to or assignee of the original permittee of a conditional use permit for a Battery Energy Storage System shall provide its name and mailing address to the Town within thirty (30) days after completion of such transfer and shall provide replacement decommissioning security to the Town consistent with the requirements set forth in Section 7(a)(iii)(a) of this ordinance. Each successor or assignee of the original permittee shall be deemed the permittee under the conditional use permit from and after the date of such transfer and shall comply with the terms of the conditional use permit for the Battery Energy Storage System.
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 11th day of April 2024.

FAIRFIELD TOWN



Hollie McKinney

RL Panek	yes	<u>27</u>	no	_____
Tyler Thomas	yes	<u>15</u>	no	_____
Michael Weber	yes	<u>15</u>	no	_____
Richard Cameron	yes	<u>14</u>	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 28th day of March, 2024.

Ordinance # 2024-01 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 11^m day of April, 2024.

Stephanie Shelley
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 11th day of April, 2024.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 15th day of April, 2024

Ordinance #2024-02. An Ordinance Amending Title 10.17.100.(I) Adding Verbiage for Industry Commitments to Environmental and Social Responsibility and also Adding Verbiage to Application to Successors and Assigns in Solar Power Plant-Large.

Dated May 9, 2024

WHEREAS, the Planning Commission held a public hearing on May 9, 2024 regarding a proposed amendment to Title 10, by adding Section 10.17.100.(I)(5)(v) and amending Section 10.17.100.(I)(14); and

WHEREAS, Fairfield Town has deemed it in the best interest of Fairfield Town to amend the Fairfield Town Code; and

Whereas, the Fairfield Town Council has reviewed the proposed amendment to the Fairfield Town Code;

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

Adding:
Section 10.17.100.(I)(5)(v):

Applicants shall commit to following the Solar Industry Commitment to Environmental & Social Responsibility developed by the Solar Energy Industries Association by including with their application a declaration to that effect.

And

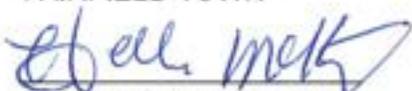
Amending Section 10.17.100.(I)(14), Application to Successors and Assignees, by adding the following verbiage to the end of the paragraph:

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.

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

Passed and Adopted this 9th Day of May 2024.

FAIRFIELD TOWN


Mayor, Hollie McKinney

RL Panek	yes	<u>PL</u>	no	_____
Tyler Thomas	yes	<u>TT</u>	no	_____
Michael Weber	yes	<u>MW</u>	no	_____
Richard Cameron	yes	<u>RC</u>	no	_____

ATTEST:



Town Recorder/Clerk
Stephanie Shelley

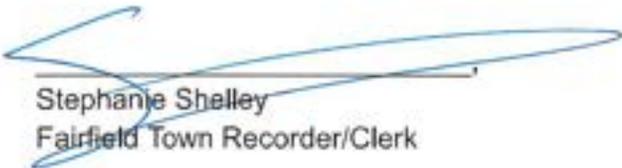
FAIRFIELD TOWN

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 9th day of May 2024.

Ordinance #2024-02. An Ordinance Amending Title 10.17.100.(I) Adding Verbiage for Solar Industry Commitments to Environmental and Social Responsibility and also Adding Verbiage to Application to Successors and Assigns in Solar Power Plant Large.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this 9th day of May 2024.


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 13th day of May 2024 and herein referred to as

SUMMARY.

Adding Verbiage for Solar Industry Commitments to Environmental and Social Responsibility and also Adding Verbiage to Application to Successors and Assigns for Solar Power Plant Large.

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 14th day of May 2024

Ordinance #2024-03. An Ordinance Rescinding Title 10.11.225. (N) and (O); And Adopting New Amendments to Title 10.11.225.(N) and(O). And Adding Them to the Commercial Overlay Zone.

Dated May 9, 2024

WHEREAS, the Planning Commission held a public hearing on May 9, 2024, regarding proposed amendments to Title 10, Section 10.11.

WHEREAS, Fairfield Town has deemed it in the best interest of Fairfield Town to amend the Fairfield Town Code: and

Whereas, the Fairfield Town Council has reviewed the proposed amendment to the Fairfield Town Code:

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

N. Permitted, Special and Conditional Uses.

1. Purpose. The purpose of this section is to provide supplemental land use provisions that apply to permitted, conditional and special uses in the Commercial Overlay Zone which are designed to protect and preserve the general health, safety and welfare of the public;
2. Applicability. In addition to the standards included in this chapter, all other chapters of this code shall apply to the uses as applicable including, but not limited to, Chapter 10.7 Qualifying Regulations and Procedures, Chapter 10.21. Parking; Chapter 9.3.Outdoor Lighting Standards; Chapter 10.19, Landscaping Requirements, 10.21., Signs and Sign Permits; and Site Plan Reviews;
3. Provisions. Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this chapter, the most restrictive shall govern unless enforcement will result in a violation of the federal, state, county or town statutes, codes, or laws.
4. There are 3 types of uses allowed in the Commercial Overlay Zone:

P = Permitted (Permitted uses may still require approval through an application process as detailed in this chapter and other chapters.)

S = Special (Special uses are permitted uses that must also comply with the standards listed in 10.11.225.O. below that are specific to that type of use.)

C = Conditional Use (Conditional uses are permitted uses that must also comply with the standards listed in that are specific to that type of use.)

Uses that are not listed in the above categories are prohibited.

4. Permitted Uses. Permitted uses allowed in the Commercial Overlay Zone:

- a. Accessory structure.
- b. Convenience store; sale of goods.
- c. Farm equipment sales.
- d. Landscaping, plant, and tree nursery or landscape materials.
- e. Warehouse space with offices.
- f. Fitness facility.

5. Special Uses. Special uses allowed in the Commercial Overlay Zone:

- a. Automobile detailing.
- b. Vehicle restoration, auto body fabrication.
- c. Minor, (fewer than 30), automobile service and car sales.
- d. Light manufacturing, assembly and retail sales.
- e. Truck and equipment service.
- f. Equipment sales.
- g. Funeral home, mortuary services.
- h. Pet grooming/ animal care services.
- i. Small engine repair.
- j. General sales, service, and merchandise.
- k. Printing and lithography.
- l. Publishing services.
- m. Car Wash Facilities.
- n. Auto Fueling.

Conditional uses allowed in the Commercial Overlay Zone:

There are no conditional uses allowed in the Commercial Overlay Zone at this time.

O. Standards for Special Uses.

1. Minor Automobile Service and Car Sales, automobile detailing, vehicle restoration and auto body fabrication Standards. (Less than 30 vehicles).

Automobile sales and/or minor service operations may be permitted only where:

a. Nuisance. They will not be a nuisance to residences and other surrounding uses; and

b. Automobile Display Areas. Automobile displays are subject to the following restrictions:

i. Display areas shall not be permitted in rights-of-way, walkways, sidewalks, park strips, and required landscape buffers;

ii. Display areas shall be designated through the site plan approval process;

- iii. Display areas shall be of concrete, asphalt, or another improved and maintained surface;
- iv. Display areas shall not occupy more spaces than allotted for the leased unit allowed in that zone. Tenants shall leave at least 25% vacant for customer/employee parking;
- v. Display areas shall comply with the clear vision triangle setbacks;
- vi. Vehicles in the display area shall not exceed a maximum height of twelve (12) feet, such height including both the vehicle and display surface as measured from the height of the nearest sidewalk to the highest point of the vehicle; and
- vii. Truck sales and service shall be limited to no more than five stored on site at any given time.

c. Operating Conditions.

- i. Operations shall not cause traffic hazards or undue traffic congestion. This includes all loading and unloading of vehicles, which shall occur onsite or within a designated area off site which prevents unsafe interaction with traffic;
- ii. Spray painting of vehicles shall not be conducted outside. Spray painting of parts shall occur inside a fully enclosed building;
- iii. Accessory sales activities (i.e., tires, parts, seat covers, floor mats, window tinting, sound systems, etc.) shall only be inside a fully enclosed building;
- iv. Temporary canopy tents shall not be permitted when the tents are visible from the street except for special events associated with the subject business. Such events shall not be permitted for more than three days;
- v. All signage shall conform to the standards in Chapter 10.21; and sign location shall be reviewed along with sign application and permit approval. All business signs require a submittal and approval of sign permit application;
- vi. Junkyard, automobile dismantling activities or storage of inoperable vehicles past a reasonable timeframe for repairs shall not be conducted or Permitted; and
- vii. Automobiles being repaired shall be stored behind a wall or opaque screening.

2. Auto fueling/service stations and/or car wash facilities.

Automobile gas/service stations and/or car wash operations. may be permitted only where:

- a. Nuisance. They will not be a nuisance to residences and other surrounding uses;

- b. Traffic Congestion. They will not cause traffic hazards or undue traffic congestion;
- c. Lot Size. An automobile gas/service station or a freestanding car wash site area will have a minimum of a 15,000-square-foot parcel. The lot frontage, if located on an arterial or collector street, shall not be less than 125 feet;
- d. Automobile Gas/Service Station or Car Wash Setbacks. Automobile gas/service stations or car wash operations with gasoline pumps will have buildings of the type of construction as defined in the International Building Code, and are to be located at a distance of not less than 25 feet from property or building setback lines;
- e. Canopy Setbacks. Gasoline pumps and pump islands for car wash operations or gas/service stations shall have a canopy and the setback (measured from the edge of the canopy) shall be not less than 25 feet from any property lines or shall be in conformity with the building setback lines of the zoning district, whichever is greater;
- f. Driveway Design. Driveway design and spacing for automobile gas/service stations or car wash operations shall be reviewed by the city engineer, whose recommendation will be forwarded to the planning commission;
- g. Distance to Other Uses. The minimum closest distance from the gas vents at an automobile gas/service station or car wash with gas pumps site to the property line of an existing residence, school, park, playground, museum or place of public assembly will be not less than 200 feet; and
- h. Outdoor Storage or Rentals. No outdoor storage of rental trucks or trailers, stacks of tires or other merchandise will be conducted by the automobile gas/service station or car wash operation except when such equipment or merchandise is screened by an approved opaque fence not less than six feet in height.

3. Plant and Tree Nursery/Garden Center.

Plant and tree nurseries and garden centers may be permitted only where:

- a. Outdoor Sales, Display, Storage. Any associated outdoor sales, display, and storage of products or equipment must comply with 10.11.225.O.4.Outdoor Sales and Display.

4. Outdoor Sales and Display.

Outdoor sales and display may be permitted only where:

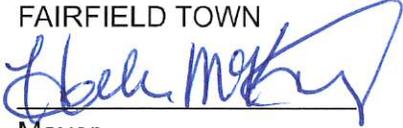
- a. Definition. For the purposes of this section, "outdoor sales and display", includes the outdoor storage of materials, products, and equipment incidental to an allowed use which are not accessible to the public and set apart from the outdoor sales and display;
- b. Nuisance. The use will not be a nuisance to residences and other surrounding Uses;

- c. Location. All outdoor sales and display areas shall not be located within a required setback, area of required landscaping, area of required parking, or area of pedestrian or vehicle access and flow;
 - d. Site Plan. All outdoor sales and display areas shall be clearly defined on the approved site plan and will be limited to these areas;
 - e. Signs. The outdoor sales and display area shall not include the use of banners, pennants or strings of pennants;
 - f. Outdoor Storage. All outdoor storage shall require the following screening Regulations:
 - i. A masonry wall or solid/opaque fencing shall be required to screen all open storage areas from view of a street;
 - ii. A solid/opaque fence, screening barrier, or wall shall be required along the side and rear property lines to screen areas of open storage up to and including any gate;
 - iii. Fences used to screen open storage shall not be less than six feet high. Fences greater than six feet high may be approved as part of a site plan upon a finding that increased height for screening is necessary to reduce impacts to surrounding properties; and
 - iv. Materials, products, and equipment within 20 feet of the fence may not be stored higher than the fence.
5. Pet grooming/Animal Care Services.
Animal care services may be permitted only where:
- a. Nuisance. The use will not be a nuisance to residences and other surrounding uses;
 - b. Visibility. Any outdoor space used for waiting or care is fully screened; and
 - c. Overnight Keeping. The overnight keeping of animals is allowed only for treatment purposes. Overnight boarding is strictly prohibited.

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

Passed and Adopted this 9th Day of May 2024.

FAIRFIELD TOWN



Mayor

Hollie McKinney

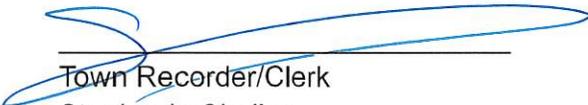
RL Panek yes RJ no _____

Tyler Thomas yes TT no _____

Michael Weber yes W no _____

Richard Cameron yes RSC no _____

ATTEST:



Town Recorder/Clerk

Stephanie Shelley

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 9th day of May 2024.

Ordinance #2024-03. An Ordinance Rescinding Title 10.11.225. (N) and (O); And Adopting New Amendments to Title 10.11.225.(N) and(O). And Adding Them to the Commercial Overlay Zone.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this 9th day of May 2024.


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 13th day of May 2024 and herein referred to as

SUMMARY.

An Ordinance Rescinding Title 10.11.225. (N) and (O); And Adopting New Amendments to Title 10.11.225.(N) and(O). And Adding Them to the Commercial Overlay Zone.

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 14th day of May 2024

Ordinance #2024-04. An Ordinance Amending Title 3. Business and License Regulations.; Adding Chapter 7.00. Temporary Business Licenses/Permits.

Dated May 9, 2024

WHEREAS, the Planning Commission held a public hearing on May 9, 2024, regarding a proposed amendment **amending Title 3. Business and License Regulations.; adding Chapter 7.00. Temporary Business Licenses/Permits.**

WHEREAS, Fairfield Town has deemed it in the best interest of Fairfield Town to amend the Fairfield Town Code: and

Whereas, the Fairfield Town Council has reviewed the proposed amendment to the Fairfield Town Code:

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, that certain sections of Title 3.7. of the Town Code be amended as follows:

Title 3. Business and License Regulations.

**Chapter 7
Temporary Business License Regulations.**

- Section 3.7.30. License and Permit Required.
- Section 3.7.40. License Fee.
- Section 3.7.50. Site Plan Required.
- Section 3.7.60. Time Limit.
- Section 3.7.70. Number of Temporary Businesses Per Site.
- Section 3.7.80. Signs.
- Section 3.7.90. Revocation of License.

3.7.30. License And Permit Required.

A. It is unlawful to conduct a temporary business without first having obtained a Temporary Business License.

1. A temporary business license may be issued to a temporary business meeting all of the following requirements:
 - a. The conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.
 - b. The requested use will not create excessive traffic hazards on adjacent streets. Sufficient off-street parking shall be provided which shall be designed to meet all Town parking regulations. A site plan showing where

the sale of goods will take place, points of ingress and egress to the site, and parking available for the temporary business shall be provided.

- c. The applicant has obtained, or shall obtain, all necessary Town permits associated with the placement and operation of the use, i.e., Health Department approvals for sales of food items, electrical permit for electrical hookups, fire department clearance for fireworks stands, etc.
- d. The applicant shall provide, at its own expense, for the restoration of the site of said use to its original condition, including such clean up, washing and replacement of facilities as may be necessary.
- e. Prior to the granting of any license, the applicant must pay the license fee.
- f. Any person or business which engages in business prior to obtaining a business license from the Town shall pay an administrative fee of \$50.00 prior to the issuance of a license, which shall be in addition to the regular fee for the license.

3.7.40. License Fee/ Permit.

See Fairfield Town Fee Schedule for Temporary Business Licenses Fees/Permits.

Section 3.7.50. Site Plan Required.

Any site proposed for use for a temporary business must be on property with adequate traffic ingress and egress. A site plan shall be submitted showing where the sales shall be conducted on the site along with the location of off-street parking spaces specifically designated for use by the temporary business. Such spaces may not be designated for or required by ordinance for any permanent, on-site business and the temporary business may not occupy such parking. In no event shall the temporary business be located in any way as to obstruct the clear vision of traffic ingress or egress from the site.

Section 3.7.60. Time Limit.

A temporary license shall be issued for a maximum of 120 days and shall be limited to one per business, corporation, individual, group of individuals or family per year.

Section 3.7.70. Number Of Temporary Businesses Per Site.

Only one temporary business at a time shall be allowed on any given site, unless it can be shown that adequate ingress, egress and parking would be available for additional temporary businesses.

Section 3.7.80. Signs.

One sign shall be allowed on the sales booth, table, stand or other sales structure for any licensed temporary business. No movable signs, banners, or off-premise signs shall

be allowed, unless you have permission from the landowner of where the off-premise sign is located. No signs are allowed on utility poles or town structures

Section 3.7.90. Revocation Of License.

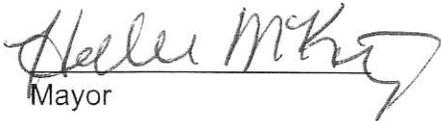
Permits and licenses issued pursuant to this chapter may be revoked by the Director of Licensing after notice and hearing, or any of the following causes:

1. Fraud, misrepresentation or a false statement contained in the application for the license.
2. Fraud, misrepresentation or a false statement made in the course of operating the business for which the licenses has been granted.
3. Any violation of this chapter.
4. Conviction of any crime or misdemeanor involving moral turpitude.
5. Conducting the temporary business in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

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

Passed and Adopted this 9th Day of May 2024.

FAIRFIELD TOWN



Mayor
Hollie McKinney

RL Panek	yes	<u>RP</u>	no	_____
Tyler Thomas	yes	<u>TT</u>	no	_____
Michael Weber	yes	<u>MW</u>	no	_____
Richard Cameron	yes	<u>RC</u>	no	_____

ATTEST:


Town Recorder/Clerk
Stephanie Shelley

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 9th day of May 2024.

Ordinance #2024-05. An Ordinance Amending Title 3. Business and License Regulations.; Adding Chapter 7.00. Temporary Business Licenses/Permits.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this 9th day of May 2024.


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 13th day of May 2024 and herein referred to as

SUMMARY.

An Ordinance Amending Title 3. Business and License Regulations.; Adding Chapter 7.00. Temporary Business Licenses/Permits.

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 14th day of May 2024

Ordinance #2024-05. An Ordinance Amending Title 10. Adding #11. Master Plan Development., to list of Uses that Require Additional Conditional Uses. in Section 10.17.100.A.

Dated May 9, 2024

WHEREAS, the Planning Commission held a public hearing on May 9, 2024, regarding a proposed amendment to Title 10. Adding #11. Master Plan Development. to list of Uses that Require Additional Conditional Uses. in Section 10.17.100.A.;

and

WHEREAS, Fairfield Town Council has deemed it in the best interest of Fairfield Town to amend the Fairfield Town Code; and

Whereas, the Fairfield Town Council has reviewed the proposed amendment to the Fairfield Town Code;

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

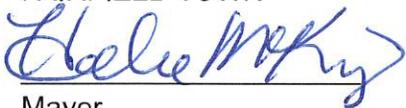
Add:

#11. Master Plan Development, to list of uses that require additional conditional uses in Title 10.17.100.A.

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

Passed and Adopted this 9th Day of May 2024.

FAIRFIELD TOWN



Mayor

Hollie McKinney

RL Panek

yes RP no _____

Tyler Thomas

yes TT no _____

Michael Weber

yes MB no _____

Richard Cameron

yes RC no _____

ATTEST:


Town Recorder/Clerk
Stephanie Shelley

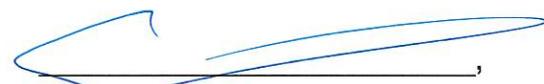
FAIRFIELD TOWN

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 9th day of May 2024.

Ordinance #2024-05. An Ordinance Amending Title 10. Adding #11. Master Plan Development., to list of Uses that Require Additional Conditional Uses. in Section 10.17.100.A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this 9th day of May 2024.


_____,
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 13th day of May 2024 and herein referred to as

SUMMARY.

An Ordinance Amending Title 10., Adding #11. Master Plan Development., to list of Uses that Require Additional Conditional Uses. in Section 10.17.100.A.

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 14th day of May 2024

Ordinance #2024-06. An Ordinance Adopting Amendments to Section 1.1.110 of the Town Code.

Dated May 9, 2024

WHEREAS, the Fairfield Town Council deems it to be in the best interest of Fairfield Town to amend the Fairfield Town Code, Title 1.1.110 Mayor and Town Council; and

WHEREAS, the Fairfield Town Council has reviewed the proposed amendment to the Fairfield Town Code:

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, that Title 1 of the Town Code be amended as follows:

Delete Section 1.1.110.G. so that this section appears in the Code as [Reserved].

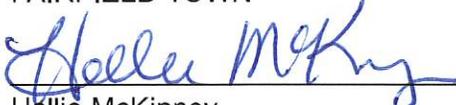
Amend Section 1.1.110.J to read as follows:

J. Compensation. The compensation to be paid to each elected and appointed office of the Town shall be established by the Town Council by ordinance.

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

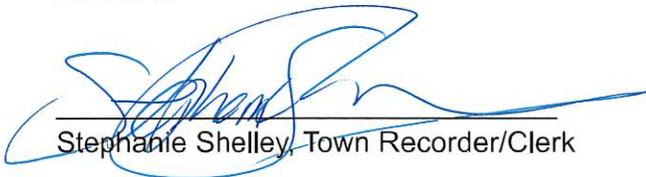
Passed and Adopted this 9 day of May 2024.

FAIRFIELD TOWN


Hollie McKinney

RL Panek	yes	<u>RP</u>	no	_____
Tyler Thomas	yes	<u>TT</u>	no	_____
Michael Weber	yes	<u>MW</u>	no	_____
Richard Cameron	yes	<u>RC</u>	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 9th day of May, 2024.

Ordinance #2024-06. An Ordinance Adopting Amendments to Section 1.1.110 of the Town Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this 9th day of May, 2024.



Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
)
COUNTY OF UTAH)

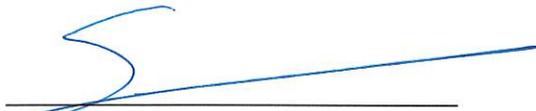
I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the 13th day of May, 2024 and herein referred to as:

SUMMARY.

Ordinance #2024-06. An Ordinance Adopting Amendments to Section 1.1.110 of the Town Code.

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 14th day of May, 2024

**Ordinance #2024-07 Providing for the Compensation of Elected and Statutory Officials.
Date June 26, 2024**

WHEREAS the Town Council, from time to time reviews, amends and adopts certain personnel policies for Fairfield Town, to assist in the efficient utilization of Town employees; and

WHEREAS the position of recorder is currently a part time position; and

WHEREAS the Policies and Procedures of Fairfield Town provide for the hiring of certain full time employees; and

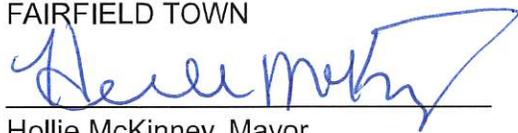
WHEREAS, the Town Council, due to an increase in the recorder's workload, finds it necessary to create a full-time position for the position of town recorder, allowing for certain benefits and a pay increase commensurate to the position as outlined in the Fairfield Town Policies and Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Fairfield that the position of recorder shall become a full-time position along with certain benefits and a pay increase outlined pursuant to a contract between Fairfield Town and the recorder.

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

Passed and Adopted this 26th day of June 2024.

FAIRFIELD TOWN



Hollie McKinney, Mayor

RL Panek	yes	<u>RZ</u>	no	_____
Tyler Thomas	yes	<u>TT</u>	no	_____
Michael Weber	yes	<u>MB</u>	no	_____
Richard Cameron	yes	_____	no	<u>RSC</u>

ATTEST:



Stephanie Shelley, Town Recorder/Clerk

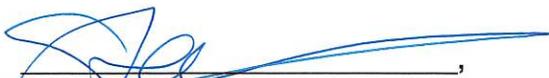
FAIRFIELD TOWN

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 **26th day of June 2024**.

Resolution #012024-7. A Resolution Providing for the Compensation of Elected and Statutory Officials.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **26th day of June 2024**.



Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



Ordinance #2024-08. An Ordinance Adopting A Compensation Schedule for Elected and Appointed Town Officials and Town Employees.

Dated June 26, 2024

WHEREAS, the Fairfield Town Council has reviewed the compensation paid to elected and appointed officials and employees of the Town and compared compensation provided by other municipalities; and

WHEREAS, the Town Council held a public hearing on January 9, 2024, May 9, 2024, and June 12, 2024 regarding the proposed Compensation Schedule attached hereto as Exhibit A, and incorporated herein by reference because the proposed Compensation Schedule would increase the compensation of some elected and appointed officials; and

WHEREAS, the Town Council deems it to be in the best interest of Fairfield Town to adopted the proposed Compensation Schedule.

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, that the Compensation Schedule attached hereto as Exhibit A is approved and adopted to hereafter set the compensation of those elected and appointed officials and Town employees referenced therein.

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

Passed and Adopted this **26th day of June 2024.**

FAIRFIELD TOWN



Hollie McKinney, Mayor

RL Panek	yes	<u>RJ</u>	no	_____
Tyler Thomas	yes	<u>TT</u>	no	_____
Michael Weber	yes	<u>MW</u>	no	_____
Richard Cameron	yes	_____	no	<u>RSC</u>

ATTEST:



Stephanie Shelley, Town Recorder/Clerk

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 **26th day of June 2024**.

Ordinance #2024-08. An Ordinance Adopting A Compensation Schedule for Elected and Appointed Town Officials and Town Employees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah this **26th day of June 2024**


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 **26th day of June 2024**, and herein referred to as:

SUMMARY.

Ordinance #2024-08. An Ordinance Adopting A Compensation Schedule for Elected and Appointed Town Officials and Town Employees.

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 27th day of June, 2024

Cemetery Board

				Current Budget	Pay for members	Proposed Budget
Per person/ per meeting	50					
5 board members	250	5 x yearly	1250			
Sexton per burial	\$200.00	2 x yearly	400			
Back Pay for work	\$500.00	One time payment	2500			
TOTALS			\$4,150.00	\$5,000.00	\$4,150.00	\$9,150.00

Planning and Zoning

				Current Budget	Pay for members	Proposed budget
Per person/ per month / stipend	\$250.00					
5 board members	5					
Monthly total	\$1,250.00	X 12 months	\$15,000.00	\$15,000.00		
Chair (stipend)	\$150.00	X 12 months	\$1,800.00			
TOTALS			\$16,800.00	\$15,000.00	\$16,800.00	\$20,000.00

Town Council

	Monthly	Yearly	Proposed Budget
Council member per month stipend	\$350.00		
4 council members	\$1,400.00	\$16,800.00	
Mayor (stipend)	\$550.00	\$6,600.00	
Totals		\$23,400.00	\$23,400.00

Administration Cost

	Per Hour		Monthly	Yearly	Current Budget	Difference	Proposed budget
Recorder	\$25.00	X 35 per week	\$3,500.00	\$42,000.00			
Deputy Recorder	\$25.00	X 15 per week	\$1,500.00	\$18,000.00			
Town Administrator	Monthly	Stipend	\$3,600.00	\$43,200.00			
Treasurer	Monthly	Stipend	\$900.00	\$10,800.00			
TOTALS			\$9,500.00	\$114,000.00	\$95,000.00	\$19,000.00	\$125,000.00
							*there may be extra cost for the recorder benefits

Water department

	Monthly	Yearly	Current Budget	Difference	Proposed Budget
Culinary Operator stipend	\$900.00	\$10,800.00	\$8,000.00	(\$2,800.00)	\$10,800.00

Roads department

	Monthly	Yearly	Current Budget	Difference	Proposed Budget
Roads Manager, snow, removal and repairs, stipend	\$900.00	\$10,800.00	\$4,700.00	-\$6,100.00	\$10,800.00

Town Parks and Public Improvements

	Monthly	Yearly	Current Budget	Difference	Proposed Budget
Maintenance manager of public improvements, stipend	\$900.00	\$10,800.00	\$0.00	-\$10,800.00	\$10,800.00

Total Employee Pay and Stipends

	Cemetery Board	Planning Commission	Town Council	Admin	Water	Roads	Parks	Totals
Monthly		\$1,250.00	\$1,950.00	\$9,500.00	\$900.00	\$900.00	\$900.00	\$15,400.00
Yearly	\$4,150.00	\$16,800.00	\$23,400.00	\$114,000.00	\$10,800.00	\$10,800.00	\$10,800.00	\$190,750.00

Revenue

	Actual	Projected		
2023-2024	\$902,100.00			
2024-2025		\$1,017,100.00		
Employee pay and Stipends		\$190,750.00	18.75%	

Ordinance No. 2024-09, An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 10.11.280 Relating To The Adoption Of A Technology Overlay Zone (TOZ).

Dated August 14, 2024

Whereas, There are several technology companies, districts, and campuses in Utah County, but Fairfield Town (“Town”) does not currently allow for large technology centers in its zoning code.

Whereas, To attract potential technology centers, the Town sought to create the tools and mechanisms for such a business to come to this community. The solution, the attached text enactment, reflects the relationship between the perceived needs of a technology center while mitigating the impacts on the community.

Whereas, Utah Code § 10-9a-102 grants the Town authority to enact ordinances that the Town Council considers necessary or appropriate for the use and development of land within the Town.

Whereas, The Planning Commission conducted a public hearing on August 7, 2024, on the proposed text enactment and made recommendations to the Town Council.

Whereas, The Town Council finds that adopting the proposed text enactment will enhance the public health, safety, and welfare.

Now, Therefore, Be It Ordained By The Town Council Of Fairfield Town, Utah:

Section 1. Text Enactment. The Town Council hereby enacts Fairfield Town Code § 10.11.280, as shown in **Exhibit A**.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage or posting as required by law.

Approved by the Town Council of Fairfield Town, Utah, on this 14th day of August 2024 by the following vote:

Mayor: Hollie McKinney
Hollie McKinney

RL Panek yes 27 no _____ Abstain _____
Tyler Thomas yes 11 no _____ Abstain _____
Michael Weber yes 18 no _____ Abstain _____
Richard Cameron yes RS no _____ Abstain _____

ATTEST: Stephanie Shelley
Stephanie Shelley, Town Recorder

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 **14th day of August 2024**.

Ordinance No. 2024-09. An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 10.11.280 Relating To The Adoption Of A Technology Overlay Zone (TOZ).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **14th day of August 2024**.



Stephanie Shelley
Fairfield Town Recorder/Clerk



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

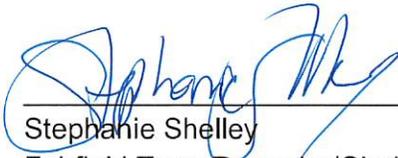
I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the **14th day of August 2024**, and herein referred to as:

SUMMARY.

An ordinance enacting Fairfield Town Code 10.11.280. relating to the adoption of a Technology Overlay Zone (TOZ).

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 15th day of August, 2024

EXHIBIT A

(Technology Overlay Zone (TOZ))

Section 10.11.280. Technology Overlay Zone (TOZ).

A. **Purpose.** The Technology Overlay Zone (TOZ) is intended to provide for the development and operation of large-scale technological, clean industrial, and high-tech manufacturing uses that will increase the tax base and/or provide jobs for the town's residents.

B. **Establishing a TOZ.**

1. **Size and Location.** Lands in the TOZ shall encompass a minimum of eighty (80) contiguous acres as part of the TOZ campus. The acreage requirement may be joined with an existing campus located in the town or another municipality. Additionally, parcels in the TOZ shall be located on lands that can be served by adequate infrastructure, including power, water and sewer (or other suitable ground water and septic systems), and a road network with acceptable capacity that can serve the TOZ's intended uses.
2. **TOZ Adoption.** The TOZ may only be approved with a development agreement.
3. **Base Zone.** The TOZ shall only be permitted in the following zone: light industrial (east). The standards and processes of the base zone shall be applicable unless modified by this Section or by development agreement.
4. **Right to Farm.** The town values its rich agricultural heritage and considers agricultural uses as a component of the town's community fabric, quality of life amenities, and contributions to the town's economic base. An application for the TOZ shall provide an analysis of how the development will protect and preserve the agricultural land and agricultural activities within the town in accordance with Title 9, Chapter 7.

C. **TOZ Design Standards.**

1. **Principal Building Façade.**
 - a. The principal building façade shall include all the building facades substantially visible to adjacent public roads and streets. When a building has more than one principal façade, such principal building facades shall be consistent in terms of design, materials, details, and treatments. Principal building facades shall meet the following standards:

- i. Avoid the use of undifferentiated surfaces by including at least two (2) of the following design elements: (1) change in building height, (2) building step-back or recesses, (3) fenestration, (4) change in building material, pattern, texture, or color, or (5) use of accent materials.
- ii. Buildings not visible from adjacent roads or properties due to buffering shall not be required to have differentiated design elements.
- iii. Building façade material.
 - a. Materials used for building façade may only include tinted, textured masonry block, precast concrete, tilt-up concrete panels with brick finish or stone facing, glass, stucco and external insulation finish system that simulates a stucco appearance, fiber-cement siding, metal panel systems, structural metal siding, wood siding, or smooth-faced concrete blocks.
 - b. Precast concrete must contain other materials embedded within and articulated with design detailing or have application of other building materials to create design interest.
 - c. Materials shall be non-reflective and earth-tone in color.
 - d. Examples of compliant building facades are shown in Addendum A.
- b. Screening of Accessory Equipment.
 - i. To minimize visibility from adjacent public roads and adjacent properties, ground level and rooftop accessory equipment shall be screened from public roads and streets abutting residentially zoned or planned properties. This screening may be provided by a principal building or existing vegetation that will remain on or is within a landscaping/buffer easement on an adjacent property. Accessory equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the

exterior construction of the principal building. Notwithstanding the requirements of this section, accessory equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Planning Commission, shall not be required to be screened.

- ii. Notwithstanding anything to the contrary herein, this section shall not apply to permitted accessory uses, including, without limitation, electric substations, transmission, and distribution facilities.
- c. Landscaping.
- i. A minimum of twenty (20) percent open space shall be maintained for each group of contiguous parcels within the TOZ, inclusive of undeveloped land wetlands, steep slopes, stormwater areas, or water left in undisturbed, open condition or developed as a landscaped or buffer area for buildings, streets or parking lots, areas used primarily for resource protection or recreational purposes.
 - ii. If created, individual parcels within the TOZ are required to submit a landscaping plan with a site plan.
 - iii. All landscaping shall comply with Title 10, Chapter 19.
 - iv. Required landscaping shall be maintained in perpetuity.
- d. Perimeter Buffers.
- i. All buffers shall be inclusive of required setbacks.
 - ii. All roads and utility rights-of-ways and easements are permitted to cross all TOZ buffered areas. Stormwater management features are prohibited in the buffered areas, except by a waiver approved by the Planning Commission.
 - iii. Buffer yard plantings shall be designed to minimize visual impacts from adjacent public roads and streets and properties. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid

fence, may be substituted for the above requirements when found by the Planning Commission to provide minimal visual screening from adjacent land uses.

- iv. Buffers shall be shown on the TOZ campus buffer and landscape plan and on any individual site plans when the buffer area is part of an individual lot or multiple lots for which the site plan was submitted.
- v. Minimum buffering requirements shall include the following: (1) When adjacent to residential zones, the minimum buffer area shall be two hundred (200) feet; (2) when adjacent to commercial or industrial zones, the minimum buffer area shall be one hundred (100) feet; (3) when adjacent to primary public roads, the minimum buffer area shall be one hundred and fifty (150) feet; (4) when adjacent to secondary public roads, the minimum buffer area shall be one hundred (100) feet; (5) where multiple parcels within the TOZ are included in a development master plan, buffer requirements shall not apply to internal parcel lines; and (6) where internal parcel lines intersect with perimeter parcel lines, the TOZ perimeter buffer regulations shall apply.
- e. Noise. Unless in an emergency situation, the decibel levels shall not exceed 75dB between 8:00 am to 5:00 pm, or 60dB between 5:00 pm to 8:00 am.
- f. Minimum Lot Sizes. Any division of land within the TOZ shall be a minimum of one (1) acre.
- g. Fencing. Fencing of the property shall be located inside the buffer area.
- h. Setback Requirements.

Adjacent to Primary Public Roads (more than 50 feet ROW)	150 feet
Adjacent to Secondary Public Roads (less than 50 feet ROW)	100 feet
Adjacent to Residential and Agricultural Zones	200 feet
Adjacent to Commercial or Industrial Zones	100 feet
Setbacks between buildings (may be reduced by the Planning Commission)	50 feet

- i. Building Height. No building shall exceed fifty (50) feet in height. The Planning Commission may, in its discretion, approve a building height up to eighty (80) feet. Height shall be measured from the average elevation of the finished grade at the front line of the building to the highest point of the roof.
- j. Lighting Requirements. Lighting, including during construction, shall comply with the base zoning regulations and Title 9, Chapter 3.

D. **Uses.** Any uses not expressly listed below as a permitted, conditional, or accessory use shall be prohibited.

Legend:

P = Permitted use

C = Conditional Use

A = Accessory Use

T = Temporary Use

Blank = Not permitted

Technology college, university, or technical school	P
Conference or training center	P
Data centers	P
Technology research and development facility	P
Aerospace manufacturing, sales, assembly, and associated services	P
Automotive manufacturing, sales, assembly, and associated services	P
Food processing, packaging, and manufacturing	P
Laboratory and testing services	P
Clean advanced materials manufacturing or advanced manufacturing businesses	P
Research and development	P
Concrete batch plants, materials processing equipment, and other similar uses	T
Water treatment plant	A
Sewage treatment plant	A
Elevated water storage tank or tower	A
Telecommunications tower	A
Central heating or cooling facility	A
Energy generating facility	A

Security building	A
General storage and maintenance facility	A
Structured parking	A
General office	A

E. **Definitions.**

Aerospace manufacturing, sales, assembly, and associated services. Means a company involved in the various aspects of designing, building, testing, selling, and maintaining aircraft, aircraft parts, missiles, rockets, or spacecraft. Aerospace is a high technology industry

Automotive manufacturing, sales, assembly, and associated services. Means a company engaged in manufacturing or assembling of passenger cars, trucks, or station wagons, including any person, partnership or corporation which acts for or is under the control of such manufacturer or assembler in connection with the distribution of said motor vehicles.

Central heating or cooling facility. Means chillers and cooling towers, Computer Room Air Conditioner (CRAC), Computer Room Air Handler (CRAH), air distribution system, and redundancy and backup systems needed for a data center.

Clean advanced materials manufacturing or advanced manufacturing businesses. Means a company that accelerates the adoption of innovative materials and manufacturing technologies in support of a clean, decarbonized economy.

Concrete batch plants, materials processing equipment, and other similar uses. The Planning Commission, as part of the site plan approval, may approve a concrete batch plant, materials processing equipment, or other similar temporary uses if the processing is located at least one-half mile (2,640 feet) from any existing residence or residential lot.

Conference or training center. Means a facility that accommodates groups of persons for short periods for the purposes of seminars, workshops, training, and other related activities. No overnight accommodations are provided.

Data centers. Means a building, a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems.

Elevated water storage tank or tower. Means a structurally enclosed tank that is raised above the ground to store water.

Energy generating facility. Means a facility that generates electricity for the primary use or facility by means of solar, wind, or water.

Food processing, packaging, and manufacturing. Means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a customer. This definition does not include on-site slaughter, killing, or harvesting of animals.

General office. Means office space that is no larger than 5,000 square feet.

General storage and maintenance facility. Means storage or facilities that support the main use of the property or building. General storage and maintenance facilities may not take up more than twenty five percent (25%) of the total building area.

Laboratory and testing services. Means the testing of products made at the main facility. The use of animal testing and experimentation is prohibited.

Research and development. Means the research and development of life sciences, medical, electronic assembly, or other similar uses.

Security building. Means a building containing eating and sleeping facilities for security personnel no larger than one thousand (1,000) square feet in size and may not be used as a dwelling.

Sewage treatment plant. Means the collection, treatment, and discharge of wastewater within the development.

Structured parking. Means a portion of a building that is used for parking of equipment and motor vehicles.

Technology college, university, or technical school. Means an institution authorized by the State to award associate, baccalaureate or higher degrees, and

facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college or university use.

Technology research and development facility. Means a building in which scientific research, investigation, testing, or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.

Telecommunications tower. Has the same meaning as “Telecommunication System” found in Fairfield Town Code § 12.1.140.T.

Water treatment plant. Means a facility that uses technology to treat raw or contaminated water to make it safe for use.

- F. **Prohibitions.** Any use that produces gas, smoke, odor, dust, vibration of earth, or soot that, in the opinion of the town council, will negatively impact commercial or residential areas that are currently existing or that are proposed in the Town’s general plan. Solar farms, as a primary use, shall not be permitted in the TOZ, and no solar farm, as an accessory use, shall exceed more than two (2) acres.

ADDENDUM A

(Examples of Compliant Building Facades)







Ordinance No. 2024-10, An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 5.4 Relating To The Town’s Land Disturbance Ordinance.

Dated November 20, 2024

Whereas, on June 26, 2024, the Town passed Resolution No. 2024-16 which enacted a notice of pending ordinance to amend, among other things, the Town’s soil ordinance found in Town Code § 5.3 because “the current code is inadequate ... in process procedure, and reporting for remediation of soil contaminants.”

Whereas, the Town has determined that its existing regulations do not adequately address the impacts associated with land disturbance activities.

Whereas, the Town seeks to establish comprehensive regulations to manage land disturbance activities effectively, protect natural resources, and ensure compliance with applicable state and federal environmental laws.

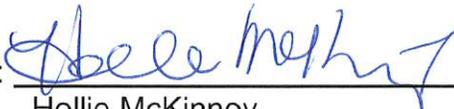
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD, UTAH:

Section 1. Text Enactment. The Town Council hereby enacts Fairfield Town Code § 5.4, as shown in **Exhibit A**.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage or posting as required by law.

Approved By The Town Council Of The Town Of Fairfield, Utah, On This 20th Day Of November 2024 By The Following Vote:

Mayor: 
Hollie McKinney

RL Panek	yes	<u>RZ</u>	no	_____
Tyler Thomas	yes	<u>TT</u>	no	_____
Michael Weber	yes	<u>MW</u>	no	_____
Richard Cameron	yes	<u>RSC</u>	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 **20th day of November 2024**.

Ordinance No. 2024-10, An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 5.4 Relating To The Town’s Land Disturbance Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **20th day of November 2024**.


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
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 **20th day of November 2024**, and herein referred to as:

SUMMARY.

An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 5.4 Relating To The Town’s Land Disturbance Ordinance.

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 21st day of November, 2024

EXHIBIT A

(Land Disturbance Ordinance)

CHAPTER 4 LAND DISTURBANCE

5.4.10. SHORT TITLE.

5.4.20. PURPOSE.

5.4.30. PERMIT REQUIRED.

5.4.40. LAND DISTURBANCE PERMITS.

5.4.50. APPEALS.

5.4.10. SHORT TITLE.

This chapter shall be known and may be cited as the "land disturbance ordinance."

5.4.20. PURPOSE.

The purpose of this regulation is to protect public health, safety, and the environment by establishing procedures and requirements for land disturbance activities within the Town. This regulation aims to prevent erosion, sedimentation, flooding, and pollution associated with land disturbance activities, and to promote responsible and sustainable land use practices.

5.4.30. PERMIT REQUIRED.

1. Permit Required: A land disturbance permit is required when a person is proposing or seeking the following:
 - a. Redirect natural channels or waterways.
 - b. A building permit.
 - c. Activities that disturb more than 5,000 square feet of land.
2. Exemptions: The following activities are exempt from the permit requirement:
 - a. Routine landscaping and maintenance that do not involve significant soil disruption.
 - b. Agricultural activities conducted in accordance with best management practices.
 - c. Emergency activities required to protect public health, safety, or welfare, provided that temporary erosion control measures are taken.
 - d. Additions or modifications to existing single-family structures.
3. Plan Approvals Required: No land disturbance permit shall be issued for any site or project requiring a site plan or final subdivision approval. The Town Engineer may waive the requirement of obtaining final site plan or final subdivision plat approval as is deemed appropriate for a particular project.

5.4.40. LAND DISTURBANCE PERMITS.

1. Application Form: The applicant shall pay all applicable fees and submit a completed Land Disturbance Permit application form provided by the Town. The application shall include:
 - a. Contact Information: Contact information for the property owner, contractor, and applicant.
 - b. Summary of Activity: A statement indicating the nature, extent, and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates.
 - c. Grading Plan: Grading plan prepared, stamped and signed by a civil engineer.
 - d. Drainage Plan: Each application for a land disturbance permit shall include a drainage plan for the proposed land disturbance activity and site. The drainage plan shall be prepared by a civil engineer and shall be prepared in accordance with the requirements and standards herein.
 - e. Stormwater Pollution Prevention Plan (SWPPP): Each application for a land disturbance permit shall include an SWPPP for the proposed land disturbance activity and site unless the site or lot is part of common plan of development that already has a UPDES/NOI permit and this permit is referenced on the application. If the site or lot is not part of the common plan of development or the builder of the lot is not the holder of the UPDES/NOI that is in place for the development then an SWPPP shall be prepared in accordance with the requirements and standards for such plans as set forth in the most current UPDES stormwater general permit.
 - f. Erosion And Sediment Control Plan: Each application for a land disturbance permit shall include an erosion and sediment control plan for the proposed land disturbance activity and site. The erosion and sediment control plan shall be prepared by a civil engineer and shall be prepared in accordance with the requirements and standards for such plans as set forth herein.
 - g. Revegetation Plan: Each application for a land disturbance permit shall include a revegetation plan for the proposed land disturbance activity and site. The revegetation plan shall be prepared by an erosion control specialist or professional of comparable expertise and shall be prepared in accordance with the requirements and standards herein.
 - h. Soils Report: Each application for a land disturbance permit shall include a soils report for the site. The soils report shall be prepared and signed by a soils engineer and shall be prepared in accordance with the requirements and standards herein.
 - i. Geological Report: When deemed necessary by the Town Engineer due to the circumstances and conditions of the site, an application for a land disturbance permit shall include a geological report for the site. The geological report, when required, shall be prepared and signed by an engineering geologist and shall be prepared in accordance with the requirements and standards herein.
2. Review and Approval of Application:
 - a. The Town Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this Chapter and best management practices. The Town Engineer may use the future American Society for Testing and Materials (ASTM) standards and various standards

- obtained in published engineering studies and industry publications as a guide for review.
- b. If the Town Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the Town Engineer. However, the applicant may be allowed to proceed with their land disturbing activity so long as it conforms to conditions established by the Town Engineer.
 - c. No development plans will be released until the land disturbance permit has been approved.
3. **Permit Duration:** Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 calendar days of issuance, or is not complete within 18 months from the date of the commencement of construction.
 4. **Notice of Construction:** The applicant must notify the Town Engineer 10 working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the Town Engineer.
 5. **Performance Bond:**
 - a. The Town Engineer may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.
 - b. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by the Town stormwater inspector that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this Chapter.
 6. **Non-Compliance:** If the site is found in violation of permit conditions, the permittee may be required to implement corrective measures immediately. Failure to comply may result in suspension or revocation of the permit, issuance of a stop work order, and/or a class C misdemeanor. Each and every day, or a portion thereof, during which any violation is committed and continued shall be considered a separate offense.

5.4.50. APPEALS.

Any person aggrieved by a decision related to the issuance, suspension, or revocation of a Land Disturbance Permit may file an appeal to the Town Administrator within 30 days of the decision.



Ordinance #2024-11 An Ordinance of the Fairfield Town Council of Fairfield Town, Utah, Amending Chapter 9 of Title 1 (Purchasing) And Adopting A Procurement Policy.

Date October 16, 2024

WHEREAS, Utah Code regulates procurement for State agencies and local governments; however, Utah Code § 63-6a-103(47) allows for municipalities to adopt “a procurement code by ordinance;” and

WHEREAS, The Town seeks to update its procurement code by removing the procurement process and procedures from the Town’s codified ordinances and adopt a procurement policy; and

WHEREAS, the Town Council finds that the subject text amendment will enhance public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE FAIRFIELD TOWN, UTAH:

SECTION 1. Text Amendment. Chapter 9 of Title 1 shall be amended as shown in **Exhibit A**.

SECTION 2. Adoption of Procurement Policy. The Town Council hereby adopts the procurement policy attached as **Exhibit B**.

SECTION 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, provisions, and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

Passed and Adopted this 16 day of October, 2024.

FAIRFIELD TOWN

Hollie McKinney
Hollie McKinney

RL Panek yes - no - Absent

Tyler Thomas yes TT no

Michael Weber yes - no - Absent

Richard Cameron yes RC no

ATTEST: Stephanie Shelley
Stephanie Shelley, Town Recorder/Clerk

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 16th day of October, 2024.



Exhibit A

Delete Chapter 9 of Title 1 in its entirety and replace with the following:

Section 1.9.10 Procurement

All procurement on behalf of the Town shall be conducted in accordance with rules and regulations adopted by the Town Council, as amended from time to time.

Exhibit B

PROCUREMENT POLICY FOR THE TOWN OF FAIRFIELD

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1. PURPOSE.

- a. This Policy establishes operational policies for the Town's purchasing process, which assure the community that goods and services required to support the operation of Town government are procured in a manner consistent with provisions of the Town's Code, State Code, Administrative Rules, and Federal laws where applicable.
- b. The Town is committed to fairness and equal opportunity with integrity and openness that results in the best value for the Town. The statements contained in this policy represent the basic intentions and goals of the Town. Nothing in this statement shall create rights or interests in third parties, impose obligations upon, or create causes of action against the Town, its officers, agents, or employees. Failure to follow the procedures set forth herein may be remedied by a Town Council determination, as defined in this policy, unless otherwise provided by law.

2. DEFINITIONS

Addendum or Amendment – Any written modification or revision to any bid document or contract document.

Bid – Unless otherwise specified, represents all forms of solicitation including, but not limited to, Request for Quote (RFQ), Invitation for Bid (IFB), Request for Proposal (RFP), and Request for Statement of Qualifications (RFSQ).

Competitive Sealed Bidding – A process in which vendors are invited to submit formal sealed bids to provide a designated product or to complete a designated project in accordance with specifications provided by the Town.

Commodity – Goods or services.

Contract – All types of Town agreements, regardless of what they may be called, for the purchase or disposal of real or personal property, goods, or services.

Cooperative Procurements – The combining of requirements for two or more purchasing units outside the Town, in order to obtain the benefits of volume purchases and/or reduction in administrative efforts and costs.

Emergency Purchase – A purchase that must be made quickly that would not be practical to go through the procurement process. Failure to anticipate a need or situation created by improper planning or negligence is not to be considered an emergency.

Declared Emergency – Emergency or disaster situation where the need for response exceeds all capabilities. A condition that requires emergency assistance to save lives and/or to protect property, public health and safety, and to reduce the threat and effects of a disaster. A Declaration of Emergency is necessary to access specified extraordinary powers considered necessary to prevent, respond to, or alleviate the effects of the emergency or disaster.

Designated Councilmember - The person designated by the Town Council to ensure compliance with the purchasing policy.

Good – A tangible product that is not money or real estate. The term “Good” shall be interchangeable with the terms “supply,” “merchandise,” “product,” “material,” “item,” “personal property,” etc., for the purpose of this policy.

Immaterial Error – An irregularity or abnormality that is a matter of form that does not affect substance, or an inconsequential variation from a requirement of a solicitation that has no, little, or trivial effect on the procurement process and that is not prejudicial to other vendors.

Informal Quote – A process in which requests for a quote are sent directly to vendors to obtain pricing from any authorized buyer for the Town.

Insufficient Response

1. Where one (1) less response is received to any Invitation for Bid (IFB), Request for Proposal (RFP), or Request for Statement of Qualifications (RFSQ), or
2. Where two (2) or fewer quotes are received in response to an RFQ.

Intent to Negotiate – Component of a competitive bidding process involving negotiating terms and conditions with multiple potential vendors before contract award.

Invitation for Bid (IFB) – A solicitation process where bids are solicited from potential vendors. The term “Invitation for Bid” shall be interchangeable with the term “Request for Bid” for the purpose of this policy. IFBs shall be generally used for construction projects.

Noncompetitive Purchase – The purchase of a good or service directly from a supplier without a competitive process.

Professional Services – Means labor, effort, or work that requires an elevated degree of specialized knowledge and discretion, including but not limited to labor, effort, or work in the field of:

- Accounting
- Architecture
- Artistic endeavors
- Construction design and management
- Engineering
- Financial services
- Information technology
- Insurance
- Law
- Lobbying
- Medicine
- Mental health services
- General Plan Planning
- Underwriting
- Software

Project Manager (PM) – The person designated by the Town, who is in charge of managing a specific purchase or project.

Protestor – One who has standing to file a protest to challenge the award or proposed award of a contract for the procurement of goods and services.

Purchasing – The process of buying, procuring, renting, leasing, or otherwise acquiring any commodity. The term “purchasing” shall be interchangeable with the term “procurement” for the purpose of this policy. It also includes all functions that pertain to the obtaining of any commodity, including:

1. Description of requirements;
2. Selection and solicitation of bids, proposals, qualifications, or quotes;
3. Preparation and award of contract; and
4. All phases of contract administration

Purchasing Officer – The Town Administrator or designee. The purchasing officer shall oversee the Town’s purchasing functions and ensure purchases align with this policy.

Purchasing Tools – The Town’s preferred methods of advertising and hosting solicitations.

Related Party – Any party, whether an individual, corporation, partnership, association, limited liability company, or any other form of business association or entity whatsoever related to any vendor by blood, marriage, ownership, or contract within the first degree of consanguinity, through which the party has a relationship of ownership, or other interest with the vendor, so that the party will actually, or by effect, receive or control a portion of the benefit or profit.

Request for Information (RFI) – A solicitation process where written information, comments, or suggestions are requested from potential vendors. An RFI is not a bid process resulting in a purchase or contract.

Request for Proposal (RFP) – A solicitation process where proposals are solicited from potential vendors.

Request for Quote (RFQ) – A solicitation process where signed quotes are obtained from potential vendors. RFQs shall generally be used when purchasing goods.

Request for Statement of Qualifications (RFSQ) – A solicitation process where qualifications are solicited from potential vendors.

Responsible Bidder – A vendor who has the capability in all respects to fully perform the agreement requirements and is determined to have the experience, integrity, reliability, capacity, facilities, equipment, and credit that will assure good faith performance. The term “Responsible Bidder” shall be interchangeable with the term “Responsible Vendor” for the purposes of this policy.

Responsive Bidder – A vendor who has submitted a bid that conforms in all material respects, including exceptions, to the requirements set forth in the RFQ, IFB, RFP, or RFSQ.

Sole Source Procurement – A situation where a service, product, or requirement is available only from a single vendor. Examples of circumstances that may necessitate sole source purchase include:

1. The Town needs a supply or service of a unique or specialized nature, and only one known vendor is available to meet the need.

2. Specific parts, accessories, equipment, materials, services, proprietary commodities, or other commodities are necessary to meet the Town's needs, and there are no comparable commodities available.

Service – Any effort, labor, or work performed that is beneficial to the Town. It includes Professional Services but does not include labor, effort, or work provided under an employment agreement.

Specification – Any description of the physical or functional characteristics or nature of a commodity. It may include, but is not limited to, a description of any requirement for inspecting, testing, or preparing a commodity for delivery.

Standing – To have suffered an injury or harm or to be about to suffer imminent injury or harm if:

1. The cause of injury or harm is:
 - a. An infringement of the protestor's own right and not the right of another person who is not a party to the purchase; and
 - b. Reasonably connected to the Town's conduct; and
 - c. The sole reason the protestor is not considered, or is no longer considered, for an award of a contract for the purchase that is the subject of the protest; and
2. The protestor has the legal authority to file the protest on behalf of the actual or prospective bidder or prospective contractor involved in the procurement that is the subject of the protest.

Substantial Savings – Savings of considerable size or amount of value and/or time.

Vendor – Any person or entity who does business with the Town or is seeking to enter into a contract with the Town, other than as an employee or volunteer, whether by purchasing, selling, constructing, or providing services or commodities. This includes a bidder, offeror, or approved vendor. The term "Vendor" shall be interchangeable with the terms "Bidder," "Provider," "Contractor," "Consultant," etc., for the purpose of this policy.

3. PROCUREMENT GUIDELINES

a. Monetary Limits

- i. This policy establishes the following monetary limits and methods of competitive purchasing. Except as otherwise allowed in this policy, the Town shall conform to the following limits:
 1. *Small Purchases.* Purchases between \$0 and \$4,999.99 may be made with the Purchasing Officer's approval, with or without competitive sealed bids, proposals, or quotes. The Purchasing Officer shall take reasonable steps to ensure fair pricing.
 2. *Large Purchases.*
 - a. Purchases between \$5,000.00 and \$49,999.99 – Shall be made only after:
 - i. Soliciting at least three (3) RFQs;
 - ii. Completing the competitive sealed bidding process, or
 - iii. Completing a non-competitive purchasing process as allowed under this policy.
 - b. The Purchasing Officer, in consultation with the Designated Councilmember, may award a contract for a large purchase previously budgeted by the Town Council without the approval of the Town Council. The Purchasing Officer shall seek approval from the Town Council prior to a large purchase not budgeted or prior approved by the Town Council.
 3. *Capital Purchases.* Purchases exceeding \$50,000.00 shall be made only after completing a competitive sealed bidding process unless they are non-competitive purchases.
- ii. Subdividing contracts, purchases, or professional services for the purpose of evading the requirements for RFQs or competitive sealed bidding is prohibited.
- iii. Recurring purchases that exceed a cumulative \$50,000.00 in a twelve (12) month fiscal period shall be made only after completing the competitive RFQ process or sealed bidding process.

b. Duration of Bid

- i. The bid period for IFBs, RFPs, and RFSQs shall be no less than five (5) business days, unless otherwise required by State or Federal law. Bid periods should take into account the overall size and complexity of the project, the project schedule, and the current bidding climate.
- ii. The question and answer period shall not close less than one business day prior to the bidding deadline.
- iii. If an addendum is released, the bid shall not close within 48 hours or two business days. An extension of the bidding deadline may be required.

c. Competitive Sealed Bidding and Proposals

- i. Any purchase may go through the competitive sealed bidding method, but purchases of \$50,000.00 or more are required to go through the competitive sealed bidding process unless they are non-competitive purchases.
- ii. Bids and proposals shall be received in a sealed manner and not opened until the time established in the formal solicitation. This may be done electronically if the Town's preferred purchasing tool allows.

d. Bidding Guidelines

- i. The following additional bidding guidelines apply to all RFQs, IFBs, RFPs, and RFSQs released by the Town:
 - 1. *Receipt of Bids* – Bid proposals and quotations shall not be accepted or received after the time set in the bid documents.
 - 2. *Withdrawal of Bids* – Bids or proposals may be revised, modified, or withdrawn by the potential vendor at any time prior to opening. Any such revision, modification, or withdrawal shall be in writing to the Purchasing Officer. After the bids are opened, they shall be irrevocable for the period specified in the bid documents. Correction or withdrawal of erroneous bids after opening, or cancellation of awards or contracts based on such bid mistakes, shall not be permitted except as authorized elsewhere in this policy or as stated in the bid documents.
 - 3. *Relief due to Computation Error* – Any potential vendor who seeks to withdraw or modify a bid because of a computational error shall notify

the Purchasing Officer no later than 24 hours following the bid closing, unless specified otherwise in the bid documents. The potential vendor shall provide worksheets and other information as appropriate or required by the Town to substantiate the claim of error. Failure to do so may bar such relief. The decision(s) to permit corrections or withdrawals of bids after the bid has been opened will be made by the Purchasing Officer, upon consultation with the Town Attorney.

4. *Immaterial Errors* – The Purchasing Officer, in consultation with the Town Attorney, may allow a vendor to correct an immaterial error in response to a solicitation process but may not allow a vendor to do any of the following after the bid has closed:
 - a. Correct any deficiency, inaccuracy, or mistake in a solicitation response that is not an immaterial error;
 - b. Correct incomplete submission of documents required in the solicitation;
 - c. Correct a failure to submit a timely solicitation response;
 - d. Substitute or alter a required form or other document specified in the solicitation;
 - e. Remedy a cause for a vendor being considered to be not responsible or a solicitation response not responsive; or
 - f. Correct a defect or inadequacy resulting in a determination that a vendor's solicitation response does not meet the mandatory minimum requirements of evaluation criteria.

Immaterial errors may be corrected by a vendor if responses are received within the timeline specified by the Purchasing Officer. Written documentation supporting the reason for allowing the correction will be placed in the purchasing file.

5. *Tie Bids/Proposals/Quotes* – In the event two or more bids, proposals, or quotes are equal in evaluation criteria and price, and are submitted by responsive and responsible vendors, the Purchasing Officer, after consultation with the Project Manager and the Purchasing Officer, may negotiate with the bidders and obtain the best bid possible.

6. *Clarifying Information* – After a bid has closed, the Purchasing Officer may, at any time, make a written or verbal request to a vendor to clarify information contained in a responsive solicitation response. Vendors shall respond in writing or verbally within the time frame established by the Purchasing Officer. A vendor’s response to a request for clarification under this policy:
 - a. May only explain, illustrate, or interpret the contents of the vendor’s original solicitation response;
 - b. May not be used to address criteria or specifications not contained in the vendor’s original solicitations response; and
 - c. May not be used to correct a deficiency, inaccuracy, or mistake in a solicitation’s response that is not an immaterial error as identified elsewhere in this policy.
 - d. Any information requested and received must be made part of the purchasing file.
7. *Non-Disclosure and Conflict of Interest Requirement* – All participants involved in the selection and awarding process of any RFP or RFSQ must sign a Non-Disclosure and Conflict of Interest Agreement specific to the RFP or RFSQ. This form is in addition to any general non-disclosure agreements and conflict of interest disclosures required by the Town.
8. *Non-Responsive Bids* – The Purchasing Officer, in consultation with the Town Attorney, may reject any bid or proposal which is materially non-responsive to the requirements set forth in the bid documents. The rejection reason shall be made part of the purchasing file.
9. *Cancellation and Rejection of Bids* – An RFQ, IFB, RFP, or RFSQ may be canceled at any time or may be rejected in whole or in part as specified in the solicitation if it is in the best interest of the Town. Any cancellations or rejections can be made at the reasonable discretion of the Purchasing Officer responsible for the purchase, upon consultation with the Town Attorney. The cancellation reason shall be made part of the purchasing file. Any RFQ, IFB, RFP, or RFSQ may be canceled prior to the award at the Town’s discretion. If the Town decides after cancellation to re-solicit a bid, the re-solicitation shall not be made for the purpose of directing the award to a particular vendor.

10. *Right to Disqualify* – The Town reserves the right to disqualify any vendor or subcontractor as stated in this policy. The Town also reserves the right to review and consider all subcontractors individually when hired by a general contractor and consider their qualifications as outlined in this policy. The Town reserves the right to deny any bids with or without cause. All disqualifications will be approved by the Purchasing Officer, upon consultation with the Town Attorney.
11. *Determination of a Non-Responsible Vendor* – Written determination of a non-responsible vendor shall be made in accordance with this section. The unreasonable failure of a vendor to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to the vendor's bid or offer. After reasonable notice to the person(s) involved, the Purchasing Officer or Project Manager, in consultation with the Town Attorney, Purchasing Officer may disqualify a vendor from consideration for the award of a contract. The determination of non-responsibility shall be made in writing to the Purchasing Officer and will be made part of the purchasing file.
12. *Confidential Information* – If a contractor or vendor believes any information in a proposal or bid should be held confidential for business reasons, the contractor or vendor must submit a written claim of business confidentiality for that particular information with the reasons supporting the claim. Otherwise, all information submitted in a proposal becomes public information and may be requested in accordance with the Government Records Access and Management Act (GRAMA).
13. *Ineligibility* – In addition to all other remedies permitted by law, the Purchasing Officer, in consultation with the Town Attorney, may declare a potential vendor ineligible to bid on Town purchases and public service contracts for a period not to exceed three (3) years in circumstances identified in this Section. In such circumstances, the Purchasing Officer must submit written support for the determination of ineligibility. The Town shall take all reasonable steps to declare a potential vendor ineligible before a bid/proposal is submitted but may declare a potential vendor ineligible after a bid has been submitted. A potential vendor may be declared ineligible for any of the following grounds:
 - a. Two or more claims of computational errors in bid submissions within a two (2) year period;

- b. An unjustified refusal to provide or execute contract documents;
- c. Unsatisfactory performance of a contract;
- d. Unjustified refusal to perform or complete contract work or warranty performance;
- e. Unjustified failure to honor or observe contractual obligations or legal requirements pertaining to the contract;
- f. Conviction under state or federal statutes for fraud or bribery;
- g. Theft, falsification, or destruction of records;
- h. Receiving stolen property or any other similar crimes;
- i. Offense indicating a lack of business integrity which would directly affect the reliability and credibility of the performance of such a vendor with future contracts with the Town;
- j. Not a responsible bidder or vendor

4. COMPETITIVE PURCHASING PROCESSES

a. Request for Information (RFI)

- i. An RFI is a solicitation method used to obtain information, comments, or suggestions from potential bidders or vendors before issuing an Invitation for Bid (IFB), Request for Proposal (RFP), or Request for Statement of Qualifications (RFSQ). An RFI can be useful to prepare to issue an IFB, RFP, or RFSQ for an unfamiliar or complex purchase or in other instances identified in this section. Each RFI will be released through the Town's preferred purchasing tool for any specified period determined reasonable to gather the requested information.
- ii. An RFI is NOT a purchasing process and may not be used to:
 1. Solicit cost, pricing, or rate information;
 2. Negotiate fees;
 3. Make a purchase; or
 4. Enter into a contract.

- iii. A response to an RFI is not an offer and may not be accepted to form a binding contract.
- iv. An RFI may seek a wide range of information including, but not limited, to:
 - 1. Availability of a purchasing commodity;
 - 2. Delivery schedules;
 - 3. Industry standards and practices;
 - 4. Product specifications;
 - 5. Training;
 - 6. New technologies;
 - 7. Capabilities of potential vendors of a purchasing commodity; and
 - 8. Alternative solutions
- v. The Town may use the information obtained through the RFI process in other bid processes required by this policy. The information may not be used as an alternative to following this policy.

b. Informal Quote

- i. Any purchase between \$0 and \$4,999.99 may be made utilizing the Informal Quote process. Informal Quotes are not required but encouraged to ensure competitive pricing is received by the Town. Requests for Informal Quotes should be sent to three vendors via phone call, email, fax, or any other method to obtain pricing by an authorized buyer for the Town. Documentation is not required by the Purchasing Officer (unless a purchase order is requested), but the Purchasing Officer should keep records as needed to support the purchase.

c. Request for Quote (RFQ)

- i. Any purchase between \$5,000.00 and \$49,999.99 shall be made utilizing this RFQ process, other competitive bidding option, or non-competitive process as allowed under this policy. An RFQ must comply with the following policies and procedures:
 - 1. An RFQ must be sent to a minimum of three (3) vendors with the request that the vendor send a written quote with pricing by the timeframe identified in the solicitation.
 - 2. A minimum of two (2) quotes are required to be received by the established timeframe or the purchase must go through a competitive

sealed bidding process, or other process allowed for elsewhere in this policy. A vendor declining to submit a quote qualifies as a received quote.

3. A public notice for an RFQ is not required.
4. Selection and awarding will be based on the vendor with the lowest cost, who is responsive to requirements in the RFQ documents without material exception, and who is responsible and capable of providing the commodities or services to be purchased.
5. All documentation for Requests for Quotes must be recorded and filed by the Purchasing Officer prior to awarding the quote.
6. The received quote(s) shall be signed by an individual who has the authority to bind the company (vendor) to pricing submitted.
7. Quote documentation will be attached to the Purchase Order or Contract.

d. Invitation for Bid (IFB)

- i. Invitation for Bid (IFB) may be used when the lowest price is the primary factor for awarding a bid. Each IFB shall be commenced by the Purchasing Officer and must include specifications and all contractual terms and conditions applicable to the purchase. An IFB shall be submitted through the Town's preferred purchasing tool. At least two responses are required. A vendor declining to submit a quote qualifies as a received quote.
- ii. Specifications should seek to promote the overall economy and best use for the purposes intended, encourage competition, and should not be unduly restrictive.
- iii. Evaluation Process is limited to cost, determination of responsiveness, and compliance with the specifications and conditions specified in the bid documents, and the responsibility of the potential vendor.
 1. Negotiations are not permitted.
 2. This method does not permit comparison of the relative specifications of competing potential vendors, but only comparison to the specifications contained in the bid documents, unless explicitly stated in the IFB.
- iv. Awards shall be made to the potential vendor offering the lowest cost who is responsive to the requirements of the bid documents, without material

exception, and who is responsible and capable of providing the commodity or commodities to be purchased.

e. Request for Proposal (RFP)

- i. A Request for Proposal can be used whenever detailed specifications cannot be determined, whenever several possible methods may satisfy the Town's requirements, or whenever the nature of the requirements is such that subjective evaluation of criteria other than cost is necessary. An RFP shall be submitted through the Town's preferred purchasing tool.
- ii. Specifications – This method can be utilized when definite specifications cannot be determined in advance, when a scope of work is required which makes comparison of competing proposals relative to each other appropriate, or when it is in the best interest of the Town to have a vendor design a public improvement. Specifications shall seek to promote the overall economy and best use for the purposes intended, encourage competition, and shall not be unduly restrictive.
- iii. Two-step awards – When it is considered impractical to prepare initially a purchase description to support an award based on price, an RFP may be issued requesting the submission of unpriced offers to be followed by an Intent to Negotiate price and key contract terms.
- iv. Objective and subjective criteria may be used in the evaluation of competing proposals. Within the RFP it shall state the relative importance of cost and other evaluation factors (experience, qualifications, references, etc.), including the quantitative basis (weight of each factor) for evaluation.
- v. Evaluation Process – Determination of responsiveness and compliance with specifications and conditions specified in the bid documents and of the responsibility of the potential vendor.
 1. All RFP evaluations/awards shall be made by a selection committee comprising no less than three (3) members selected by the Project Manager.
 2. No criteria may be used in an RFP evaluation that was not set forth in the RFP.
 3. Discussions are permitted with responsive and responsible vendors who submitted proposals determined to have a reasonable chance of being

selected, in order to clarify and assure full understanding of and conformance to the solicitation requirements.

4. Revisions and modifications are permitted at the request of the Town with responsive and responsible vendors who submitted proposals.
 5. Information taken from proposals received may be disclosed consistent with Town policy and applicable laws.
- vi. Awards shall be made to the highest-scoring responsive and responsible vendor based on the criteria established in the RFP documents.
1. A recommendation memo and all documentation must be sent to the Purchasing Officer prior to the award and placed in the purchasing file.

f. Request for Statement of Qualifications (RFSQ)

- i. A Request for Statement of Qualifications is used when deemed appropriate by the Town. Potential vendors must be pre-qualified for particular types of supplies, services, and construction. An RFSQ shall be submitted through the Town's preferred purchasing tool. Qualified vendors will receive notice and opportunity to submit competitive pricing to the Town when the Town requires the goods or services the vendor is qualified for. Non-qualified vendors will not be considered.
- ii. Specifications:
 1. RFSQs shall not include any items regarding cost, pricing, or hourly rates.
 2. RFSQs shall include the following:
 - a. Factors related to the particular types of supplies, services, and construction deemed necessary;
 - b. Time frame of the pre-qualification, specific expiration date of the pre-qualification, and any options for renewal;
 - c. Specific requirements or qualifications that a potential vendor must possess to be considered qualified;
 - d. Any limitation to the number of potential vendors the Town may pre-qualify; and

- e. Information regarding the selection process.
- iii. Evaluation Process – Determination of responsiveness and compliance with the specifications and conditions specified in the bid documents, and of the responsibility of the potential vendor.
 - 1. All evaluations/awards will be made by a selection committee of no less than three (3) individuals selected by the Project Manager.
 - 2. No qualification or criteria may be used in the evaluation process that is not identified in the RFSQ.
- iv. Selection – The selection process will be based on a vendor’s responsiveness to the qualifications set forth in the RFSQ. Vendors will be determined to be qualified vendors or will be placed on an approved vendor list as specified in the RFSQ.
 - 1. A recommendation memo from the selection committee and all documentation must be sent to the Purchasing Officer prior to award and placed in the purchasing file.
- v. Selection Process
 - 1. RFSQs may be followed by an IFB or RFP released to qualified vendors through the Town’s preferred purchasing tool unless otherwise stated below.
 - 2. Approved vendor lists: If explicitly stated in the RFSQ the Town may decide to establish a fair and equitable system that allows for equal opportunity among qualified vendors if in the best interest of the Town. Examples include but are not limited to:
 - a. RFQs;
 - b. A random selection, or as otherwise designed and designated in the RFSQ;
 - c. A random selection from the pool of pre-qualified contractors for emergency purchases.
 - 3. An RFSQ and selection of qualified vendors does not constitute an exclusive agreement that would prevent the Town from submitting an IFB or RFP to any and all potential vendors if in the Town’s best interest.

4. Except as noted above, all other bid guidelines and processes set forth in the policy apply to the prequalification process.
5. Vendors shall either be continually allowed to qualify for an approved vendor list or a new RFSQ will occur at least every 36 months.

5. CONSTRUCTION PROJECTS

- a. Contracts and noticing for Town construction projects shall comply with this chapter as well as any applicable Federal and State law, including Utah Code §§ 10-7-20.5, 10-7-86, 11-39-103, and 14-1-18 through 20.
- b. The Town may utilize as many alternative methods of construction contracting and management as the Town determines to be in its best interest, including, but not limited to, Design-Bid-Build, Design-Build (DB), Construction Manager-General Contractor (CMGC), Best Value Contracting, *etc.*

6. NON-COMPETITIVE PURCHASING PROCESSES

The competitive purchasing requirements of this policy need not be followed in the following circumstances:

- a. **Federal or State Funds** – In cases where federal or state funds/grants are being used and federal or state purchasing laws or procedures govern the types of goods or services being procured, the Town shall follow the applicable federal or state purchasing law or procedures in lieu of the procedures set forth in this policy.
 - i. The federal or state fund/grant documentation and proof of compliance (quotations, ads, language, Davis-Bacon, minority- or women-owned businesses, etc.) must be included with the requisition or contract.
- b. **State Contract** – The Purchasing Officer may procure without competitive bids any supplies or services which are the subject of contracts with the State of Utah, as set forth in Utah Statute.
 - i. The State contract number and information for the purchase shall be included in the requisition and sent to the Purchasing Officer prior to the purchase.

- ii. The Purchasing Officer must make sure that the purchase complies with all aspects and terms stated in the State contract, as failing to follow the instructions will void the use of the State contract.
- iii. In the event that a State contracted vendor is unable to fulfill the contract in a reasonable time frame, the Purchasing Officer may purchase from another potential vendor willing to honor all aspects of the State contract. All of the following provisions must be followed before the Town can purchase using a State contract:
 - 1. Written documentation must be obtained and sent to the Town Purchasing Officer from the State Purchasing Officer (or designee) over the contract confirming the delay and any suggestions made for purchasing through the existing contract or another existing contract;
 - 2. Written documentation must be obtained and sent to the Town Purchasing Officer from the potential vendor willing to honor and accept all conditions of the state contract signed by an individual authorized to bind the company to the agreement;
- iv. If a vendor offers a commodity at a price less than a vendor with a state contract, the purchase can be made without going through the competitive bidding process. The Project Manager shall provide the Purchasing Officer with a copy of the state contracted price along with the invoice from the vendor offering a lower price.
- v. The Purchasing Officer purchasing under a State contract will also provide a memo and documentation detailing the event and why the purchase is needed to the Purchasing Officer.
- c. **Utah Intergovernmental Contracts** – The Purchasing Officer may procure, without competitive bids or proposals, supplies, and services which are the subject of vendor contracts with other government agencies located in the state of Utah. The valid contract between the vendor and the government agency must contain a clause that specifically allows use by other government agencies.
 - i. The Purchasing Officer shall submit a copy of the bid documents and contract from the local agency to the Purchasing Officer, along with a memo and documentation supporting why normal competitive bidding requirements should be bypassed.

- ii. The bid document, contract, memo, and other relevant documentation must be attached to the requisition.
- d. **Utah Intergovernmental Agency** – The Purchasing Officer may procure goods and services without competitive bids, when goods and services may be provided directly by other governmental agencies located in the state of Utah.
- e. **Purchasing Cooperatives** – The Town may join with federal, state, or local governments, or with special districts, school districts, and other such similar agencies in purchasing goods and services as a cooperative as long as the cooperative meets or exceeds Town purchasing policy.
 - i. Entering into a purchasing cooperative must be pre-approved by the Town Council.
 - ii. All purchases must be approved by the Purchasing Officer.
 - iii. A copy of the cooperative contract shall be submitted with the other documentation to the Purchasing Officer.
- f. **Professional Services** – Contracts for professional services reasonably expected to cost less than \$50,000.00 per project may be awarded at the discretion of the Town Council.
- g. **Insufficient Response** – In an instance where there are insufficient responses to an IFB, RFP, or RFSQ, the Purchasing Officer may elect to re-release the IFB, RFP, or RFSQ or bypass the competitive bidding process. If the Purchasing Officer elects to bypass the competitive bidding process set out in this policy, written documentation shall be provided to the Town Council.
- h. **Engineering and Architectural** – Contracts for architectural and engineering services shall be made by selecting the most highly qualified provider of those services based on demonstrated competence and qualifications. The Purchasing Officer shall document and outline the reasoning for selecting the service provider.
- i. **Emergency** - Notwithstanding other provisions of this policy, purchases may be made in emergencies by the Purchasing Officer in instances where the purchase could not reasonably have been made pursuant to this policy, provided that purchases shall be made with as much competition as practical under the circumstance.

- i. Within two (2) business days after the purchase, the Purchasing Officer shall provide a signed written statement to the Town Council setting out in reasonable detail the purchase, price, cause, and basis for the emergency. The Town Council will review the statement for compliance.
- ii. A copy of the statement shall be included in the purchasing file.
- iii. Failure to anticipate a need or situation(s) created by improper planning or negligence is not to be considered an emergency unless such failure creates an imminent risk to public health and/or safety.
- j. **Declared Emergency** – Under a declared local “state of emergency,” the Town Council spend money for the acquisition of goods and services, as long as deemed necessary and in the best interest of the Town, to provide emergency-related response initiatives and activities. The initial term of any contract resulting from an emergency procurement may be for no longer than thirty (30) days.
- k. **Sole Source** – In the event a Purchasing Officer determines commodities or services meet the definition of a sole source procurement listed in this policy, the Purchasing Officer shall submit written notification to the Town Recorder with documentation supporting the determination. This documentation shall include all research and steps taken to verify that the purchase meets the definition of sole source procurement.
 - i. To establish sole source, the Purchasing Officer may take the following steps:
 1. A notice containing the purchase may be posted for at least three business days using the Town’s preferred purchasing tools stating that the Town intends to award a contract without competition. The notice invites any companies who believe they can provide the goods and services to contact the Purchasing Officer within the specified time frame stated in the notice.
 2. If there are no companies that respond to the notice within the given time frame, the purchase may be deemed as a sole source.
 3. If a company can demonstrate they can provide the goods or services, the Town will then follow the competitive bidding guidelines established in this policy.
 4. Alternatively, the Purchasing Officer may provide a signed statement from the company proposing to provide the goods and services that they

are the sole source for that good or service. The statement must be signed by an authorized representative of the company.

- l. **Superior or More Suitable Products** – If a Purchasing Officer determines a product significantly surpasses similar competing products in terms of quality, serviceability, or longevity, or that such product is better suited to the needs of the Town to lower costs of inventory or to maintain compatibility with existing Town-owned equipment, the Town Manager may grant an exception based on the criteria described above.
- m. **Town Council Determinations** – The Town Council may, by Resolution, authorize any purchase without complying with the provisions of this policy.
 - i. Documentation of the Town Council’s decision shall be placed in the purchasing file and must be attached to the requisition or contract.
- n. **Special Opportunity** – Where substantial and quantifiable savings will be realized in the purchase of commodities, or non-professional or professional services, a Purchasing Officer may bypass competitive bidding or the RFQ requirements set out in this policy by following the procedures outlined below, provided other applicable provisions of this section are met before the purchase is made. Coupons, promotional codes, or discount programs cannot be used to recognize substantial savings.
 - i. The Purchasing Officer shall, in his or her reasonable discretion, obtain offers from competing services in a manner most likely to meet the purpose of this section; and
 - ii. The Purchasing Officer shall disclose the proposed purchase in a signed written memorandum to the Town Council setting out in reasonable detail the reason the purchase is recommended, the reason normal purchasing procedures are not recommended, the efforts made to obtain competitive offers, and the proposed savings; and
 - iii. A copy of the signed memorandum shall be made part of the purchasing file.
- o. **Compatibility, Parts, Training** – A Purchasing Officer may procure without competitive bids equipment and supplies which, by reason of the training of Town personnel who service such equipment, or which is an addition to or for the repair or maintenance of equipment owned by the Town which may be more efficiently added to, repaired, or maintained by a certain brand, person, or firm.

In such cases the Purchasing Officer shall submit written documentation to the Purchasing Officer.

- p. **Utility Services and Impact Fees** – A department may procure without competitive bids the usage of any utility or the work by utility companies to install their services, such as water, electricity, gas, sewer, cable, telephone, and broadband, except when alternative supplies or services are available. Impact fees are also exempt from the bidding process.
- q. **Miscellaneous** – Procurements that, by their nature, are not adapted to award by the competitive bid process may be procured without competitive bid, as identified below in this section. In such cases, the Purchasing Officer shall submit written documentation to the Town Council. Listed below are specific qualified purchases that are allowed because competitive processes are impractical and not in the best interest of the Town:
 - i. Legal services or lobbying, including, but not limited to, legal counsel, expert witnesses, hearing officers, special counsel, *etc.*;
 - ii. Insurance;
 - iii. The publication of legal notices, ordinances, resolutions, and other legal advertising;
 - iv. Water or irrigation shares;
 - v. The private placement of bonds, tax anticipation notes, or other instruments of indebtedness, including credit ratings. Financial advisors are excluded from this exception;
 - vi. The purchase of non-software subscriptions, magazines, books, trade journals, reference works, periodicals, examination or testing materials, and similar articles of an educational, informational, or instructional nature that are relevant to the duties of Town employees;
 - vii. Goods, materials, supplies, and services utilized by the Town Recorder or the Town for purposes of performing duties in regard to elections;
 - viii. Goods and services purchased for authorized resale;

- ix. Memberships, certifications, trainings, or any costs associated with accreditations required or relevant to the duties of Town employees which are in the best interest of the Town;
- x. Drug testing, employee physicals, and fitness-for-duty evaluations;
- xi. Realtors, acquisition agents, appraisers, or title work for Town purposes;
- xii. Musical performers, promoters, agents, entertainers, staging, lighting, and sound services, and license holders for Town events;
- xiii. Acquisition of art and artistic services, including but not limited to paintings, sculptures, photographs, photography services, floats, video productions, and artistic performances. For purposes of this policy, architectural services are not classified as art;
- xiv. Advertising in various forms, including social media platforms, radio, billboards, print media, digital media, job boards, media websites, recruitment agencies, etc.;
- xv. Security – Security services meant to protect town infrastructure and data/information;
- xvi. Purchase of specialized animals.

7. ADDITIONAL GUIDELINES

- a. **Construction Project Awards** – In the event that the lowest responsive and responsible bid for a construction project exceeds available funds, and the bid does not exceed such funds by more than ten percent (10%), the Purchasing Officer is authorized in situations where time or economic considerations preclude solicitation of work of a reduced scope, to permit the negotiation and adjustment of the bid price, and changes in the bid requirements, with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds.
- b. **Performance and Bid Bonds** – Performance and bid bonds may be required to protect the best interests of the Town. The nature, form, and amount of such bonds shall be determined by the Project Manager, along with the Purchasing Officer, and shall be described in the IFB, RFP, or RFSQ.

- c. **Vendor Performance/Evaluation** – The Project Manager shall document unsatisfactory performance by the vendor with a post project evaluation and send a copy of the documentation to the Purchasing Officer to be filed with the vendor records.
- d. **Payment** – Vendors that performed work for the Town must submit an invoice to the Town upon completion, unless prepayment options have been agreed upon by contract.
- e. **Disclosure of Information** – Unauthorized disclosure of information pertaining to any bid, purchase, contract, or any other agreement is prohibited except as allowed under the Utah Governmental Records Access Management Act (GRAMA). Such disclosures by public officers or employees shall be considered cause for disciplinary action consistent with the Town’s policies and procedures and may result in corrective remedies as indicated in the Remedies section of this policy.
- f. **Period of Time Contracts** – Unless otherwise provided by law, a contract for supplies or services that through any combination of renewals exceeds five (5) years, will need to be approved by the Town Council based on the best interests of the Town; provided that the term of the contract and conditions of renewal or expansion, if any, are included in the solicitation, and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds. This does not apply to the design or construction of a facility, road, or public transportation project or to the financing of equipment. Purchases of software and financial services by the Town are exempted from the five year contract limitation due to significant investment of time and resources required for these purchases.
- g. **Extension of Contracts** – The Purchasing Officer may extend an existing contract without engaging in a standard procurement process for a period of time not to exceed 120 days if:
 - i. An extension of the contract is necessary to:
 - 1. Avoid a lapse in a critical government service; or
 - 2. To mitigate a circumstance that is likely to have a negative impact on public health, safety, welfare, or property; and

- ii. The Town is engaged in a standard procurement process for a procurement item that is the subject of the contract being extended; and
 - iii. The standard procurement process is delayed due to an unintentional error.
- h. **Records** – Procurement records shall be maintained in accordance with the Town’s Retention Schedule. All contracts and required documents must be submitted to the Town Recorder prior to the execution of the contract.
 - i. **Collusion** – Any agreement or collusion among potential vendors is deemed to be contrary to the best interest of the Town. Any agreement to bid a fixed price or other similar actions among prospective vendors shall render the response of such vendors void.
 - j. **Kickbacks and Gratuities** – Individuals, or family members of an individual, are prohibited from seeking or receiving gratuities or kickbacks as compensation for preferential treatment as defined in Town policy, Town code, and State code (63G-6a-2404, 67-16-5 through 67-16-6).
 - k. **Personal Purchases** – Procurement of goods and services ordered on Town credit or paid for by the Town which is for the personal use of an official or employee of the Town shall not be delivered, or if delivered, shall be void or voidable at the Town’s option. Such personal procurements shall not be permitted and shall be considered cause for disciplinary action. Due to the tax-exempt status of the Town, Town officers and employees may not purchase goods or services for personal use from suppliers on a Town account.
 - l. **Participation by Bidder Who Supplies Specifications** – A person other than a Town employee who has prepared specifications used substantially by the Town in determining from which bidder or proponent it wishes to purchase goods or services may participate in a bid or proposal procurement where the Purchasing Officer determines that such participation will be in the best interest of the Town.

8. PROTESTS AND APPEALS

- a. **Written Protest** – Any person who has standing and is aggrieved in connection with a purchase or an award of a contract may protest the purchase by filing a written statement with the Town Recorder, which will be forwarded to the Purchasing Officer.

- i. Filing a Written Statement – The written statement shall contain the following information:
 1. The protesting party's name, mailing address or e-mail address, daytime telephone number, the signature of the protesting party or the attorney for the protesting party, and the date of the protest is signed; and
 2. A concise statement of the facts and evidence:
 - a. Leading the protestor to claim that the protestor has been aggrieved in connection with a purchase and providing grounds for the protestor's protest; and
 - b. Supporting the protestor's claim of standing.
- ii. Deadline for Filing
 1. A protest relating to an open RFQ, IFB, RFP, or RFSQ, shall be filed with the Town Recorder before the closing date for the RFQ, IFB, RFP, or RFSQ.
 2. If the bid has closed, a protest shall be filed with the Town Recorder within five (5) business days (by the end of the Town's business day) after the person filing the protest knew or should have known the facts.
 - a. It is the responsibility of the person filing the protest to prove that they did not know and should not have known the facts which would give rise to a protest prior to the closing date.
- iii. Suspension of the Purchase – The Town may proceed with the protested purchase; however, the Purchasing Officer may suspend the purchase process for so long as deemed appropriate.
- iv. Review of the Written Protest – The Purchasing Officer will review the written protest and may request the following:
 1. Assistance of another individual in reviewing the matter, which may include finding facts, analyzing the protest, and making recommendations; and
 2. Additional information from the protesting party or from other Town staff to make a determination. The protesting party shall provide all information reasonably needed to decide the protest except information which is protected from disclosure by law, or which could reasonably be

expected to result in unfair, competitive injury to the protestor in spite of the protections for the protestor provided by law, including the Utah Governmental Records Access Management Act (GRAMA).

3. Written determination – the Purchasing Officer will issue a written determination to the protesting party within fifteen (15) days of the date the protest is received from the Town Recorder.
4. If the Purchasing Officer fails to issue a decision within fifteen (15) days after receipt of the protest, said failure shall be considered the equivalent of a de facto denial.

b. **Appeal of Written Protest** – The protesting party may appeal the written decision of the Purchasing Officer by filing a written appeal with the Town Recorder that will be sent to the Town Council.

- i. The Notice of Appeal shall contain the following information:
 1. The petitioner’s name, mailing address, e-mail address, daytime telephone number, the signature of the petitioner or the attorney for the petitioner, date, and
 2. A concise statement of the facts and evidence sufficient to permit review:
 - a. Of the petitioner’s claim that the petitioner has been aggrieved in connection with a purchase and providing grounds for the petitioner’s protest; and
 - b. Supporting the petitioner’s claim of standing.
- ii. **Deadline for Filing** – The appeal must be completed within five (5) business days of receipt of the Purchasing Officer’s decision or de facto denial.
- iii. **Hearing** – the Town Council, or designee, shall review and schedule a hearing no later than five (5) days after receiving a notice of appeal. Unless otherwise agreed to by the Town and the petitioner, the hearing shall be held no sooner than 5 (5) business days and no later than thirty (30) business days from the date of the filing of the appeal. At the hearing, the appellant and the Town’s representative(s) shall be allowed to testify, present evidence, and comment on the issues. The rules of evidence do not apply to this hearing. The Town Council may allow other interested persons to testify, comment, or provide evidence on the issues.

- iv. **Written Determination** – No later than fifteen (15) business days after the hearing, the Town Council shall issue a signed order either granting the petition whole or in part, or upholding the determination of the Purchasing Officer in whole or in part. If the Town Council fails to issue a decision within fifteen (15) business days after the hearing, said failure shall be considered the equivalent of a Defacto denial.
- c. **Appeal to Utah District Court** – Any final action or order may be appealed by either the potential vendor or the Town to the Utah District Court by filing with the court a notice of appeal.
- d. **Remedies** – If the Purchasing Officer or Town Council determines that a solicitation or award is in violation of federal, state, local law, or this policy, the following remedies shall apply:
 - i. **Prior to Bid Closing Date** – If prior to a bid or proposal closing date the Purchasing Officer or Town Council determines that a solicitation is in violation of federal, state, local law, or this policy, the solicitation or proposal shall be canceled.
 - ii. **Prior to Award** – If after a bid or proposal closing date the Purchasing Officer or Town Council determines that a solicitation or a proposed award of an agreement is in violation of federal, state, or local law, or this policy, the solicitation or proposed award shall be canceled.
 - iii. **After Award** – If after an award of a bid or proposal, the Purchasing Officer or Town Council determines that a solicitation or award of an agreement was in violation of applicable laws or this policy, then:
 - 1. The person awarded the agreement has not acted fraudulently or in bad faith:
 - a. The agreement may be ratified and affirmed, provided it is determined that doing so is in the best interest of the Town; or
 - b. The agreement may be terminated and the person awarded the agreement shall be compensated for the actual costs reasonably incurred under the agreement, plus a reasonable profit, prior to the termination;

2. If the person awarded the agreement has acted fraudulently or in bad faith, the agreement may be declared null and void or voidable, if such action is in the best interests of the Town.

Ordinance No. 2024-12, An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 10.15 Relating To The Town's Subdivision Ordinance.

Dated December 18, 2024

Whereas, in 2023, the legislature passed Senate Bill 174, which requires all municipalities to follow a certain process for subdivision review and approval.

Whereas, on June 26, 2024, the Town passed Resolution No. 2024-16, which enacted a notice of pending ordinance to amend, among other things, the Town's subdivision ordinance found in Town Code § 10.15.

Whereas, the Planning Commission received public input and reviewed the subject text amendment on December 4, 2024, and forwarded a positive recommendation to the Town Council.

Whereas, the Town Council reviewed the subject text amendment and finds that the subdivision ordinance should be amended to better serve the public interest, address current needs, and promote the public health, safety, and welfare of the community.

Now, Therefore, Be It Ordained By The Town Council Of The Town Of Fairfield, Utah:

Section 1. Text Enactment. The Town Council hereby enacts Fairfield Town Code § 10.15, as shown in **Exhibit A**.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage or posting as required by law.

Approved By The Town Council Of The Town Of Fairfield, Utah, On This **18th Day Of December 2024, By The Following Vote:**

Mayor: Hollie McKinney
Hollie McKinney

RL Panek	yes	<u>RJ</u>	no	_____
Tyler Thomas	yes	<u>TT</u>	no	_____
Michael Weber	yes	<u>MW</u>	no	_____
Richard Cameron	yes	<u>RC</u>	no	_____

ATTEST: Stephanie Shelley
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 **18th day of December 2024.**

Ordinance No. 2024-12, An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 10.15 Relating To The Town's Subdivision Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **18th day of December 2024.**


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



EXHIBIT A

(Subdivision Ordinance Text Amendment)

CHAPTER 15 SUBDIVISIONS

SECTION

- 10.15.10. SHORT TITLE
- 10.15.20. PURPOSE
- 10.15.30. APPLICABILITY AND EXCEPTIONS
- 10.15.40. AUTHORITY
- 10.15.50. PRE-SUBMISSION MEETING
- 10.15.60. APPLICATION
- 10.15.70. SUBDIVISION PHASING
- 10.15.80. FEES
- 10.15.90. PRELIMINARY PLAT
- 10.15.100. TOWN REVIEW
- 10.15.110. APPLICATION COMPLETION TIMELINE
- 10.15.120. FINAL PLAT
- 10.15.130. MINOR SUBDIVISION OF LAND
- 10.15.140. LOT LINE ADJUSTMENTS
- 10.15.150. APPEALS

10.15.10. SHORT TITLE.

This chapter shall be known and may be cited as the “subdivision ordinance.”

10.15.20. PURPOSE.

The purpose of this chapter is:

1. To promote the health, safety, and general welfare of the residents of the Town.
2. To promote the efficient and orderly growth of the Town.
3. To provide policies, procedures, requirements, and standards for the physical development of subdivisions of land, and construction of improvements within the Town, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights of ways, and to establish fees and other charges for the authorizing of a subdivision.
4. To ensure that public facilities are available at the site and will have a sufficient capacity to serve a proposed subdivision.

5. To encourage the wise use and management of natural resources to preserve the integrity, stability, and aesthetics of the community.

10.15.30. APPLICABILITY AND EXCEPTIONS.

1. No person shall subdivide any parcel of land located wholly or partly in the Town except in compliance with this chapter.
2. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a tract of land, nor offer for recording in the office of the Utah County recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this chapter.
3. This chapter shall not apply to a lot or parcel resulting from a division of agricultural land if the lot or parcel (i) qualifies as land in agricultural use, (ii) meets the minimum size requirements of the land use ordinances, and (iii) is not used and will not be used for any non-agricultural use.

10.15.40. AUTHORITY.

1. The Town Administrator, or its designee, has the authority to implement, interpret, and enforce the provisions of this chapter. In furtherance of this authority, the Town Administrator shall:
 - a. Implementation: The Town Administrator shall have the authority to take all necessary actions to carry out the objectives of this chapter, including the approval, denial, or conditional approval of subdivision applications, in accordance with its terms and requirements.
 - b. Interpretation: In the event of ambiguity, inconsistency, or uncertainty in the application of the provisions of this chapter, the Town Administrator shall have the discretion to make determinations regarding its meaning and intent, consistent with the chapter's purpose and in consultation with relevant legal and planning officials, as needed.
 - c. Enforcement: The Town Administrator shall have the authority to enforce compliance with this chapter through administrative action, including but not limited to issuing notices of violation, imposing penalties as provided herein, or taking corrective actions. The Town Administrator may also refer matters to the appropriate enforcement agencies or legal authorities for further action, including court proceedings when necessary.

10.15.50. PRE-SUBMISSION MEETING.

1. It is strongly recommended that the applicant for a subdivision schedule a pre-submission meeting with the Town Administrator or another representative of

the Town designated by the Town Administrator. Upon request from an applicant, the Town shall schedule a pre-submission meeting within 15 days of the request.

2. The Town Administrator may extend an invitation to the pre-submission meeting to any servicing utility companies, the health department, the state department of transportation, the fire department, and any other private or public body that has jurisdiction or an interest in providing services to the subdivision.
3. At the pre-submission meeting, the applicant may bring any materials to assist the parties in identifying the location of the potential subdivision, the size and layout of the subdivision, and any potential problems or challenges to creating the subdivision. The Town shall have available or provide access to: (1) copies of applicable land use regulations; (2) a complete list of standards required for the project; (3) preliminary and final subdivision application checklists; and (4) feedback on the pre-submission plans.
4. Due to the unique terrain of the real property within the Town, the Town Administrator may request that the applicant submit additional information.

10.15.60. APPLICATION.

1. The applicant for a subdivision shall prepare and submit a preliminary plat application to the Town Administrator. The application shall include three (3) copies of a complete preliminary plat and three (3) completed application forms for the subdivision, including all required maps and charts. All application materials shall be submitted simultaneously to be considered for completeness.
2. Application Form and Content: The Town Administrator may create a preliminary plat application form based on the requirements of this section. A complete application shall include all of the following information:
 - a. Property Information: The date of the application, the name, address, phone number, e-mail address, and signature of the applicant and the owner of the property, the current zoning of the property, the location and address of the proposed subdivision, the total acreage of the subdivision, and the number of proposed lots. All persons with a fee interest in the property shall sign the subdivision application form. The applicant shall submit a preliminary title report for all property within the application.
 - b. Site Information: The following subdivision site information is required for a complete application and shall be provided at the same scale as the preliminary subdivision plat, on separate sheets if necessary:
 - i. The identification of known and potential natural features on a map, including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, known or potential natural Waterways, Top of Bank, and any potential natural hazards, including avalanche paths, liquefaction areas, and areas of soil

instability, and all on-site vegetation regulated by Town ordinance. A final map identifying known and potential natural features as described in this section and identified by the Town Administrator will be reviewed and approved or denied by the Planning Commission as part of the application review process.

- ii. The location and dimensions of all existing buildings, fence lines, and property lines must be overlaid on the proposed subdivision layout, and the location of surrounding manmade features and improvements, including buildings and roads, and natural features, including significant landmarks and geologic features.
- c. Evidence Of Availability Of Necessary Services: The following information is necessary to establish the availability of basic services to the proposed subdivision, and the preliminary plat subdivision application is complete only when all basic services are available to the site and to each proposed subdivision lot, and approved in writing by the designated authority:
- i. Culinary Water Requirements: The Town Administrator is collectively designated as the "culinary water authority," further defined in Utah Code title 10, chapter 9a. Such culinary water authority shall evaluate and approve the proposed culinary water system for the subdivision. The applicant shall comply with Title 6 of Town Code and provide all information required by the culinary water authority (and other applicable agencies described below, if any), including, but not limited to, evidence of the source, quantity, quality, and means of delivery of the proposed culinary water to the proposed subdivision and each proposed lot. Certain property within the Town boundaries may not be eligible to be served by the Town culinary water system and shall be required to obtain approval from any additional public or private agency with jurisdiction over the proposed water source or delivery system. The requirements of the State Division of Drinking Water must be satisfied and Division approval, where required, shall be obtained by the applicant before a final plat is approved.
 - ii. Wastewater Requirements: The Town Administrator, or designee, is hereby designated collectively as the "sanitary sewer authority," as further defined in Utah Code title 10, chapter 9a, as amended or replaced. Each sanitary sewer authority shall evaluate and approve the proposed sanitary sewer system. The applicant shall provide all information and materials as required by the sanitary sewer authority.
 - iii. Fire And Emergency Requirements: The Utah County Fire Marshall is hereby designated as the "fire authority", as further defined in Utah Code title 10, chapter 9a, as amended or replaced. The fire authority shall evaluate and approve the proposed fire suppression

infrastructure and emergency access to the proposed subdivision. If the proposed subdivision does not include year-round motor vehicle (as defined by Utah Code) access to all proposed lots and proposed and existing roads, streets, and adjacent properties, the application shall include an emergency access mitigation plan, approved by the fire authority and the Town. The applicant shall provide all information and materials as required by the fire authority.

- iv. Subdivision Roads And Streets: All proposed subdivision streets shall be evaluated and approved by the Town Administrator and, if appropriate, the state department of transportation. The proposed street layout shall comply with Town Code § 6.3.160 and provide adequate and safe year-round access to all proposed lots and proposed and existing roads, streets, and adjacent properties. If the proposed subdivision does not include year-round motor vehicle (as defined by Utah Code) access to all proposed lots and proposed and existing roads, streets and adjacent properties, the application shall include a parking and access mitigation plan. If the proposed subdivision will be accessed from a state highway, an appropriate access permit as required by the state department of transportation, shall be provided with the application materials in order to be a complete application. If the proposed subdivision is accessed from land owned by the State or federal government, the applicant shall provide any appropriate access or special use permits as required by the landowner with the application materials in order to be a complete application.
- v. Soil Reports: All projects require a Soils and Geotechnical Report as provided in Title 5 unless otherwise indicated by the Town Engineer.
- vi. Feasibility Study: A feasibility study approved by Utah County.
- vii. Additional Information And Materials When Necessary: When the Town Administrator deems necessary due to the characteristics of the property to be subdivided, the applicant may be required to provide other information or letters of feasibility from other agencies with jurisdiction over the property to be subdivided, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, geologic or flood hazard, erosion control, preservation of vegetation, and any other physical or environmental matters in conformance with the Town zoning ordinances. Such additional requirements shall be made of the applicant at the pre-submission meeting, or reasonably soon thereafter.

- viii. Notice: The applicant shall provide the Town with two (2) sets of typewritten address labels and sufficient funds to cover related postage costs to all property owners within three hundred feet (300') of the boundaries of the proposed subdivision and all affected entities.

10.15.70. SUBDIVISION PHASING.

1. Phasing Plan Submission:

- a. Applicants proposing phased subdivisions must submit a detailed phasing plan as part of the initial subdivision application.
- b. The phasing plan must include:
 - i. A timeline showing anticipated start and completion dates for each phase.
 - ii. A map showing the boundaries of each phase, including any designated open spaces and infrastructure.
 - iii. Details of proposed infrastructure improvements, including roads, utilities, and public amenities.
 - iv. A description of how each phase will meet municipal infrastructure standards independently, particularly regarding access, emergency services, water, and sewage.

2. Review Process for Phased Subdivisions:

- a. The phasing plan shall be approved by the Planning Commission.
- b. Each phase of the subdivision shall undergo review in accordance with this chapter.
- c. Any changes to the approved Phasing Plan shall require an amendment application and review by the Planning Commission.

3. Compliance:

- a. Each phase must be able to function independently, with access to necessary infrastructure and services.
- b. Each phase shall provide adequate road access, drainage, water, sewage, and emergency access without reliance on future phases.

4. Infrastructure Installation Requirements:

- a. Infrastructure improvements must be constructed for each phase as planned to meet municipal standards.

- b. Public amenities (parks, playgrounds, etc.) scheduled within specific phases must be installed concurrently with that phase to serve its residents. Public amenities must be complete before eighty (80) percent of the phased subdivision is complete.

5. Maintenance of Open Spaces and Common Areas:

- a. For private amenities, a homeowners' association (HOA) or similar entity shall be responsible for all maintenance.
- b. For public amenities, the developer is responsible for maintenance until all phases of the subdivision are complete.

6. Time Limits and Extensions:

- a. Each phase must commence within 2 years from the date of approval and be substantially complete within 5 years.
- b. If a phase is not commenced or completed within these timelines, the applicant must apply for an extension. Approval of extensions shall be at the discretion of the Planning Commission.
- c. If the developer does not apply for an extension and the time limit is exceeded, approval for that phase may be revoked by the Planning Commission.

10.15.80. FEES.

1. Application Fees: To be considered complete, the application for preliminary plat subdivision approval and a final plat subdivision approval shall be accompanied by all fees established on the Town fee schedule.
2. Technical Expertise And Engineering Fees: The applicant shall pay all expenses of reviewing and approving the subdivision, including the Town fees for hiring individuals with technical expertise, legal counsel and engineers to review the application.

10.15.90. PRELIMINARY PLAT.

1. Preliminary Plat: The Administrative Land Use Authority for the approval of a Preliminary Plat application shall be the Planning Commission. The preliminary plat shall comply with all zoning and development requirements be prepared by a licensed surveyor, and shall include the name and address of the surveyor responsible for preparing the preliminary plat, and shall include a certification that the surveyor holds a license in accordance with Utah Code title 58, chapter 22, and has completed a survey of the property in accordance with Utah Code § 17-23-17. The preliminary plat shall describe or specify:

- a. A name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office;
 - b. North arrow, graphic and written scale, legend, basis of bearings used, and a vicinity map of the site;
 - c. The legal description of the entire subdivision site boundary;
 - d. The boundaries, course and dimensions, and acreage or square footage for all parcels of ground divided, whether the owner proposes that any parcel or ground is intended to be used as a street or for any other Public Use, and whether any such area is reserved or proposed for dedication for a public purpose;
 - e. For all parcels, the proposed lot or unit reference, block or building reference, street or site address, street name or coordinate address (to be approved by the Planning Commission as part of the application review process);
 - f. Every existing right of way and easement grant of record for underground facilities and for all other utility facilities;
 - g. The anticipated net developable acreage for each lot;
 - h. The names and addresses of the applicant and owner of the property, the engineer or surveyor of the subdivision and the owners of the land immediately adjoining the land to be subdivided and within three hundred feet (300') of the boundaries of the proposed subdivision.
2. Expiration: A preliminary plat shall be deemed withdrawn, and shall expire and have no further force or effect, if a final plat is not recorded within one (1) year after approval of the preliminary plat. Upon written request by the applicant and for good cause shown, the Planning Commission may grant up to a one (1) year extension.

10.15.100. TOWN REVIEW.

1. Determination Of Completeness Of Application: After receipt of an application, the Town Administrator shall determine whether the application is complete. An application for subdivision is only complete when it includes all information and approvals listed in this chapter. If the Town Administrator determines that the application is not complete, the Town Administrator shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information that must be supplied. No further action will be taken by the Town until the deficiencies are corrected.
2. Staff Review: Following a determination that the application is complete, the application shall be reviewed by Town staff for compliance with the Town's Ordinances, Rules, and Regulations. Staff review shall be completed within 40 days of receipt of the application. After staff review, the application shall be

submitted to the Planning Commission at least fourteen (14) days prior to the Planning Commission's regular meeting.

3. Notice and Public Hearing: The Planning Commission shall hold a public hearing on the Preliminary Subdivision application. Notice of the Public Hearing shall be sent to the record owner of each parcel within 500 feet (500') of the property that is the subject of the application and shall be posted and provided as a Class B notice in accordance with provisions of Utah Code § 63G-30-102.
4. Planning Review: The Planning Commission shall approve a Preliminary Plat if the proposed subdivision and the associated improvement drawings are in compliance with the Town's ordinances and requirements.

10.15.110 APPLICATION COMPLETION TIMELINE.

1. Remedy Of Deficiencies: The applicant shall correct all specified deficiencies within ninety (90) days of the written notification of such deficiencies. If the applicant fails to correct the specified deficiencies within such ninety (90) day period, the application for subdivision shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded. Any further submissions shall be considered only as part of a new application.
2. Extensions Of Time: The Town Administrator, upon written request from the applicant, may grant the applicant one automatic thirty (30) day extension to correct the specified deficiencies.

10.15.120. FINAL PLAT.

1. Review Authority: The Administrative Land Use Authority for approval of a Final Plat application shall be the Town Administrator.
2. Submission Requirements:
 - a. Upon approval of the Preliminary Plat by the Planning Commission, an applicant shall submit a final plat, in recordable form, to the Town for its review and approval.
 - b. The submitted final plat shall be consistent with all provisions and conditions of the Preliminary Plat. With the final plat, the applicant shall submit: (1) an updated Preliminary Title Report issued within 30 days of the Final plat application showing, among other things, evidence of ownership for all parcels within the plat satisfactory in form to the Town Attorney; (2) any assurance for the installation of public improvements as required by Town ordinance; and (3) proof that adequate water shares have been transferred to the Town.
3. Public Improvements:

- a. An improvement completion assurance and warranty agreement shall be required for all public improvements before a final plat may be recorded.
 - b. The amount of the security provided to guarantee completion of public improvements, including landscaping when required to be installed with a subdivision or other development, in accordance with the provisions of this title, shall be equal to one hundred ten percent (110%) of the Town's Engineer's estimated cost of the improvements or the applicant's reasonable proven cost of completion, as determined by the Town Engineer.
 - c. The Town may accept a cash bond, an escrow agreement with a federally insured bank, and a letter of credit with a federally insured bank or credit union.
4. Compliance: The Town Administrator shall review a complete Final Plat submittal within 30 days of receipt of the application by the Town and shall approve the Final Plat if it is consistent with the approved Preliminary Plat and any conditions of approval.
5. Amendments: A recorded final plat may be amended if the amended plat complies with all applicable provisions of Town Code, construction codes, and the Town's standards and specifications.
6. Expiration: A final plat application shall be deemed withdrawn, and shall expire and have no further force or effect, if the plat is not recorded within sixty (60) days after the Town Recorder notifies the applicant that the plat is ready to be recorded. An applicant's failure to record a plat within such time period renders the plat voidable.

10.15.130. MINOR SUBDIVISION OF LAND

1. Purpose: The purpose of this exception is to provide flexibility in the subdivision ordinance for the division of land into less than three (3) lots when the division complies with the applicable zoning regulations and does not require the creation of public infrastructure or significant land development.
2. Criteria: A land division may be granted an exception to the formal subdivision process if all of the following criteria are met:
 - a. Number of Lots: The division of land results in three or fewer lots.
 - b. Compliance with Zoning: The division complies with all applicable underlying zoning requirements, including:
 - i. Minimum lot size, lot width, and frontage requirements; and
 - ii. Compliance with setbacks, easement, and other zoning standards as specified in the zoning ordinance.

- c. No Public Infrastructure Required: The division does not necessitate the creation or extension of public infrastructure, including:
 - i. Roads or streets that require public dedication or construction;
 - ii. Utility extensions (water, sewer, electricity) to serve the new lots;
 - iii. Stormwater management systems or drainage improvements beyond what is already existing.
- d. No Impact to the Public or Neighboring Properties: The division must not result in any significant adverse impacts on neighboring properties or the surrounding community, such as:
 - i. Traffic congestion or safety hazards;
 - ii. Degradation of public facilities or services;
 - iii. Creation of non-conforming lots or uses under the zoning ordinance.
- e. No New Dwellings or Structures: The division does not propose the construction of new dwellings, structures, or other major developments on the newly created lots that would trigger the need for a full subdivision review.
- f. Conformance with Existing Subdivision Plans: The division must not conflict with any existing approved subdivision plan, master plan, or previously recorded plat within the subject area.
- g. One Minor Subdivision of Land: A lot or parcel may only receive one minor subdivision in accordance with this Section.

3. Process for Approval:

- a. Application: The property owner or applicant seeking the exception must submit a written application to the Town Administrator. The application shall include:
 - i. A plat or map of the proposed land division;
 - ii. Documentation demonstrating compliance with applicable zoning standards; and
 - iii. Any other relevant documentation as required by the Town Administrator.
- b. Review: The Planning Commission will review the application for compliance with the above criteria. The review will consider the zoning requirements, the size and configuration of the parcels, and the potential impact of the division.
- c. Approval or Denial: Upon review, the Planning Commission will issue a written decision, either:
 - i. Approval: If the division meets all the requirements for the exception, it will be approved and the land division may proceed.

- ii. Denial: If the division does not meet the criteria, the application will be denied, and the applicant must follow the full subdivision process for further consideration.
- d. Recording: Upon approval, the land division must be recorded with the Utah County Recorder's Office.

4. Limitations:

- a. This exception does not authorize the creation of more than three lots (unless the property owner has previously subdivided the property within a certain time frame as per local regulations).
- b. This exception does not grant a waiver for compliance with any other applicable laws or regulations, including but not limited to health, environmental, or building code requirements.
- c. Any future development or subdivision of the property after the division shall comply with the full subdivision ordinance and applicable zoning requirements.

10.15.140. LOT LINE ADJUSTMENTS.

- 1. Scope: The Town may review certain lot line adjustments pursuant to Utah Code § 10-9a-523.
- 2. Criteria: A lot line adjustment is permitted only if all of the following criteria are met:
 - a. Number of Lots Involved: The adjustment must involve no more than three existing lots within a subdivision. Any adjustments to more than three lots require a subdivision amendment.
 - b. No New Lot Creation: The adjustment cannot result in the creation of a new lot. The total number of lots before and after the adjustment must remain the same.
 - c. Zoning Compliance: The adjusted lots must comply with the underlying zoning requirements, including:
 - i. Minimum lot size, width, and frontage requirements.
 - ii. Setback and other dimensional standards.
 - iii. Any other applicable zoning standards.
 - d. No Violation of Easements: The adjustment must not result in the violation of any easement, encroachment, or other legal restrictions on the property.
 - e. No Public Infrastructure Impact: The adjustment must not require the creation or extension of public infrastructure such as roads, utilities, or drainage systems.

- f. No Environmental Concerns: The adjustment must not violate any environmental regulations, such as floodplain management, wetland protection, or hillside development rules.
3. Application Process:
- a. Submission Requirements: The property owner or applicant must submit a completed lot line adjustment application to the Town Administrator, including:
 - i. A map or survey prepared by a licensed surveyor showing the existing and proposed lot lines, including dimensions, setbacks, and boundary lines.
 - ii. Written confirmation that the adjusted lots comply with all zoning requirements (e.g., lot size, setbacks, frontage).
 - iii. A legal description of the properties before and after the lot line adjustment.
 - b. Review Process: The Town Administrator will review the application for compliance with these regulations, the zoning ordinance, and any other relevant laws. The review process typically includes:
 - i. Verifying that the proposed adjustment meets zoning and subdivision requirements.
 - ii. Ensuring that the adjustment does not create any conflicts with existing easements, covenants, or rights-of-way.
 - c. Approval or Denial:
 - i. Approval: If the adjustment meets all requirements, the Town Administrator will approve the application and issue a written decision.
 - ii. Denial: If the application does not meet the criteria, the Town Administrator will deny the application and provide the applicant with a written explanation of the reasons for denial.
 - iii. Recording: Upon approval, the applicant must file the lot line adjustment with the county or city land records office. The adjusted boundary lines will be legally recognized once recorded.
4. Conditions of Approval: Lot line adjustments may be subject to the following conditions:
- a. The applicant must ensure that the adjusted lots comply with all applicable zoning and land use regulations.
 - b. The applicant must pay any required fees associated with the review and recording of the adjustment.
 - c. If necessary, the applicant must obtain any additional permits or approvals for construction, drainage, or environmental compliance before proceeding with any development on the adjusted lots.

5. Restrictions:

- a. No Subdivision: A lot line adjustment is not intended to create a subdivision or divide a single parcel into multiple lots.
- b. Repetitive Adjustments: Repeated lot line adjustments between the same properties, when combined with other adjustments, may be subject to additional scrutiny or may require a more formal subdivision process if the cumulative effect constitutes a subdivision.
- c. Easements and Restrictions: Lot line adjustments cannot interfere with established easements, rights-of-way, or other legal restrictions.

10.15.150. APPEALS.

1. Standing: An applicant, property owner, or adversely affected party, as defined in Utah Code § 10-9a-103(2), may appeal a decision related to this subdivision ordinance.
2. Filing the Appeal:
 - a. The appeal must be filed in writing with the Town Clerk within 10 days from the date of the decision being appealed.
 - b. The appeal should include:
 - i. A clear and concise statement of the reasons for the appeal, outlining why the appellant believes the decision was incorrect or unlawful.
 - ii. A copy of the decision or action being appealed (e.g., denial letter, resolution, or conditions of approval).
 - iii. Any supporting documents, evidence, or materials that the appellant believes are relevant to the appeal.
3. Fee for Appeal: A non-refundable appeal fee, in accordance with the Town's fee schedule, shall be submitted at the time of filing the appeal. This fee shall cover the administrative costs associated with processing the appeal.
4. Scheduling the Appeal Hearing:
 - a. Upon receipt of a completed appeal application, the Town's Hearing Officer will schedule the appeal hearing.
 - b. The appellant and any other interested parties will be notified in writing of the date, time, and location of the hearing.
5. Conduct of the Appeal Hearing:
 - a. The Hearing Officer will conduct a hearing where both the appellant and any interested parties (e.g., neighbors, representatives of the planning department) may present their arguments.

- b. The appellant may present evidence and testimony to support their position, and the staff or planning commission may present the basis for their decision.
 - c. The Hearing Officer may ask questions, request further information, or continue the hearing to another meeting if necessary.
- 6. Criteria for Decision: The appeal body will base its decision on whether the original decision was in accordance with the law, the subdivision ordinance, and the facts of the case.
- 7. Final Decision: The appeal body will issue a written decision, typically within 10 business days after the hearing, and the decision will be mailed to the appellant and all interested parties. The decision may include:
 - a. A final approval of the subdivision with or without conditions.
 - b. A final denial of the subdivision.
 - c. A remand to the land use authority with additional instructions for further review.
- 8. Judicial Review: If the appellant is dissatisfied with the final decision of the appeal body, the appellant may seek judicial review in a court of competent jurisdiction as provided by law. Judicial review must be sought within 30 days of the final decision.

Ordinance No. 2024-13, An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 5.3 Relating To The Town’s Soil Ordinance.

Dated December 18, 2024

Whereas, the Town is aware that a portion of the Town is burdened with a high concentration of arsenic. See Town Code § 5.3.10(A).

Whereas, on June 26, 2024, the Town passed Resolution No. 2024-16, which enacted a notice of pending ordinance to amend, among other things, the Town’s soil ordinance found in Town Code § 5.3 because “the current code is inadequate ... in process procedure, and reporting for remediation of soil contaminants.”

Whereas, the Planning Commission received public input and reviewed the subject text amendment on December 4, 2024, and forwarded a positive recommendation to the Town Council.

Whereas, the Town Council reviewed the subject text amendment and finds that the soil ordinance should be amended to better serve the public interest, address current needs, and promote the public health, safety, and welfare of the community.

Now, Therefore, Be It Ordained By The Town Council Of The Town Of Fairfield, Utah:

Section 1. Text Enactment. The Town Council hereby enacts Fairfield Town Code § 5.3, as shown in **Exhibit A**.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage or posting as required by law.

Approved By The Town Council Of The Town Of Fairfield, Utah, On This **18th day of December, 2024**, By The Following Vote:

Mayor: Hollie McKinney
Hollie McKinney

RL Panek yes RP no _____
Tyler Thomas yes TT no _____
Michael Weber yes MW no _____
Richard Cameron yes RSC no _____

ATTEST: Stephanie Shelley
Stephanie Shelley, Town Recorder/Clerk

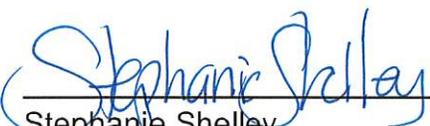
FAIRFIELD TOWN

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 **18th day of December, 2024.**

Ordinance No. 2024-13, An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 5.3 Relating To The Town’s Soil Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **18th day of December, 2024.**



Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
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 **18th day of December, 2024**, and herein referred to as:

SUMMARY.

Ordinance No. 2024-13, An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 5.3 Relating To The Town’s Soil Ordinance.

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 **23rd day of December, 2024.**

EXHIBIT A

(Soil Ordinance Text Amendment)

CHAPTER 3 SOIL ORDINANCE

Section 5.3.10. Fairfield Soil Ordinance and Maintenance of Soil Cap

Section 5.3.20. Applicability

Section 5.3.30. Soil Testing Requirements

Section 5.3.40. Action Levels

Section 5.3.50. Soil Report and Remediation Plan

Section 5.3.60. Top Soil Capping

Section 5.3.70. Hard Surface Capping

Section 5.3.80. Soil Cap Disturbance and Disposal

Section 5.3.90. Dust Control

Section 5.3.100. Failure to Comply with Ordinance

Section 5.3.10. Fairfield Soil Ordinance and Maintenance of Soil Cap.

1. Short Title: This Chapter shall be known and maybe cited as the “soil ordinance.”
2. Purpose: The purpose of this Soil Ordinance is to identify areas of soil contamination, including arsenic, within the boundaries of Fairfield Town, define hazardous levels, and set standards and procedures to mitigate potential health risks from exposure by disturbance, movement of soil, or the habitation of these areas.
3. Hold Harmless: The Town is aware that contaminated soils exist and have been deposited throughout the Town due to runoff from mines, relocation of tailings, as well as other means of movement. The Town, however, does not know where all contaminated properties may be located. Each property owner is responsible for the condition of his or her own property and is also responsible for any remediation or actions required by this Soils Ordinance regarding his or her property.
4. Liability: The Town, under no circumstances, takes any responsibility for the testing, cleanup, removal, or capping of contaminated soil within the Town

boundaries. The Town is not liable nor responsible for any detrimental effects or happenings due to contaminated soils within the Town boundaries.

Section 5.3.20. Applicability.

1. Soil testing shall be required before subdivision approval. Soil testing shall not be required in a subdivision that has previously been tested
2. If soil testing has not been conducted on property prior to the passage of this ordinance, such testing shall be required before:
 - a. Site plan approval,
 - b. Building permit for structures over 400 square feet requiring a permanent foundation, or
 - c. A project disturbs more than 5,000 square feet of soil.
3. The following shall be exempt from soil testing requirements:
 - a. Routine agricultural practices.
 - b. Routine landscaping or gardening activities that do not involve substantial soil disturbance.

Section 5.3.30. Soil Testing Requirements.

1. Sampling Frequency and Locations:
 - a. Soil samples must be collected at multiple locations across the property and spaced at regular intervals.
 - b. The property must be divided into a grid with sampling sites located within each grid segment.
 - c. The minimum number of sample sites shall be determined by the size of the property:
 - i. Properties under 1-acre: Minimum of 3 sample sites.
 - ii. Properties 1-5 acres: Minimum of 5 sample sites.
 - iii. Properties over 5 acres: Minimum of 5 sample sites, with an additional sample site per acre over 5 acres.
2. Testing Facilities:
 - a. All sampling, collection, and testing shall be performed by a company certified by the EPA, NELAP (National Environmental Laboratory Accreditation Program), or a state regulatory body.

- b. Testing facilities must follow the latest methodologies and standards established by regulatory authorities.

Section 5.3.40. Action Levels.

1. Acceptable Arsenic Levels:
 - a. Residential: Less than 100 mg/kg.
 - b. Nonresidential: Less than 300 mg/kg.
2. Acceptable Lead Levels:
 - a. Residential: Less than 1,200 mg/kg.
 - b. Nonresidential: Less than 4,000 mg/kg.

Section 5.3.50. Soil Report and Remediation Plan.

1. Soil Report: Each soil report shall be site-specific and shall identify all known or suspected soil contamination areas that may affect the subject property. Reports shall include a map of testing locations, testing process and procedures, adequate data to support the professional's findings, and original signatures and professional seal of the qualified professional.
2. Remediation Plan: If a property is tested and found to exceed the action levels in Section 5.3.40, the applicant shall submit a remediation plan to the Town and obtain a land disturbance permit from the Town prior to any development occurring or other permit being issued.
3. Submittal of Reports: All soil reports and remediation plans must be submitted to the Town within 10 days of testing completion.

Section 5.3.60. Topsoil Capping.

All topsoil capping must use approved topsoil capping materials.

1. Residential Areas: Total cap thickness must be a minimum of 18 inches.
2. Agricultural Areas: Total cap thickness must be a minimum of 24 inches.
3. Commercial/Industrial Areas: Total Areas: Total cap thickness must be a minimum of 12 inches.
4. Vegetated Areas: Total cap area must be a minimum of (6) inches.
5. Xeriscaped Areas: Owners that practice xeriscape are allowed to employ a weed barrier fabric if the property is capped with six (6) inches of rock or bark and maintained to prevent soil breakthrough.

6. Fruit or Vegetable Areas: Total cap thickness must be a minimum of 24 inches if the planting bed is at grade and a minimum of 18 inches if the planting bed is above grade.
7. Shrub and Tree Areas:
 - a. All shrubs shall be surrounded by approved topsoil for an area, which is three (3) times bigger than the rootball and extends six (6) inches below the lowest root of the shrub at planting.
 - b. All trees planted shall have a minimum of eighteen (18) inches of approved topsoil around the root ball with a minimum of twelve (12) inches of approved topsoil below the lowest root of the tree.

Section 5.3.70. Hard Surface Capping.

Hard surface capping is allowed on properties that propose approved hard surface materials.

Section 5.3.80. Soil Cap Disturbance and Disposal.

- A. Causing a Disturbance to the Soil: All work related to the disturbance of a cap is prohibited unless the person complies with this Chapter.
- B. Off-Site Disposal. All soil generated from the Soil Ordinance that cannot be reintroduced must be disposed of in accordance with industry standards.
- C. Hazardous Soils. Soils exhibiting hazardous characteristics exceeding the following Toxic Characteristic Leaching Procedure (TCLP) standards must be managed as hazardous waste and disposed of within a Utah Department of Environmental Quality permitted facility.

Section 5.3.90. Dust Control.

1. Dust Control: All site operators must take reasonable precautions to prevent dust emissions from crossing property lines and causing a nuisance to nearby properties.
2. Worker Safety: Due care shall be taken by the contractor or owner, to protect workers while working within the site from any exposure to dust emissions during construction activity by providing suitable breathing apparatus or other appropriate control.

Section 5.3.100. Failure to Comply with Ordinance.

1. Legal Action. Any person failing to comply with the provisions of this Chapter shall be guilty of a Class B misdemeanor.
2. Permit: The Town reserves the right to withhold, suspend, or deny issuance of any permits required under this Chapter if an applicant or property owner is found to be in violation of any provision within this Chapter.

Ordinance # 2024-14, An Ordinance of the Fairfield Town Council of the Town of Fairfield, Utah, Amending Chapter 10.11 (Permitting Accessory Dwelling Units in Certain Zones) and Title 12 (Adding and Amending Certain Definitions), and Enacting Section 10.7.255 (Accessory Dwelling Units Regulations).

Date December 18, 2024

Document Control Changes: Draft Changes made September 9, 2024.

WHEREAS, Utah Code § 10-9a-102 grants the Town of Fairfield authority to enact ordinances that the Fairfield Town considers necessary or appropriate for the use and development of land within the Town; and

WHEREAS, the subject text amendment enacts provisions related to the regulation of accessory dwelling units; and

WHEREAS, the Town Council has held a public hearing and reviewed the subject text amendment; and

WHEREAS, the Town Council finds that the subject text amendment will enhance public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD, UTAH:

SECTION 1. Text Amendment. Fairfield Town Code Section 10.11, 12, and 10.7.255, as shown in **Exhibit A**, is hereby amended.

SECTION 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, provisions, and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

Passed and Adopted this 18th day of December, 2024.

FAIRFIELD TOWN


Hollie McKinney

RL Panek yes RS no _____
Tyler Thomas yes TT no _____
Michael Weber yes MW no _____
Richard Cameron yes RC no _____

ATTEST: 
Stephanie Shelley, Town Recorder/Clerk

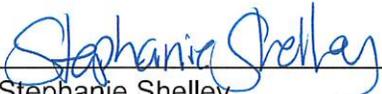
FAIRFIELD TOWN

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 **18th day of December 2024.**

Ordinance # 2024-14 An Ordinance of the Fairfield Town Council of the Town of Fairfield, Utah, Amending Chapter 10.11 (Permitting Accessory Dwelling Units in Certain Zones) and Title 12 (Adding and Amending Certain Definitions), and Enacting Section 10.7.255 (Accessory Dwelling Units Regulations).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **18th day of December, 2024.**



Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



EXHIBIT A

TITLE 10.11. Zoning

ADUs shall be permitted in the following zones: AR-1, AR-5, AR-10, and AR-40.

TITLE 12. Definitions

Amend the following definition:

Accessory Dwelling Unit (ADU). Means a D-ADU and an I-ADU.

Add the following definitions:

Accessory Dwelling Unit, Detached (D-ADU). Means a separate structure from the primary dwelling that is located on the same lot or parcel. D-ADUs shall include a kitchen and a bathroom.

Accessory Dwelling Unit, Internal (I-ADU). Means a dwelling unit located within the footprint of a primary dwelling. I-ADUs are sometimes called mother-in-law apartments.

Owner Occupancy. Means a property owner, as reflected in title records, makes their legal residence at the property. Evidence of owner occupancy may include voter registration, vehicle registration, driver's license, county assessor records, or other similar means.

Add the following section:

Section 10.7.255. Accessory Dwelling Units

A. Purpose and Intent. This chapter provides a process to allow affordable housing within the town through accessory dwelling units within single-family detached dwellings or in separate detached structures. The standards in this chapter include reasonable limitations to minimize impact on neighboring properties. The purpose of this chapter is to provide regulations for Accessory Dwelling Units that are incidental and accessory to a single-family dwelling, where permitted in the zone. Accessory Dwelling Units are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. In accordance with the goals of the general plan and state law, providing tools and methods for creating moderate-income housing is necessary in Fairfield Town.

B. Authority. The Town Administrator, or its designee, has the authority to implement and enforce provisions of this section.

C. Standards. All ADUs must comply with the following:

1. Code Compliance. Conform to all federal, state, and local laws, including compliance with the International Building Code, International Fire Code, the County Health Department, and other local ordinances.

2. Number of ADUs. Only one ADU may be created per lot, parcel, or property.

3. Owner Occupancy. The property owner must occupy either the primary dwelling or the ADU as their permanent residence. The primary dwelling and ADU may not be rented at the same time. At all times, the ADU must be owned by the property owner.

4. Short Term Rental. ADUs shall not be rented for less than 30 consecutive days.

5. Building Permit. A building permit is required to modify an existing home, building, or any new construction on a parcel or lot. Building permit applications shall include a site plan, floor plan, architectural elevations, and structural calculations. The applicant shall obtain all necessary other permits and pay all applicable fees before construction, remodeling, or any use of an ADU. ADUs shall not be approved on properties with outstanding building code violations or nonconforming uses or structures.

6. Septic. Septic systems must be inspected to ensure suitability for all proposed ADUs. ADUs are prohibited if the primary dwelling is served by a failed septic tank.

7. Soil. The Town has known arsenic within its jurisdictional boundaries. Any disturbance of soil must comply with the soil testing requirements in Fairfield Town Code § 5.3.

8. Utility Meters. ADUs may have up to two electrical meters; notwithstanding, the electrical meters must be in the name of the property owner. Unless approved by the Planning Commission, installing other separate utility meters for an ADU is prohibited.

9. ADU Permit. ADUs rented to a non-family member require a permit from the Town.

10. Parking. In addition to the parking required for the primary unit, one (1) additional off-street parking space shall be provided. In no case shall fewer than three (3) total off-street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On-street parking shall be reserved for visitors only.

11. Affidavit. Applicants for all ADUs shall complete an affidavit stating that the owner of the property will live in either the primary dwelling or ADU as their permanent residence. Upon approval of the ADU by the Town Administrator, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU.

12. Inspections. The Town Administrator shall issue an ADU permit if the applicant complies with this section's provisions and the ADU is ready for occupancy.

13. ADU Permit. An ADU permit is required to rent out either the primary dwelling or the ADU.

D. D-ADU Regulations.

1. Height. The maximum height for D-ADUs is limited to thirty-five (35) feet.

2. Square Footage. The total floor area for D-ADUs shall not exceed nine hundred (900) square feet, or thirty-five (35) percent of the footprint of the primary dwelling, whichever is less, unless, in the opinion of the Planning Commission, a greater amount of floor area is warranted.

3. Lot Size. D-ADUs are only permitted on lots one (1) acre or greater.

4. Number of Rooms. D-ADUs shall not have more than two (2) bedrooms.

5. Setbacks. D-ADUs must comply with the setbacks for the principal dwelling and shall have adequate facilities for all discharge from the roof and other drainage.

6. Exterior Appearance. D-ADUs shall be designed so that the appearance of the lot, building structure, and landscaping retains the character of a single-family neighborhood.

7. Area Coverage. Construction of a D-ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone. In no event shall a D-ADU cover more than thirty (30) percent of a rear yard.

8. Parking. A D-ADU shall have an additional off-street parking.

9. Distance from Dwelling. D-ADU shall be located no more than 200 feet from the principal dwelling on the same lot to ensure proximity and maintain site coherence.

E. Exception. A property owner may build a new home and use their existing home as an ADU if their existing home will comply with the provisions of this section and the new home will comply with the underlying zoning regulations by the time the new home is habitable and eligible to receive a certificate of occupancy.

F. Revocation and Enforcement.

1. Revocation of Permit. If any provision of this section is violated, the Town may revoke an ADU permit.

2. The Town may enforce the provisions of this chapter through civil or criminal penalties, including filing a lien against a property owner or any other means allowable by law.

a. A criminal violation under this section shall be a class C misdemeanor.

b. A civil violation under this section shall amount to one hundred (100) dollars each day a violation occurs, each being a new violation.

Ordinance #2025-01, An Ordinance of the Fairfield Town Council of Fairfield Town, Utah, Amending Section 10.11.210(H) - Light Industrial East Zone. Structure height
Dated January 19, 2025

WHEREAS, Utah Code § 10-9a-102 grants the Fairfield Town authority to enact ordinances that the Fairfield Town considers necessary or appropriate for the use and development of land within the Town; and

WHEREAS, the subject text amendment enacts provisions related to the regulation of accessory dwelling units; and

WHEREAS, the Town Council has held a public hearing and reviewed the subject text amendment; and

WHEREAS, the Town Council finds that the subject text amendment will enhance public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE FAIRFIELD TOWN, UTAH:

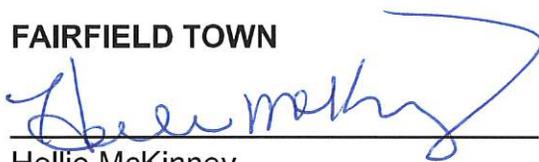
SECTION 1. Text Amendment. Fairfield Town Code Section 10.11.210(H), as shown in **Exhibit A**, is hereby amended.

SECTION 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, provisions, and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

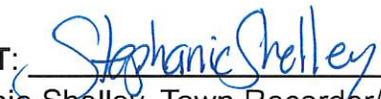
Passed and Adopted this **19th day of January 19, 2025**.

FAIRFIELD TOWN



Hollie McKinney

RL Panek yes RP no _____
Tyler Thomas yes TT no _____
Michael Weber yes MW no _____
Richard Cameron yes RC 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 **19th day of January 2025**.

Ordinance #2025-01, An Ordinance of the Fairfield Town Council of Fairfield Town, Utah, Amending Section 10.11.210(H) - Light Industrial East Zone. Building height

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **19th day of January 2025**.


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



EXHIBIT A

(Additions in red underline)

Section 10.11.210. Light Industrial East Zone.

Building Height. No building or structure in this zone shall be over two (2) stories with a thirty-five (35) ft. maximum height, except for electrical transmission towers, substations, and any ancillary equipment for transmission towers, lines, or substations, which shall not exceed 175 feet in height.

Ordinance #2025-02, An Ordinance of the Fairfield Town Council of Fairfield Town, Utah, Amending Section 10.11.100 - Agricultural Residential Zones (AR-1 to AR-40)

Dated January 19, 2025

WHEREAS, Utah Code § 10-9a-102 grants the Fairfield Town authority to enact ordinances that the Fairfield Town considers necessary or appropriate for the use and development of land within the Town; and

WHEREAS, the subject text amendment updates and revises provisions related to the AR-1 to AR-40 zones; and

WHEREAS, the Town Council has held a public hearing and reviewed the subject text amendment; and

WHEREAS, the Town Council finds that the subject text amendment will enhance public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE FAIRFIELD TOWN, UTAH:

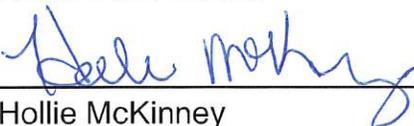
SECTION 1. Text Amendment. Fairfield Town Code Section 10.11.100 - Agricultural Residential Zones (AR-1 to AR-40), as shown in **Exhibit A**, is hereby amended.

SECTION 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, provisions, and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

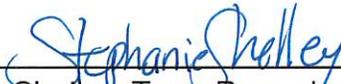
Passed and Adopted this **19th day of January 19, 2025.**

FAIRFIELD TOWN



Hollie McKinney

RL Panek yes RL no _____
Tyler Thomas yes TT no _____
Michael Weber yes MW no _____
Richard Cameron yes RC 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 **19th day of January 2025.**

Ordinance #2025-02, An Ordinance of the Fairfield Town Council of Fairfield Town, Utah, Amending Section 10.11.100 - Agricultural Residential Zones (AR-1 to AR-40)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **19th day of January 2025.**


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
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 **19th day of January 2025**, and herein referred to as:

SUMMARY.

Ordinance #2025-02, An Ordinance of the Fairfield Town Council of Fairfield Town, Utah, Amending Section 10.11.100 - Agricultural Residential Zones (AR-1 to AR-40)

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 20th day of February, 20 25

EXHIBIT A

Section 10.11.100 - Agricultural Residential Zones (AR-1 to AR-40)

10.11.150.010. Purpose.

A. Purpose. To maintain rural agricultural and residential areas with low-density development while preserving the community's rural character. These zones accommodate a range of lot sizes from 1 to 40 acres, allowing flexibility for agricultural and residential uses.

B. Zone Classifications. This ordinance applies to the following Agricultural Residential zones:

1. **AR-1:** Minimum lot size of 1 acre;
 2. **AR-5:** Minimum lot size of 5 acres;
 3. **AR-10:** Minimum lot size of 10 acres; and
 4. **AR-40:** Minimum lot size of 40 acres.
-

10.11.150.020. Land Use Table.

The table below defines permitted and special uses within the AR-1, AR-5, AR-10, AR-40 Zone. Uses not listed are prohibited.

Land Uses	Permitted	*Special Use
Accessory Structures	X	
Accessory Dwelling Unit (subject to ADU ordinance)	X	
Agriculture	X	
Animal husbandry/farm animals	X	
Child Care Center		X
Church	X	
Commercial Greenhouse		X

Home-Based Business (subject to business Title 3.5)	X	
Household Pets	X	
Manufactured Home	X	
Modular Home	X	
Outdoor Rec-Park-Play	X	
Public Rights of Way	X	
Residential, Single Family	X	
Schools, Public, Private and Charter		X
Stables	X	

*Special uses must comply with standards listed in Section Title 10 - chapter 16 and require a special use permit.

10.11.150.030. Area Requirements.

1. All developments must comply with parking, landscaping, utilities, and site plan regulations;
2. A master site plan, including stormwater retention plans, is required for all developments;
3. All development in this zone must connect to the Fairfield culinary water system unless necessary for a type of business.;
4. All developments must secure and transfer the required water rights to Fairfield before a building permit is issued, ensuring adequate water resources for sustainable growth.;
5. The owner must demonstrate sufficient water rights to meet demand before receiving development approval;
6. All developments must undergo a septic feasibility study through the Utah County Health Department before any approvals are granted;
7. Septic system approval is required prior to issuing any permits for buildings, subdivisions, or complexes. Businesses generating high wastewater volumes may be restricted based on septic system limitations; and
8. All roadway, drainage, construction, and infrastructure improvements must comply with the most current APWA (American Public Works Association) standards as adopted by Fairfield.

10.11.150.040. Setbacks, Building Height, Lot Size, Frontage, Parking.

Requirement	AR-1	AR-5	AR-10	AR-40
Lot area	1 acre	5 acres	10 acres	40 acres
Frontage	125 feet	250 feet	300 feet	300 feet
Setbacks residential buildings	Front 25 feet	Front 25 feet	Front 25 feet	Front 25 feet
	Side 15 feet	Side 15 feet	Side 15 feet	Side 15 feet
	Rear 40 feet	Rear 40 feet	Rear 40 feet	Rear 40 feet
Setbacks (accessory structures)	Street 25 feet	Street 25 feet	Street 25 feet	Street 25 feet
	side/rear 5 feet	Side/rear 5 feet	side/rear 5 feet	side/rear 5 feet
Maximum building height	35 feet	35 feet	35 feet	35 feet
Road Type	Local	Rural/Local	Rural	Rural

10.11.150.050. Development Standards.

A. Building Design and Appearance.

1. Primary Structures. Must complement the rural character of the area. Exterior materials such as wood, stone, and natural finishes are encouraged. Highly reflective or modern materials are discouraged;
2. **Accessory Structures.** Must comply with Section 10.7.250 and match or complement the primary building; and
3. Landscaping Requirements.
 - a. All yards visible to the public must have an area the same size as the square footage of the home that is improved, groomed, and maintained;

- b. Natural vegetation should be preserved where possible, and
 - c. Water-wise landscaping, including native plants and xeriscaping, is encouraged.
-

B. Fencing Standards. Fences on **residential lots** must not obstruct road visibility for drivers and must comply with the following height limits:

- 1. Front Yards: Maximum height of 4 feet, ensuring clear sightlines for traffic and pedestrians;
 - 2. Side and Rear Yards: Maximum height of 6 feet, ensuring clear sightlines for traffic and pedestrians;
 - 3. Farm Use Exception: Agricultural fencing necessary for livestock containment or crop protection may exceed these limits, provided it does not impair road visibility or create a traffic hazard;
 - 4. Barbed wire and electric fences are allowed only for agricultural purposes; and
 - 5. Animal enclosures must be secure and well-maintained.
-

C. Animal Husbandry/Farm Animal Standards.

1. Proper Animal Husbandry Practices. All farm animals kept within the Town of Fairfield must be maintained in a humane and responsible manner. Owners are required to:

- a. Provide adequate food, water, and shelter appropriate for the species;
- b. Maintain clean and sanitary living conditions that prevent disease and odor issues;
- c. Ensure that enclosures, fences, and pastures are appropriately sized and well-maintained for animal health and safety; and
- d. Prevent excessive noise, nuisances, or environmental damage caused by improper livestock management.

2. Compliance with Water Rights for Livestock Use.

- a. All livestock and farm animals must be provided with sufficient water in compliance with Utah State water rights laws;
- b. Water usage for animals must be within the approved water rights allocations associated with the property;
- c. Any livestock watering beyond standard residential water allotments must be supported by appropriate stock watering rights or additional water sources; and
- d. Unauthorized diversion or excessive use of water beyond permitted rights is prohibited.

3. Limits on Farm Animals per Acre. To ensure sustainable land use and responsible animal management, farm animal allowances shall follow **animal unit** guidelines based on property size:

- a. 1 acre or less: Up to 3 animal units;
- b. 2–5 acres: Up to 6 animal units; and
- c. 5+ acres: Subject to agricultural zoning regulations.

Animal Unit Equivalentents:

- a. 1 cow or horse = 1 animal unit;
- b. 5 sheep or goats = 1 animal unit;
- c. 25 chickens, ducks, or similar fowl = 1 animal unit;
- d. Other species will be evaluated based on equivalent water and space requirements.

4. Enforcement and Compliance. Violations of this standard, including neglect of animals or unauthorized water use, may result in penalties or corrective actions as determined by the Town of Fairfield. Property owners must demonstrate compliance upon request by town officials or water authorities.

D. Outdoor Lighting Standards.

1. Lighting must be downward-directed and shielded to prevent light pollution;
 2. No light should spill onto adjacent properties;
 3. Motion-activated security lighting is encouraged; and
 4. Must follow Fairfield Lighting Ordinance.
-

E. Parking Standards.

1. Residential Lot: A minimum of two (2) off-street parking spaces per dwelling unit;
 2. Accessory structures used for home-based businesses must provide additional parking; and
 3. Agricultural vehicles and trailers must not block public rights of way..
-

F. Road and Access Requirements.

1. All new developments must have direct access to a public road that meets town standards; and
 2. In AR-40 zones, shared driveways may be permitted with Planning Commission approval.
-

G. Renewable Energy System Standards.

1. Residential Solar Panels.
 - a. Roof-mounted solar panels are permitted on all homes; and
 - b. Ground-mounted systems must comply with accessory structure setbacks and must not exceed ten (10) feet in height.
-

J. Compliance and Enforcement.

1. Special Uses are subject to periodic inspections; and
 2. Violations may result in fines, suspension, or revocation of the Special Use authorization.
-

Ordinance #2025-03, An Ordinance of the Fairfield Town Council of Fairfield Town, Utah, Text Amendment to Section 10.11.200 - Light Industrial West Zone Regulations for Fairfield.

Dated March 19, 2025

Document Control Changes: Draft Changes made September 9, 2024, Amended March 18, 2025.

WHEREAS, Utah Code § 10-9a-102 grants the Fairfield Town authority to enact ordinances that the Fairfield Town considers necessary or appropriate for the use and development of land within the Town; and

WHEREAS, the subject text amendment enacts provisions related to the regulation of accessory dwelling units; and

WHEREAS, the Town Council has held a public hearing and reviewed the subject text amendment; and

WHEREAS, the Town Council finds that the subject text amendment will enhance public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE FAIRFIELD TOWN, UTAH:

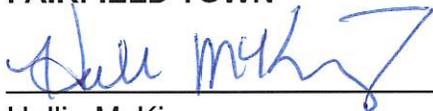
SECTION 1. Text Amendment. Fairfield Town Code Section 10.11.200 Light Industrial West Zone Regulations for Fairfield, as shown in **Exhibit A**, is hereby amended.

SECTION 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, provisions, and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

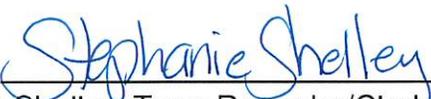
Passed and Adopted this **19th day of March 2025**.

FAIRFIELD TOWN



Hollie McKinney

RL Panek yes RL no _____
Tyler Thomas yes TT no _____
Michael Weber yes MBW no _____
Richard Cameron yes RSC no _____

ATTEST: 

Stephanie Shelley, Town Recorder/Clerk

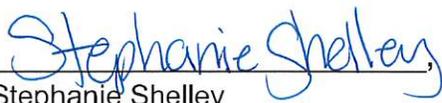
FAIRFIELD TOWN

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 **19th day of March 2025**.

Ordinance #2025-03, An Ordinance of the Fairfield Town Council of Fairfield Town, Utah, Amending Section 10.11.200 - Light Industrial West Zone Regulations for Fairfield.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **19th day of March 2025**.


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



EXHIBIT A

Chapter 10.11.200

Light Industrial West Zone Regulations for Fairfield

Sections:

- 10.11.200.010 Purpose
 - 10.11.200.020 Land Use Table
 - 10.11.200.030 Area Requirements
 - 10.11.200.040 Setback Requirements
 - 10.11.200.050 Maximum Building Height
 - 10.11.200.060 Development Standards
-

10.11.200.010 Purpose

The purpose of this chapter is to regulate light industrial development in Fairfield while ensuring compatibility with adjacent residential and commercial areas. This zone allows industrial and commercial uses that do not require intensive land coverage, generate excessive traffic, or create noise, glare, dust, or odors that negatively impact surrounding properties.

10.11.200.020 Land Use Table

The table below defines permitted and special uses within the industrial zone. Uses not listed are prohibited.

Land Uses	Permitted	*Special Use	Accessory Use
Accessory structure		X	
Animal husbandry	X		
Agriculture	X		
Agriculture Industry	X		
Automobile Sales & Service		X	
Automotive Body/Paint Repair		X	

Automotive Repair Establishment		X	
Autos, Trucks, RV Sales & Rentals		X	
Auto Self-Serve Station		X	
Auto Service Station		X	
Car Wash/ Truck Wash		X	
Commercial Greenhouses/Garden Centers		X	
Contractor Yards		X	
Convenience Store	X		
Equipment Rental		X	
Farm Equipment Sales		X	
Feed Store/ Farm Retail	X		
Financial Services	X		
Fireworks Manufacturing storage and/ or Sales		X	
Flag Pole		X	
Flex-Space Structure	X		
Gas Station		X	
Hardware Store	X		
Heavy/Large Product Manufacturing		X	
Hydroponic Greenhouses		X	
Industrial Outdoor Storage		X	
Industrial Retail Space			X
Indoor Shooting Range		X	
Light Assembly & Packaging	X		
Light Manufacturing	X		
Lumber yard	X		
Microbreweries & Distilleries		X	

Medical Manufacturing		X	
Multi-Tenant Industrial Building (MTIB)		X	
Industrial Office Buildings	X		
Pawn Shops		X	
Plant Nursery/ Garden Center		X	
Printing & Publishing	X		
Public Services	X		
Public Utility Stations		X	
Repair Services, Small Appliance		X	
Research & Development	X		
Restaurant	X		
Retail Sales Space	X		
RV and Boat Storage		X	
Self Storage Units	X		
School - Private -Charter or Trade school		X	
Showroom & Sales Centers		X	
Small Engine Repair		X	
Small-scale fabrication (e.g., metalworking, woodworking)		X	
Special event permits		X	
Stable	X		
Telecommunications Facility < 35ft	X		
Towing Yards		X	
Truss Plant		X	
Warehouse		X	
Welding/ Machine Shop		X	

*Special uses must comply with the standards listed in Section 10.11.200.060 and require a special use permit.

10.11.200.030 Area Requirements

1. One-acre minimum property size required.
 2. All developments must comply with parking, landscaping, utilities, and site plan regulations.
 3. A master site plan, including stormwater retention plans, is required for all developments.
 4. All development in this zone must connect to the Fairfield culinary water system unless necessary for a specific type of business based on the need for untreated water.
 5. All developments must secure and transfer the required water shares to Fairfield before a building permit is issued, ensuring adequate water resources for sustainable growth.
 6. Developers of industrial, business complexes, or subdivisions must demonstrate sufficient water shares to meet demand before receiving development approval.
 7. All developments must undergo a septic feasibility study through the Utah County Health Department before any approvals are granted.
 8. Septic system approval is required prior to issuing any permits for buildings, subdivisions, or complexes. Businesses generating high wastewater volumes may be restricted based on septic system limitations.
 9. All roadway, drainage, construction and infrastructure improvements must comply with the most current APWA (American Public Works Association) standards as adopted by Fairfield.
-

10.11.200.040 Setback Requirements

Yard Area	Minimum Setback*
Front	30' (may be reduced by Town Council with Planning Commission approval)
Side	15'
Rear	15 (50' required if abutting an arterial or collector street)
Accessory Structures	6'

1. Greater setbacks may be required as determined necessary by applicable regulatory authorities, including but not limited to the fire marshal, health department, or building official, to address fire safety, septic system placement and function, utility easement, topographical constraints, or other health and safety considerations. In such cases, the most restrictive setback shall apply.
 2. Setbacks shall be increased to 50ft if adjacent to a residential or agricultural use or zone.
-

10.11.200.050 Maximum Building Height

1. Buildings shall not exceed 35 feet in height unless approved by the Planning Commission. The Planning Commission may approve an increase in building height up to a maximum of fifty feet (50 ft) through the site plan or conditional use permit review process, provided all of the following criteria are met:
 - a. Compatibility: The increased height is compatible with surrounding land uses in terms of scale, character, and function.
 - b. Adverse Impacts: The increased height will not create significant adverse impacts related to noise, light, glare, traffic, or privacy for nearby properties.
 - c. Design Mitigation: The building design incorporates features such as step-backs, architectural articulation, landscaping, or other techniques to minimize the visual impacts of the additional height.
 - d. Proximity to Residential Uses: The portion of the building exceeding thirty-five feet (35 ft) in height is not located adjacent to any property with an existing residential use.
 2. Flagpoles are permitted to a maximum height of 35 feet; however, the Planning Commission may approve a greater height, not to exceed 120 feet, with all flagpoles required to comply with applicable building and safety codes.
-

10.11.200.060 Development Standards

1. Screening Requirements
 - a. See 10.17.70.13 for additional requirements.
 - b. A minimum six-foot-high Barrier fence, landscaping, or solid wall shall be required to screen industrial lots abutting residential or commercial properties.
 - c. Additional screening may be required by the Planning Commission based on the location and nature of the industrial operation.
2. Waste and Trash Storage

- a. No solid waste, wrecked or abandoned vehicles, or wrecked or abandoned equipment shall be stored in an open area.
- b. Garbage dumpsters shall be located out of sight from public roads and screened with fencing or landscaping.

3. Outdoor Storage

- a. Any outdoor storage of materials or equipment must be screened from public view, adjacent properties, and rights-of-way. Screening may include walls, fences, hedges, berms, or a combination thereof. Screening materials should be durable and aesthetically compatible with the surrounding area.
- b. Storage areas must be paved or stabilized to minimize dust and environmental impact.
- c. Materials shall not be stacked higher than 16 feet.

4. Noise, Odor, and Vibration Control

- a. Industrial activities shall not produce noise levels exceeding Fairfield's noise ordinance limits at the property boundary.
- b. Odor mitigation plans may be required for operations producing emissions. Vibrations must remain below thresholds that could negatively impact or be perceptible to neighboring properties.
- c. No use or operations shall create or permit vibrations that are perceptible without instruments at the property line of the site. Vibrations that are intermittent, continuous, or recurring and that cause the nuisance or potential harm to neighboring properties, structures, or occupants are prohibited.

5. Lighting and Signage

- a. Outdoor lighting shall comply with Fairfield's Dark Sky Ordinance to minimize light pollution.
- b. Signage must comply with Fairfield's sign ordinance, Chapter 10.21. Signs
- c. No flashing, animated, or excessively bright signs are permitted.

6. Utility, Infrastructure, and Stormwater Requirements

- a. All developments must comply with APWA infrastructure standards.

- b. Stormwater management plans must be submitted and approved prior to permitting.
- c. Businesses must provide a Septic Feasibility Study approved by the Utah County Health Department to demonstrate adequate wastewater management.
- d. All lot frontage must have dedicated roads and easements in place before approval of an application to ensure legal access and compliance with APWA standards.
- e. All electrical service drops, utility lines, and communication lines are required to be underground.
- f. Propane tank position must meet NFPA standards. 10' away from structures and fences, and propane tanks greater than 1000 gallons must be 25' away from any structure or fence.

Ordinance No. 2025-03 An Ordinance of the Fairfield Town Council of the Town of Fairfield, Utah, Amending Chapter 10.21. Signs.

Dated May 21, 2025

Document Control Changes: Draft changes made March 4, 2025

WHEREAS, Utah Code 10-9a-102 grants Fairfield Town authority to enact ordinances that the Fairfield Town considers necessary or appropriate for the use and development of land within the Town; and

WHEREAS, the subject text amendment enacts provisions related to the regulation of signs; and

WHEREAS, the Planning Commission has held a public hearing on May 7, 2025, and reviewed the subject text amendment; and

WHEREAS, the Town Council finds that the subject text amendment will enhance public safety and the rural aesthetics of the community, while minimizing visual clutter.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD, UTAH:

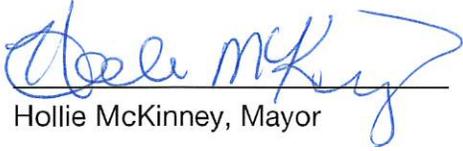
SECTION 1. Text Amendment. Fairfield Town Code Chapter 10.21, as shown in Exhibit A, is hereby amended.

SECTION 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, provisions, and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

Passed and Adopted this 21 day of May, 2025

FAIRFIELD TOWN


Hollie McKinney, Mayor

RL Panek	yes <u>127</u>	no _____	abstain _____	absent _____
Tyler Thomas	yes <u>11</u>	no _____	abstain _____	absent _____
Michael Weber	yes <u>100</u>	no _____	abstain _____	absent _____
Richard Cameron	yes _____	no _____	abstain _____	absent <u>✓</u>


Stephanie Shelley, Recorder

(SEAL)



EXHIBIT A

Section 10.21.10. Purpose.

The purpose of this ordinance is to establish sign regulations that enhance the rural character of Fairfield, maintain aesthetic consistency, ensure public safety, and minimize visual clutter while allowing appropriate signage for businesses and developments.

Section 10.21.20. Applicability.

Monument signs and wall signs are prohibited in all zones except for the Light Industrial West Zone, Light Industrial East Zone, and the Commercial Overlay Zone. All signs must comply with the regulations in this Chapter.

Section 10.21.30. General Sign Requirements.

A. Monument Signs:

1. Each development is permitted one (1) monument base sign per five hundred (500) feet of frontage, which must comply with Fairfield Town's aesthetic and design standards in the General Plan;
2. The maximum height shall not exceed eight (8) feet, and the maximum width shall not exceed ten (10) feet;
3. Materials shall be natural or complementary to the surrounding architecture, including stone, wood, or metal accents;
4. Monument signs shall be externally illuminated with downward-facing lighting. Internally lit or backlit signs are prohibited;.
5. Placement must not obstruct visibility for traffic or pedestrians;
6. Residential Zones: No advertising signs of any kind shall be allowed in any residential zone, except signs pertaining to the sale or lease of residential property and except for name plates or signs indicating the existence of an office, a professional person, or a home occupation; and
7. Exception: Temporary signs (not posted longer than 72 hours).

B. Wall Signs:

1. All wall signs must be included in the master development plan and reviewed as part of the site plan approval process;

2. Signs shall be proportional to the building's façade and may not exceed ten (10) percent of the wall area on which they are placed;
3. Lighting shall be non-intrusive, such as gooseneck or downward-facing fixtures; and
4. Signs shall be made of high-quality, durable materials and must maintain a consistent aesthetic with the development.

C. Directional & Informational Signs:

1. Small directional signs, such as parking and entrance signs, shall be limited to four (4) feet in height. Maximum of sixteen (16) square feet;
2. Signs must be consistent in color, material, and style with the primary monument sign; and
3. Internal illumination is prohibited; externally lit fixtures must be shielded to prevent light pollution.

Section 10.21.40. Prohibited Signs.

A. The following sign types are prohibited within Fairfield Town limits:

1. Digital, LED, or flashing signs, including scrolling or animated messages;
2. Billboards or off-site advertising signs not associated with the property;
3. Roof-mounted signs extending above the highest part of the building;
4. Portable or mobile signs, including trailer-mounted advertising;
5. Neon signs, except for small window-mounted "Open" signs under four (4) square feet; and
6. Signs obstructing road visibility or creating safety hazards.

Section 10.21.50. Temporary & Event Signs.

A. Community event signs (e.g., town fairs, seasonal markets) may be allowed but must be removed within seven (7) days after the event.

B. Banners and sandwich boards are permitted only for special events or grand openings and must be removed within fourteen (14) days.

C. Temporary signs shall not exceed thirty-two (32) square feet in size and must be securely fastened to prevent wind damage.

Section 10.21.60. Lighting Standards.

A. All sign lighting must use warm, non-intrusive illumination that aligns with Fairfield's rural character.

B. No neon, backlit, or excessively bright lighting is allowed.

C. Dark-sky compliant fixtures are required to reduce light pollution.

Section 10.21.70. Compliance & Enforcement.

A. All new signs must be reviewed and approved as part of the site plan or master development plan process.

B. Non-conforming signs must be removed or brought into compliance within thirty (30) days of notice.

C. Violations of this ordinance may result in fines, penalties, or removal of the non-compliant sign at the owner's expense.

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 **21st day of May 2025**.

Ordinance #2025-03 An Ordinance of the Fairfield Town Council of the Town of Fairfield, Utah, Amending Chapter 10.21. Signs.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **21st day of May 2025**.


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

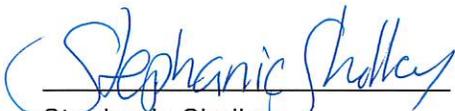
I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the **21st day of May 2025**, and herein referred to as:

SUMMARY.

Ordinance #2025-03 An Ordinance of the Fairfield Town Council of the Town of Fairfield, Utah, Amending Chapter 10.21. Signs.

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 22nd day of May, 2025

Ordinance No. 2025-04 An Ordinance Of The Town Council Of The Town Of Fairfield, Utah,
Adopting The Utah State Construction Codes, The International Fire Code, And Designating
Enforcement Officials **Date: May 21, 2025**

Created: May 21, 2025

WHEREAS, Fairfield Town desires to ensure the health, safety, and welfare of its residents by adopting and enforcing building, fire, and safety standards consistent with state law; and

WHEREAS, Utah Code Annotated Section 15A-1-204 requires municipalities to enforce the State Construction Code and permits the adoption of rules and designations necessary for local enforcement; and

WHEREAS, the Town also desires to align with the Utah County Fire requirements by adopting the International Fire Code:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF FAIRFIELD TOWN, UTAH, AS FOLLOWS:

SECTION 1. ADOPTION OF UTAH STATE CONSTRUCTION CODES.

Fairfield Town hereby adopts by reference the Utah State Construction Codes as currently written and as amended from time to time by the State of Utah, including but not limited to:

- The International Building Code (IBC)
- The International Residential Code (IRC)
- The International Plumbing Code (IPC)
- The International Mechanical Code (IMC)
- The National Electrical Code (NEC)
- The International Energy Conservation Code (IECC)
- Any other construction codes included in the Utah State Construction Code

SECTION 2. ADOPTION OF INTERNATIONAL FIRE CODE.

Fairfield Town hereby adopts by reference the current version of the International Fire Code (IFC), as amended and adopted by the State of Utah, including any local amendments as required to align with Utah County Fire standards.

SECTION 3. DESIGNATION OF OFFICIALS.

The Town hereby designates Sunrise Engineering (or their designee) as the Building Official for Fairfield, authorized to administer, interpret, and enforce the adopted construction codes.

The Town will hire a Code Enforcement Officer for Fairfield, authorized to enforce property maintenance codes, land use ordinances, nuisance regulations, and other Town ordinances as directed.

SECTION 4. LIABILITY INSURANCE.

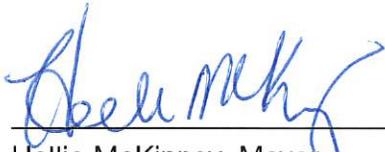
The Town shall provide liability insurance coverage for its appointed officials, acting within the course and scope of their duties as required by law.

SECTION 5. Effective Date.

This Ordinance shall take effect immediately upon posting and publication as required by law.

Passed and Adopted this **21st day of May, 2025.**

FAIRFIELD TOWN



Hollie McKinney, Mayor

RL Panek	yes <u>RP</u>	no _____	abstain _____	absent _____
Tyler Thomas	yes <u>TT</u>	no _____	abstain _____	absent _____
Michael Weber	yes <u>MW</u>	no _____	abstain _____	absent _____
Richard Cameron	yes _____	no _____	abstain _____	absent <u>✓</u>



Stephanie Shelley, Recorder



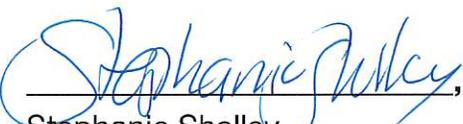
FAIRFIELD TOWN

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 **21st day of May, 2025.**

Ordinance No. 2025-04 An Ordinance Of The Town Council Of The Town Of Fairfield, Utah, Adopting The Utah State Construction Codes, The International Fire Code, And Designating Enforcement Officials

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **21st day of May, 2025.**


Stephanie Shelley
Fairfield Town Recorder/Clerk



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
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 **21st day of May, 2025**, and herein referred to as:

SUMMARY.

Ordinance No. 2025-04 An Ordinance Of The Town Council Of The Town Of Fairfield, Utah, Adopting The Utah State Construction Codes, The International Fire Code, And Designating Enforcement Officials.

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 22nd day of May, 2025

Ordinance No. 2025-05 An Ordinance Of Fairfield Town, Utah, Adopting the Fairfield Town Master Sewer Plan. **Date: May 21, 2025**

Created: May 21, 2025

WHEREAS, the Fairfield Town has authority under Utah law to enact ordinances and desires to formally adopt its Master Sewer Plan to guide orderly growth and infrastructure development; and

WHEREAS, a public hearing was duly noticed and held on May 7, 2025, in accordance with Utah law;

NOW, THEREFORE, BE IT ORDAINED by the Fairfield Town Council as follows:

SECTION 1. ADOPTION OF MASTER SEWER PLAN

The document titled "Master Sewer Plan," dated May 2025, is hereby adopted as the official sewer infrastructure planning document.

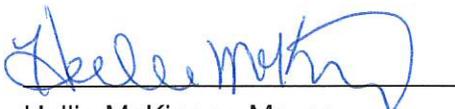
SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. EFFECTIVE DATE

Passed and Adopted this **21st day of May, 2025.**

FAIRFIELD TOWN


Hollie McKinney, Mayor

RL Panek	yes <u>RL</u>	no _____	abstain _____	absent _____
Tyler Thomas	yes <u>TT</u>	no _____	abstain _____	absent _____
Michael Weber	yes <u>MC</u>	no _____	abstain _____	absent _____
Richard Cameron	yes _____	no _____	abstain _____	absent <u>_____</u>


Stephanie Shelley, Recorder



(SEAL)

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 **21st day of May, 2025**.

Ordinance No. 2025-05 An Ordinance Of Fairfield Town, Utah, Adopting the Fairfield Town Master Sewer Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **21st day of May, 2025**.



Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
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 **21st day of May, 2025**, and herein referred to as:

SUMMARY.

Ordinance No. 2025-05 An Ordinance Of Fairfield Town, Utah, Adopting the Fairfield Town Master Sewer Plan.

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 22nd day of May, 2025



PREPARED BY:



BOWEN COLLINS
& ASSOCIATES

FAIRFIELD TOWN

MAY 2025

SEWER MASTER PLAN

FAIRFIELD TOWN SEWER MASTER PLAN

May 2025

Prepared for:

**FAIRFIELD
TOWN**

Prepared by:



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CHAPTER 1 INTRODUCTION

INTRODUCTION & BACKGROUND

Fairfield Town (the Town) has contracted with Bowen Collins & Associates (BC&A) to prepare a sewer master plan. The purpose of this master plan report is to forecast future wastewater production as a result of growth, evaluate alternative methods of treating future wastewater flows, recommend parameters for a future sewer collections system, and identify improvements that will be required to create a wastewater collections and treatment system.

Currently, all wastewater flows within Fairfield Town are sent to septic systems owned by individual residents. Discussion with developers have prompted Town personnel to consider the future need of a centralized collection and treatment system.

SCOPE OF SERVICES

As part of this master plan, BC&A completed the following tasks:

Task 1: Collect, review, and organize data to identify expected sewer flows and needed capital improvements.

Task 2: Project population growth and estimate future wastewater flows.

Task 3: Evaluate alternatives and recommend sewer collection and treatment options.

Task 4: Develop a comprehensive capital facilities plan incorporating all recommended projects identified for the collection and treatment system as applicable.

Task 5: Document results of the previous tasks in a report.

It should be noted that the primary focus of this report was to identify the big-picture aspects and needs of constructing a new wastewater system. Therefore, we have outlined a general plan for a sewer system but have not developed any detailed design for these systems.

REPORT ASSUMPTIONS

The following assumptions were key to developing this master plan and the final results presented. If any of these assumptions prove to be incorrect as more details about system growth and development are available, the results of this master plan should be revised to reflect those changes.

- Eagle Mountain City has expressed willingness to treat Fairfield's sewer flows, pending an agreement between the two parties.
- Development in the Town will begin in the northeast corner. Additional development will occur over time at the north end, through the town center, and at the southwest corner near Allen's Ranch Road. The timing of these developments is unknown, but initial sewer system infrastructure is expected to be needed within the next 5 years.
- The indoor water demand estimates in the 2025 Water Master Plan are representative of existing and expected water use patterns and therefore sewer flows.
- As later described in this report, BC&A has assumed that the Town will limit development to 1 ERU/acre for industrial customers and 2 ERUs/acre for commercial customers.¹

¹ In connection with limitations on development density, BC&A has also assumed that the Town will require customers to limit sewer release rates to the maximum planned discharged for buildout level of service, as shown in Table 2-3 of Chapter 2. Release rates higher than the peak month average day or peak hour flow listed in this report may impact pipe sizing and treatment capacity needs outlined in this report.

- All cost estimates have been included in 2025 dollars. Future project costs will need to be inflated to the year of construction for a true cost projection.

CHAPTER 2 WASTEWATER SYSTEM GROWTH PROJECTIONS

INTRODUCTION

A key aspect of the master planning process is developing projections for future system utilization. Growth projections have a direct impact on important components of this master plan and other Town planning studies (including the 2025 Water Master Plan). The purpose of this chapter is to estimate future growth and project future wastewater production within the Town's service area.

ESTIMATING BASE WASTEWATER FLOWS

Wastewater flows consist of flows from base sanitary sources (residential, commercial, and industrial), inflow, and infiltration. Each of these components are described in greater detail below.²

Base Sanitary Sewer Flow

Base sanitary wastewater is categorized as flow that intentionally enters the collection system from a home, business, or other sewer connection. Ideally, base sanitary waste should make up the majority of flow in the sewer collection system. Often sewer flows are estimated using water meter data by evaluating demands in winter months, when little to no irrigation occurs and therefore most water use is for indoor applications. Due to the lack of reliable historic metered data from sales and water production, indoor water use was estimated based on typical per capita water use in the state of Utah in combination with a conservatively high household size of 3.3 people per household (Fairfield 2020 census data reports 2.09 people/household). Based on this method the estimated indoor water use per residential connection is 198 gpd. BC&A checked water production data for 2022 and 2023 and verified that this estimate is reasonable.

The average household indoor water use does not necessarily equate to the water that is discharged into the sewer system. While the majority of culinary water use in the winter directly enters the sewer collection system after use (such as water used for toilets, showers, washing machines, dishwashers, etc., hereafter referred to as "non-consumptive" water use), a small portion does not. Water used for drinking or cooking, watering plants, or water that is lost through internal leaks within the unit's plumbing system on the customer's side of the meter will not enter the sewer. However, this is only a small portion of the total flow. For a residential unit, it is estimated that 90 – 95% of metered winter water use will be discharged into the sewer collection system.

For the purpose of this master plan, it was conservatively assumed that 95% of overall indoor water use would ultimately enter the sewer collection system. Under this assumption, Table 2-1 summarizes base sanitary wastewater flow estimates for residential and non-residential connections under an average daily demand scenario. Non-residential applications are assumed to use a larger share of water indoors, resulting in higher sewer flows and more sewer ERUs per connection. See the 2025 Fairfield Water Master Plan for details concerning estimated water use for these facilities.

Note that actual sewer flows vary throughout the day due to typical patterns of indoor water use. The values shown in Table 2-1 represent peak month, average day flows.

² Utah Administrative Code R317-3 titled, "Design Requirements for Wastewater Collection, Treatment and Disposal Systems" provides guidelines for estimating per capita wastewater production for the purpose of sizing sewer collection and treatment systems. The code states that, "New sewer systems shall be designed on the basis of an annual average daily rate of flow of 100 gallons per capita per day unless there are data to indicate otherwise. The per capita rate of flow includes an allowance for infiltration/inflow". The design guidelines presented in UAC R317-3 are typically conservative when compared to actual sewer flows in a collection system. Since historic water production data is available from the Town, sewer flow estimates specific to the Fairfield sewer system were developed and used for this master plan as described in this chapter.

Table 2-1
Estimated Standard Base Sanitary Wastewater Flow

Customer Type	Estimated Typical Indoor Water Use per Connection (gal)	Estimated % of Non-Consumptive Indoor Water Use	Estimated Peak Month, Average Day Wastewater Production per Connection (gal)	Sewer ERU per Connection
Residential	198	95%	188	1.0
Light Industrial	388	95%	368	2.0
Commercial	775	95%	737	3.9

Inflow and Infiltration

Inflow refers to flows that enter the sewer system via unofficial connections (such as manhole covers, leaky service laterals, root damage, etc.) during a precipitation event. These are temporary increases in flow that enter the system after a storm. Conversely, infiltration is related to groundwater seeping into the wastewater collection system through cracks, breaks, or un-sealed pipe joints. Groundwater levels—and therefore infiltration flows—can vary with seasonal and long-term precipitation trends but are generally constant over a 24-hour period.

Inflow and infiltration flows can be separated from base sanitary wastewater flows with detailed monitoring. However, most sewer systems don't have sufficient data to separate these sources. In the absence of detailed monitoring, we have assumed infiltration to be 18% of base sanitary sewer flows. Inflow will be accommodated in the pipe capacity safety factor discussed in Chapter 4.

Peak Hour Flows

Sewer flows typically vary throughout the day based on daily water use patterns. For example, morning and evenings typically see a spike in domestic water use (and therefore sewer flows) as more people are at home using showers, toilets, washing machines, etc. as opposed to the middle of the day, when people often leave the house for work or other activities. Understanding and planning for these hourly peaks is crucial to adequately sizing a sewer collection system.

Hourly peaking factors may change over time for multiple reasons, including, but not limited to:

- **System Growth:** Peaking factors generally decrease as a system grows. As additional connections are added to the system, the base flows conveyed through the collection system increases, which reduces the peaking effect of a single or small group of customers.
- **Change in Customer Class Distribution:** The daily indoor water use patterns of residential and non-residential customers are usually very different, which creates different peaking factors. Therefore, peaking factors often change when the balance between residential and non-residential customers changes within a sewer system.

Peaking factors were estimated based on the 10-state Standard for small area peaking factors. This method uses historic data collected over many systems, estimated connections, and estimated flows to project peaking factors for hourly sewer flows. For Fairfield, these peaking factors range from 4.05 in the first year of system operation to 2.66 at buildout.

Hourly peaking factors are applied only to the base sanitary sewer flows, not I&I.

Proposed Level of Service for New Users

BC&A proposes the level of service per ERU for new development in Fairfield as shown in Table 2-2. These values are based on the assumption that future development will follow similar indoor use patterns as existing Fairfield Town water customers, and that infiltration will continue at 18% of total base sanitary flows per ERU.

**Table 2-2
Recommended Near-Term Level of Service per ERU (10-yr)**

Flow Component	Peak Month, Average Day Flow per Sewer ERU (gpd)	Peak Hour Flow per Sewer ERU (gpd)
Base Sanitary Flow	188	761
Infiltration ¹	34	34
Total Level of Service	222	795

¹Assumed to constitute 18% of total base sanitary sewer flow.

Table 2-3 shows the projected level of service for the system at buildout.

**Table 2-3
Estimated Buildout Level of Service per ERU**

Flow Component	Peak Month, Average Day Flow per Sewer ERU (gpd)	Peak Hour Flow per Sewer ERU (gpd)
Base Sanitary Flow	188	501
Infiltration ¹	34	34
Total Level of Service	222	535

¹Assumed to constitute 18% of total base sanitary sewer flow.

Note that it is likely that water use patterns will change as development occurs, impacting the sewer flows per ERU estimated in this study. The Town should review incoming development proposals and monitor real water use and/or sewer flows to understand if and when these estimates need to be updated.

Additionally, some customers (notably non-residential) may create peak instantaneous sewer discharges larger than those published in Tables 2-2 and 2-3. In order to reduce the risk of overwhelming the collections and treatment systems with these large peak wastewater flows, BC&A recommends that the Town requires all developments to restrict sewer releases to the buildout peak hour flows for base sanitary flows published in Table 2-3.

Summary of Flow Projections

Below is a summary of flow projections described in this section. These values represent the base sanitary sewer flow and expected I&I.

- Existing and future peak month, average day flow = 222 gpd/ERU
- Existing peak hour flow = 795 gpd/ERU (0.552 gpm/ERU)
- Future peak hour flow = 535 gpd/ERU (0.372 gpm/ERU)

GROWTH PROJECTIONS AND FUTURE FLOWS

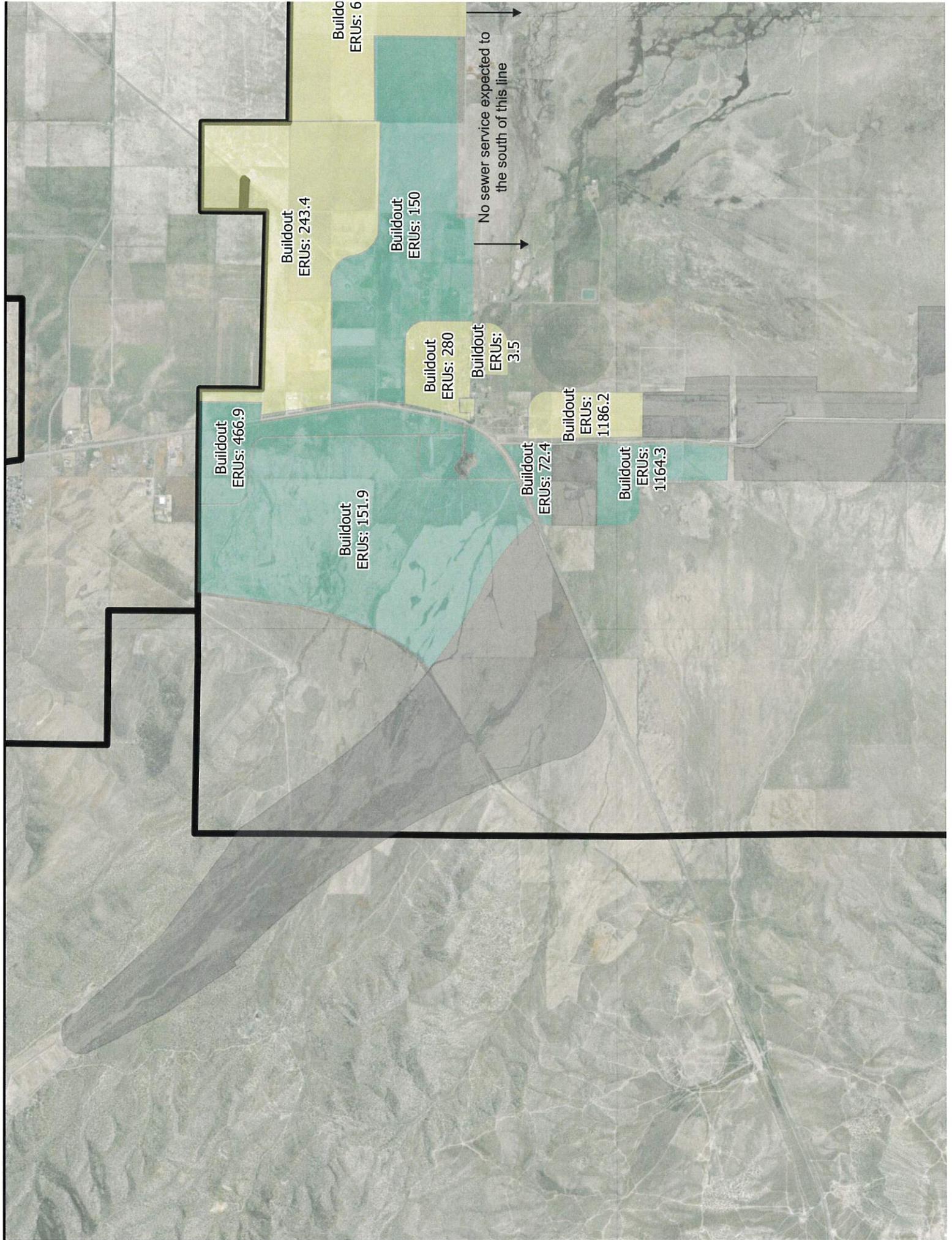
Future growth projections for all of Fairfield Town were estimated in the concurrently developed 2025 Water Master Plan, completed by BC&A. After coordinating with Town staff, BC&A decided to utilize these growth projections to ensure consistency between the different utility master plans. One important difference in how the growth projections were used in this plan pertains to existing users. Since there is no existing centralized sewer system in Fairfield currently, BC&A adjusted the number of “new ERUs” in the system to be zero for the sewer system and to grow with development. BC&A conservatively assumed current residents of Fairfield will connect to the centralized sewer system within the next 10 years. Growth projections shown in Table 2-4 reflect this assumption.

**Table 2-4
Growth Projections for Fairfield Town**

Year	Estimated Growth Rate	Population	Sewer ERUs	Base Sanitary Sewer Flow (gpd)	Infiltration (gpd)	Total Average Flow (gpd)
2025	--	265	0	0	0	0
2026	54.0%	355	85	17,879	3,218	21,098
2027	35.2%	445	128	27,040	4,867	31,907
2028	26.2%	535	172	36,278	6,530	42,808
2029	18.8%	625	209	44,138	7,945	52,083
2030	16.4%	718	248	52,306	9,415	61,722
2031	20.1%	839	306	64,546	11,618	76,164
2032	19.2%	974	373	78,742	14,174	92,916
2033	18.2%	1,123	451	95,027	17,105	112,132
2034	17.2%	1,282	538	113,499	20,430	133,929
2035	16.1%	1,449	635	133,953	24,112	158,064
2040	11.1%	2,249	1,286	271,076	48,794	319,869
2045	7.8%	2,744	2,191	462,048	83,169	545,217
2050	4.9%	2,952	3,143	662,755	119,296	782,051
2055	2.4%	3,025	3,832	807,952	145,431	953,384
2060	0.9%	3,049	4,175	880,417	158,475	1,038,892
2065	0.3%	3,056	4,308	908,280	163,490	1,071,770
2070	0.1%	3,059	4,354	918,106	165,259	1,083,365
2075	0.0%	3,059	4,369	921,171	165,811	1,086,981
2080	0.0%	3,060	4,373	922,148	165,987	1,088,135

ESTIMATED DISTRIBUTION OF FUTURE GROWTH

While it is impossible to predict exactly when and where new development will occur within the system, Town staff have a general idea of where new projects are occurring and how new development will unfold in the future. Through coordination with the Town staff, Figure 2-1 displays the estimated distribution of new growth within the 10-year planning window and 20-year planning window. This exercise helps to prioritize which sewer collection system projects will need to be built to accommodate the needs of future growth. It should be noted that the areas identified in the 10-year window are not expected to be fully developed within ten years, but that at least some portion of growth will begin within this planning window. If the Town observes significant deviations from these assumptions with respect to the location or timing of new development, updates should be made in subsequent master planning efforts.



CHAPTER 3 FUTURE TREATMENT ALTERNATIVES EVALUATION

BC&A began its analysis by considering sewer treatment alternatives because the location of treatment facilities will inform much of how the collections system is conceptualized. The purpose of this chapter is to consider which alternatives exist for treating Fairfield's sewer flows, understand the relative advantages and disadvantages of each alternative, and provide a recommended treatment alternative.

TREATMENT ALTERNATIVES

While there are many nuances to sewer treatment options, BC&A considered two main alternatives for this master plan:

- Building a new wastewater treatment facility in Fairfield or
- Entering into an agreement with another entity to treat sewer flows.

These alternatives are described and analyzed in the following sections. BC&A summarized advantages and disadvantages by considering short-term and long-term costs to the Town, ease of complying with state regulations regarding sewer treatment, and time to have an operational system.

Alternative 1: Build a New Wastewater Treatment Facility in Fairfield

Fairfield may plan for, design, build, and operate its own wastewater treatment plant (WWTP). The estimated cost, advantages, and disadvantages of this alternative are as follows:

Estimated Cost:

- Capital Construction Cost: ~\$22 million
- Annual Operation & Maintenance: Between \$270,000 and \$2.0 million per MGD of treatment capacity
- Annual Treatment System Capital Investment³: ~\$392,000/year

Advantages:

- Gives the Town control over treatment processes
- Holds the cost at actual cost of treatment (i.e. cost not dependent on an agreement with another entity)

Disadvantages:

- Expensive to construct, operate, and maintain
- Requires full time licensed and/or certified personnel to be added to Town staff
- Requires approval by the Utah Division of Environmental Quality to build and operate. Approval is unlikely due to the proximity to the existing treatment plant in Eagle Mountain.
- Relatively long time frame to have an operational sewer system because of time for design, state approval, and construction
- Functionality of WWTP becomes difficult without a surface water body in the Town for effluent discharge

³ Long-term budget required to sustainably maintain the capital facilities associated with treatment after it is initially paid for. Based on expected 50-year service life for most treatment facilities.

Alternative 2: Enter into an Agreement with Eagle Mountain for Sewer Treatment

The other alternative Fairfield has in dealing with centralized sewer treatment is to enter into an agreement with Eagle Mountain for sewage to be treated at the Eagle Mountain WWTP. At the time of writing this master plan, Fairfield has already approached Eagle Mountain public works staff and City Council to propose this alternative. The Eagle Mountain City Council approved the proposal submitted by the Town, but the actual terms of the agreement have not been set. As with Alternative 1, the estimated cost, advantages, and disadvantages of this alternative are as follows:

Estimated Cost:

- Both initial capital and ongoing annual costs will be dependent on the cost of treatment and conveyance for Eagle Mountain and will be decided in the official agreement between Eagle Mountain and Fairfield. Eagle Mountain's current sewer capacity impact fee is \$4,665/ERU. While this is expected to increase in the future, it is significantly less than the approximately \$15,000/ERU cost associated with building treatment for Alternative 1. An additional cost advantage of Alternative 2 is that it would be easier to add cost (and treatment capacity) incrementally compared to Alternative 1.

Advantages:

- A much simpler process for the Town because it eliminates the need to hire additional staff members, acquire licenses and permits for building and operating a WWTP, working through state approval, etc.
- More in line with state desires to consolidate treatment locations where possible
- It is expected that Eagle Mountain will allow the Town to buy into the treatment plant incrementally. This would result in a much smaller up-front capital investment than Alternative 1.

Disadvantages:

- Agreement cost will be controlled by Eagle Mountain, may not be strictly cost of service, and will likely be increased on a regular basis
- May require a more extensive collection system to reach the Eagle Mountain WWTP

TREATMENT CONCLUSIONS AND RECOMMENDATIONS

Based on the cost estimates, advantages, and disadvantages stated above, we anticipate Alternative 2 will be the best option for Fairfield economically and administratively. We recommend the following action be taken to facilitate treating sewer flows at the Eagle Mountain WWTP:

- Continue discussions with Eagle Mountain public works to form an agreement for sewer treatment. While this agreement will be unique to Eagle Mountain and Fairfield, the following items are commonly seen in these types of agreement or are general things to consider:
 - The agreement will likely include a buy-in portion (i.e. Fairfield has to purchase their fair share of treatment capacity from Eagle Mountain) and a volume portion (i.e. the cost of actually treating each gallon of sewage). In addition to treatment capacity, this may also include a buy-in to existing collection facilities that Fairfield ties into.
 - While there are multiple different approaches to determining buy-in costs, it is recommended that the Town negotiate a buy-in cost for existing development that is closely tied to the calculation of Eagle Mountain's impact fees. This will ensure that the fees are calculated fairly and according to a set process dictated by State code.

- Future volume capacity can be purchased in blocks at a time to cover expected development for the next several years or can be purchased for individual connections as they are developed. If possible, it is recommended that the Town pursue an agreement in which its new connections simply pay an impact fee to Eagle Mountain as they connect to the system. Again, this will ensure that the fee is fairly calculated and will remove any kind of burden for financing future development off the Town.

CHAPTER 4 FUTURE COLLECTIONS SYSTEM

This chapter was written under the assumption that Fairfield sewage flows will be treated at the Eagle Mountain WWTP, as discussed in Chapter 3. Therefore, all collections system improvements discussed in this chapter are laid out to send flows to that location.

COLLECTIONS SYSTEM ALTERNATIVES

Multiple alternatives or alternative combinations were developed for the future sewer collection system in Fairfield, as shown in Figure 4-1 and summarized in Table 4-1. Three basic alternatives were considered:

- **Alternative 1:** Sends majority of flows north to tie into Eagle Mountain's existing sewer mains in Pole Canyon Rd. This alternative would leave a small area to the east that would need to be served by a lift station.
- **Alternative 2:** Sends all flows to the northeast corner of Fairfield to connect into Eagle Mountain's collection system along Magnolia Rd.
- **Alternative 3:** Sends flows to Fairfield's Main Street, where they will be sent east and north to connect to Eagle Mountain's collection system along Magnolia Rd.

The following items were considered when developing and evaluating these alternatives:

- The amount of the system that can gravity flow to the WWTP, rather than requiring lift stations and force mains (which are typically more expensive to build, operate, and maintain);
- The number of outfalls from Fairfield into the Eagle Mountain sewer collections system and WWTP;
- Total pipe required and expected pipe sizes (assuming minimum pipe slope per Utah code R317-3-2.3(D)(4)); and
- Rough estimated cost.

In addition to the considerations above, the following assumptions were made when sizing gravity pipes in this analysis:

- Manning's roughness coefficient of 0.013 was assumed.
- Pipes were sized such that maximum pipe capacity for base flows did not exceed 75% pipe capacity (q/Q). The remaining 25% of pipe capacity is reserved for precipitation related inflow or atypical fluctuations in base sanitary water use.

**Table 4-1
Comparison of Collections Alternatives**

	Alternative 1 Only	Alternative 2 Only	Alternative 3 Only	Alternatives 1 and 3	Alternatives 2 and 3
Number of Major Lift Stations Required	1	0	0	0	0
Number of Outfalls to Eagle Mountain System	1	1	1	2	1
Total Gravity Pipe (inch-diameter miles) ¹	100	134	159	157	163
Total Force Main Pipe Length (inch-diameter-miles) ²	12	0	0	0	0
Pipe Cost Estimate (design, material, & pipe installation) ³	\$20,067,900	\$21,641,500	\$24,859,100	\$25,153,900	\$25,958,100
Lift Station Cost Estimate	\$1,003,000	\$0	\$0	\$0	\$0
Approximate Cost of Buy-In to Eagle Mountain Conveyance Facilities ⁴	\$3,984,300	\$1,538,700	\$1,538,700	\$1,538,700	\$1,538,700
Total Collections Cost Estimate	\$25,055,200	\$23,180,200	\$26,397,800	\$26,692,600	\$27,496,800
Additional Notes	This alternative cannot function without lift station location 1 (see Figure 4-1). Splits the Fairfield system into two separate systems and outfalls. May be beneficial to avoid overwhelming the Eagle Mountain collections system but also creates challenges for cost sharing. This alternative creates virtually two separate systems on the north and south ends of Fairfield, while isolating connections to Eagle Mountain to only one location.				

¹Inch-diameter-mile is a measure of total pipe length weighted by pipe diameter and is commonly used to objectively compare a mix of pipe lengths and diameters.

²Force main dimensions based on C900 PVC DR14 pipe.

³Excludes appurtenant construction costs such as survey, traffic control, pipe fittings, etc. Should be used for comparison of alternatives only with a more detailed estimate to be assembled after an recommended alternative is selected.

⁴Actual cost of Eagle Mountain conveyance cost is unknown. It was assumed for the purposes of this analysis that Fairfield can share capacity in these pipes. We have assumed this would be approximately 60% of the cost of installing independent infrastructure.

Based on the information contained in Table 4-1 the following discussions and conclusions can be made:

- From an initial capital cost perspective, Alternative 1 is the second cheapest, however this does not consider the ongoing costs of operating and maintaining the lift station(s).
- Alternative 2 keeps collections infrastructure required to a minimum, while also likely eliminating the need for a lift station.
- A high-level investigation performed for this analysis indicated that a pipe laid at a minimum slope north from 50 N could eliminate the need for a lift station in Alternatives 2 and 3. However, additional survey and topographical investigation should be performed to confirm these slopes and constructability of a gravity line for these alternatives.
- The combination of alternatives may make sense as development occurs, depending on development patterns. For example, if the north end of the system develops many years before the south end, building enough infrastructure only for the immediate demand would reduce the Town's cost burden of paying for infrastructure that will not be used or reimbursed for many years. However, it's also important to remember that the more separate the systems, the more infrastructure is required and the more difficult it is to share costs for infrastructure among future customers.
- An additional consideration is related to the amount of pipe capacity available in the existing Eagle Mountain main lines that Fairfield would connect into. BC&A does not have information on these existing pipe sizes and would encourage additional investigation and coordination with Eagle Mountain to determine pipe capacity availability. If existing pipe capacity is insufficient for total Fairfield sewer flows, it may be better to connect to the Eagle Mountain system at two locations in order to avoid needing to upsize existing pipes.

Without further information about the Eagle Mountain system, BC&A recommends moving forward with the collection system shown in Alternative 2. This alternative is economical, likely does not involve constructing and maintaining a sewer lift station, allows for infrastructure cost sharing among future sewer customers, and isolates the connection to Eagle Mountain to one location.

COLLECTIONS CONCLUSIONS AND RECOMMENDATIONS

BC&A recommends having conversations with Eagle Mountain to understand:

1. If there is a preferred location to tie-in to their existing sewer system based on the alternatives presented in this master plan; and
2. If the existing Eagle Mountain sewer pipes we are proposing to connect to (shown in Figure 4-1) are sized to handle the additional flows from Fairfield.

Unless information from Eagle Mountain reveals high additional cost associated with upsizing the existing sewer line along Magnolia Rd, BC&A recommends Fairfield make Alternative 2 the preferred alignment for its collection system.

CHAPTER 5 CAPITAL IMPROVEMENT PLAN

The purpose of this chapter is to summarize the projects recommended to create a centralized sewer system in Fairfield and assemble a 10-year capital improvement plan to implement the recommended projects. This will include recommendations regarding funding mechanisms for capital projects. The timing and need for the capital projects included in this chapter rely heavily on when and where development will occur within the Town. If actual development patterns differ significantly from what is assumed in this master plan, the timing of capital projects should be revised to match actual growth.

SUMMARY OF RECOMMENDATIONS AND SYSTEM PROJECTS

The following projects represent a summary of all recommendations made throughout this master plan. Note that some items in this list are projects related to the physical infrastructure of the sewer system, while others involve additional analysis or discussions required to appropriately plan for and construct the physical infrastructure. These projects are summarized in Table 5-1 and illustrated in Figure 5-1.

Treatment Projects

- **T-1 - Implement a Sewer Flow Release Limitation for Non-Residential Customers:** The Town should implement an ordinance or similar regulation for all future non-residential customers which restricts development of industrial customers to 1 ERU/acre and commercial customers to 2 ERUs/acre. Sewer flow releases for these customers should be limited to those flows shown in Table 2-3 of this report. This will reduce the risk of a high volume of water being released into the sewer system and creating surcharging or overwhelming the treatment system infrastructure.
- **T-2 - Finalize Agreement for Eagle Mountain Wastewater Treatment:** Fairfield should continue discussions with Eagle Mountain to finalize the treatment agreement. Important considerations for this agreement include but are not limited to:
 - Cost of initial buy-in and volume charges;
 - Process and cost for addition of future capacity;
 - Definition of process for future rate increases and of allowable profit margin (if applicable);
 - Required notification time of cost increases (i.e. Eagle Mountain must provide at least x days' notice of agreement cost increase so that Fairfield can adjust its own budget accordingly).

Collections Projects

- **C-1 - Finalize Collection System Layout:** Fairfield should discuss the proposed Alternative 2 collection system connection with Eagle Mountain, specifically to ensure the location of connection is amenable to Eagle Mountain and there is sufficient capacity available in receiving pipes. Unless otherwise required based on these discussions, Fairfield should use the Alternative 2 collection system layout to plan for future sewer service.
- **C-2 - Install 24-inch Sewer Main from Fairfield Boundary to Eagle Mountain System:** The first sewer main required will be the connection between the Fairfield boundary and the existing Eagle Mountain sewer system. We have proposed placing this line along ~2500 N

and tying into the existing sewer line on Magnolia Rd. Expected ERUs through this pipe at buildout are ~4,380.

- **C-3 - Install 8-inch Sewer Main Along 0 W/ 1600 W:** A sewer line along the boundary line between Fairfield and Eagle Mountain will collect flows from the far east side of the Town and convey them north to the sewer trunkline constructed in project C-3. Expected ERUs through this pipe at buildout are ~558. This pipeline will be required only as dictated by development and may not be needed for many years.
- **C-4 - Install 21-inch Sewer Main Along 2500 N:** Based on the vision plan in the Town's updated General Plan, a road is expected to be built along ~2500 N. BC&A recommends installing a sewer trunkline along this roadway that will collect the majority of the Town's flows and connect into project C-2. Expected ERUs through this pipe at buildout are ~3,820.
- **C-5 - Install 21-inch Sewer Main Along Lehi-Fairfield Rd:** A sewer main along Lehi-Fairfield Road will connect future sewer pipes within the town center with projects C-2 through C-4. Expected ERUs through this pipe at buildout are ~3,635.
- **C-6 - Install 18-inch Sewer Main Along 200 E:** BC&A expects that the expansion of the sewer system into the town center will be largely driven by development to the southwest but may also come as a result of demand for centralized sewer service from existing residents. Expected ERUs through this pipe at buildout are ~2,700.
- **C-7 - Install 12-inch Sewer Main Between 200 E and Tal Adair Property:** To avoid installing a lift station on the east side of the Tal Adair property, BC&A recommends installing a gravity line from this area that connects to project C-6 which convey flows north along 200 E. Expected ERUs through this pipe at buildout are ~1,185.
- **C-8 - Install 8-inch Sewer Main Along 75 N:** This project has been included in the 10-year window but may fall outside this planning window depending on completion of other project and the demand from existing residents to connect to the centralized sewer system. This line will service existing residents who are now on septic systems in addition to potential development on the west side of Highway 73. Expected ERUs through this pipe at buildout are ~140.
- **C-9 - Install 12-inch Sewer Main Along Allen's Ranch Rd and 15-inch Main Along Main St:** As required by development on the west side of Allen's Ranch Rd and along Main St, a sewer main should be constructed along these roads to connect into project C-6. This will likely be outside the 10-year planning window. Expected ERUs through this pipe at buildout are ~1,380.
- **C-10 - Install 8-inch Sewer Main Along Lehi-Fairfield Rd to Highway 73:** This pipeline may be needed to service existing or new customers on the west side of the Town who desire to connect into the centralized sewer system, but it not expected to be built until after 2035. It will also likely service some commercial development planned to occur on the west side of the highway in the future. Expected ERUs through this pipe at buildout are ~420.
- **C-11 - Install 8-inch Sewer Main Along 670 N:** Similar to C-10, this pipeline will service some commercial development expected in the northwest corner of the Town, in addition to residential customers within this area. Expected ERUs through this pipe at buildout are ~350.

CAPITAL IMPROVEMENTS PLAN

Each project described above has been summarized in the capital improvement plan (CIP) shown in Table 5-1. Detailed cost estimates for these projects are included in Appendix A. The following are items to be aware of when using and interpreting this CIP:

- This CIP is meant to aid the Town in understanding the timing and approximate cost of each project so that they can budget and plan accordingly. Note that, except for the discussions with Eagle Mountain, all projects will be driven by development. In other words, if development pressures change from what was expected at the time of this writing, project timing will also change. Therefore, the Town should closely monitor land development over the next 10 years and adjust this plan accordingly.
- Pipe sizes listed in this plan are approximate. Actual pipe sizes will need to be defined during detailed design using projected flows and designed pipe slopes calculated from survey data.
- For ease of interpretation and due to the unknown nature of future development, projects descriptions have been broken into large sections of pipe. Actual construction of these sewer mains will likely be completed in smaller sections as development occurs and as funds become available.
- BC&A has assumed that the northeast corner of Fairfield will be developed first before expanding to the southwest corner, and the order of projects reflects this assumption. It is possible that development occurs in the southwest corner before expected, which would expedite the need to construct sewer mains between Main Street and Lehi-Fairfield Rd (projects C-5 and C-6).

**Table 5-1
Sewer Capital Improvements Plan**

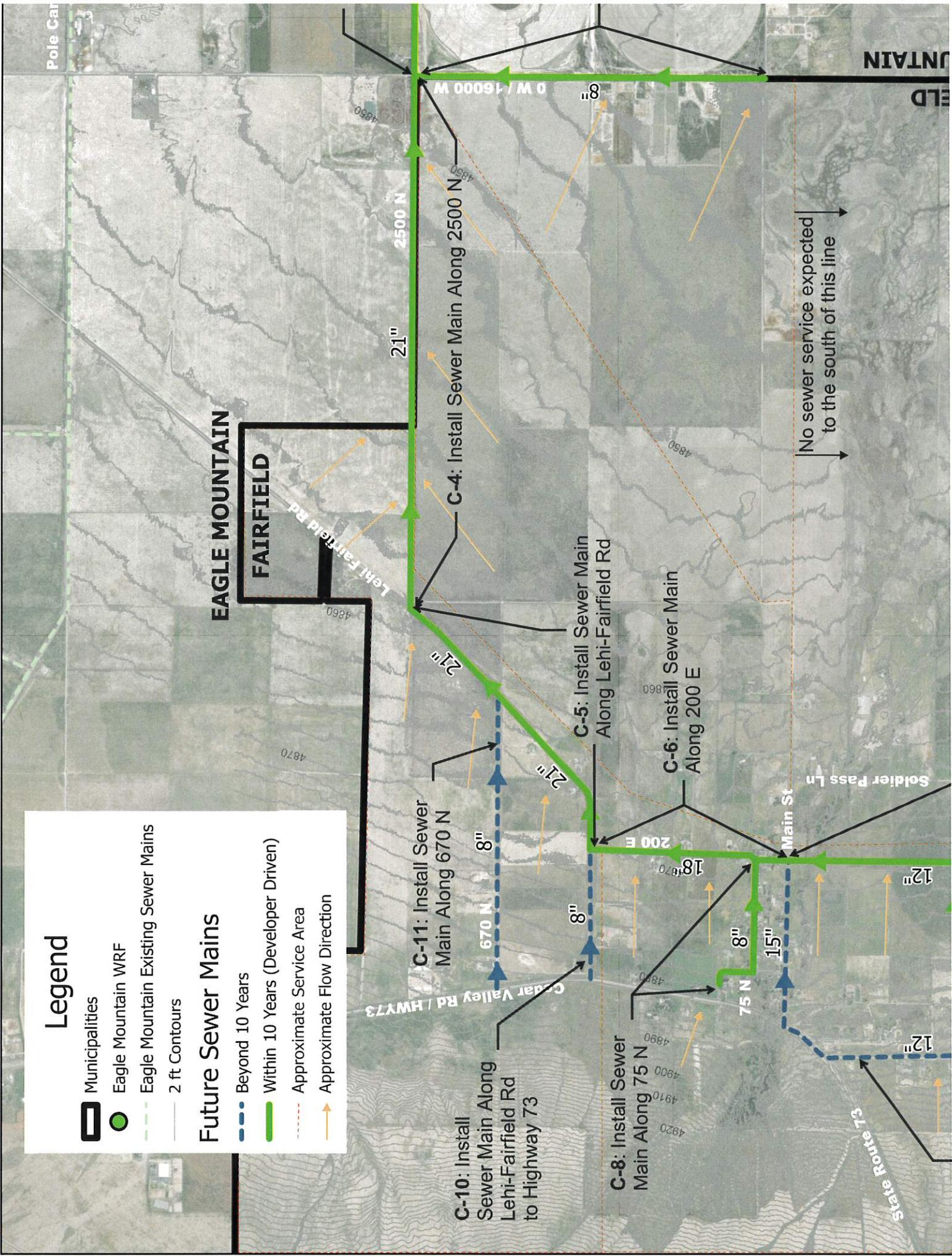
Project ID	Description	Time Frame	Estimated Year of Completion	Estimated Cost (2025 \$'s)
Treatment				
T-1	Implement a Sewer Flow Release Limitation for Non-Residential Customers	Within 10-years	2025	\$0
T-2	Finalize Agreement for Eagle Mountain Wastewater Treatment	Within 10-years	2025	\$10,000
<i>Treatment Subtotal</i>				\$10,000
Collections				
C-1	Finalize Collection System Layout and Alignment	Within 10-years	2025	\$5,000
C-2	Install 24-inch Sewer Main from Fairfield to Eagle Mountain System	Within 10-years	2026	\$3,412,800
C-3	Install 8-inch Sewer Main Along 0 W/ 1600 W	Within 10-years	2027	\$1,852,100
C-4	Install 21-inch Sewer Main Along 2500 N	Within 10-years	2028	\$4,637,300
C-5	Install 21-inch Sewer Main Along Lehi-Fairfield Rd	Within 10-years	2030	\$2,748,100
C-6	Install 18-inch Sewer Main Along 200 E	Within 10-years	2032	\$1,590,400
C-7	Install 12-inch Sewer Main Between 200 E and Tal Adair Property	Within 10-years	2034	\$1,516,800
C-8	Install 8-inch Sewer Main Along 75 N	Within 10-years	2035	\$838,700
C-9	Install 12-inch Sewer Main Along Allen's Ranch Rd and 15-inch Main along Main St	Beyond 10-years	--	\$2,446,200
C-10	Install 8-inch Sewer Main Along Lehi-Fairfield Rd to Highway 73	Beyond 10-years	--	\$699,000
C-11	Install 8-inch Sewer Main Along 670 N	Beyond 10-years	--	\$1,572,600
<i>Collections Subtotal</i>				\$21,319,000
TOTAL				\$21,329,000
TOTAL WITHIN 10-YR WINDOW				\$16,611,200

Legend

-  Municipalities
-  Eagle Mountain WRF
-  Eagle Mountain Existing Sewer Mains
-  2 ft Contours
- Future Sewer Mains**
-  Beyond 10 Years
-  Within 10 Years (Developer Driven)
-  Approximate Service Area
-  Approximate Flow Direction

Future Sewer Mains

-  Beyond 10 Years
-  Within 10 Years (Developer Driven)
-  Approximate Service Area
-  Approximate Flow Direction



CAPITAL IMPROVEMENTS FUNDING

This section discusses items relevant to capital improvements funding to answer questions such as which improvements are to be funded under Town funding mechanisms, what are the available sources of funding, and how to coordinate funding with land developers.

Project Level Improvements

Land developers are required to provide all infrastructure necessary to connect to the Town's existing sewer system infrastructure including all collection piping and lift stations necessary to convey sewer flows from the development. These project level improvements typically include collection pipe networks, lift stations not otherwise needed for regional use, as well as other improvements as needed. Project level improvements are funded by land developers outside of Town funding mechanisms, approved by the Town Engineer and built to Town Standards, and dedicated to the Town for long term ownership and maintenance.

System Level Improvements

System Level Improvements are those which provide system-wide and/or regional benefits to multiple land developments. These projects include regional collection pipes, and regional lift stations. They are generally funded under or within Fairfield funding mechanisms.

It should be noted that system level improvements—while generally funded under Fairfield mechanisms—do not always need to be funded initially or directly using Town resources. It is often necessary to partner with land developers to overcome cash flow challenges associated with building infrastructure ahead of the receipt of revenues (i.e. impact fees and rate revenues are realized only after infrastructure is built and customers are connected to the system). See the following descriptions of various funding options for system level improvements.

Cash Funding

Cash funding involves the Town using cash on hand to fund projects. The principal source of cash for the Town is rate revenues. Cash funding is a critical piece of funding any capital facilities plan. It is recommended, however, that this be used in conjunction with other funding mechanisms.

Impact Fees

Impact fees are an excellent way to distribute the cost of system level infrastructure between new and existing users. Impact fees are charged to new connections to collect their proportional share of the infrastructure that has or will be constructed on their behalf.

Impact Fee Credits

In the Town—and in many other sewer systems experiencing high growth—impact fee receipts are insufficient to construct all of the system level improvements at the time requested by development. This is because of the inherent characteristic of impact fee receipts that they recover the full cost of projects only after all of the planned properties have developed (and thus paid their impact fees). Fortunately, impact fees can still facilitate the construction of system level infrastructure in a timely manner by offering impact fee credit to land developers in exchange for their constructing system level infrastructure (i.e. "If you construct system level infrastructure, you have in essence already paid your impact fees or a portion thereof and thus won't need to pay that portion at the time of connection.")

Grants

Sewer treatment grants are an excellent way to fund system infrastructure when available. Grants are typically provided by state or federal agencies. Each of these grants target different types of projects and come with their own requirements and attached strings. It is recommended that the

Town apply to be part of the new State of Utah Unified Water Infrastructure Plan (UWIP), monitor potential grant opportunities, and utilize grants when and where applicable and advantageous. Grants do not typically need to be repaid as long as grant requirements are met.

Debt

Another potential source of funding for the Town is debt. Debt can be in the form of revenue bonds, special assessment bonds, and loans. The advantage of debt is the ability to spread costs over time to manage cash flow and related issues (such as rate increases). Of course, debt is not a standalone funding mechanism since debt must be repaid via another funding source.

Public Improvement Districts (PIDs)

PIDs can sometimes be used by property owners (typically land developers) to fund public infrastructure. The typical mechanism is to create a special property tax for the area covered by the PID and to sell bonds backed by the future property tax receipts. The bonds thus generate immediate funds for public infrastructure.

**APPENDIX A
DETAILED COST ESTIMATES**

**Table A-1
Detailed Cost Estimates**

Project ID	Description	Quantity	Unit	Unit Cost	Initial Cost Estimate	Contingency	Engineering	Item Total
Treatment								
T-1	Implement a Sewer Flow Release Limitation for Non-Residential Customers	1	LS	\$0	\$0	--	--	\$0
T-2	Finalize Agreement for Eagle Mountain Wastewater Treatment	1	LS	\$10,000	\$10,000	--	--	\$10,000
<i>Treatment Subtotal</i>								
Collections								
C-1	Finalize Collection System Layout and Alignment	1	LS	\$5,000	\$5,000	--	--	\$5,000
C-2	Install 24-inch Sewer Main from Fairfield to Eagle Mountain System	5,400	LF	\$458	\$2,472,988	\$494,598	\$445,138	\$3,412,800
C-3	Install 8-inch Sewer Main Along 0 W/ 1600 W	5,300	LF	\$253	\$1,342,094	\$268,419	\$241,577	\$1,852,100
C-4	Install 21-inch Sewer Main Along 2500 N	8,100	LF	\$415	\$3,360,354	\$672,071	\$604,864	\$4,637,300
C-5	Install 21-inch Sewer Main Along Lehi-Fairfield Rd	4,800	LF	\$415	\$1,991,321	\$398,264	\$358,438	\$2,748,100
C-6	Install 18-inch Sewer Main Along 200 E	3,100	LF	\$372	\$1,152,445	\$230,489	\$207,440	\$1,590,400
C-7	Install 12-inch Sewer Main Between 200 E and Tal Adair Property	4,000	LF	\$275	\$1,099,106	\$219,821	\$197,839	\$1,516,800
C-8	Install 8-inch Sewer Main Along 75 N	2,400	LF	\$253	\$607,741	\$121,548	\$109,393	\$838,700
C-9	Install 8-inch Sewer Main Along Allen's Ranch Rd and Main St	7,000	LF	\$253	\$1,772,577	\$354,515	\$319,064	\$2,446,200
C-10	Install 8-inch Sewer Main Along Lehi-Fairfield Rd to Highway 73	2,000	LF	\$253	\$506,451	\$101,290	\$91,161	\$699,000
C-11	Install 8-inch Sewer Main Along 670 N	4,500	LF	\$253	\$1,139,514	\$227,903	\$205,113	\$1,572,600
<i>Collections Subtotal</i>								
TOTAL								
								\$21,329,000

DRAPER, UTAH OFFICE

154 E 14075 S
DRAPER, UTAH 84020
PHONE: 801.495.2224

ST. GEORGE, UTAH OFFICE

20 NORTH MAIN
SUITE 107
ST.GEORGE, UTAH 84770
PHONE: 435.656.3299

BOISE, IDAHO OFFICE

776 E RIVERSIDE DRIVE
SUITE 250
EAGLE, IDAHO 83616
PHONE: 208.939.9561

OGDEN, UTAH OFFICE

2036 LINCOLN AVENUE
SUITE 104
OGDEN, UTAH 84401
PHONE: 801.495.2224

PROVO, UTAH OFFICE

1712 S EAST BAY BLVD,
SUITE 345,
PROVO, UTAH 84606
PHONE: 801.495.2224



BOWEN COLLINS
& ASSOCIATES

WWW.BOWENCOLLINS.COM

Ordinance No. 2025-06 An Ordinance Of Fairfield Town, Utah, Adopting Fairfield Town Master Water Plan. **Date: May 21, 2025**

Created: May 21, 2025

WHEREAS, the Fairfield Town has authority under Utah law to enact ordinances and desires to formally adopt its Master Water Plan to guide orderly growth and infrastructure development; and

WHEREAS, a public hearing was duly noticed and held on May 7, 2025, in accordance with Utah law;

NOW, THEREFORE, BE IT ORDAINED by the Fairfield Town Council as follows:

SECTION 1. ADOPTION OF MASTER WATER PLAN

The document titled "Master Water Plan," dated May 2025, is hereby adopted as the official water infrastructure planning document.

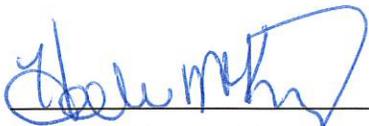
SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. EFFECTIVE DATE

Passed and Adopted this **21st day of May, 2025.**

FAIRFIELD TOWN



Hollie McKinney, Mayor

RL Panek	yes <u>PJ</u>	no _____	abstain _____	absent _____
Tyler Thomas	yes <u>TT</u>	no _____	abstain _____	absent _____
Michael Weber	yes <u>MW</u>	no _____	abstain _____	absent _____
Richard Cameron	yes _____	no _____	abstain _____	absent <u>RC</u>



Stephanie Shelley, Recorder

(SEAL)





PREPARED FOR:

PREPARED BY:

FAIRFIELD TOWN



FAIRFIELD TOWN

MAY 2025

CULINARY WATER MASTER PLAN

Fairfield Town

Culinary Water Master Plan

May 2025

Prepared for:

Fairfield Town

Prepared by:



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CHAPTER 1 INTRODUCTION

INTRODUCTION & BACKGROUND

Fairfield Town (the Town) is located in Utah County on the west side of Cedar Valley, situated directly south and west of the city of Eagle Mountain. Historic growth in the Town has been minimal, however recent discussions between the Town and developers may result in an expansion of the Town's population and utility services in the near future.

In response to these development pressures and potential utility service expansion, the Town contracted with Bowen Collins & Associates (BC&A) to complete a Water System Master Plan. The purpose of this master plan is to provide the Town with the information needed to provide an efficient water system capable of meeting existing and expected future demands and satisfying customer expectations in the Town's service area.

SCOPE OF WORK

The following tasks were completed as part of this 2024 Fairfield Water Master Plan:

Task 1: Collect, review, and organize existing data needed to develop the master plan.

Task 2: Evaluate current and projected water use patterns.

Task 3: Evaluate current and possible future water supplies.

Task 4: Create a culinary hydraulic model and identify existing and future operating deficiencies.

Task 5: Evaluate alternative improvements to resolve deficiencies identified in Task 4 and develop a water system capital facilities plan.

Task 6: Document methods and results of the previous tasks in this master plan report.

REPORT ASSUMPTIONS

As a long-term planning document, this report is based on several assumptions related to future growth patterns, service area expansion, and source availability. Assumptions related to water use patterns, development densities, and allowable water use for industrial facilities will be key to monitor as development occurs within the Town. The details of these assumptions are documented within the report. If actual development and water use are significantly different than what has been assumed, the results of this report will need to be adjusted accordingly. Because of these uncertainties, this report should be updated every four to six years or sooner if significant changes such as annexation or changes in development patterns occur.

CHAPTER 2 DEMAND PROJECTIONS

Projecting future increases in water demand is key to planning for the future of the Town. Therefore, BC&A has gathered what is currently known about water use patterns, development, and zoning to create demand projections. The purpose of this chapter is to summarize the work and results of BC&A's projections of existing and future water demands in the Town. A discussion of water supplies is included in Chapter 3.

DEMAND PROJECTION METHODOLOGY

This master plan was developed concurrently with the Town's general plan and relies heavily upon the updated zoning and development vision in the general plan. Demand projections contained here reflect the general plan concepts developed in November of 2024. The methodology used to project demand in this study is as follows:

1. Define the service area.
2. Project the growth of water connections within the study area through buildout based on the Town's general plan and on currently available land development plans.
3. Convert projections of connection growth to a system water demand based on historic per connection demand.

Each step of this process is summarized in the sections that follow.

SERVICE AREA

Although the boundaries of Fairfield Town cover a relatively large area (see Figure 2-1), historic development has been limited to the Town center (i.e. Main Street) and the immediate surrounding areas. The centralized water system is limited to these developed areas. Because the water system service area within Fairfield is limited to a small area, and because the usage patterns across existing users are relatively consistent across the system, BC&A considered the entire system as one service area.

BC&A made multiple assumptions regarding future growth within (and outside) the water service area shown on Figure 2-1:

- Future land development with lot sizes greater than 5 acres are assumed to have their own water supply and will not be serviced by the Town's centralized water system.
- The Manning Canyon Overlay area was not included in this analysis. This area is higher than can be serviced with the existing water tanks and sources and will its own tank, booster station, and/or source for future water service.

Additional details about planned development in Fairfield can be seen in the Town's Vision Plan figure from their General Plan, which is included in Appendix A.



Lehi Fairfield Rd

Main St

Cedar Valley Rd / HWY73

Allens Ranch Rd

State Route 73

PROJECTED GROWTH IN WATER CONNECTIONS

Currently, approximately half of the Town’s residents use culinary water from the Town’s centralized water system. The remaining residents source their water from private wells. Only the connections to the centralized water system will be analyzed for this study.

Existing Connections

As of December of 2024, the following number of equivalent residential units (ERUs) were connected to the Town’s water system (Table 2-1).

**Table 2-1
Existing ERUs**

Area	Total Connections	Total Connections
Residential	27	27
Commercial	2	0.8
Institutional	4	1.6
Total	33	29.4

System Growth and Buildout Projections

Projected total connections within the Town water system are based on a build-out scenario using expected zoning from the Town’s general plan. Additionally, known information regarding upcoming developments was utilized to estimate the timing and location of growth within the water system.

Zoning in the general plan allows residential, light industrial, and commercial development to occur within the Town. After discussing with Town personnel, BC&A has based this analysis on buildout densities (ERU/acre) of residential, commercial, and light industrial to be 1.0, 2.0, and 1.0, respectively. It should be noted that these densities are substantially lower than would be typically seen for development along the Wasatch Front. Town personnel have decided to limit the densities used for planning due to the severely limited access to water rights in the Cedar Valley for new development. Town personnel have indicated that the Town will enforce these lower water use densities in the future through the development review processes and adopting policies that limit the allowable water use of new developments.

The only exception to the development water density limitation that BC&A is aware of is the data center slated to be constructed on the east side of Fairfield. This development is expected to use a peak day peaking factor of 7.0, which is the equivalent of 1.7 ERUs/acre. As this development has already begun plans for lots in Fairfield, the Town has indicated they will allow an exception to this development. Because of this difference in density, this future customer has been identified separately in Table 2-2 below.

Table 2-2 illustrates BC&A’s growth projections in ERUs for 10-year and buildout conditions. We anticipate nearly all of the Town’s growth to occur by the year 2065.

**Table 2-2
Buildout ERUs**

Area	Existing ERUs	10-Year ERUs	Buildout ERUs
Residential	27	396	989
Industrial (Other than East Data Center)	0	800	634
Commercial	2	20	830
Institutional	4	4	6
East Data Center	0	800	1,122
Total	33	2,020	3,581

WATER USE PROJECTIONS

Water demands are projected assuming that future water use patterns will be similar to existing use patterns. Because the exact split between indoor and outdoor use cannot be determined from available data, BC&A has defined an ERU using typical combined indoor and outdoor use from Fairfield historic data.¹

Annual Average Demand

Annual average demand refers to the total volume of culinary water consumed each year by Fairfield customers over one year. From Fairfield historical production data, average annual water demand between 2016 and 2023 was 570 gpd per ERU.

While these are the demand standards used in this study, it should be emphasized that the actual water usage in the Town will change over time, especially as the balance between residential and non-residential users changes with development, or the density of residential development changes. As a result, it is important that the Town continue to monitor water demands and adjust recommendations in this master plan accordingly.

¹ There is a mix of culinary and secondary water used for outdoor applications during the irrigation season within the Town. The Town collects data on source production and water sales. We have made assumptions concerning indoor and outdoor water use patterns due to the lack of data to separate the use applications. For the purposes of this analysis, each connection is assumed to include some irrigation use.

BC&A estimated indoor use patterns for the existing customers (typical per capita use for the state of Utah) and assumed an indoor average day demand of 198 gpd/ERU (60 gpd x 3.3 people/household).

Within each culinary connection demand estimate we assumed approximately 0.119 acres (5,180 SF) of irrigated area was included as pressurized culinary irrigation. We are aware that existing lots include irrigated areas much larger than this, however, historic water production and sales data suggests that the majority of these areas are irrigated using flood irrigation with secondary water.

Future projections maintain the same estimated culinary use per connection (570 gpd/ERU peak day demand). It is assumed that any irrigation needs in excess of this demand may be obtained through secondary water. Because the nature of real irrigation needs in future development is unknown, it is crucial that the Town monitor water use within the system as new users are added so demand projections can be updated according to real need.

Peak Day Demand

Peak day demand is the highest daily water demand observed during the year. The peak day peaking factor is the ratio of peak day demand to average day demand.

Most water system infrastructure (such as source and storage facilities) is sized to satisfy peak day demands. Therefore, it is imperative to identify the peak day demand of the system. For Fairfield, the current peaking factor for an ERU (including indoor and outdoor usage) was observed to be about 2.57.

Note that we expect that the peaking factor will change over time as the balance between residential and non-residential connections changes. This is because non-residential users typically use more water indoors than outdoor, which is the opposite of typical residential use patterns (i.e. the majority of residential water demands are used outside during the irrigation season). Correspondingly, we have estimated the buildout peak day peaking factor to be about 2.22. This was estimated by calculating a weighted average of residential and non-residential peaking factors for estimated buildout development conditions.

Peak Hour Demand

Peak hour, or instantaneous peak, is used to estimate the needed capacities of transmission and distribution system infrastructure. Due to a lack of historic hourly use data, peak hour demands were estimated using the 10-state standard method of calculating peaking factors for small areas. This is a widely used and accepted method of calculating peaking factors across the industry when other data is unavailable. Through this method, BC&A estimated the current peak hour peaking factor (i.e. ratio of peak hour demand to average annual demand) to be 4.25.

Similar to the peak day peaking factor, BC&A anticipates that the instantaneous peaking factor will change with the expected growth of industrial and commercial facilities. We estimate the future buildout peaking factor to be 2.66 using the same 10-state standard calculation method and projected buildout water demands.

PRODUCTION REQUIREMENTS

The following Table 2-3 contains our projections for the future water production requirements within the Town².

² These projections do not include consideration of conservation or source redundancy. Conservation refers to the reduction of water use on a per connection basis as customers increase the efficiency of their water use. Redundancy refers to the preservation of extra supply to ensure the Town has an adequate water supply in the event of a medium- or long- term source disruption, such as a low yield due to drought, a water quality event, etc. While the Town expects both of these items to be a part of its future water supply planning, these factors are expected to largely offset each other and have correspondingly been excluded for simplicity at this stage of planning. Additional consideration of these issues are recommended as the Town continues to grow.

**Table 2-3
Projected Future Water Production Requirements**

Year	ERUs	Annual Demand (ac-ft)	Average Day Demand (gpd)	Peak Day Demand (gpm)	Peak Hour Demand (gpm)
2024	33	21	18,801	34	142
2025	129	82	73,231	129	522
2026	232	148	132,294	231	894
2027	344	220	196,009	338	1,262
2028	464	296	264,401	452	1,632
2029	588	375	335,221	568	1,991
2030	718	458	409,075	688	2,348
2031	846	540	482,151	805	2,683
2032	987	630	562,194	932	3,042
2033	1,137	726	647,954	1,067	3,418
2034	1,295	826	737,732	1,208	3,803
2035	1,456	929	829,511	1,351	4,188
2040	1,617	1,401	1,251,180	1,993	5,835
2050	1,774	1,963	1,752,299	2,718	7,516
2060	1,924	2,229	1,989,816	3,046	8,233
2070	2,065	2,279	2,034,574	3,095	8,286
2080	2,196	2,284	2,039,422	3,092	8,246

Currently the Town is relatively limited in its historical water production data, which adds an additional level of uncertainty to the projections shown in this master plan. Therefore, Fairfield should begin initiatives to gather, consolidate, organize, and make visible its water production and use data. Doing so will support greater accuracy in sizing standards and in future updates to this master plan.

CHAPTER 3 SUPPLY PROJECTIONS

The purpose of this chapter is to evaluate the adequacy of existing Fairfield supplies to meet projected system demands. This evaluation considers supply capacity in terms of annual yield and peak day production.

DISCUSSION ON WATER RIGHTS

The demand projections included in the previous chapter have been prepared under the assumption that there will be sufficient water rights to support development shown in the Town’s General Plan. However, based on conversations with Town personnel, general knowledge regarding water rights in the Cedar Valley, and the results of the analysis contained in this chapter, it is likely that water rights will control how much development can occur in Fairfield. BC&A recommends the Town continue their water dedication policy (i.e. developers must turn in water rights before they can develop) to ensure development does not overtake water supply in the future.

A full evaluation of not yet-to-be used water rights is outside the scope of this master plan, but BC&A recommends conducting a water right evaluation to understand how many water rights the Town currently owns and the projected number of rights available in the area that may be dedicated to the Town in the future.

EXISTING WATER SOURCES

This section discusses the water sources Fairfield is currently utilizing as a water source. Municipal water source production capacity must legally and physically meet water demands, which is satisfied in three parts:

1. The water provider must have the necessary water rights.
2. Annual yield of the source must be adequate to provide one year’s supply of water; and
3. Peak source production capacity must be adequate to meet peak day demands.

The Town supplies water to its customers from two sources: the Fairfield Town well and Fairfield Town Spring. Table 3-1 below summarizes the current yield in annual supply and estimated peak day capacity of both sources.

**Table 3-1
Existing Source Production**

Source	Annual Yield (AF)*	Peak Day Capacity (gpm)
Fairfield Town Well	118	146
Fairfield Town Spring	68	84
TOTAL	186	230

**Due to lack of reliable data, the annual yield shown here is assumed to be 50% of peak day capacity. Actual annual yield may vary significantly from these values based on real water available and water right limitations were not considered.*

PROJECTED ADEQUACY OF WATER SUPPLY

BC&A has examined the adequacy of existing water supply to meet the projected needs of future growth. The projected growth in annual demand is shown versus the Town’s existing annual supply

in Figure 3-1. The projected growth in peak day demand is shown versus the Town's existing peak capacity in Figure 3-2.

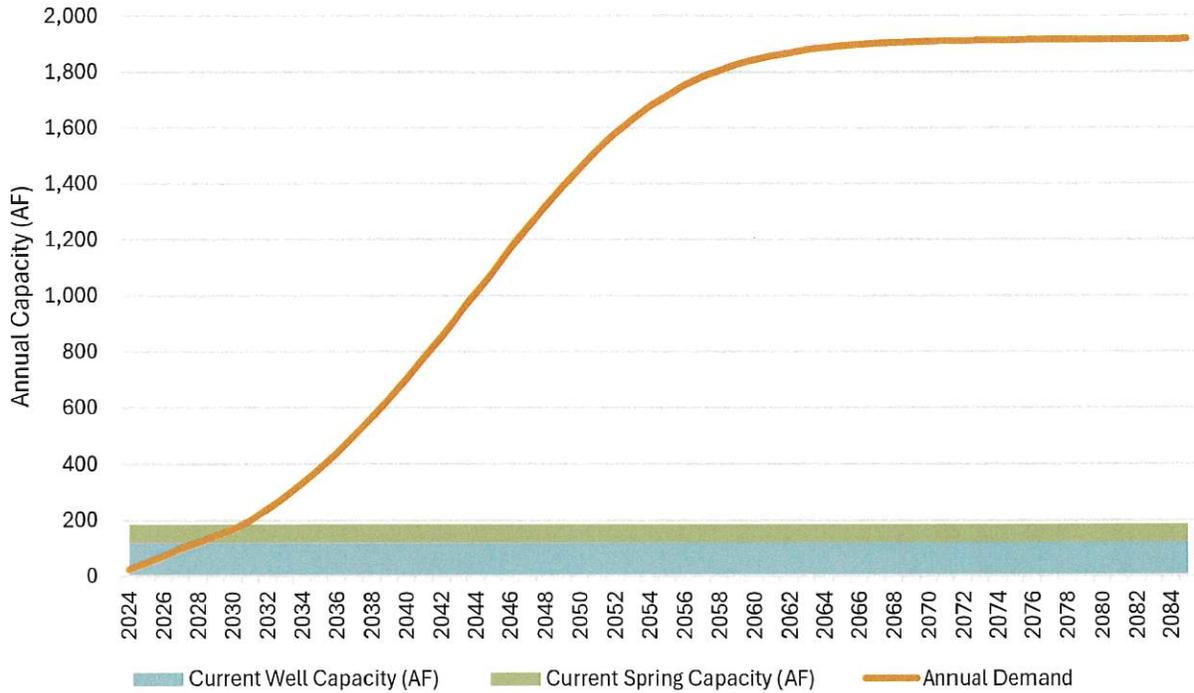


Figure 3-1. Projected Annual Demand vs Supply

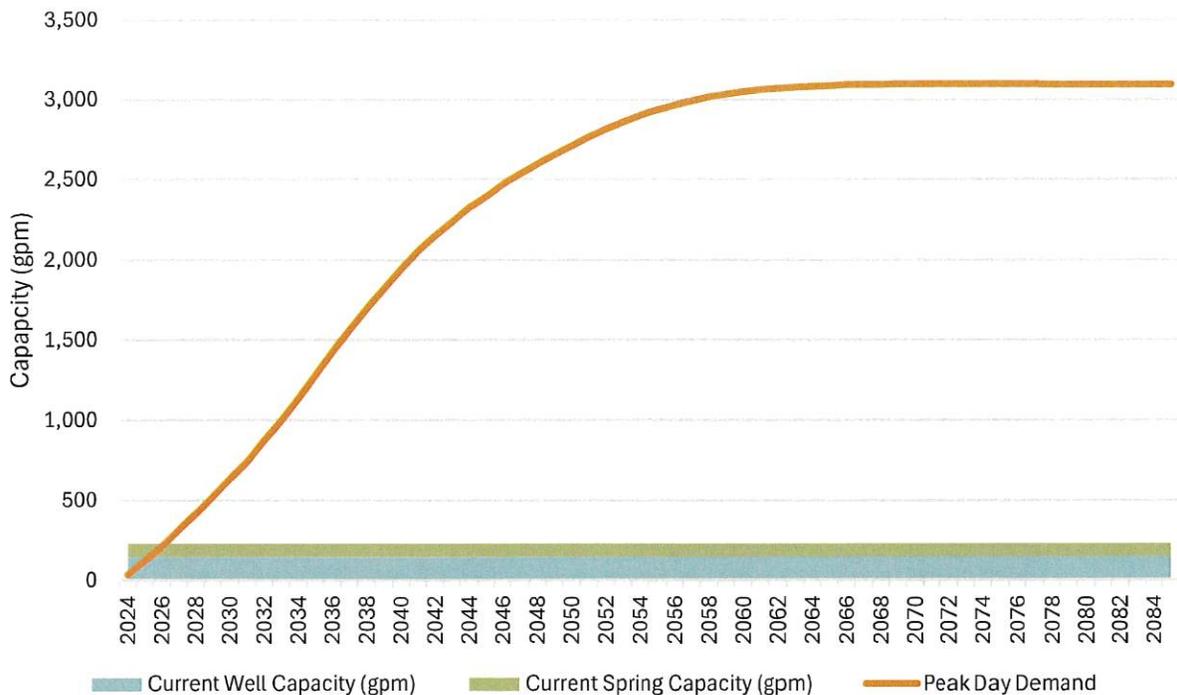


Figure 3-2. Projected Peak Day Demand vs Supply

SUPPLY SUMMARY

Figures 3-1 and 3-2 illustrate that current sources are expected to meet projected annual demands through approximately 2030 and peak demands through approximately 2026. Immediate future source additions or expansions are needed to meet the projected demands of the system at buildout.

BC&A recommends the town begin investigating potential new water sources as soon as possible in order to meet the expected water demands in the near term and beyond. As part of this analysis, the Town may consider looking into the maximum capacity of their current well and the potential to expand their existing water source.

Note that this analysis did not consider a supply buffer or the effects of conservation on water demands (and therefore needed water supplies). These elements should be added in future master planning documents when additional information is available concerning real water demands (with upcoming land development), potential new sources, and water right limitations.

CHAPTER 4 EXISTING WATER SYSTEM

Existing infrastructure in the water system is described in this chapter and shown in Figure 4-1.

WATER PRODUCTION FACILITIES

The Town owns and operates two water sources as part of its water system:

- **The Fairfield Well** – Located on the west end of the water system near the water tanks, the Fairfield well was drilled in 2016. The well is equipped with one pump (described in the “Pump Stations” section below). Additional discussion about the Town’s well is contained in the “Existing Water Sources” section of Chapter 3.
- **The Fairfield Spring** – The Fairfield Spring is located directly west of Main Street. Production capacity and annual yield vary depending on water year conditions, however historic production data is somewhat limited. Flows from the spring are used for both the Town’s culinary and irrigation systems, with the culinary system flows being capped at 84 gpm (31 shares). Water from the spring is pumped to the storage tanks via the main 12-inch distribution line along State Route 73. Additional discussion about the Town’s spring can be found in the “Existing Water sources” section of Chapter 3 and the in the “Pump Stations” section below.

Fairfield water system does not include any treatment processes or chemical additions. As future sources are developed in the valley, the Town may require treatment facilities, depending on the quality of water sources developed. Future treatment may be as involved as a treatment plant, or it may be as simple as including a chlorination step before pumping water into the system. Because future source water quality is unknown at this time, no treatment facilities are planned for the Town water system.

PUMP STATIONS

The Town’s water system includes two pump stations on each of the existing water sources. The Table 4-1 below summarizes the capacity of these pumps stations.

**Table 4-1
Fairfield Pump Stations**

Name	Total Pumping Capacity	Number of Pumps
Well Pump Station	146 gpm	1
Spring Pump Station	84 gpm	1

STORAGE TANKS

The Fairfield water system has two storage tanks, located southwest of the Town’s main development. One tank has a 250,000 gallon capacity and the other has a 160,000 gallon capacity. The 250,000 gallon tank was recently constructed in 2016. Both tank elevations are approximately 5,030 ft when full.

CONVEYANCE SYSTEM

The Fairfield distribution system is composed of distribution pipes and transmission pipes up to 12-inches in diameter. Table 4-2 summarizes the total length of pipe in the system. Twon personnel report that all pipes in the system are made of PVC C900.

**Table 4-2
Pipeline Summary**

Pipe Diameter (in)	Total Length (ft)	Total Length (mi)	Percentage of Network
4	2,014	0.38	7.0%
8	18,392	3.48	63.9%
12	8,358	1.58	29.1%
Total	28,764	5.45	100.0%

PRESSURE ZONES

Pressure zones consist of service areas within a water system that have a common operating hydraulic grade line (HGL). The HGL of the pressure zone translates to the available water pressure at points of service within the zone. The HGL in each pressure zone can be controlled by tank or reservoir elevations, pressure reducing valves, and/or pumping pressures.

The existing water system in Fairfield operates on a single pressure zone with an HGL of approximately 5,030 ft. The HGL in the zone is controlled by water surface elevations in the Town's tanks.



CHAPTER 5 STORAGE CAPACITY EVALUATION

Utah state law (R309-510-8) requires that public water system storage facilities provide equalization, emergency, and fire flow storage to satisfy the expected demands of the system. This chapter outlines the requirements for the sizing calculations and how the existing Town storage compares to expected storage demands in the future.

STORAGE EVALUATION CRITERIA

Equalization Storage

Equalization storage is the volume of water needed to supply the system for periods when demands (peak hour demands) exceed the supply (peak day supply). Based on historic water use patterns of systems similar to Fairfield, BC&A recommends that the equalization storage for the Town be equal to 25 percent of peak day demands.

It is also important to remember that, because equalization storage is used on a daily basis during the summertime, the Town's sources must have the ability to replenish the equalization storage over a 24-hour period. Because emergency and fire flow storage are not used on a regular basis, they do not have the same source requirements as the equalization storage.

Note that the storage requirement discussed in this chapter is typical of residential and commercial areas and therefore may be different for the industrial facilities (especially the east data center). Without additional information regarding future non-residential development daily use patterns (i.e. instantaneous peaking), BC&A cannot calculate storage specifically for these future customers. Therefore, BC&A recommends that the storage shown in this chapter act as a guideline for future expansion, and that each development be required to submit expected instantaneous peak data with a calculated storage estimate that can be verified by the Town.

Emergency Storage

Emergency storage is the volume of water required to meet water demand during an emergency situation which interrupts the supply of water to the tanks. For example, an emergency might be a power outage that prevents the source pumps from operating, or it could be a break on a critical supply pipeline. While redundant equipment and backup power generators are critical measures for handling emergencies, it is also wise to include additional emergency water at storage tanks. This also gives the system operators the benefit of an extra buffer for system operations. BC&A applied a typical standard for emergency storage, which requires that storage meet water demands during a six-hour power outage during the peak day demand. Thus, the typical combined need for equalization and emergency storage is 50 percent of peak day demands.

Fire Suppression Storage

Fire suppression storage is the volume of water needed to provide a required fire flow for a specified period of time. Fire flow storage requirements are defined in Utah State code as follows:

"R309-510-8(3): Fire Flow Storage:

- (a) Fire flow storage shall be provided if fire flow is required by the local fire code official or if fire hydrants intended for fire flow are installed.
- (b) Water systems shall consult with the local fire code official regarding needed fire flows in the area under consideration. The fire flow information shall be provided to the Division during the plan review process.

(c) When direction from the local fire code official is not available, the water system shall use Appendix B of the International Fire Code, 2015 edition, for guidance. Unless otherwise approved by the local fire code official, the fire flow and fire flow duration shall not be less than 1,000 gallons per minute for 60 minutes.”

As stated in the code, the primary authority responsible for establishing needed fire flows and fire flow storage is the local fire code official. The Cedar Valley Fire Marshall has required that fire suppression storage meets international fire flow standards, which are based on building square footage and building material type.

The anticipated building square footage for the Fairfield study area has been estimated based on typical development patterns. Development is expected to be primary residential and light industrial, with some associated commercial (grocery, hotel, convenience store, etc.) and institutional development (churches, elementary schools, etc.) in the future. For master planning purposes, the existing critical case for fire suppression storage is either the historic schoolhouse or Camp Floyd State Park, which requires 1,500 gpm for two hours. Thus, the resulting fire suppression storage volume for the system is 180,000 gallons.

It is expected that some future structures may require more fire storage than existing (particularly industrial, commercial, or institutional). Therefore, for planning purposes, it has been assumed that buildout fire storage needs in industrial areas will be 3,000 gpm for 3 hours (540,000 gallons).

EXISTING AND FUTURE STORAGE REQUIREMENTS

An analysis of existing and future storage requirements for the Town was conducted that considered the equalization, emergency, and fire storage requirements as discussed above. As there is only one pressure zone within the water system, storage can be analyzed for the system as a whole as shown in Table 5-1.

**Table 5-1
Summary of Fairfield Storage Analysis**

Tank Service Area	Peak Day Demand (gpm)	Peak Day Equalization Storage (gallons)	Emergency Storage (gallons)	Fire Flow Storage (gallons)	Total Required Storage	Available Storage (gallons)	Storage Surplus/ Deficit (gallons)
Existing Storage	119	42,915	42,915	180,000	265,829	410,000	144,171
10-yr Storage	1,282	461,346	436,346	540,000	1,462,693	410,000	-1,052,693
Buildout Storage	3,089	1,112,125	1,112,125	540,000	2,764,251	410,000	-2,354,251

CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis summarized in the tables above, the Town has sufficient storage in its tanks to meet current system storage requirements with surplus storage. Development in the immediate future may buy into the excess storage capacity of existing tanks. Once all capacity in existing tanks has been allotted, future development will be required to work with the Town to construct or pay for new storage facilities. BC&A estimates that, if the Town is developed to the identified density in its general plan, approximately 2.4 million gallons of additional storage will be needed at buildout. Approximately 1.1 million gallons of this additional storage will likely be needed in the next ten years. Chapter 7 summarizes and describes these expected storage expansion projects in more detail.

CHAPTER 6 DISTRIBUTION SYSTEM EVALUATION

To evaluate the ability of the Town's water distribution system to serve the needs of its existing and future customers, a hydraulic model was created using water system information provided by the Town and McNeil Engineering. Elevation data of the area and the supply and demand information discussed in Chapters 2 and 3 of this report were also utilized in the hydraulic model.

The purpose of this model is to simulate the existing and future demands on the transmission and distribution piping. Based on the results of the model simulations, improvements can then be evaluated to correct any identified deficiencies. The purpose of this chapter is to document the results of this distribution system evaluation.

HYDRAULIC MODEL

The operating characteristics of the existing distribution system were evaluated as part of this study using a hydraulic model. A hydraulic computer model is a digital representation of physical features and characteristics of the water system, including pipes, valves, storage tanks, and pumps. Key physical components of a water system are represented by a set of user defined parameters that represent the characteristics of the system. The computer model utilizes the digital representation of physical system characteristics to mathematically simulate operating conditions of a water distribution system. Computer model output includes pressures at each node and a flow rate and velocity for each pipe in the model.

Computer models are excellent tools that can be used to evaluate operating conditions in water systems. Models can identify where deficiencies in the system are located and can be used to evaluate alternatives to correct any identified problems. Computer models are valuable in examining future operating conditions. They also help to evaluate operating conditions during extreme events such as fires or power failures. There are several different computer programs used for modeling water distribution systems. The program InfowaterPro version 2024.4 by Innovyze was used for this study.

Geometric Model Data

There are two major types of data required to create a hydraulic model of a water system: geometric data and flow data. Geometric data consists of information on the location and size of system facilities including pipes, storage reservoirs, sources, pump stations, etc. It also includes the physical characteristics of the facilities including pipe roughness, delivery point elevations, pump settings, and tank levels. This information is generally collected from system inventory data or through direct field measurement. The following sections describe how geometric data was assembled and is used in the hydraulic model.

Demand Nodes and Pipe

- Pipe sizes were taken from McNeil Engineering records of the water system and from information provided by the previous water system manager, Vern Carson.
- Node elevations were taken from topographical elevation data generated based on light detection and ranging (LiDAR) data provided by the Utah Geospatial Resource Center (UGRC) website.
- Pipe roughness was set at a Hazen-Williams coefficient of 135 for all sizes of pipe, consistent with typical roughness of PVC C900 pipe.

Source Connections

- The Fairfield well and spring sources were modeled as fixed elevation reservoirs with a pump to provide a constant flow to the two tanks they fill as well as the rest of the water system. Elevations of the source reservoirs were set at a head which ensured there would be sufficient pressure to deliver water into the system. Pump head settings were set based on the estimated elevation difference between the water source (i.e. ground level for the spring and the aquifer water level for the well³) and the tanks.
- Sources were set up to pump based on tank levels (i.e. turn on when tanks are ~50% empty and turn off when tanks are ~99% full).

Tanks

- Exact tank dimensions were not available. Therefore, they have been estimated based on volumes provided by the Town and typical tank height ranges.
- Future storage was added to the model such that future demands could be met. Actual location or dimensions or future tanks is unknown. Projected storage needs are described in detail in Chapter 5.

Pressure Regulating Valves

- There are no existing pressure regulating valves (PRV) in the system to model, and none are expected to be needed in the future.

Flow Data

Once all required geometric data is collected and a physical model of the system is created, the second type of data needed to model the system is flow data. Two basic types of flow information are required for hydraulic modeling: flow out of the system (demand) and flow into the system (supply).

Demand

Demand for hydraulic modeling must be defined in at least two ways: total demand (production requirement) and distribution of demand across the Fairfield service area.

- Total Production Requirement – Production projections for Fairfield Town have been presented in detail in Chapter 2. Total demands used in the model have been taken directly from those projections. The following years were modeled: 2024 (existing) and 2080 (approximate buildout).
- Distribution of Demand – Where available, distribution of demand is typically based on detailed water meter data. Due to data availability constraints and the relatively small size of the system, BC&A staff split the system into small distribution zones. They determined the demand for each zone based on the number of connections within each zone and the typical water demand per connection, as calculated in Chapter 2. The future buildout demand distribution was estimated using existing and future zoning densities and estimating location and number of connections. These connection estimates were used to model previously projected demands in 2080.

Supply

The model included the following supply scenarios:

³ The Utah State Division of Water Rights website provides information about all public wells drilled around the State, including date of drilling, total bore depth, finished well depth, well diameter, well intake depth, and water level depth. This information was used to calculate pump head.

- **Existing** – The sources available in the existing model are the Fairfield well (near the water tanks) and the Fairfield Town spring.
- **2080** – Because the certainty or viability of future sources is unknown at this time, BC&A assumed for the purposes of modeling that additional water sources would be developed as needed with growth. Therefore, in addition to the two existing sources, we modeled two additional wells, located as shown in Figure 7-1. The capacity of future sources is unknown, therefore BC&A modeled a scenario in which these new sources were able to meet projected buildout demands. This assumption allowed us to proceed with the hydraulic analysis of the future system, despite the uncertainty of future sources.

Model Calibration

Model calibration is typically performed by iterations of comparing model results with field-data and altering the model to more accurately represent field conditions. Calibration was done using peak and average pumping data, annual source production data, and hydrant pressure tests performed by Town personnel. This information was used to calibrate the pump settings, system demands, and peaking factors.

Recommended Future Model Improvements

The model prepared for this report has been developed using available data from Fairfield. To increase the model accuracy and facilitate future modeling efforts, the following actions are recommended.

- **Verification of Tank Geometry and Pump Capacities** – BC&A recommends the Town find or obtain records concerning the elevation and dimensions of the existing tanks that could be used to better calibrate the hydraulic model. Additionally, the Town should obtain information about the existing pump capacities and pump curves by either monitoring pumping pressures and flows or locating the original pump documentation (including pump curves). This data can also be used to calibrate the model.
- **More Detail in Demand Distribution** – The distribution of demand based on number of connections is sufficient for this level of analysis. As the system grows and more sophisticated model results are desired, it is recommended that actual meter data be georeferenced and integrated into the model. This will allow the system model to capture differences in water use between different neighborhoods, conduct flushing and contaminant tracing models, and otherwise pursue more nuanced model results. For now, the demands are approximated by zones and thus the model can only effectively simulate the transmission and main distribution pipes (which is ok as that is the goal of the modeling for this master plan).
- **Periodic Model Updates** – The model should be updated on a continual basis to reflect improvements made to the distribution network and changes to demand patterns. Especially important will be to understand and accurately model the final size and location of future sources. Any differences in the future sources from what was assumed here could affect the results and recommendations contained in this report.

Model Scenarios

Three overall scenarios were modeled for this analysis:

- Existing demand with existing model geometry,
- Future demand with existing model geometry as if no recommended improvements (i.e. new sources, system infrastructure, etc.) occurred from now until buildout, and

- Future demand with proposed model geometry (i.e., assuming all recommended improvements are implemented).

Results for all scenarios included static demands, peak day demands, peak hour demands, and peak day demands with fire flow.

EVALUATION CRITERIA

The computer model was used to simulate operating conditions of the water distribution system using current and future water system production requirements. For both existing and future production requirements, the performance of the system was evaluated using the following criteria.

1. **Pressure** – A distribution system should provide adequate delivery pressure across the system. The State of Utah requires that distribution pressures be greater than 40 psi during peak day production requirements and 30 psi during peak hour production requirements. We also recommend that the Town maintain the standard of targeting a maximum delivery pressure of 120 psi with limited exceptions upon Engineer approval. (Note: Future transmission lines may be designed for higher pressures, but service connections should not be allowed to connect to those lines directly.)
2. **Pipe Velocity** – Except in fire flow events, flow velocities in distribution pipes should be limited to less than 7.0 feet per second (ft/s). Transmission pipes can have velocities that are higher than distribution pipes, but typically should be less than 10 ft/s.
3. **Fire Flow** – In accordance with the typical Utah County fire authority requirements for fire flow to residential buildings, most of the Fairfield service area should meet a fire flow of 1,500 gpm for 2 hours at 20 psi of residual pressure. As development occurs it is expected that large buildings will be constructed that require larger fire flows (3,000 gpm for 3 hours with fire sprinklers installed). This study considered the 3,000 gpm fire demand for industrial areas of the buildout system. All residential area fire flow demands were kept at 1,500 gpm for 2 hours through buildout. Any nodes not meeting the requisite fire flows were identified as deficient.

SYSTEM EVALUATION RESULTS

As described above, the hydraulic computer model was used to simulate system conditions for both the existing and buildout (2080) development conditions. Existing and future scenarios were run as extended state models for 24 hours of peak day flows. The following sections describe the model results, conclusions, and recommendations.

Minimum and Maximum Pressures

No maximum pressure deficiencies (>120 psi) were identified in either the existing or buildout system models. Additionally, modeled peak day and peak hour pressures for all modeled points of delivery stayed above 40 psi and 30 psi, respectively.

Maximum Pipe Velocities

No maximum pipe velocity deficiencies were identified in the modeled existing or buildout systems.

Available Fire Flow

Multiple fire flow deficiencies were identified in the existing and buildout water models. These were identified as residual pressure deficiencies as described below:

Existing Conditions:

Multiple locations within the existing system have insufficient pressures to provide the fire flows required by the International fire code, as shown in Figure 6-1 and described below:

- **Lehi-Fairfield Rd, 670 N, and North End of System:** All hydrants north of Lehi-Fairfield Road are deficient in fire flow and residual pressures. At the very end of the pipe on the north end of the system, the maximum flow that can be achieved while maintaining 20 psi of pressure is approximately 960 gpm, well below the 1,500 gpm requested. This deficiency can be remedied through multiple options including: building pipe sections to create more looped connections, constructing an emergency booster station that functions only in fire scenarios, or constructing a tank on the north end of the system. Each of these alternatives are discussed in detail in Chapter 7 under Project FF-1. BC&A recommends coordinating projects that address these deficiencies with upcoming system expansion projects to reduce overall system disruption and minimize project cost.
- **Main St. and 430 E:** The hydrant located at the far east end of Main St experiences residual fire pressure of 19 psi, which is 1 psi lower than the minimum allowable pressure. BC&A has identified a project to loop the system and correct this deficiency in Chapter 7 (Project FF-2). However, because the modeled residual pressure is so close to the acceptable range, and because there are no known future expansions in this area of the system, BC&A recommends monitoring pressures at this hydrant over time and installing the identified looped connection in the future only if system pressures become worse at this location.

Buildout Conditions:

There are multiple areas of the system that are expected to be deficient in meeting fire flow criteria if the system is simply expanded without any additional upgrades. These are described below and illustrated in Figure 6-2.

- **Tal Adair Property & Dead Ends Along Allen's Ranch Rd:** Without additional source or storage capacity, the development on and near the Tal Adair Property is expected to be deficient in fire flow availability.
- **Dead Ends Along Main St and Solder Pass Ln:** As other demands on the system increase, the existing fire flow deficiency on the east end of Main St is expected to become worse.
- **North End of System:** Similar to the deficiency along Main St, the fire flow deficiencies in the north area of the system are expected to worsen as system demands increase in the future. Even with the addition of system looping in the immediate area, additional system improvements will be needed to achieve adequate fire flows on the north end of the system.

All of these deficiencies are expected to be corrected by adding additional storage as the system expands (Projects ST-1 & ST-2), and adding additional source flow and locations (Project S-1). These projects are described in detail in Chapter 7 and are illustrated in the model results in Figure 6-3.

System Reliability/Redundancy

In addition to resolving the existing fire flow deficiencies, looping the north system (Project FF-1a) will also improve redundancy for water availability during a water line shutdown (from a break or routine maintenance).

No additional system reliability or redundancy projects were identified in this study.

System Efficiency

As the Town's water system expands, the Town should consider developing future sources on the North side of the system to reduce the amount of pumping and travel distance (i.e. friction losses)

between sources and future development on the north side of the Town. This will be beneficial for multiple reasons, including (but not limited to) the following:

- The further water has to travel through pipe the more energy losses to friction and the more likely water quality issues (i.e. stale water) are to occur.
- This also helps with redundancy peak demand scenarios (i.e. not all water is coming from the same area)

Based on the hydraulic model of the system, building additional storage and sources on the north end of the system will eliminate the need to upsize approximately 9,500 linear feet of existing pipes that convey water from the existing tanks to the rest of the system. These upsizing projects would cost upwards of \$4.1 million in 2025 dollars. In order to avoid these costly upsizing projects, BC&A recommends the Town pursue constructing additional storage in the 10-year window on the north end of the system.

SUMMARY OF RECOMMENDATIONS

Based on the model results and discussion presented above, BC&A recommends the following actions to serve future demands and maintain the reliability of the Fairfield water system.

- Resolve fire flow deficiencies at the north end of the existing system by creating looped connections or considering alternative solutions as discussed in Chapter 7. If possible, the Town should try to coordinate these pipeline projects with developer expansion projects. (Project FF-1)
- Monitor pressures at the east end of Main St during hydrant tests as the system expands and install a looped connection if necessary to ensure adequate fire flows (Project FF-2).
- Consider the viability and availability of creating new water sources that will provide water to new users. (Project S-1).



Legend

- Water Pipes
- Existing Well
- Existing Tanks
- Spring and Water Vault

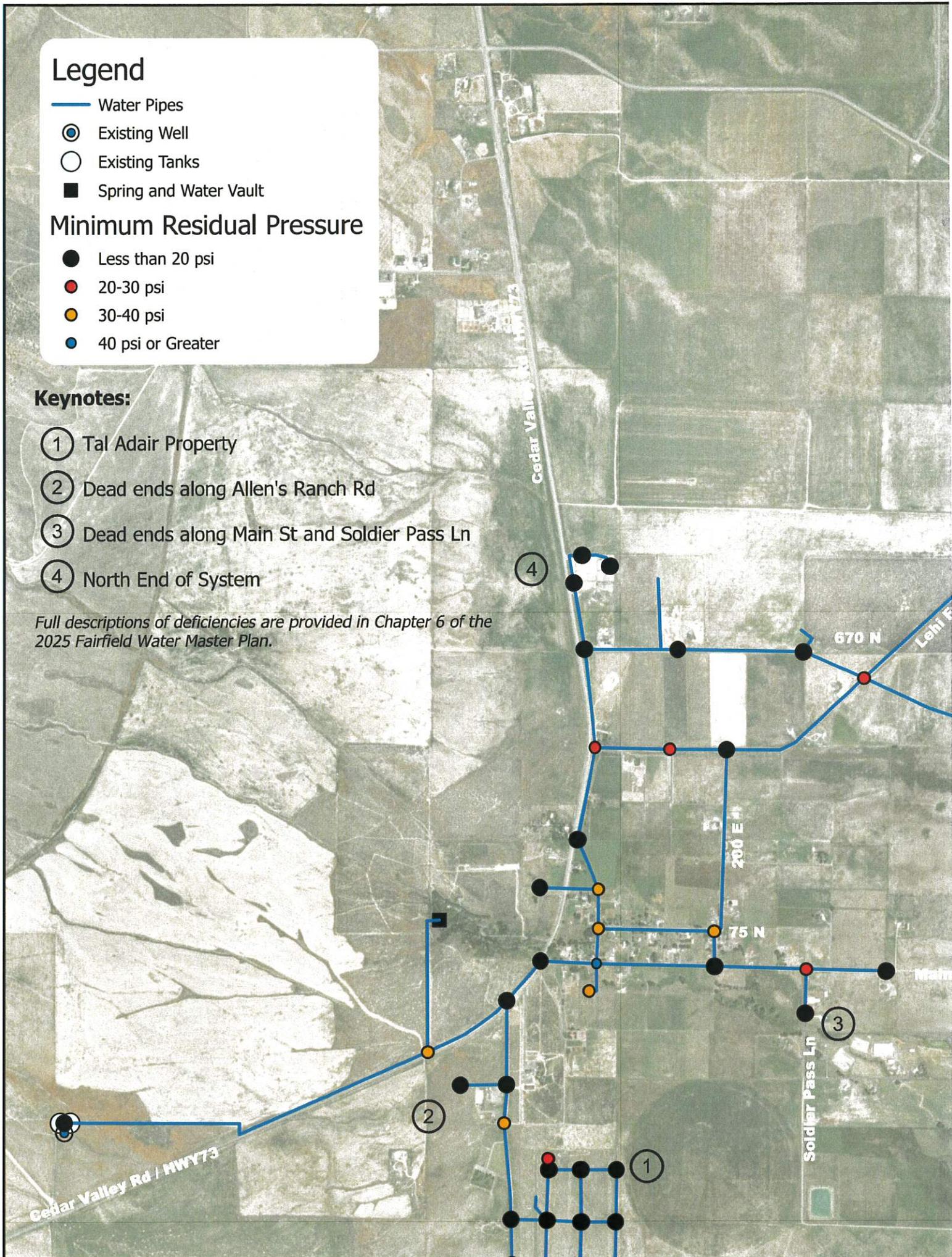
Minimum Residual Pressure

- Less than 20 psi
- 20-30 psi
- 30-40 psi
- 40 psi or Greater

Keynotes:

- 1 Tal Adair Property
- 2 Dead ends along Allen's Ranch Rd
- 3 Dead ends along Main St and Soldier Pass Ln
- 4 North End of System

Full descriptions of deficiencies are provided in Chapter 6 of the 2025 Fairfield Water Master Plan.

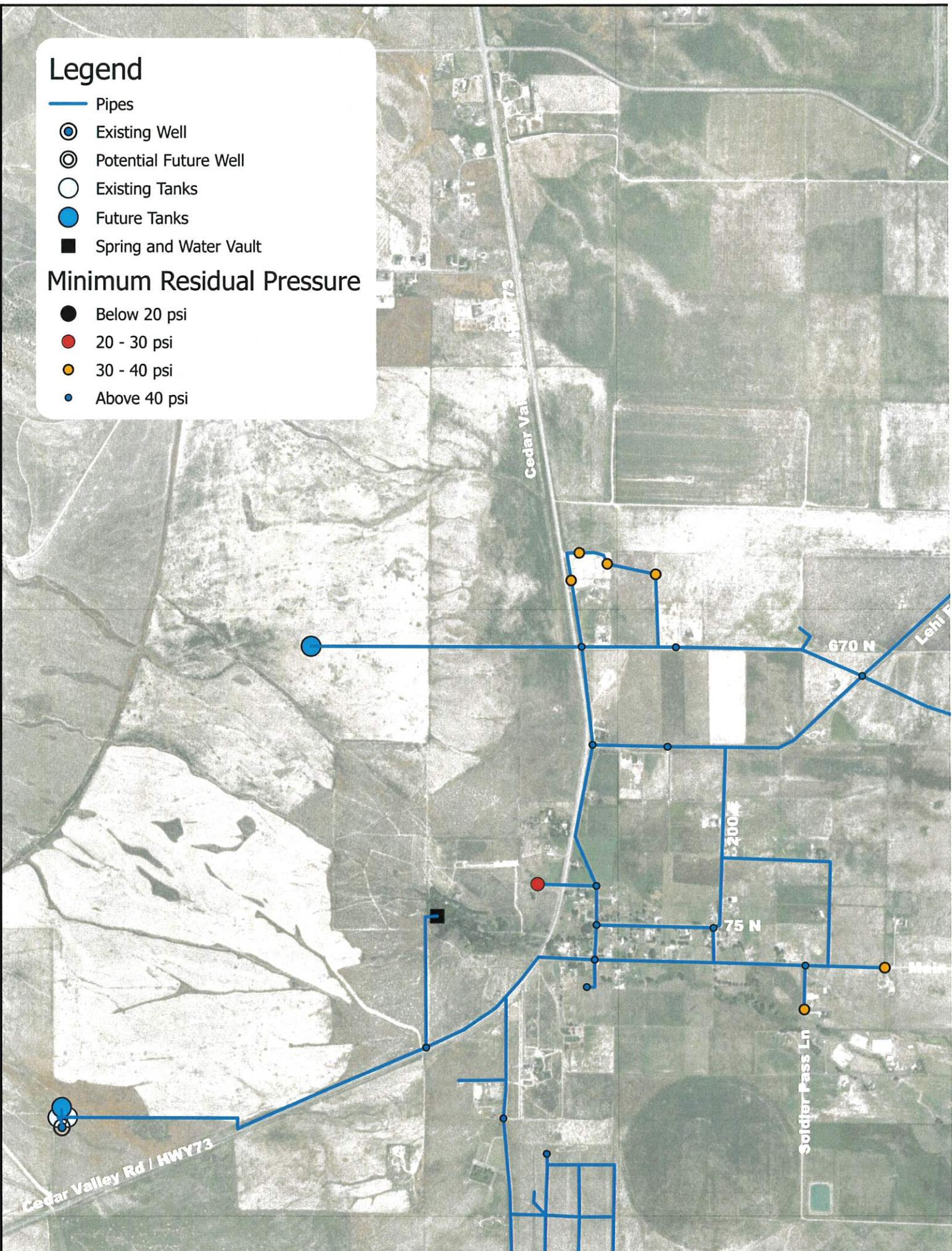


Legend

- Pipes
- ⊙ Existing Well
- ⊙ Potential Future Well
- Existing Tanks
- Future Tanks
- Spring and Water Vault

Minimum Residual Pressure

- Below 20 psi
- 20 - 30 psi
- 30 - 40 psi
- Above 40 psi



CHAPTER 7 CAPITAL IMPROVEMENT PLAN

Recommendations pertaining to the Fairfield water system were identified in Chapters 3 through 6. The purpose of this chapter is to organize those recommendations into a capital project list, present a cost estimate for each project, and identify the expected timing of each project.

RECOMMENDED IMPROVEMENTS

The recommended improvement projects have been categorized as Storage, Distribution, Source, and Fire Flow Projects. Each project is described below and is shown in Figure 7-1. Note that many of these projects will not be needed until development creates a need for the system to expand.

Storage Projects

It is recommended that storage be added to the system in phases as follows:

- **ST-1 - Construct Approximately 1.1 Million Gallons of Additional Storage** – BC&A estimates that within the next 10-years, the Town will need an additional 1.1 million gallons of storage to meet the expected demands and additional fire flow storage requirements of the system. Actual storage needs will depend on the rate of development, and the Town will need to work closely with developers to ensure the storage need estimates in this study reflect actual needs of future customers. If possible, this additional storage in the near term should be located on the north end of the system at an elevation which maintains the hydraulic grade line (HGL) set by the existing tanks. In order to maintain tank equilibrium between the north and south tanks, future source operations should be dedicated to this new storage.
- **ST-2 - Construct ~1.3 million gallons of Additional Storage** – Outside of the 10-year planning window, BC&A expects the Town will need to construct 1.3 million gallons of storage (in addition to the 1.1 million gallons constructed in the 10-year window). The Town should be strategic about storage construction timing and locations by balancing the construction of storage with real development in the future. Often it is preferable to construct a larger water storage tank that will serve conditions several years into the future than construct many small tanks. However, having too much storage can create water quality issues and financial burdens on existing customers if future demand does not materialize.

Distribution Projects

As long as storage is constructed on the north end of the system, no distribution projects have been identified.

Source Projects

To satisfy the projected growth in demand in the Town, the following water source improvements are recommended:

- **S-1 - Investigate the Viability of Adding New Source(s) to the Water System** – The Town should complete an analysis and field investigation to determine if adding new sources to the water system is viable. This will likely involve a study of the groundwater levels and availability in the area and the quality of the groundwater. This study will inform the Town about how much water is available in the area and how much development can realistically occur if new sources could be developed.
- **S-2 - Complete an Evaluation of the Town's Water Rights** – In addition to understanding the wet water availability in the Town, it is also crucial to understand how many water rights the Town currently owns and project how many could be dedicated in the future. BC&A

recommends the Town complete an evaluation of water rights to understand how much development can occur based on available water rights.

- **S-3 – Add Additional Source Capacity** –Although the results of the recommended studies in projects S-1 and S-2 are unknown, the Town will need to develop a new source by 2030, as discussed in Chapter 3. This new source may be drilling a new well or contracting with another entity to purchase additional water. For planning purposes, we have assumed the construction of a new 500 gpm well.

Fire Flow Projects

Eliminating the existing fire flow deficiencies will require the following improvements:

- **FF- 1 – Resolve Existing North Fire Flow Deficiencies** – BC&A considered the following alternative projects to address the existing fire flow deficiencies within the system (Figure 7-2):
 - a. **(FF-1.1) Connect dead end water lines on the north end of the system.** Although this improvement on its own will not completely resolve the deficient fire flows, this improvement will be needed regardless of which additional alternative project is pursued. This will involve installing approximately 710 ft of 8-inch pipe between the dead ends on the far north of the system, as shown in Figure 7-1 and 7-2. (Estimated cost ~\$280,000)
 - b. **Create a looped connection on the north end of the system.** Ideally, this project would be completed in conjunction with expansion of the system along Lehi-Fairfield Rd to minimize the capital investment to the Town (see Figure 7-2 for potential overlap of pipe installation). This would require installing approximately 3,000 feet of 12-inch pipe along 670 N between Highway 73 and an expected pipeline along Lehi-Fairfield Rd. Completing a looped connection to the rest of the system will resolve the existing fire flow deficiency. (Estimated cost ~\$1.2 million)
 - c. **(FF-1.2) Install emergency booster station along Highway 73.** Adding an emergency booster station within the distribution system would solve the challenge of low residual pressures on the far north end of the system until additional development creates more looping in the system. This solution would require that the pump installed be a variable frequency drive (VFD) pump and capable of pumping the 1,500 gpm of fire flow requested for the north area (see Figure 7-2). It is likely that this option would be used solely as a temporary solution and would be abandoned when the system becomes more interconnected through future development. This is especially true if a tank and source are constructed on the north end of the system by upcoming development, as is recommended. (Estimated cost ~\$950,000)

In order to keep project costs as low as possible for the Town, BC&A recommends completing project FF-1.1 in the near term, which is expected to improve available fire flow in the area from ~960 gpm to ~1,070 gpm (or residual pressures of -33 psi to -13 psi), which is 70% of the fire flow requested by the Fire Marshall for this area. We also recommend monitoring development in this area as the Town budgets to complete project FF-1.2 in the next 10 years. The Town should be aware of and make use of future opportunities to address this fire flow deficiency in conjunction with future development-driven expansion.

- **FF-2 – Monitor Hydrant Pressures and Add Looped Connection Along 220 N and 430 E as Necessary** – There is an existing fire flow deficiency at the east end of Main St. However, this deficiency is slight (1 psi lower than the minimum allowable residual pressure) and may improve depending on development patterns and source development in the future. The Town should periodically perform hydrant tests at this location to monitor these fire flow pressures. If pressures appear to get worse over time, a looped connection along 220 N and 430 E, connecting 200 E and Main St main lines, should be completed to improve fire flow availability at this location.

Legend

Wells

-  Existing
-  Potential Future

Name

-  Existing
-  Potential Future
-  Spring and Water Vault
-  Existing Water Mains
-  Expected Developer-Driven Expansion
-  10-yr Capital Project
-  Capital Project Beyond 10-yrs
-  Emergency Booster Station



Legend



Emergency Booster Station



Spring and Water Vault

Existing Water Mains

Expected Developer-Driven Expansion

10-yr Capital Project

Capital Project Beyond 10-yrs

Wells



Existing



Potential Future

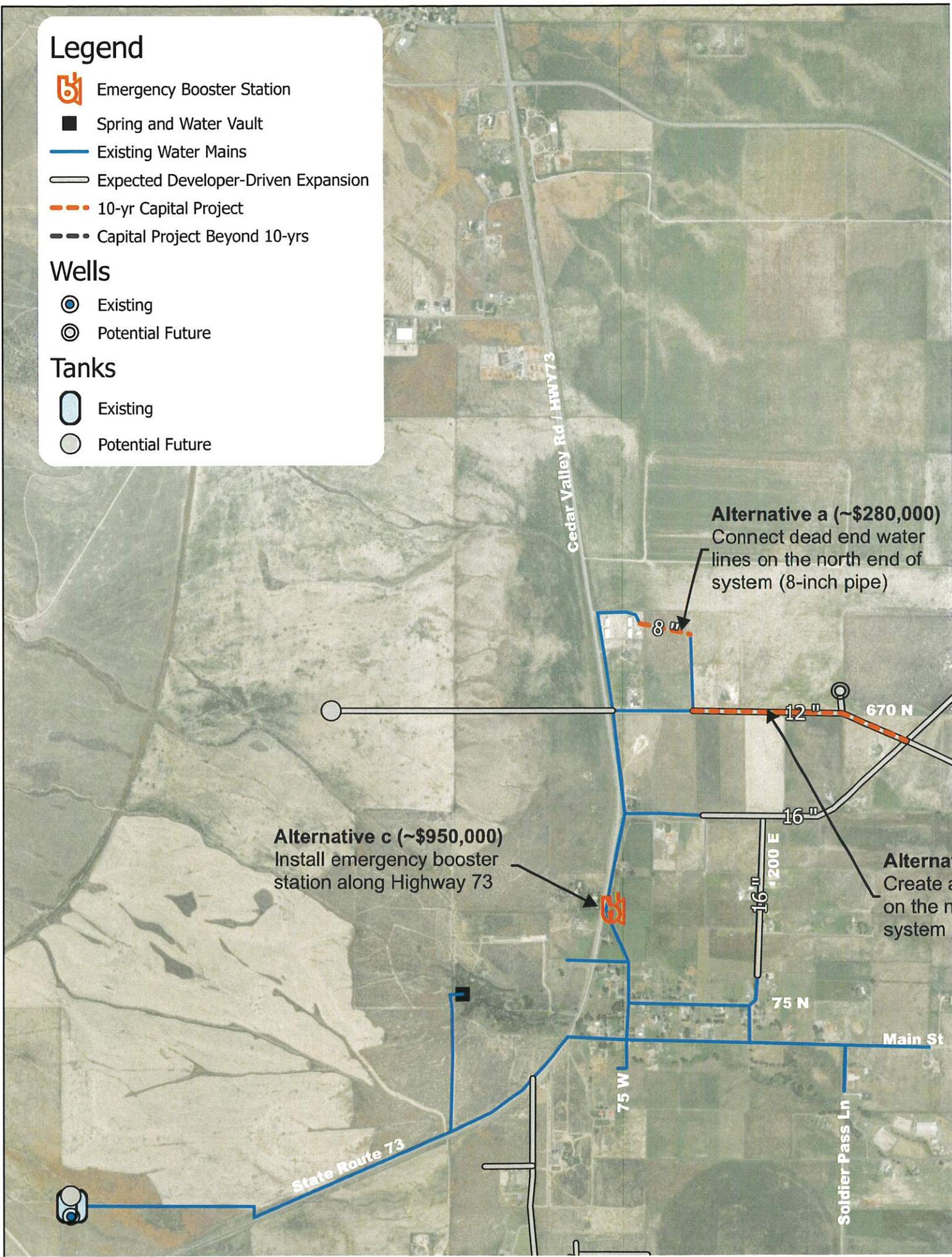
Tanks



Existing



Potential Future



Alternative a (~\$280,000)
Connect dead end water lines on the north end of system (8-inch pipe)

Alternative c (~\$950,000)
Install emergency booster station along Highway 73

Alternat
Create a
on the n
system (

Cedar Valley Rd / HWY 73

State Route 73

75 W

75 N

Main St

670 N

16"

16"

16"

16"

16"

16"

16"

16"

16"

16"

Soldier Pass Ln



CAPITAL IMPROVEMENTS PLAN SUMMARY

The recommended improvements for the Fairfield Town Water System have been summarized in Table 7-1. The table includes a summary of each project, an estimated year (or years) of completion, and an estimated project cost in 2025 dollars. More detailed cost estimates for each project are included in Appendix B.

Each project has been prioritized based on level of importance relative to the Town’s goal of providing efficient and reliable water service to its customers. Some projects are driven by land development and have been scheduled based on current assumptions of future growth. As land development plans deviate from these assumptions, the project schedule will likely need to be adjusted. Project locations are shown in Figure 7-1. We also recommend that an update to this master plan and its associated analyses be completed every five to seven years.

**Table 7-1
Summary of Recommended Water System Improvements**

Project ID	Description	Estimated Year of Completion	Estimated Cost (2025 \$'s)
Storage			
ST-1	Construct 1.1 million gallons of additional storage	2032	\$3,962,000
ST-2	Construct 1,3 million gallons of additional storage	Beyond 2035	\$4,413,000
<i>Storage Subtotal</i>			<i>\$8,375,000</i>
Distribution			
None Identified			
<i>Distribution Subtotal</i>			<i>\$0</i>
Source			
S-1	Investigate the viability of adding new source(s) to the water system	2028	\$50,000
S-2	Complete an evaluation of the Town's water rights	2025	\$13,500
S-3	Add additional source capacity	2030	\$1,600,000
<i>Source Subtotal</i>			<i>\$1,663,500</i>
Fire Flow			
FF-1.1	Connect north existing system with planned expansion along Lehi-Fairfield Rd*	2030	\$280,000
FF-1.2	Construct emergency booster station along Highway 73	2035	\$950,000
FF-2	Install Looped Connection along 220 N and 430 E As Necessary	Beyond 2035	\$1,117,000
<i>Fire Flow Subtotal</i>			<i>\$2,347,000</i>
TOTAL			\$12,385,500
TOTAL WITHIN 10-YR WINDOW			\$6,855,500

*The actual cost of project FF-1.2 will depend on coordination and cost sharing with developers.

RECOMMENDED CAPITAL IMPROVEMENTS BUDGET

Each component of the water system has a finite service life. As such, it is necessary to continually budget for the rehabilitation or replacement of these system components. Adequate funds must be

set aside for regular system maintenance and renewal in order to prevent the system from falling into disrepair. To maintain the water system in good operating condition, it is recommended that the Fairfield annual budget for water system renewal be approximately equal to the replacement value of the system divided by its estimated service life.

- **Replacement Value** – The replacement value of the Fairfield water system is estimated to be approximately \$12 million. This estimate has been prepared using a GIS database of the system and includes the value of pipelines, wells and tanks.
- **Service Life** – The service life for water facilities can vary greatly depending on the type of facility and the conditions in which it serves. Service life estimates by system component are shown in Table 7-2 below.

Based on these estimates in Table 7-2, the annual capital improvements budget should be set to approximately \$175,000. Although the Town may not spend this amount every year, it is important to consider setting aside that amount for years when large capital projects in the water system need to be completed.

**Table 7-2
System Replacement Value Summary**

Infrastructure Type	Total Replacement Value	Estimated Average Service Life (Years)	Average Annual Investment (2025 \$'s)
Pipes	\$10,178,000	70	\$145,400
Tanks	\$1,697,000	70	\$24,200
Source	\$345,000	70	\$4,900
TOTAL	\$12,220,000	--	\$174,500

RECOMMENDATIONS SUMMARY

Based on the analysis contained in this report and in addition to the capital improvement projects listed in this chapter, BC&A recommends taking the following actions:

- **Create Town Policy to Limit Development Density and Corresponding Water Use.** A basic assumption for this study was that future development would be limited to 1, 2, and 1 ERU/acre of allowable water use for residential, commercial, and light industrial, respectively. The Town should consider creating a town policy to support these water use densities and preserve the limited water available in the area.
- **Improve Data Gathering and Organization.** When BC&A began this analysis, it appeared that the Town’s access to historical water usage and production data was relatively limited, which adds an additional level of uncertainty to the projections shown in this master plan. At the end of this study, BC&A learned that the Town has installed AMI meters which collect hourly data. We recommend the Town begin initiatives to ensure this data is accessible and reliable, and ensure this data is being recorded for future reference. Doing so will support greater accuracy in sizing standards and in future updates to this master plan.
- **Adopt the Master Plan with Its 10-yr Capital Improvement Plan.** The 10-year capital improvement plan summarized in Table 7-1 represents the latest assessment of Town capital needs in the upcoming years. It is recommended that this plan be adopted for budgeting, staffing, and financial planning purposes.

- **Prepare to Adequately Fund Projects.** In order to facilitate the completion of the proposed projects and keep up with rehabilitation and replacement needs, the Town will need to budget accordingly. This may include completing a rate study to increase rates as well an update to the Town's impact fees.
- **Look for Opportunities to Cost Effectively Add Customers.** A quick review of the sustainable funding level for capital improvements will reveal that it will require nearly \$500 per month per connection to maintain the existing system moving forward (capital costs only – does not include O&M). This is very high compared to other communities in the State. The reason for the high costs is the comparatively large amount of infrastructure being supported by only a small number of connections. Adding connections that don't require significant expansion of the existing infrastructure can lower the per connection cost for all customers.
- **Update This Master Plan Regularly.** This water master plan should be viewed as a living document. The conclusions contained herein are based on several assumptions that will assuredly change from time to time. Examples of this include assumptions associated with development patterns, regulatory requirements, economic conditions, etc. As changes occur in these areas, the conclusions and recommendations in this report may need to be revised. For this reason, it is recommended that this report be updated on a regular basis. This should be at least once every 5 years and more often if necessitated by a major change in the Town (e.g. major new regulatory requirement, significant deviation from the underlying master plan assumptions, annexation of a new area, etc.).

**APPENDIX A
FAIRFIELD VISION PLAN**

**APPENDIX B
DETAILED PROJECT COST ESTIMATES**

Appendix B: Detailed Project Cost Estimates

Project ID	Description	Quantity	Unit	Unit Cost	Initial Cost Estimate	Contingency	Engineering	Item Total
Storage								
ST-1	Construct 1,100,000 gallons of additional storage	1,100,000	gal	\$2.61	\$2,871,000	\$574,200	\$516,780	\$3,962,000
ST-2	Construct 1,300,000 gallons of additional storage	1,300,000	gal	\$2.46	\$3,198,000	\$639,600	\$575,640	\$4,413,000
<i>Storage Subtotal</i>								
Distribution								
None Identified								
<i>Distribution Subtotal</i>								
Source								
S-1	Investigate the viability of adding new source(s) to the water system	1	EA	\$50,000	\$50,000	--	--	\$50,000
S-2	Complete an evaluation of the Town's water rights	1	EA	\$13,450	\$13,450	--	--	\$13,500
S-3	Add additional source capacity	1	EA	\$1,600,000	\$1,600,000	--	--	\$1,600,000
<i>Source Subtotal</i>								
Fire Flow								
FF-1.1	Connect north dead ends with ~710 ft of 8" pipe	710	LF	\$261	\$185,310	\$38,857	\$56,042	\$280,000
FF-1.2	Construct emergency booster station along Highway 73	1	EA	\$688,410	\$688,410	\$137,682	\$123,914	\$950,000
FF-2	Add looped connection along 220 N and 430 E to connect 200 E and Main St water lines and address fire flow deficiencies at east dead end	3,100	LF	\$261	\$809,100	\$161,820	\$145,638	\$1,117,000
<i>Fire Flow Subtotal</i>								
TOTAL								\$12,385,500

DRAPER, UTAH OFFICE

154 E 14075 S
DRAPER, UTAH 84020
PHONE: 801.495.2224

BOISE, IDAHO OFFICE

776 E RIVERSIDE DRIVE
SUITE 250
EAGLE, IDAHO 83616
PHONE: 208.939.9561

ST. GEORGE, UTAH OFFICE

20 NORTH MAIN
SUITE 107
ST. GEORGE, UTAH 84770
PHONE: 435.656.3299

OGDEN, UTAH OFFICE

2036 LINCOLN AVENUE
SUITE 104
OGDEN, UTAH 84401
PHONE: 801.495.2224

PROVO, UTAH OFFICE

1712 S EAST BAY BLVD
SUITE 345
PROVO, UTAH 84606
PHONE: 801.495.2224



BOWEN COLLINS
& A S S O C I A T E S

WWW.BOWENCOLLINS.COM

Ordinance No. 2025-09 An Ordinance Rescinding the Verbiage in Title 3.1. Business License Regulations, and Replacing said Verbiage with Exhibit A Below.

Dated June 5, 2025

Document Control Changes: Created 24 June 2022; Changes 11 July 2023; Changes June 5, 2025

WHEREAS, Fairfield Town has deemed it in the best interest of Fairfield Town to amend the Town Code; and

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

WHEREAS, the Fairfield Town has authority under Utah law to enact ordinances and desires to rescind the current verbiage in Title 3. Business License Regulation replacing it with new verbiage as found in Exhibit A below.

NOW, THEREFORE, BE IT ORDAINED by the Fairfield Town Council, State of Utah, that Title 3.1. Verbiage be replaced with Exhibit A, as follows.

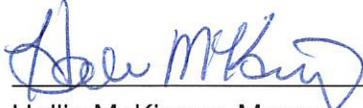
SECTION 1. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 2. EFFECTIVE DATE.

Passed and Adopted this **5th day of June, 2025.**

FAIRFIELD TOWN



Hollie McKinney, Mayor

RL Panek	yes	no	abstain	absent	<input checked="" type="checkbox"/>
Tyler Thomas	yes	<u>TT</u>	no	abstain	absent
Michael Weber	yes	<u>18</u>	no	abstain	absent
Richard Cameron	yes	<u>RSC</u>	no	abstain	absent



EXHIBIT A

3.1.10. Purpose.

This ordinance regulates all businesses operating within Fairfield Town, whether permanent or temporary, ensuring compliance with local, state, and federal laws, protecting public health and safety, and promoting the welfare of the community.

3.1.20. License Required.

Unless exempted by law, no person or entity may engage in business within Fairfield Town, on a temporary or permanent basis, without first obtaining a valid annual business license or, if applicable, a temporary business license.

3.1.30 Application, Fees, and Compliance.

A. Application Process:

1. Submit a completed application;
2. Pay all applicable fees;
3. Application reviewed administratively, with referral to Planning or Fire as needed;
4. For new or unlisted uses, apply for administrative interpretation or a text amendment per Utah Code §10-9a-507.5; and
5. Licensing Official (Town Recorder) issues approved licenses after compliance is confirmed.

B. Fees:

1. Shall be set by Town Council resolution and listed in the Fairfield Town Fee Schedule. Copies shall also be available at the Town Recorder's office or on the Town website;
2. Licensing fees shall be prepaid;
3. There are no refunds or rebates for licensing fees; and
4. Changes in business name, ownership, or address require a new license and inspections.

C. Renewals:

1. Business licenses shall be issued annually and shall run from July 1st to June 30th and shall be billed by the Town Recorder;
2. Licenses issued April–June may be prorated to June 30; and
3. Late renewal deadlines:
 - a. After July 15: enforcement fee applies;
 - b. After August 15: fee increases; and
 - c. After September 1: fee equals one hundred percent (100%) of the license cost.
 - d. Special use permits shall be approved for renewal as long as they are in compliance with town code.

D. Civil Action:

1. The Town may pursue civil action, including attorney's fees, to collect unpaid or

delinquent fees.

3.1.40. Exemptions.

A. No license fee is required for:

1. Religious, charitable, or nonprofit activities properly registered under law;
2. Exempt state agencies; or
3. Occasional yard sales (up to four days/month) and minor youth-run activities.

B. Occupational and professional licenses do not exempt a business from needing a Fairfield business license.

3.1.50. License Term, Certificate, and Non-Transferability.

A. License Term.

1. One-year term (July 1–June 30), unless prorated from April to June

B. Certificates.

1. Certificates must list name, type, term, location, and license number; and

C. Non-Transferability.

1. Licenses are non-transferable and tied to the approved business location.

3.1.60. Issuance and Display.

A. Licenses shall be:

1. Issued after payment and approvals; and
2. Must be publicly displayed; mobile operators must carry a license in person.

3.1.70. Separate Licenses.

A. Licenses shall be required for the following:

1. Each distinct business location (different mailing/street address); and
2. Mobile or non-fixed-location businesses shall require a separate license.

3.1.80. Inspections and Code Compliance.

A. Requirements:

1. Compliance with current zoning, building, fire, health, and safety standards;
2. Inspections by Building, Fire, Health, or other authorized departments;
3. Inspectors may enter during business hours or obtain a search warrant if denied entry;
4. Preliminary zoning approval required prior to license issuance; and
5. Applicants requesting new or unlisted uses are required to apply for administrative interpretation or ordinance amendments.

3.1.90. Recordkeeping.

A. Licensing records shall be maintained by the Town Recorder:

1. General/beer license records shall be retained four (4) years.
2. License certificates shall be retained one (1) year.

3.1.100. Denial, Suspension, or Revocation of a Business License by the Code Enforcement officer or the Business License Official

A. Authority.

The Business License Official or Code Enforcement Officer, after consultation with the Planning, Building, or Fire departments as applicable, may deny, suspend, or revoke a business license.

B. Conditions and Criteria for Action:

1. Failure to comply with current local zoning regulations, the International Building Code, International Fire Code, health or safety standards, or other applicable laws;
2. Failure to cooperate with inspections or enforcement;
3. Nonpayment of required fees, taxes, or penalties;
4. Providing false, misleading, or incomplete application information; or
5. Creating a nuisance, endangering public health or safety, or operating outside approved license terms.

C. Notice of Action:

1. Written notice provided stating specific reasons, effective date (immediate if public safety is at risk), and right to appeal.

D. Appeal Process:

1. A written appeal must be submitted to the Town Recorder within ten (10) days;
2. Appeal must state specific reasons and supporting justifications (maximum five (5) pages, twelve (12)-point font, single-spaced);
3. Hearing scheduled before the Town Hearing Officer within twenty one (21) days;
4. Business License Official presents reasons; the appellant may present evidence.
5. Findings by departments (Building, Fire, Health, Police, or Code Enforcement Officer) are presumed valid if procedures were followed; and
6. The Hearing Officer issues a written decision within thirty (30) days.

E. Judicial Appeal:

1. Final decisions may be appealed to Utah District Court within thirty (30) days.

F. Enforcement:

1. Administrative penalties may be imposed; and
2. Continued operation after suspension or revocation is a Class B misdemeanor.

Definitions

Administrative Interpretation:

A formal written decision by the Zoning Administrator or Town Planner clarifying the meaning or application of a provision in the zoning code or business license ordinance.

Applicant:

Any person, entity, or authorized agent submitting an application for a business license to operate within the Town of Fairfield.

Business:

Any activity, trade, profession, occupation, or enterprise conducted for the purpose of profit or livelihood, whether permanent or temporary, and whether operating from a fixed location, mobile unit, or online platform.

Business. Means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

Business License Official:

The Town Recorder or other individual designated by the Mayor or Town Council to administer and enforce business license provisions.

Building Official or Town Building Official. Means the appointed official or consultant who is responsible for the building and development functions of the Town as described in the Code and other policies of the Town.

Licensing Official. Means a person in charge of issuing and revoking licenses.

Code Enforcement Officer:

An official designated by the Town to enforce municipal ordinances, including building, zoning, health, and business license regulations.

Business License:

A document issued by the Town indicating official approval for a business to operate within Fairfield, which includes the business name, license number, expiration date, and address.

Mobile Business:

A business that is not tied to a single physical location and may operate from a vehicle, cart, trailer, or other moveable structure (e.g., food trucks, mobile services).

New or Unlisted Use:

A use not specifically defined or listed in the Town's zoning ordinance, requiring administrative interpretation or a zoning text amendment to determine permissibility.

Nuisance: Any act, condition, thing, or use of property that unreasonably interferes with the health, safety, peace, comfort, convenience, or general welfare of the community, or that unlawfully obstructs the free use or enjoyment of property.

A nuisance may include, but is not limited to:

1. The creation or maintenance of unsanitary conditions;
2. Emission of offensive odors, smoke, dust, fumes, noise, or vibration;
3. Obstruction of public ways or the improper storage of materials in public view;
4. Conditions that attract or harbor vermin, pests, or other health hazards;
5. Excessive lighting or glare affecting neighboring properties;
6. Activities that create a fire, safety, or environmental hazard;
7. Any condition declared by state law or local ordinance to be a nuisance.

A nuisance may arise from a single act or a repeated pattern of behavior and may occur on public or private property.

Occupational License:

A license issued by the State of Utah for the practice of certain professions (e.g., contractors, barbers, realtors), which does not exempt the licensee from local business licensing requirements.

Owner:

The individual or entity with legal control of the business and responsible for compliance with all licensing requirements.

Owner. Means, when applied to a building or land, any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of any part of such building or land.

Person:

An individual, partnership, association, corporation, limited liability company (LLC), or any other legal entity.

Person. Means an individual, public or private corporation, government, partnership, organization, trust, unincorporated association, or any other legal entity..

Planning Department:

The Fairfield Town department or individual responsible for land use, zoning, and development review functions.

Planning Commission. Means the Town of Fairfield Planning Commission.

Premises:

The physical location or locations where a business is conducted, including all land, buildings, and structures used for the business operation.

Premises. Means a lot, together with any buildings and structures located thereon.

Special Use Permit:

A permit allowing a business or use that may not be permitted by right in a zoning district, subject to additional review and approval by the Town.

Temporary Business:

A business operation lasting no more than 90 consecutive days in a calendar year, including seasonal sales, temporary vendors, fairs, and festivals.

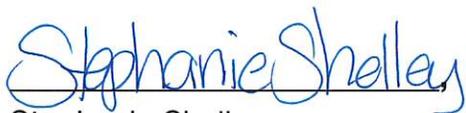
FAIRFIELD TOWN

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 **5th day of June, 2025.**

Ordinance No. 2025-09 An Ordinance Rescinding the Verbiage in Title 3.1. Business License Regulations, and Replacing said Verbiage With Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **5th day of June, 2025.**


Stephanie Shelley
Fairfield Town Recorder/Clerk



Ordinance No. 2025-10. An Ordinance Rescinding the Verbiage in Title 3.5. Home Based Businesses Regulations, and Replacing said Verbiage in Exhibit A.

Dated June 5, 2025

Created June 5, 2025

WHEREAS, Fairfield Town has deemed it in the best interest of Fairfield Town to amend the Town Code; and

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

WHEREAS, the Fairfield Town has authority under Utah law to enact ordinances and desires to rescind the current verbiage in Title 3.5 Home-Based Business, replacing it with new verbiage as found in Exhibit A below.

NOW, THEREFORE, BE IT ORDAINED by the Fairfield Town Council, State of Utah, that Title 3.5. Verbiage be replaced with Exhibit A, as follows.

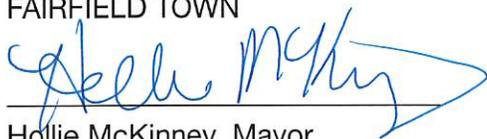
SECTION 1. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 2. EFFECTIVE DATE.

Passed and Adopted this **5th day of June, 2025.**

FAIRFIELD TOWN



Hollie McKinney, Mayor

RL Panek	yes	no	abstain	absent	<input checked="" type="checkbox"/>
Tyler Thomas	yes	<input checked="" type="checkbox"/>	no	abstain	absent
Michael Weber	yes	<input checked="" type="checkbox"/>	no	abstain	absent
Richard Cameron	yes	<input checked="" type="checkbox"/>	no	abstain	absent


Stephanie Shelley, Recorder



EXHIBIT A

Title 3. Business Licenses

CHAPTER 5

HOME BASED BUSINESS.

- Section 3.5.10. Purpose.
- Section 3.5.20. Classification of Home Based Businesses.
- Section 3.5.30. Summary Table.
- Section 3.5.40. Application and Approval Process.
- Section 3.5.50. Standards for All Home Based Businesses.
- Section 3.5.60. Prohibited Home Based Businesses.
- Section 3.5.70. Special Categories.
- Section 3.5.80. Licensing Renewal and Revocation.
- Section 3.5.90. Appeals.
- Section 3.5.100. Definitions.

Section 3.5.10. Purpose.

The purpose of this chapter is to support small-scale, locally operated businesses while preserving the rural and residential character of Fairfield. Home Based Businesses may be allowed when they are clearly incidental to the primary residential use of the property and do not adversely impact surrounding neighbors or overburden Town infrastructure. Fairfield recognizes that many rural and agricultural home based businesses—including animal husbandry, equipment storage, and equestrian operations—are compatible with residential use on large lots. This chapter regulates such uses only when their scale or impacts extend beyond the norm for rural communities.

Section 3.5.20. Classification of Home Based Businesses.

Home Based Businesses are classified as either Minor or Major, based on their scale, intensity, and potential impacts.

A. Minor Home Based Business.

A Minor Home Based Business:

1. Is conducted solely by residents of the home;
2. Operates entirely within the dwelling;
3. Does not allow customer visits or non-resident employees;
4. Has no outdoor storage or signage (except a 2 sq. ft. non-illuminated name plate); and
5. Does not generate traffic, noise, or impacts beyond typical residential use.

B. Major Home Based Business.

A Major Home Based Business:

1. May allow limited customer visits (up to three (3) per hour, 7:00 a.m.–6:00 p.m.);
2. May employ one (4) non-resident person on site;
3. May use an accessory building, subject to screening, compatibility, and setbacks;
4. May allow screened outdoor storage, painted earth tone and behind the home;
5. May have one non-illuminated sign up to four (4) sq. ft.; and
6. May require Fire Marshal inspection if hazardous materials or traffic is involved.

Section 3.5.30. Summary Table.

Feature	Minor HBB	Major HBB
Operated by Residents Only	✓	✓
Non-Resident Employee(s)	X	1 allowed
Customer Visits	X	Up to 3/hr (7 am–6 pm)
Use of Accessory Structures	X	✓ (must match residence)
Outdoor Storage	X	✓ (screened, behind home)
Outdoor Commercial Equipment Limit (5 acres and under)	X	Max 4 business use items
Outdoor Commercial Equipment Limit (Over 5 acres)	X	Max 8 business-use items
Signage Allowed	1 nameplate, 2 sq. ft.	1 sign, 4 sq. ft., unlit
Approval Required	Recorder and Mayor	Recorder and Mayor

Section 3.5.40. Application and Approval Process.

A. Application Requirements.

1. Completed Town application form.
2. Site plan showing structures, storage areas, and parking.
3. Business description;
4. Statement of compliance with this Chapter;
5. Payment of applicable fees (if off-site impact exceeds residential use); and
6. Additional documents if requested by the Town Recorder, Mayor, Building inspector or Fire Marshal.

B. Review Process.

1. Minor Home Based Business: approved by Town Recorder and Mayor;
2. Major Home Based Business: reviewed by Recorder and Mayor, with Fire and building inspections if required; and
3. No Planning Commission or Town Council involvement is required unless specified elsewhere in the code.

Section 3.5.50. Standards for All Home-Based Businesses.

All Home Based Businesses must meet the following criteria:

1. Residential Character – Business must be secondary to residential use and preserve aesthetics of the residential dwelling and lot;
2. Floor Area – Limited to one third ($\frac{1}{3}$) of the size of the dwelling;
3. Accessory Buildings – Must match the home in appearance and comply with setbacks;
4. Outdoor Storage – Must be screened behind the home; containers painted earth-tone;
5. Equipment Limits:
 - a. Maximum of four (4) trailers/equipment allowed on lots that are less than five (5) acres in size; and
 - b. Maximum of eight (8) trailers/equipment allowed on lots that are five (5) acres or more in size.

6. Screening – Required if business-related storage or equipment is present; fencing must be opaque and well maintained;
7. Fencing Rules – Fairfield is a “fence-in” town; removed fencing must be reinstalled within ten (10) days;
8. Traffic and Parking – All vehicles must use off-street parking; deliveries are allowed;
9. Noise, Odor, Light – Must be confined to the property and comply with lighting and nuisance codes;
10. Hazardous Materials – Prohibited unless authorized and annually inspected;
11. Signage – One unlit sign allowed per home-based business;
12. Multiple Businesses – Allowed if total use does not exceed one third ($\frac{1}{3}$) of the size of the dwelling and all standards are met;
13. Retail Sales – Incidental sales allowed; retail-only businesses prohibited;
14. Building/Fire Code Compliance – Subject to IBC/IRC and inspection; and
15. General Compatibility Clause – Any use not specifically listed or prohibited may be denied if the Town Recorder and Mayor determine that it is incompatible with Fairfield’s rural residential character.

Section 3.5.60. Prohibited Home-Based Businesses.

The following are not permitted:

1. Sexually oriented businesses;
2. Automotive service, repair, body work, or painting;
3. Junkyards, salvage yards, or auto wrecking;
4. Health care involving hazardous/medical waste;
5. Dog kennels or animal sanctuaries; and
6. Fireworks sales, storage, or manufacturing.
7. The operation of animal slaughter facilities

Section 3.5.70. Special Categories.

A. Agricultural Home Based Businesses.

Agricultural businesses directly related to animal husbandry, livestock sales, or equestrian services may be permitted if:

1. The site is five (5) acres or larger;
2. All trailers, feed, or equipment are stored behind the home and screened;
3. All noxious odors directly related to the business shall be controlled by the property owners;
4. All run off of water or other materials shall be contained on the property; and
5. Business Area shall be fenced with a minimum of six (6) ft. non-climb fence.

B. Food Co-ops and Agricultural Sales.

Food Co-ops and Agricultural Sales may be permitted if:

1. No commercial kitchen or processing on site;
2. Sales are limited to members or customers by appointment; and
3. Parking and signage shall comply with this chapter.

C. Daycare and Preschools.

Daycare and Preschools are permitted if:

1. Licensed by the State of Utah;
2. Located on the ground floor; and
3. Compliant with fire/life safety access requirements.

Section 3.5.80. Licensing, Renewal, and Revocation.

A. Additional requirements:

1. Licensing – All Home Based Businesses must maintain an active business license;
2. Renewals – Notices issued thirty (30) days prior to expiration; and
3. Before initiating revocation or enforcement proceedings, the Town may issue a written. Notice to Cure to any licensee or property owner found to be in violation of this ordinance. The notice shall:
 - 1) Describe the nature of the violation with reasonable specificity;
 - 2) Identify the corrective action(s) required; and
 - 3) Provide a reasonable period of time.

4. Revocation –If the violation is not cured the Town may revoke the business license.

Section 5.1.090 – Appeals.

A. Appeal decisions:

1. Decisions of the Recorder or Mayor may be appealed to the Town Council within fifteen (15) days of date of the decision; and
2. Final decisions may be appealed to the District Court within thirty (30) days of the date of decision.

Section 5.1.100 – Definitions.

See Title 12. Definitions.

(To be relocated to Title 12 upon codification)

Accessory Building or Structure. Means a building or structure that is subordinate to the primary use of a property and serves a purpose customarily incidental to the main use.

Agricultural Home-Based Business. Means a home-based business directly related to farming, animal husbandry, livestock operations, equestrian activities, or agricultural sales, conducted on a lot where agriculture is a permitted use. Includes businesses such as livestock leasing, feed sales, or seasonal greenhouse operations.

Applicant for Home based business. Means the person or persons applying for a home-based business license who must reside in the dwelling where the business is proposed.

Commercial Vehicle. Means any vehicle used for business purposes, including trailers, trucks, vans, or heavy equipment. This excludes personal vehicles used solely for commuting.

Dwelling. Means a structure designed for and occupied by one (1) family, including provisions for living, sleeping, eating, cooking, and sanitation. This definition does not include hotels, apartment hotels, boarding houses, rooming houses, and tourist courts.

Employee. Means an individual who works for the business either full or part-time. For the purposes of this ordinance, an employee is someone who is not a resident of the home.

Equipment, Business Use. Means any trailer, machine, form, tool, or similar item stored on the property in support of a home based business. Includes concrete forms, trenchers, welders, compressors, or livestock trailers.

Food Co-op. Means a home-based distribution point where food or farm products are shared, exchanged, or sold among members of a cooperative or small community group. Does not include on-site processing or commercial kitchens.

Home-Based Business. Means a lawful occupation or business operated from a residential dwelling or accessory building by one or more residents, which is incidental and secondary to the primary residential use of the property, and which complies with the standards set forth in this chapter.

Livestock Services. Means the care, training, sale, or leasing of livestock such as cattle, horses, or sheep, typically associated with agricultural use and conducted on large rural lots.

Home Based Business, Major. Means a business that exceeds the limitations for Minor Home Based Businesses due to customer visits, employee presence, use of accessory buildings, or outdoor storage, as defined in Section 3.5.20(B).

Home Based Business, Minor . Means a small-scale business conducted entirely by residents of the home, without outside employees, customer visits, or visible impact on the surrounding area, as defined in Section 3.5.20(A) of this code..

Nameplate Sign. Means a small, non-illuminated sign no larger than two (2) square feet that identifies the resident or business without advertising or promotional content.

Opaque Screening. Means a solid fence, wall, or landscaping barrier that visually blocks stored materials, trailers, or equipment from public view and adjacent properties. Must be earth-tone in color and well maintained.

Outdoor Storage. Means the keeping of business related equipment, vehicles, containers, or materials outside of a fully enclosed building. Outdoor storage must be screened and located behind the principal dwelling.

Principal Dwelling. Means the main residential structure on a parcel, used as the primary residence of the applicant.

Screened. Means concealed from view from the public right-of-way and adjacent properties using opaque fencing, walls, vegetation, or placement behind a structure.

Sign-Home Based Businesses. Means any device, structure, or visual representation used to identify a business. Signs allowed under this chapter are subject to size, lighting, and placement restrictions.

Trailer, Business Use. Means any flatbed, livestock, dump, or enclosed trailer used in support of a home-based business. Includes equipment haulers and similar utility trailers.

Unwanted Business. Means any use prohibited under this chapter or determined by the Town Recorder and Mayor to be incompatible with the rural residential character of Fairfield due to excessive noise, traffic, odor, visual impact, or risk to public safety.

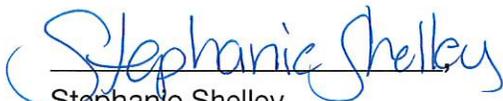
FAIRFIELD TOWN

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 **5th day of June, 2025.**

Ordinance No. 2025-10. An Ordinance Rescinding the Verbiage in Title 3.5. Home Based Businesses Regulations, and Replacing said Verbiage With Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **5th day of June, 2025.**


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

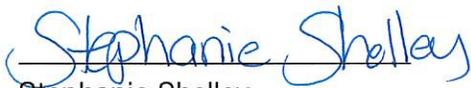
I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the **5th day of June, 2025**, and herein referred to as:

SUMMARY.

Ordinance No. 2025-10. An Ordinance Rescinding the Verbiage in Title 3.5. Home Based Businesses Regulations, and Replacing said Verbiage With Exhibit A .

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
(SEAL)

Date of Posting 7th day of June, 2025



Ordinance No. 2025-11 An Ordinance vacating a portion of an undeveloped right-of-way approximately located directly South of 220 North and West of 200 East, approximately located at 175 East running north and south.

Dated July 16, 2025

Created 16 July, 2025

WHEREAS, Utah Code provides, in part, that all public streets or roads shall continue to be public streets or roads until formally abandoned by ordinance of a highway authority having jurisdiction and the ordinance has been recorded by the county recorder where the street or road is located; and

WHEREAS, Utah Code provides that the Town Council may approve a petition to vacate a public street in accordance with the requirements found therein; and

WHEREAS, On May 12, 2025, a petition was filed by Nick Christensen (“Applicant”) to vacate the North–South right-of-way known as 175 East Street, located between Blocks 23 and 24 of the Fairfield Townsite, as well as a portion of the East–West right-of-way known as 220 North, located between Blocks 24 and 31 of the Fairfield Townsite. The petition included all elements required by Utah Code; and

WHEREAS, Utah Code requires that a legislative body shall hold a public hearing and determine whether: (1) good cause exists for the vacation and (2) the public interest or any person will be materially injured by the proposed vacation; and

WHEREAS, on July 2, 2025, the Town gave notice of the date, place, and time of the public hearing as required by Utah Code; and

WHEREAS, on July 16, 2025, the Town Council held a public hearing in which public comment was received regarding the proposed right-of-way vacation; and

WHEREAS, the Town Council finds good cause exists for vacation and that the public interest or any person will not materially be injured by the vacation.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of Fairfield, State of Utah:

Section 1. That portions of the undeveloped right-of-way noted above are more particularly described in Exhibit A and depicted in Exhibit B, are hereby vacated. The

same is declared to be no longer necessary as a public street, alley, or public right-of-way. The Town Recorder is hereby directed to record a copy of this ordinance in the office of the Utah County Recorder.

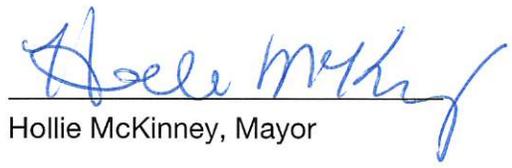
Section 2. The vacation of the parcels described in Exhibit A and set forth in the Vacation Plat is also SUBJECT TO any and all other easements or rights-of-way, recorded or unrecorded, for installation and maintenance of public utilities, and subject to all existing rights-of-way and easements of any third parties that may be established by law.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect upon: (1) Applicant deeding a portion of property in exchange for this vacation (as shown in Exhibit C), (2). The ordinance passage by a majority vote of the Fairfield Town Council, and (3) following notice and publication as required by Utah Code.

Adopted and passed this 16th day of July 2025.

FAIRFIELD TOWN


Hollie McKinney, Mayor

RL Panek	yes <u>RT</u>	no _____	abstain _____	absent _____
Tyler Thomas	yes <u>TT</u>	no _____	abstain _____	absent _____
Michael Weber	yes _____	no _____	abstain _____	absent <u>X</u>
Richard Cameron	yes _____	no _____	abstain _____	absent <u>X</u>


Stephanie Shelley, Recorder



Exhibit A

Parcel 1 (Between Blocks 23 & 24)

A PARCEL OF LAND BEING A PORTION OF AN UNDEVELOPED ROADWAY, BETWEEN BLOCKS 23 & 24, AS SHOWN ON THE FAIRFIELD TOWNSITE PLAT, SITUATE WITHIN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 6 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 SOUTHWEST CORNER OF LOT 1, BLOCK 24, FAIRFIELD TOWNSITE PLAT, WHICH PLAT WAS RETRACED BY ROBERT L. WILSON, DATED AUGUST 1943 OF OFFICIAL RECORDS IN THE OFFICE OF THE UTAH COUNTY RECORDER, AS MAP NO. "60-B", SAID SOUTHWEST CORNER BEING SOUTH 89°00'06" EAST, ALONG THE SECTION LINE, A DISTANCE OF 1194.93 FEET, AND NORTH 0°59'54" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 638.85 FEET, FROM THE SOUTH QUARTER CORNER OF SAID SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 89°08'55" WEST, A DISTANCE OF 66.00 FEET, TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 23, SAID FAIRFIELD TOWNSITE PLAT; THENCE NORTH 1°28'31" EAST, ALONG THE EAST LINE OF SAID BLOCK 23, A DISTANCE OF 435.18 FEET, TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 88°13'45" EAST, A DISTANCE OF 32.31 FEET THENCE SOUTHEASTERLY ALONG THE ARC OF A 427.00 FOOT-RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 4°31'35", A DISTANCE OF 33.73 FEET, SUBTENDE BY A LONG CHORD BEARING SOUTH 85°57'58" EAST, A DISTANCE OF 33.72 FEET, TO A POINT IN THE EAST LINE OF AFORESAID BLOCK 24; THENCE SOUTH 1°28'31" WEST, ALONG SAID EAST LINE, A DISTANCE OF 432.79 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 28,672 SQ. FT., OR 0.66 ACRES.

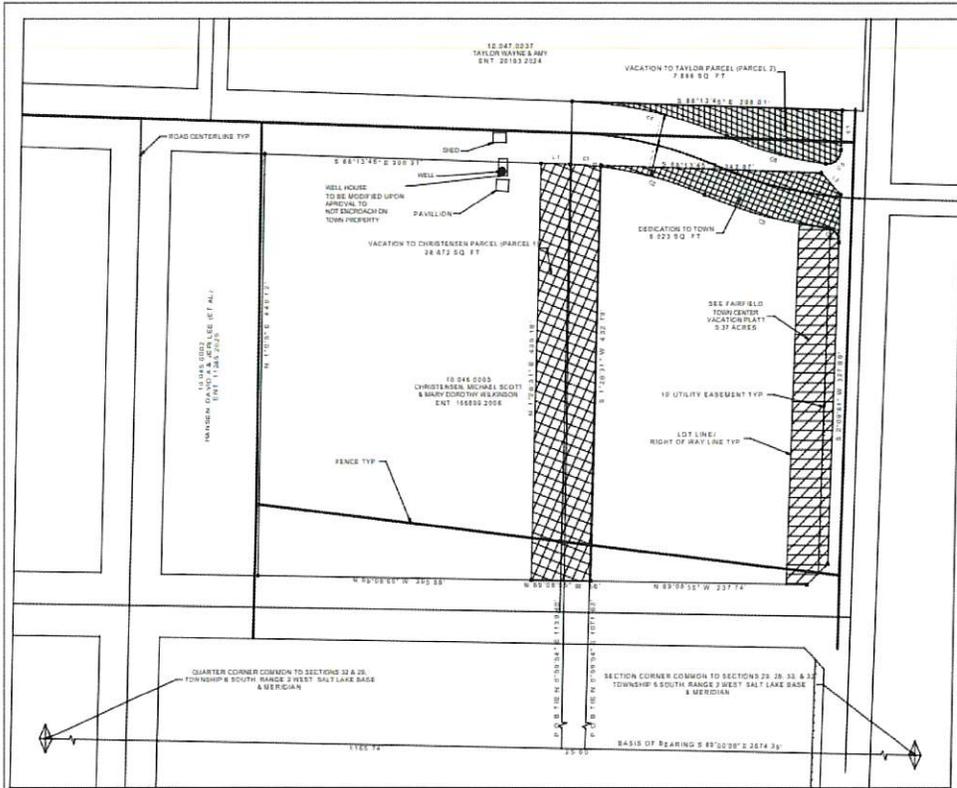
Parcel 2 (Between Blocks 24 & 31)

A PARCEL OF LAND BEING A PORTION OF AN UNDEVELOPED ROADWAY, BETWEEN BLOCKS 24 & 31, AS SHOWN ON THE FAIRFIELD TOWNSITE PLAT, SITUATE WITHIN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 6 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 A POINT IN THE SOUTH LINE OF BLOCK 31, OF THE FAIRFIELD TOWNSITE PLAT, WHICH PLAT WAS RETRACED BY ROBERT L. WILSON, DATED AUGUST 1943 OF OFFICIAL RECORDS IN THE OFFICE OF THE UTAH COUNTY RECORDER, AS MAP NO. "60-B", SAID POINT BEING SOUTH 89°00'06" EAST, ALONG THE SECTION LINE, A DISTANCE OF 1165.74 FEET, AND NORTH 0°59'54" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 1139.40 FEET, FROM THE SOUTH QUARTER CORNER OF SAID SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 88°13'45" EAST, ALONG THE SOUTH LINE OF SAID BLOCK 31, A DISTANCE OF 298.01 FEET; THENCE SOUTH 02°09'40" WEST, A DISTANCE OF 41.54 FEET, TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A 15 FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 95°08'11", A DISTANCE OF 24.91 FEET, SUBTENDED BY A LONG CHORD BEARING SOUTH 49°43'46" WEST, A DISTANCE OF 22.14 FEET, TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A 427.00 FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 14°59'16", A DISTANCE OF 111.70 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 75°12'31" WEST, A DISTANCE OF 111.38 FEET, TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A 493.00 FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 20°30'53", A DISTANCE OF 176.52 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 77°58'19" WEST, A DISTANCE OF 175.58 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 7,688 SQ. FT., OR 0.17 ACRES

Exhibit B



CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	422.00	33.73	4°31'35"	33.72	S85°51'58"E
C2	427.00	119.18	15°59'18"	118.73	N75°42'31"W
C3	493.00	188.28	16°04'18"	137.86	N75°48'01"W
C4	15.00	22.50	85°55'40"	20.45	N40°49'20"W
C5	15.00	24.91	95°58'11"	22.14	S49°43'46"W
C6	427.00	111.70	14°59'18"	111.38	N75°12'31"W
C7	493.00	176.92	20°30'52"	175.68	N77°58'43"W

LINE TABLE		
LINE #	DIRECTION	Length
L1	S88°13'45"E	32.31
L2	N1°28'31"E	1.33
L3	S43°02'21"E	31.01
L4	S2°58'41"W	48.92
L5	S2°59'40"W	41.54



VACATION TO CHRISTENSEN PARCEL

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 24, FAIRFIELD TOWNSITE PLAT, WHICH PLAT WAS RETRACED BY ROBERT L. WILSON, DATED AUGUST 1943 OF OFFICIAL RECORDS IN THE OFFICE OF THE UTAH COUNTY RECORDER, AS MAP NO. 100-81, SAID SOUTHWEST CORNER BEING SOUTH 89°00'00" EAST, ALONG THE SECTION LINE, A DISTANCE OF 1164.93 FEET, AND NORTH 0°59'54" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 630.85 FEET, FROM THE SOUTH QUARTER CORNER OF SAID SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°08'55" WEST, A DISTANCE OF 66.00 FEET, TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 23, SAID FAIRFIELD TOWNSITE PLAT, THENCE NORTH 1°23'31" EAST, ALONG THE EAST LINE OF SAID BLOCK 23, A DISTANCE OF 435.18 FEET, TO THE NORTHEAST CORNER THEREOF, THENCE SOUTH 88°13'45" EAST, A DISTANCE OF 32.31 FEET THENCE SOUTHEASTERLY ALONG THE ARC OF A 427.00 FOOT-RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 4°31'35", A DISTANCE OF 38.73 FEET, SUBTENDED BY A LONG CHORD BEARING SOUTH 89°07'30" EAST, A DISTANCE OF 33.72 FEET, TO A POINT IN THE EAST LINE OF AFORESAID BLOCK 24, THENCE SOUTH 1°28'31" WEST, ALONG SAID EAST LINE, A DISTANCE OF 432.70 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 28.872 SQ. FT., OR 0.66 ACRES.

VACATION TO TAYLOR PARCEL

BEGINNING AT A POINT IN THE SOUTH LINE OF BLOCK 31 OF THE FAIRFIELD TOWNSITE PLAT, WHICH PLAT WAS RETRACED BY ROBERT L. WILSON, DATED AUGUST 1943 OF OFFICIAL RECORDS IN THE OFFICE OF THE UTAH COUNTY RECORDER, AS MAP NO. 100-81, SAID POINT BEING SOUTH 89°00'00" EAST, ALONG THE SECTION LINE, A DISTANCE OF 1165.74 FEET, AND NORTH 0°59'54" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 1139.40 FEET, FROM THE SOUTH QUARTER CORNER OF SAID SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 88°13'45" EAST, ALONG THE SOUTH LINE OF SAID BLOCK 31, A DISTANCE OF 208.21 FEET, THENCE SOUTH 02°09'40" WEST, A DISTANCE OF 41.54 FEET, TO A POINT OF CURVATURE, THENCE SOUTHWESTERLY ALONG THE ARC OF A 15 FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 95°58'11", A DISTANCE OF 24.91 FEET, SUBTENDED BY A LONG CHORD BEARING SOUTH 49°43'46" WEST, A DISTANCE OF 22.14 FEET, TO A POINT OF COMPOUND CURVATURE, THENCE NORTHWESTERLY ALONG THE ARC OF A 427.00 FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 14°59'18", A DISTANCE OF 111.70 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 75°12'31" WEST, A DISTANCE OF 111.38 FEET, TO A POINT OF REVERSE CURVATURE, THENCE NORTHWESTERLY ALONG THE ARC OF A 493.00 FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 20°30'52", A DISTANCE OF 176.92 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 77°58'43" WEST, A DISTANCE OF 175.58 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 7.688 SQ. FT., OR 0.17 ACRES.

DEDICATION TO TOWN

BEGINNING AT A POINT IN THE WEST LINE OF SAID BLOCK 24, OF THE FAIRFIELD TOWNSITE PLAT, WHICH PLAT WAS RETRACED BY ROBERT L. WILSON, DATED AUGUST 1943 OF OFFICIAL RECORDS IN THE OFFICE OF THE UTAH COUNTY RECORDER, AS MAP NO. 100-81, SAID POINT BEING SOUTH 89°00'00" EAST, ALONG THE SECTION LINE, A DISTANCE OF 1198.52 FEET, AND NORTH 0°59'54" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 1071.60 FEET, FROM THE SOUTH QUARTER CORNER OF SAID SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 1°28'31" EAST, A DISTANCE OF 1.33 FEET, TO THE NORTHWEST CORNER OF SAID BLOCK 24, THENCE SOUTH 89°13'45" EAST, ALONG THE NORTH LINE OF SAID BLOCK 24, A DISTANCE OF 242.87 FEET, THENCE ALONG THE LINES OF THE LINES OF THE FAIRFIELD TOWN CENTER VACATION PLAT, RECORDED AS ENTRY NO. 11648-2016, MAP NO. 16358 THE FOLLOWING TWO (2) COURSES: (1) SOUTH 43°02'02" EAST, A DISTANCE OF 31.21 FEET, TO THE WEST LINE OF 200 EAST STREET (PKA. 1700 WEST STREET, AS SHOWN ON SAID FAIRFIELD TOWN CENTER VACATION PLAT) (2) SOUTH 2°08'47" WEST, A DISTANCE OF 48.92 FEET, TO A POINT OF CURVATURE, THENCE NORTHWESTERLY ALONG THE ARC OF A 15.00 FOOT-RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 85°50'40", A DISTANCE OF 22.50 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 40°49'20" WEST, A DISTANCE OF 20.45 FEET, TO A POINT OF COMPOUND CURVATURE, THENCE NORTHWESTERLY ALONG THE ARC OF A 493.00 FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 16°04'18", A DISTANCE OF 138.29 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 75°42'31" WEST, A DISTANCE OF 137.86 FEET, TO A POINT OF REVERSE CURVATURE, THENCE NORTHWESTERLY ALONG THE ARC OF A 427.00 FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 15°59'18", A DISTANCE OF 119.18 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 75°42'31" WEST, A DISTANCE OF 118.77 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 8.023 SQ. FT., OR 0.18 ACRES.

VACATION PROPOSAL
PARCEL ID 10:046:0005
FAIRFIELD, UT

MK ENGINEERING LLC
MCKAY SWAINSTON
801-505-2102



Exhibit C

Dedication Parcel 1 (Between Blocks 24 & 31)

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 24, OF THE FAIRFIELD TOWNSITE PLAT, SAID PARCEL BEING SITUATE WITHIN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 6 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 A POINT IN THE WEST LINE OF SAID BLOCK 24, OF THE FAIRFIELD TOWNSITE PLAT, WHICH PLAT WAS RETRACED BY ROBERT L. WILSON, DATED AUGUST 1943 OF OFFICIAL RECORDS IN THE OFFICE OF THE UTAH COUNTY RECORDER, AS MAP NO. "60-B", SAID POINT BEING SOUTH 89°00'06" EAST, ALONG THE SECTION LINE, A DISTANCE OF 1198.52 FEET, AND NORTH 0°59'54" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 1071.62 FEET, FROM THE SOUTH QUARTER CONER OF SAID SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 1°28'31" EAST, A DISTANCE OF 1.33 FEET, TO THE NORTHWEST CORNER OF SAID BLOCK 24; THENCE SOUTH 88°13'45" EAST, ALONG THE NORTH LINE OF SAID BLOCK 24, A DISTANCE OF 242.87 FEET; THENCE ALONG THE LINES OF THE LINES OF THE FAIRFIELD TOWN CENTER VACATION PLAT, RECORDED AS ENTRY NO.: 114048:2018, MAP NO.: 16358 THE FOLLOWING TWO (2) COURSES: (1) SOUTH 43°02'02" EAST, A DISTANCE OF 31.01 FEET, TO THE WEST LINE OF 200 EAST STREET (FKA: 17800 WEST STREET, AS SHOWN ON SAID FAIRFIELD TOWN CENTER VACATION PLAT) (2) SOUTH 2°09'41" WEST, A DISTANCE OF 49.92 FEET, TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A 15.00 FOOT-RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 85°55'40", A DISTANCE OF 22.50 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 40°49'20" WEST, A DISTANCE OF 20.45 FEET, TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A 493.00 FOOT-RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 16°04'18", A DISTANCE OF 138.29 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 75°45'01" WEST, A DISTANCE OF 137.84 FEET, TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A 427.00 FOOT-RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 15°59'18", A DISTANCE OF 119.15 FEET, SUBTENDED BY A LONG CHORD BEARING NORTH 75°42'31" WEST, A DISTANCE OF 118.77 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 8,023 SQ. FT., OR 0.18 ACRES

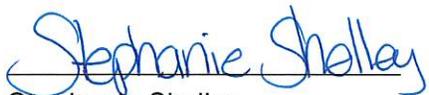
FAIRFIELD TOWN

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 16th day of July 2025.

Ordinance No. 2025-11. An Ordinance vacating a portion of an undeveloped right-of-way approximately located directly South of 220 North and West of 200 East, approximately located at 175 East running north and south.

IN WITNESS WHEREOF, have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this 16th day of July 2025.


Stephanie Shelley
Fairfield Town Recorder



AFFIDAVIT OF POSTING

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
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 Fairfield Town Council on the 16th day of July 2025, and herein referred to as:

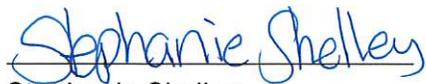
Ordinance No. 2025-11. An Ordinance vacating a portion of an undeveloped right-of-way approximately located directly South of 220 North and West of 200 East, approximately located at 175 East running north and south.

SUMMARY.

The above named ordinance was enacted to update, define, and describe the requirements, limitations, and restrictions for vacating an undeveloped street in Fairfield, Utah.

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 17th day of July, 2025

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

Date: June 18, 2025

Created: June 18, 2025

WHEREAS, Utah Code § 10-9a-102 grants the Fairfield Town Council authority to enact or amend ordinances that is considered necessary or appropriate for the use and development of land in the Town of Fairfield; and

WHEREAS, the Town Council desires to add special use regulations for various uses in multiple zones; and

WHEREAS, a public hearing was held on May 7, 2025, duly noticed and held in accordance with Utah law;

WHEREAS, the Town Council has held a public hearing and reviewed the subject text amendment and finds that the text amendment will enhance the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Fairfield Town Council:

SECTION 1. ADOPTION. The Town Council hereby adopts Fairfield Town Code § 10.16 (Special Use Regulations), as shown in Exhibit A.

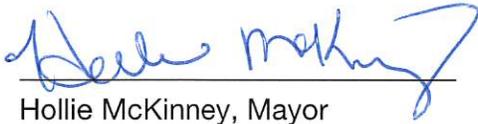
SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. EFFECTIVE DATE

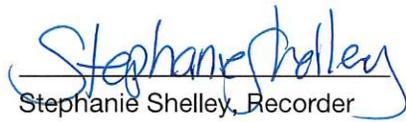
Passed and Adopted this **18th day of June, 2025.**

FAIRFIELD TOWN


Hollie McKinney, Mayor

RL Panek	yes <u>RZ</u>	no _____	abstain _____	absent _____
Tyler Thomas	yes <u>TT</u>	no _____	abstain _____	absent _____
Michael Weber	yes <u>MW</u>	no _____	abstain _____	absent _____
Richard Cameron	yes <u>RSC</u>	no _____	abstain _____	absent _____

ATTEST:


Stephanie Shelley, Recorder

(OFFICIAL SEAL)



EXHIBIT A

Section 10.16.10. Purpose.

A. The purpose of these Special Use Regulations is to ensure that certain land uses, which may have unique characteristics or potential impacts, are reviewed and regulated to maintain the health, safety, and welfare of the community. These regulations are intended to:

1. Promote compatibility between special uses and surrounding properties by addressing potential impacts such as noise, traffic, visual appearance, and environmental effects;
2. Protect and enhance the character, quality, and stability of neighborhoods, commercial areas, and public spaces;
3. Provide a clear and predictable process for the review, approval, and enforcement of special uses;
4. Ensure that special uses contribute positively to the community by balancing the needs of property owners, neighbors, and the broader public interest; and
5. Align with the goals and policies set forth in the Town's comprehensive plan or other adopted planning documents.

Section 10.16.20. General Regulations.

A. The following general regulations shall apply to all special uses within the jurisdiction of the Town to ensure consistency, fairness, and adherence to community standards:

1. **Compliance with Zoning and Land Use Plans.** All special uses must comply with the requirements of the zoning district in which they are located and align with the goals and objectives of the Town's comprehensive plan and other applicable land use policies;
2. **Minimization of Adverse Impacts.** Special uses shall be designed, located, and operated to minimize negative impacts on surrounding properties, including but not limited to noise, vibration, odors, light, traffic, and visual intrusions;
3. **Adequate Infrastructure and Services.** Special uses must have access to adequate public infrastructure, including roads, utilities, water, sewer, and emergency services, without placing undue burden on existing systems or requiring unplanned expansions;

4. Traffic and Access Management. Special uses shall provide safe and efficient ingress and egress, with adequate off-street parking and loading areas to avoid traffic congestion and ensure pedestrian safety;
5. Compatibility with Surrounding Land Uses. Special uses must demonstrate compatibility with adjacent and nearby land uses, including appropriate buffering, landscaping, or screening where necessary to reduce visual or operational conflicts;
6. Lighting. Lighting must be directed downward to avoid glare on neighboring properties. Must follow Fairfield's lighting ordinance;
7. Environmental Protection. Special uses shall avoid significant adverse impacts on natural resources, including wetlands, floodplains, water bodies, and environmentally sensitive areas. Appropriate mitigation measures shall be required where impacts cannot be fully avoided;
8. Hazardous Material Storage and Spill Prevention. Storage of fuels, chemicals, or hazardous materials shall comply with all applicable federal, state, and local regulations, including the International Fire Code. All hazardous materials must be stored in appropriate containers with clearly marked labels and housed in secured areas;
9. Secondary containment systems are required to prevent contamination in the event of a spill or leak. Containment must be capable of holding at least one hundred and ten percent (110%) of the volume of the largest container stored;
10. Spill Prevention, Control, and Countermeasure (SPCC) Plan or equivalent emergency response plan shall be submitted to the Town as part of the application. This plan must identify:
 - a. All hazardous materials proposed to be stored or used on-site;
 - b. Spill containment methods;
 - c. Emergency contacts and training procedures; and
 - d. Clean-up and disposal procedures in compliance with EPA and Utah DEQ regulations.
11. Operational Standards. All special uses must comply with applicable operational standards established by federal, state, and local regulations, including building codes, health and safety codes, and environmental laws;

12. Time Limitations and Phasing. The Town may impose time limitations on the duration of a special use or require phasing plans to ensure orderly development and compliance with conditions of approval;
13. Periodic Review and Compliance. Special uses may be subject to periodic review by the Town to ensure continued compliance with the terms of approval. Failure to comply may result in revocation or modification of the permit;
14. Conditions of Approval. The Town may impose additional conditions as necessary to address unique characteristics of the proposed use or its site to ensure compatibility with surrounding properties and adherence to the public interest;
15. Expiration and Renewal. Special use permits shall expire if the use is not established or operational within one (1) year of the date of approval, unless an extension is granted by the Planning Commission. A use shall be considered “established” when:
 - a. All required permits have been obtained;
 - b. Construction (if applicable) has commenced; and
 - c. The use has begun operating or been substantially implemented.
16. Transferability. Special use permits shall not be transferable without prior approval of the Town, unless otherwise specified in the terms of the permit;
17. Modification of Approved Special Uses. Any material changes to an approved special use shall require review and approval by the Town through the same process as the initial application.

Section 10.16.30. Application and Approval.

A. Application. Any person or entity seeking a special use permit within the Town must submit a complete application package to the Town Administrator. The application must include the following:

1. Completed Application Form. A fully completed application form, signed by the applicant and the property owner (if different from the applicant);
2. Application Fee. Payment of the required non-refundable application fee, as set forth in the Town’s fee schedule, to cover administrative and review costs;
3. Proof of Ownership or Authorization. Documentation demonstrating that the applicant owns the property or has authorization from the property owner to

submit the application;

4. Project Description. A detailed narrative describing the proposed use, including:

- a. The nature and scope of the activity;
- b. Hours of operation;
- c. Anticipated traffic generation;
- d. Proposed number of employees (if applicable); and
- e. Any potential environmental impacts or mitigation measures.

5. Site Plan. A scaled site plan or survey, prepared by a licensed professional (if required). Site plans shall comply with Town Code § 9.1.30 site plan requirements and include nearby streets and adjacent property uses.

6. Floor Plans and Building Elevations. For applications involving new construction or building modifications, detailed floor plans and building elevations showing the size, layout, and appearance of the structures.

7. Traffic Impact Study. If required by the Town, a traffic impact study prepared by a qualified professional to assess the potential effects of the proposed use on traffic flow and safety.

8. Environmental Impact Analysis. If applicable, an environmental impact analysis identifying potential effects on natural resources, wetlands, floodplains, or other sensitive areas, along with proposed mitigation measures.

9. Neighbor Notification List. A list of all names and addresses of all property owners adjacent to the subject property or 500 feet minimum, for purposes of public notification.

10. Public Hearing Notice Materials must follow state code.

11. Additional Studies or Reports. Any additional studies, reports, or documentation deemed necessary by the Town, such as noise studies, utility impact analyses, or economic feasibility assessments.

12. Statement of Compliance. A written statement from the applicant explaining how the proposed special use complies with the zoning ordinance, special use regulations, and the Town's comprehensive plan.

13. Digital Copies. A digital copy of all submitted documents and plans in a format acceptable to the Town.

B. Screened Fencing. All areas used for storage, equipment being worked on, stored inventory, manufactured goods for sale, or fabrication must be fully enclosed with screened fencing to minimize visual impact and ensure site aesthetics.

C. Other Information. Any other information deemed necessary by the Town to adequately evaluate the application, as specified during pre-application consultations.

D. Incomplete Applications. Applications missing any of the required elements will be deemed incomplete and will not be processed until all deficiencies are addressed.

E. Review by the Planning Commission. The Planning Commission shall review each special use permit application and make its decision based on whether the application meets all applicable provisions of the Town Code.

F. Findings. The Planning Commission shall document its findings to confirm that the application satisfies all relevant provisions of the Town Code. If the application does not meet the required provisions, the Planning Commission shall specify the reasons for denial in writing.

G. Appeals. Decisions of the Planning Commission may be appealed in accordance with the procedures established in Town Code § 10.5.170 within 10 days from the date of the Planning Commission's decision.

10.16.40. Revocation of Special Use Permits.

A. A Special Use Permit may be revoked by the Town for:

1. Violation of any condition of approval;
2. Operation of the use in a manner detrimental to public health or safety; or
3. Abandonment or discontinuation of the use for twelve (12) consecutive months. The permit holder shall be notified in writing and provided an opportunity to cure violations or request a hearing before the Planning Commission.

Section 10.16.50. Contractor Yards and Industrial Outdoor Storage.

A. Use-Specific Setbacks.

1. All storage areas, equipment, and materials must be located at least:
 - a. One hundred (100) feet from any residential property line; and

b. Twenty-five (25) feet from public rights-of-way.

2. No storage or activity shall occur within the required landscaping buffers or front yard setback.

B. Height of Stored Materials. Materials, equipment, or vehicles stored outdoors shall not exceed sixteen (16) feet in height unless screened by a solid structure or enclosure of equivalent or greater height.

C. Pavement and Surface Requirements.

1. Storage and operational areas must be paved or surfaced with dust-free materials, such as gravel, asphalt, or concrete, as approved by the Town; and
2. Appropriate stormwater management features, such as permeable surfaces or retention areas, must be incorporated to prevent runoff.

D. On-Site Waste Management.

1. All waste materials generated on-site must be stored in designated, enclosed areas and regularly disposed of; and
2. Open burning of waste or debris is prohibited.

E. Vehicle and Equipment Restrictions.

1. Only vehicles and equipment directly associated with the contractor's or industrial operation may be stored on-site; and
2. No long-term storage of unregistered, inoperable, or salvaged vehicles or equipment is permitted unless explicitly authorized.

F. Temporary Structures.

1. Temporary structures, such as storage containers or modular offices, may be allowed with prior approval but must be located in compliance with setback and screening requirements; and
2. Temporary structures must be removed within a specified timeframe if no longer associated with the approved use.

G. Fuel and Chemical Storage.

1. Storage of fuels, chemicals, or hazardous materials must comply with all federal, state, and local regulations including International Fire Code and include secondary containment systems to prevent contamination; and
2. A spill response plan must be submitted with the application and kept on-site.

H. Fencing and Security.

1. Contractor yards and industrial outdoor storage facilities must be fully enclosed with a secure fence or wall, at least 6 feet in height, with lockable gates; and
2. Security measures, such as surveillance cameras or lighting, must be implemented to deter unauthorized access.

I. Seasonal and Idle Equipment. Seasonal or idle equipment stored on-site must be maintained in operable condition and stored in an orderly manner.

Section 10.16.60. Automotive Uses.

A. The following standards shall apply to all automotive uses, including automotive repair, automotive paint and repair, automotive service, automotive storage, towing yards, and automotive rentals.

1. Storage of vehicles must be screened from public view with a minimum 6 feet opaque fence or solid wall;
2. Spray painting/bodywork must be conducted inside enclosed, ventilated and environmentally safe structures;
3. No dismantling or salvaging of vehicles shall be permitted on site;
4. Vehicles may not be stacked;
5. Stormwater management measures must be in place to prevent fluid leaks from contaminating the ground;
6. A maximum storage duration of 180 days per vehicle shall be enforced; and
7. All vehicle storage must be on a paved or stabilized surface to minimize dust and environmental impact.

Section 10.16.70. Auto Self-Serve Stations, Gas Stations, Convenience Stores, Fuel Stations.

A. Location Restrictions.

1. Gas stations and convenience stores must be located at least:
 - a. Three hundred(300) feet from schools, daycare centers, and residential zoning districts, unless otherwise approved with appropriate mitigation measures; and
 - b. One Thousand (1,000) feet from existing gas stations to avoid over-concentration, unless deemed necessary to serve the community.
2. Sites must be located at intersections or along major arterial or collector streets

for optimal traffic flow and access.

B. Fueling Station Setbacks.

1. Fuel pump islands must be set back at least:
 - a. Twenty-five (25) feet from all property lines; and
 - b. Fifty (50) feet from any residential property or district boundary.

C. Canopy Design and Lighting.

1. Canopies over fuel pumps must:
 - a. Be designed to complement the architectural character of the primary building; and
 - b. Shall not exceed twenty (20) feet in height.
2. Lighting under the canopy must be fully recessed and shielded to prevent glare onto adjacent properties or roadways.

D. Underground Storage Tanks (USTs).

1. All underground storage tanks must comply with state and federal regulations for installation, monitoring, and spill prevention; and
2. A spill containment and response plan must be submitted as part of the application.

E. Traffic and Access Management.

1. A minimum of two (2) access points must be provided, with no access drive located closer than fifty (50) feet to an intersection;
2. Driveways must align with existing or planned driveways on opposite sides of the street, wherever feasible; and
3. On-site circulation must allow for safe and efficient movement of vehicles, including fuel delivery trucks, without impeding traffic on public roads.

F. Parking Requirements.

1. A minimum of one (1) space per two hundred fifty (250) square feet of building area, excluding fueling positions; and
2. Fueling positions shall not count toward required parking spaces.

G. Screening and Buffering.

1. A solid fence or wall, six 6 feet in height, and landscaping shall be required along property lines adjoining residential districts or uses; and
2. Dumpster and service areas must be fully screened with materials matching the primary building.

H. Convenience Store Regulations.

1. Outdoor display or sale of goods (e.g., propane tanks, firewood, ice machines) is permitted only in designated areas approved on the site plan;
2. Overnight parking of commercial vehicles is prohibited unless explicitly approved; and
3. Alcohol sales must comply with local and state licensing requirements.

I. Environmental Protections.

1. Stormwater runoff must be managed to prevent contamination of nearby water resources; and
2. Spills from fueling operations must be cleaned immediately, and all spills must be reported in compliance with local, state, and federal requirements.

J. Signage.

1. Freestanding signs must be located outside visibility triangles and setback at least ten(10) feet from property lines; and
2. Electronic price displays must not flash or change more frequently than once every thirty (30) seconds.

K. Hours of Operation. Hours of operation may be restricted in proximity to residential areas. Standard hours of operation are 5:00 AM to 11:00 PM, unless otherwise approved.

L. Security Measures.

1. Security cameras must monitor all fueling stations, entry points, and parking areas; and
2. The site must be well-lit, with lighting designed to minimize glare and spillover onto adjacent properties.

M. EV Charging Stations. If electric vehicle (EV) charging stations are provided, they must be located to avoid traffic congestion and must be clearly marked and accessible.

N. Air and Water Stations. An air and water station must be provided for public use

and located to ensure safe access without impeding on-site traffic circulation.

O. Fuel Delivery Restrictions. Fuel deliveries must be restricted to off-peak hours to minimize traffic disruptions.

Section 10.16.80. Microbreweries and Distilleries.

A. Outdoor seating or entertainment areas must be at least one hundred (100) feet from residential properties.

B. Loading/unloading zones must be designed to prevent traffic congestion.

C. Odor mitigation measures may be required.

Section 10.16.90. Showroom and Sales Centers.

A. Buildings must be architecturally compatible with surrounding structures.

B. Parking areas must be paved and ADA-compliant.

C. Outdoor display areas must be screened from public roads.

Section 10.16.100. Commercial Greenhouses & Hydroponic Greenhouses.

A. Must include a water conservation plan and use responsible irrigation practices.

B. Chemical storage and fertilizer handling must follow Utah State environmental regulations.

C. Must be set back at least fifty (50) feet from residential properties.

D. Operators must implement an Odor Mitigation plan

E. No detectable odors should cross property boundaries. Verified complaints will require immediate mitigation.

F. Operators must submit a Waste Management plan detailing how plant and water runoff will be handled.

Section 10.16.110. Welding, Fabrication, Machine Shop, and Small Engine Repair.

A. Operations producing noise or vibrations must be conducted indoors or be mitigated with noise barriers.

B. Storage of hazardous materials must comply with federal and state regulations.

Section 10.16.120. Fireworks Sales/Stands.

A. Firework storage and sale areas must comply with Utah State Fire Code.

B. A fire suppression and emergency plan must be submitted.

C. Temporary sales stands must be at least 300 feet from residential properties.

Section 10.16.130. Public Utility Stations.

- A. Must be screened with landscaping or fencing to minimize visual impact.
- B. Noise-producing equipment must meet Fairfield Noise Ordinances.

Section 10.16.140. Pawn Shops.

- A. Must be at least one thousand (1,000) feet from any school, park, or residential area.
- B. Security measures, including surveillance cameras and proper lighting, are required.

Section 10.16.150. Warehouse Storage Units (Commercial).

- A. Shall not be used for residential storage or self-storage purposes.
- B. Must provide adequate loading docks and circulation areas to prevent traffic congestion.

Section 10.16.160. Indoor Shooting Ranges.

A. Safety Regulations:

- 1. Must conform to all federal, state, and industry regulations for health and safety;
- 2. Construction must be designed and certified to capture all fired rounds;
- 3. No ammunition may be fired that exceeds the range's certified design specifications;
- 4. Alcoholic beverages shall not be sold, consumed, or permitted on the premises;
- 5. A written log of all range users must be maintained by the range operator;
- 6. Minors must be accompanied by a responsible adult at all times. No child under eight years old may discharge or handle firearms;
- 7. On-site supervision and monitoring must be provided at all times; and
- 8. A cut-wire protected alarm system must be installed for general security.

B. Sound Study:

- 1. A sound study shall be conducted and submitted with the application; and
- 2. Noise levels above sixty-five (65) decibels at property lines shall be considered a nuisance and require mitigation.

C. Additional Components:

- 1. May include a retail component for the sale and rental of firearms, ammunition, and related accessories;

2. May include classroom facilities for community education and gun safety training; and
3. May include a restaurant or dining component.

Section 10.16.170. Multi-Tenant Industrial Building (MTIB).

A. Multi-Use Configuration: Units may be used for a combination of industrial, office, and storage purposes, subject to zoning compliance.

B. Independent or Shared Facilities: Each tenant may have independent access or share common infrastructure such as loading docks, parking, and utilities.

C. Zoning Compliance: All businesses operating within the MTIB must comply with the permitted and conditional uses outlined in the Light Industrial West Zone.

D. Parcel and Ownership Structure: The building may be under single or multiple ownership, with businesses leasing or owning individual units.

E. Tenant Improvement Permit Requirement: Each tenant is required to obtain a Tenant Improvement Permit from the Town of Fairfield before making any modifications, alterations, or occupying space within the MTIB. This includes but is not limited to:

1. Interior build-outs, electrical, plumbing, and structural changes;
2. Installation of new equipment or machinery requiring utility connections; and
3. Changes to the use of the space that may impact zoning, fire codes, or safety regulations

Definitions (Special Use Regulations)

Abandonment. Means the discontinuation of a use or activity for a period of twelve (12) consecutive months or more, unless otherwise approved by the Town.

Accessory Building or Structure. Means a building or structure that is subordinate to the primary use of a property and serves a purpose customarily incidental to the main use.

Application. Means a complete package submitted to the Town for review of a proposed Special Use, including all required forms, fees, plans, and documentation.

Buffer. Means a landscaped area or physical barrier intended to reduce visual, sound, or operational impacts between dissimilar uses.

General Plan. Means the officially adopted planning document of the Town of Fairfield that guides future growth, land use, infrastructure, and community development.

Compatibility. Means the degree to which a proposed use is consistent in scale, appearance, intensity, and function with surrounding uses or zoning districts.

Dust-Free Surface – A stable, compacted surface made of gravel, concrete, asphalt, or similar material approved by the Town to minimize airborne dust.

Findings – Written conclusions by the Planning Commission that justify the approval, denial, or modification of a Special Use Permit based on applicable criteria.

Hazardous Materials – Any substance or material that may pose a threat to health, safety, or the environment as defined by federal, state, or local law.

Mitigation – Measures taken to reduce or eliminate negative impacts resulting from a development or land use, such as noise, light, odor, or traffic.

Material Modification – A substantial change to an approved Special Use, including but not limited to changes in intensity, site layout, building footprint, hours of operation, or approved conditions.

Noise Barrier – A physical structure, such as a wall or fence, designed to block or absorb noise to protect adjacent properties.

Odor Mitigation Plan – A written plan outlining the steps a property owner or operator will take to prevent offensive odors from crossing property lines.

Operational Standards – Conditions and performance measures imposed on a use to ensure it operates safely, quietly, and without adverse community impacts.

Screened Fencing – A fence or wall, typically 6 to 8 feet in height, designed to obscure outdoor storage, equipment, or operations from public view using solid or opaque materials.

Special Use – A land use that is allowed within a zoning district only after review and approval by the Town, subject to specific conditions to ensure compatibility and mitigate impacts.

Special Use Permit (SUP) – A permit issued by the Town of Fairfield allowing a Special Use, subject to compliance with all applicable standards and conditions.

Temporary Structure – A non-permanent building or container used on a property for a limited duration in support of an approved use or construction activity.

Town – Refers to the Town of Fairfield, Utah.

Use – The purpose or activity for which a lot, building, or structure is designed, intended, or occupied.

Zoning Administrator – The individual or office responsible for interpreting and enforcing the Town’s zoning ordinance, which may include the Mayor or Town Recorder as designated.

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 **18th day of June, 2025.**

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **18th day of June, 2025.**


Stephanie Shelley
Fairfield Town Recorder/Clerk



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
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 **18th day of June, 2025**, and herein referred to as:

SUMMARY.

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

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 19th day of June, 2025

ORIGINAL

**FAIRFIELD TOWN, UTAH
CULINARY WATER IMPACT FEE ENACTMENT ORDINANCE
June 9, 2016**

ORDINANCE NO. 2016-60916-1

AN ORDINANCE OF THE TOWN OF FAIRFIELD ADOPTING AN IMPACT FEE ANALYSIS AND IMPOSING IMPACT FEES, PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

WHEREAS, The Town of Fairfield (the “**Town**”) is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the Town is authorized pursuant to the Impact Fees Act, Utah Code Ann. § 11-36-101 et seq. to adopt and impose impact fees as a condition of development approval; and

WHEREAS, the Town provided written notice of its intent to prepare an Impact Fee Facilities Plan pursuant to Utah Code Ann. §§ 11-36a-501; and

WHEREAS, the Town has caused an Impact Fee Facilities Plan (the “**Facilities Plan**”) to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, Epic Engineering P.C. has certified its work on the Facilities Plan under Utah Code Ann. § 11-36-306(1); and

WHEREAS, the Town provided notice and held a public hearing prior to adopting the Facilities Plan in satisfaction of Utah Code Ann. § 11-36a-502; and

WHEREAS, the Town adopted the Facilities Plan by motion on June 9th, 2016; and

WHEREAS, prior to preparing the Impact Fee Analysis (the “**Impact Fee Analysis**”), the Town provided notice as set forth in Utah Code Ann. § 11-36a-503; and

WHEREAS, the Town has caused an Impact Fee Analysis to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference; and

WHEREAS, Epic Engineering P.C. has certified its work on the Impact Fee Analysis under Utah Code Ann. § 11-36-306(2); and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(i) and § 17B-1-111(1)(a)(ii), the Town made this Impact Fee Enactment Ordinance (the “**Ordinance**”) available to the public on or before May 27, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 17B-1-111, the Town posted notice of the public hearing with respect to the proposed Ordinance in at least three public places within the Town on or before May 27, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 17B-1-111, the Town published notice of such public hearing in a newspaper of general circulation in the Town; and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(ii), the Town, having previously made this Ordinance available to the public, posted notice of its intent to adopt this Ordinance; and

WHEREAS, on or before May 27, 2015 a copy of the Impact Fee Analysis and a summary of the impact fee analysis prepared in accordance with Utah Code Ann. §11-36a-303 was available to the public; and

WHEREAS, the Town Council (the “**Council**”) recommended adoption of the Ordinance; and

WHEREAS, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the Town to enact new impact fees.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfield, as follows:

SECTION 1: FINDINGS.

The Council finds and determines as follows:

1.1. All required notices have been given and public hearings conducted as required by the Impact Fee Act with respect to the Facilities Plan, Impact Fee Analysis and this Ordinance.

1.2. Growth and development activities in the Town will create additional demands on its facilities. The capital facility improvement requirements which are analyzed in the Facilities Plan and the Impact Fee Analysis are the direct result of additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the recreational facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Town has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and recreational needs of the Town, the capital financial needs of the Town which are the result of the Town's future facilities needs, the distribution of the burden of costs to different properties within the Town based on the use of facilities of the Town by such properties, the financial contribution of those properties and other properties similarly situated in the Town at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the Town, and the impact on future facilities that will be required by growth and new development activities in the Town.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Town in establishing a program of impact fees in compliance with the Utah Impact Fees Act

1.6. This Ordinance, upon its effective date, shall replace all impact fees previously enacted by the Town as well as any rules, regulations, procedures or policies relating to such previously-enacted impact fees.

SECTION 2: DEFINITIONS.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2. "Council" means the Town Council of the Town of Fairfield, Utah.

2.3. "Facilities Plan" means the plan prepared for the Town as required by Utah Code Ann. § 11-36a-301.

2.4. "Impact Fee Analysis" means the analysis prepared for the Town as required by Utah Code Ann. § 11-36a-303.

2.5. "Project Improvements" does not mean system improvements.

2.6. "Request for Information" means a written request submitted to the Town for information regarding the impact fee.

2.7. "Ordinance" means this Impact Fee Enactment Ordinance.

2.8. "Service Area" means all areas within the Town. A map of the Town boundaries is attached hereto as **Exhibit C**.

2.9. "Summary" means the summary of the Impact Fee Analysis.

SECTION 3: ADOPTION OF IMPACT FEES.

3.1. Impact Fee Analysis. The Council hereby approves and adopts the Impact Fee Analysis attached as **Exhibit B**.

3.2. Impact Fees. Impact fees are hereby imposed in the Service Area as a condition of any development activity that impacts public facilities in order to mitigate the impact of such development on public facilities. Impact fees shall be paid in cash or by check to the Town at the time of the building permit application to Utah County.

3.3. Impact Fee Schedule. The impact fees imposed are as set forth in the Impact Fee Schedule attached hereto as **Exhibit D** and incorporated herein by reference. Unless the Town is otherwise bound by a contractual requirement or the impact fees have been prepaid according to a prior agreement with the Town, the impact fee shall be determined from the impact fee schedule in effect at the time of payment.

3.4. Adjustments. The Town may adjust the impact fee imposed on a particular project or development at the time the impact fee is charged as necessary:

- (a) to respond to unusual circumstances in specific cases;
- (b) to respond to a request for a prompt and individualized impact fee review for the development activity of an agency of the State of Utah, a school district, or charter school;
- (c) to respond to a request for a prompt and individualized impact fee review for an offset or credit for a public facility for which an impact fee has been or will be collected;
- (d) to ensure that impact fees are imposed fairly; or
- (e) based upon studies and data submitted by a developer.

3.5. Credits and Reimbursements.

- (a) A developer may be allowed a credit against or proportionate reimbursement of impact fees if a developer:
 - (i) dedicates land for a system improvement;

- (ii) builds and dedicates some or all of a system improvement; or
 - (c) dedicates a public facility that the Town and the developer agree will reduce the need for a system improvement.
- (b) A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
- (i) are system improvements, or
 - (ii) are dedicated to the public and offset the need for an identified system improvement.

3.6. Waiver for Public Purpose. The Town may, on a project-by-project basis, authorize exemptions or adjustments to the impact fee in effect for those projects the Town determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such projects may include low income housing.

3.7. Additional Fees and Costs. The impact fees imposed hereby are separate from and in addition to user fees and other charges lawfully imposed by the Town or by Utah County for new development, such as engineering and inspection fees, building permit fees, review fees, hookup fees, connection fees, fees for project improvements, and other fees and costs that may not be included as itemized component parts of any impact fee.

SECTION 4: IMPACT FEE ACCOUNTING.

4.1. Impact Fee Accounts. The Town shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected and deposit impact fee receipts in the appropriate ledger account. Interest earned on each such account shall be retained in that account.

4.2. Reporting. At the end of each fiscal year, the Town shall prepare a report on each impact fee ledger account established as required herein generally showing the source and amount of all monies collected, earned, and received by the account and each expenditure from the account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure. The report shall be in a format approved by the State Auditor, certified by the Town's chief financial officer, and transmitted to the State Auditor annually.

4.3. Impact Fee Expenditures. The Town may expend impact fees only for system improvements identified in the Facilities Plan and for the specific public facility type for which the fee was collected.

4.4. Time of Expenditure. Impact fees collected are to be expended, dedicated or encumbered for a permissible use within six years of receipt by the Town, unless the Board directs otherwise. For purposes of this calculation, first funds received shall be deemed to be the first funds expended.

4.5. Extension of Time. The Town may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing, before the expiration of the six year period, (i) an extraordinary and compelling reason why the fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

4.6. Refunds. The Town shall refund any impact fees paid by a developer, plus interest actually earned, when (i) the developer does not proceed with the development activity and has filed a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted.

SECTION 5: APPEAL PROCEDURES.

5.1. Application. The appeal procedures set forth herein apply both to challenges to the legality of impact fees of the Town and to the interpretation and/or application of those fees.

5.2. Request for Information Concerning the Fee. Any person or entity required to pay or who has paid an impact fee under this Ordinance may file a written request for information concerning the fee (the “**Request for Information**”) with the Town. The Town will provide the person or entity with the Town's Impact Fee Analysis and other relevant information relating to the impact fee within fourteen (14) days after receipt of the written Request for Information.

5.3. Appeal to the Town after Payment of the Impact Fee; Statute of Limitations for Failure to File.

- (a) Any person or entity that has paid an impact fee under this Ordinance and wishes to challenge the impact fee shall file a notice of appeal with the Town that contains
 - (i) the appellant's name, mailing address and daytime phone number;

- (ii) a copy of the written Request for Information and a brief summary of the grounds for appeal; and
 - (iii) the relief sought.
- (b) The notice of appeal shall be filed as provided below:
- (i) if the appellant is challenging compliance with the notice requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within thirty (30) days after payment of the impact fee;
 - (ii) if the appellant is challenging compliance with other, non-notice, procedural requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within one hundred and eighty (180) days after payment of the impact fee; and
 - (iii) if the appellant is challenging the impact fee, the notice of appeal must be filed within one year after payment of the impact fee.

5.4. Appeals to the Town. Any developer, landowner or affected party desiring to challenge the legality of any impact fee under this Ordinance shall appeal directly to the Town by filing a notice of appeal with the Town either prior to payment of the impact fee but within thirty (30) days of the decision or action to which the appeal relates or after payment of the impact fee and within the applicable time period set forth in Section 5.3 herein. If a notice of appeal is not filed with the Town within the applicable time period set forth above, the person or entity is barred from proceeding with an administrative appeal to the Town.

5.6. Hearing. An informal hearing will be held not sooner than five (5) days nor more than twenty-five (25) days after the written notice of appeal is filed. The Board shall sit as the hearing officer.

5.7. Decision. After the conclusion of the informal hearing, the hearing officer shall affirm, reverse, or take action with respect to the challenge or appeal as appropriate. The decision of the hearing officer will be issued within thirty (30) days after the date the written notice of appeal was filed. In light of the statutorily mandated time restriction, the Town shall not be required to provide more than three (3) working days' prior notice of the time, date, and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of the Town's final determination.

5.8. Denial Due to Passage of Time. Should the Town, for any reason, fail to issue a final decision on a written challenge to an impact fee, its calculation or application, within thirty (30) days after the filing of the notice of appeal, the challenge shall be deemed to have been denied and any affected party to the proceedings may seek appropriate judicial relief from such denial.

5.9. Judicial Review. Any party to the administrative action who is adversely affected by the Town's final decision may petition the district court for a review of the decision within thirty (30) days of the hearing officer's final decision. After having been served with a copy of the pleadings initiating the court review, the Town shall submit to the court the record of the proceedings before the Town, including minutes, and if available, a true and correct transcript of any proceedings.

SECTION 6: SEVERABILITY.

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable. In the event any section, subsection, paragraph, clause, or phrase of this Ordinance conflicts with the Utah Impact Fees Act, the relevant provision of the Utah Impact Fees Act shall control.

SECTION 7: EXHIBITS.

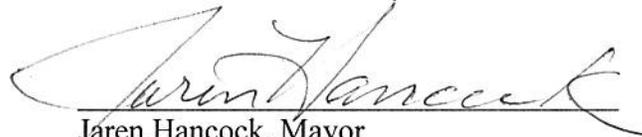
All exhibits to this Ordinance are hereby incorporated herein by reference and are made a part hereof as though fully set forth herein.

SECTION 8: EFFECTIVENESS.

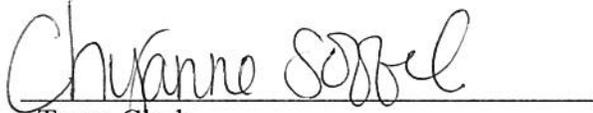
This Ordinance shall become effective ninety (90) days after the adoption hereof.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Fairfield, Utah, as **APPROVED AND ADOPTED** this 9th day of June, 2016.

FAIRFIELD TOWN COUNCIL
TOWN OF FAIRFIELD, UTAH


Jaren Hancock, Mayor

ATTEST:


Town Clerk

(SEAL)



Exhibit A: Impact Fee Facilities Plan

Exhibit B: Impact Fee Analysis

Exhibit C: Town Map

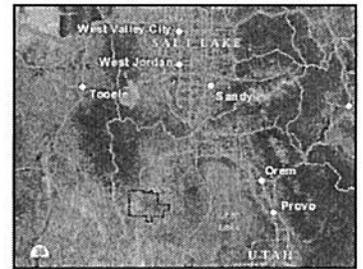


SOURCE: UTAH AGRI SERVICES

**FIGURE 1
SITE MAP
FAIRFIELD, UTAH**

APRIL 2016

 Fairfield Boundary



UT-68,000



Exhibit D: Impact Fee Schedule

Culinary Water Impact Fee

3/4-inch meter = \$15,600.00

1-inch Meter = \$26,000.00

Fairfield

Impact Fee Facility Plan

Adopted: June 9th, 2016

**Geoffrey Ryan Taylor, P.E.
Project Engineer**

**EPIC ENGINEERING, P.C.
50 East 100 South
Heber, Utah 84032**

ACKNOWLEDGMENTS

Successful completion of this study was made possible by the cooperation and assistance of the Fairfield Staff, as shown below. We sincerely appreciate the cooperation and assistance provided by these individuals.

FAIRFIELD

Jaren Hancock – Mayor

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*Fairfield***CULINARY WATER SYSTEM IMPROVEMENTS
FACILITY PLAN****EXECUTIVE SUMMARY**

The Fairfield (“**Town**”) culinary water system is expected to experience moderate growth as the community expands. The culinary water system will need to be expanded in order to meet the current system needs as well as provide fire protection for the entire community and adequately serve new residents. This report will focus on a planning period of 50 years. The Funding Alternatives section of this report recommends that the user rates be increased and that an impact fee be adopted to fund the necessary projects.

The Town owns and maintains a Culinary Water System which includes approximately 5 miles of water distribution lines, a spring, pump, and storage tank. Through evaluation of the existing system, anticipated future conditions, and identifying the desired level of service, it is recommended that the Town construct new infrastructure. Recommended improvements include acquisition of a new water source, a new pump station with treatment facility improvements, two new storage tanks, metering upgrades, water rights acquisition, and distribution system construction, and a future well and pump station. The improvements to be constructed in 2016, including one 250,000 gallon storage tank, a 300-500 gpm well and pump station, and meter upgrades will remedy existing system deficiencies and will add capacity for existing ERUs, as the existing system is at capacity. The projected cost of these improvements is **\$3,016,400.00**.

INTRODUCTION

Fairfield (Town) is located in the southwest corner of Cedar Valley at the western side of Utah County, approximately 50 miles southwest of Salt Lake City. The Town was incorporated in 2004. The Town currently occupies approximately 26.7 sq. miles and the population is estimated at 123.

The residents of the Town receive their drinking water from a spring and there are currently 20 residential connections that have meters. Residents outside of the Town and not on the distribution system receive water from private wells. Figure 1 highlights the general service area of the existing water company as well as the areas of Town that utilized individual wells. There are currently a number of residents that would like to connect to the culinary system but cannot due to the current deficiencies.

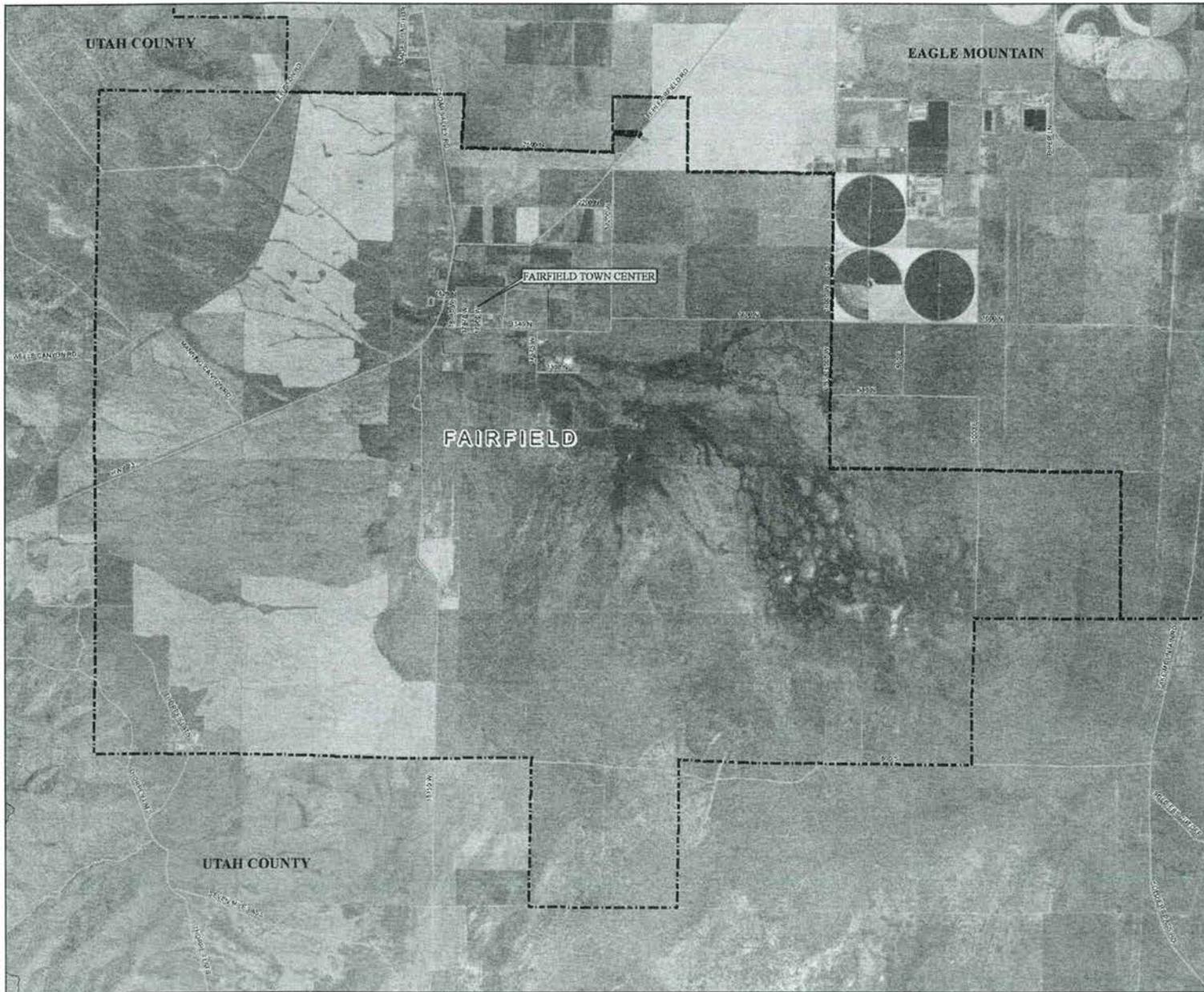
DEMOGRAPHICS

At the end of 2014, Fairfield served a community of 123 people within 40 housing units and 20 culinary water connections. Because the Town does not have any large industrial or commercial connections it is assumed that all connections are equal to an equivalent residential unit (ERU), so for the purpose of this report and all future revisions one ERU shall be equal to a typical residential connection.

Households are 81.4% owned and are occupied by an average of 3.08 people. The population density is 5 people per square mile, which is in the lower quartile for population density in the state of Utah and is the 1st percentile. Growth rate of the Town has been below 1% for the past five years and is not projected to increase above 1% for the next five years. The median household income is in the 68th percentile for the state compared to the other 326 incorporated cities or towns in Utah.

TOPOGRAPHY

Fairfield is located at the base of the southeastern side of the Oquirrh Mountain Range in the Cedar Valley in Utah County. Within the Town boundary the topography slopes from the west to the east. The elevation high point of approximately 5,400 feet is in the northwest corner. The Town is at approximately 4,879 feet and the low point of approximately 4,830 feet is in the southeast area of the Town boundary. A USGS map of the area is shown in Figure 1.



**FIGURE 1
FAIRFIELD TOWN
BOUNDARY MAP**

FAIRFIELD, UTAH

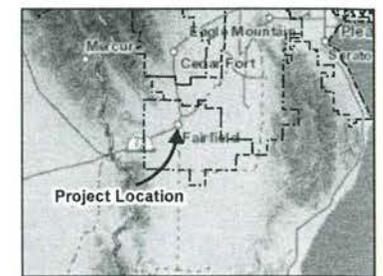
FEBRUARY 2016

Legend

 Fairfield Town Boundary

0 2,640 5,280 Feet


1 inch = 3,500 feet



Source: Utah Automated Geographic Reference Center (AGRC)



PLANNING PERIOD

This report uses a planning period of 50 years, from 2015 to 2065. Full build-out is not anticipated for many years beyond the planning period unless major rezoning or large annexations occur. It is anticipated that this plan will become outdated based upon the long build-out period and possibilities for increased growth and expansion during this time. To ensure that the Town will continue to adequately maintain and expand the Town's water system it is ***recommended that this report be updated in 2025 and every 10 years thereafter until full build-out is reached, or when major development changes occur.***

PLANNING AREA

The Town does not have any immediate plans for large expansion. As such, this report will be limited to improving and connecting the water systems within the existing Town boundaries. If large annexations do occur, this plan should be revisited and updated accordingly. Prior to providing services to a new annexation, the Town should carefully determine the full system impacts, storage, capacity, and other details and require any impacts to be mitigated through impact fees, water rights, or the construction of additional facilities.

POPULATION AND GROWTH PROJECTIONS

In total, the Town population is estimated to be at 123 residents. In 2011 Mountainland Association of Governments (MAG) in conjunction with Fairfield Town developed a general plan that predicted a growth rate of 4%. Actual population numbers from 2005, 2010 and 2015 show growth rates of 2.5% and 1% respectively. To ensure that the Town will be prepared, a moderate growth rate of 4% was used for all future population projections.

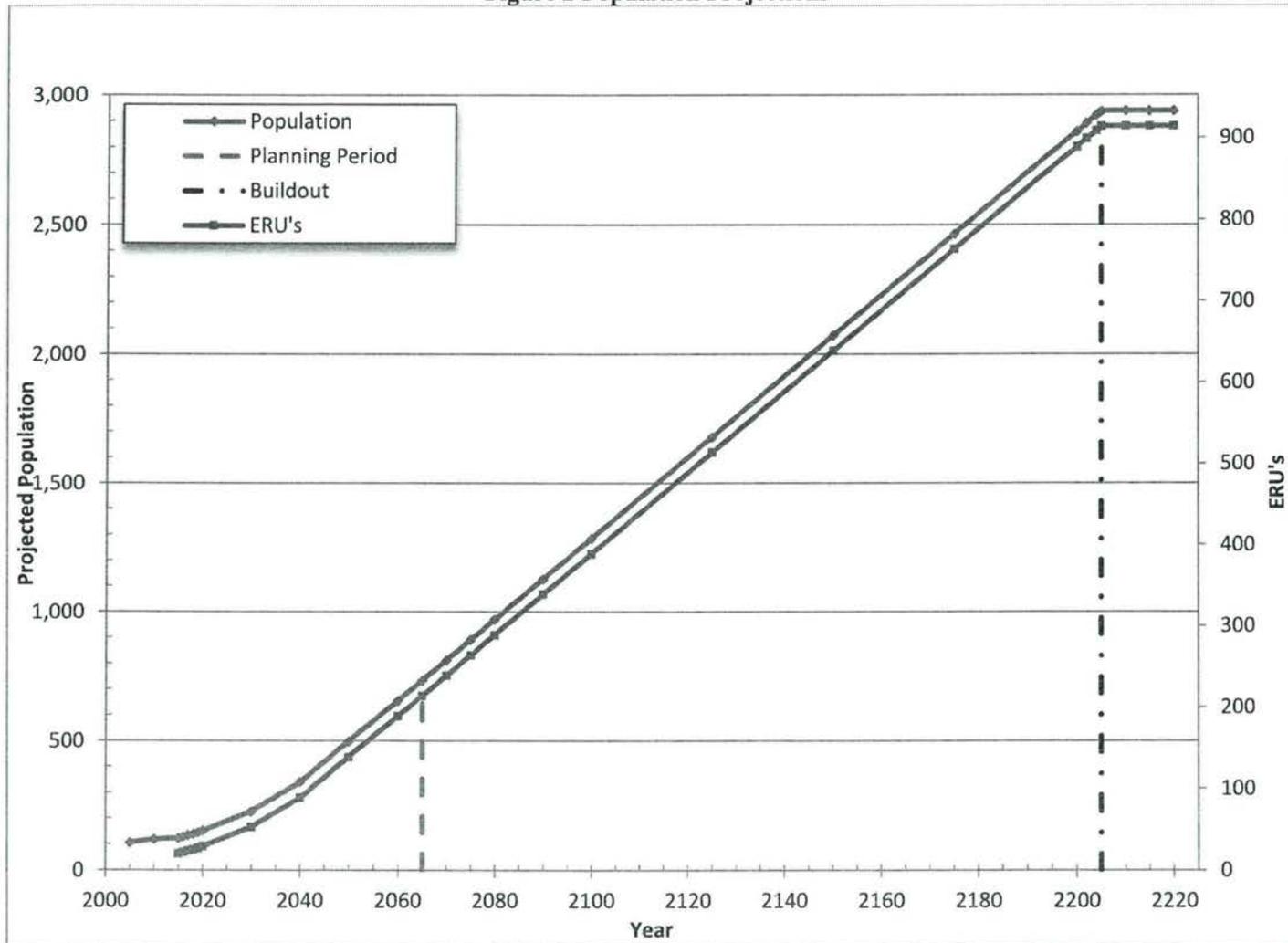
Growth projections estimate a total population of 151 in 2020 and a total population of 227 in 2030. This growth rate is similar to what Fairfield expects or has experienced. The Town currently limits new connection to 5 per year, based on the maximum number of building permits that can be issued. The amount of buildable land will also place additional restrictions on growth and predicts a build-out population of 2,936 and 913 ERUs. Table 1 shows the expected Town population growth during the planning period if a 4% growth rate and a maximum of 5 new water connections are issued per year. Figure 2 illustrates the population growth and ERU increase over the planning period.

Table 1 Population Projections

Item	2005*	2010*	2015*	2020	2030	2040	2050	2060	2065	Build-out
Population	105	119	123	151	227	340	497	655	733	2,936
ERUs	N/A	N/A	20	29	53	89	139	189	213	913
Pop. Increase		14	4	28	76	113	158	158	79	
Annual Population Growth Rate		2.5%	1%	4%	4%	4%	4%	3%	2%	
ERU Increase		N/A	0	9	24	36	50	50	25	
Annual ERU Growth Rate		N/A	N/A	7%	6%	5%	4%	3%	2%	

*Actual numbers provided by Fairfield

Figure 2 Population Projections



AREAS OF FUTURE DEVELOPMENT

The future connections to the system are anticipated to come from new development and conversions of existing private wells. Future connections are the main reason that the Town will require expansion of the system. Currently the areas of the Town that are developed are near the city center, which is approximately 150 acres of 16,700 total acres within the Town limits. It is estimated that approximately 15,900 acres of land within the Town limits is developable.

However, the Town zoning ordinance governs the parcel size for each new development. A large portion of the Town is zoned as A-40, or agricultural, with 40 acre parcels. This greatly reduces the total number of ERU's at build-out, if these areas are ever rezoned the Town will need to re-evaluate the total number of ERU's at build-out. Figure 3 shows the areas of Town that are expected to experience future development based on proposed zoning and land use.



**FIGURE 3
TOWN ZONING MAP
& BUILDOUT AREAS**

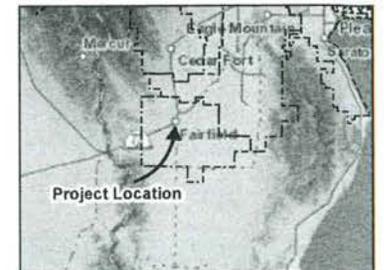
FAIRFIELD, UTAH

FEBRUARY 2016

Legend

- A-40
- A/R-1
- A/R-1/2
- A/R-10
- A/R-5
- Air Park
- Cemetery
- Commercial
- Hold
- Light Industrial
- Park

Fairfield Town Boundary



Source: Utah Automated Geographic Reference Center (AGRC)



EXISTING CULINARY WATER SYSTEM

The culinary water utility was established by an ordinance in 2011 and separated from the Fairfield Irrigation Company. The existing culinary water system is comprised of a spring water source, pump, storage tank, and distribution system. The water is pumped from the spring up to a storage tank where it is treated with chlorine, and gravity flows down to the town through the distribution system. This system currently has 20 connections, the maximum amount it can service.

SOURCES

The existing water source supplying the municipal system originates from a developed spring (Utah DDW ID WS001) with a collection box that is 5-feet in diameter. It is a culvert standing on end and approximately 14-feet into the ground. The spring is located on the western side of Fairfield.

Flow records for the individual spring are not available at the time of this report and the total quantity of water produced is currently unknown. Historic records indicate the flows are consistently sufficient to meet the existing demand but the quantity of water produced by the well appears to be decreasing. Water quality reports have been submitted to the State Division of Water Quality and indicate that the spring has a substantial track record of producing water that reliably meets or exceeds drinking water requirements.

STORAGE

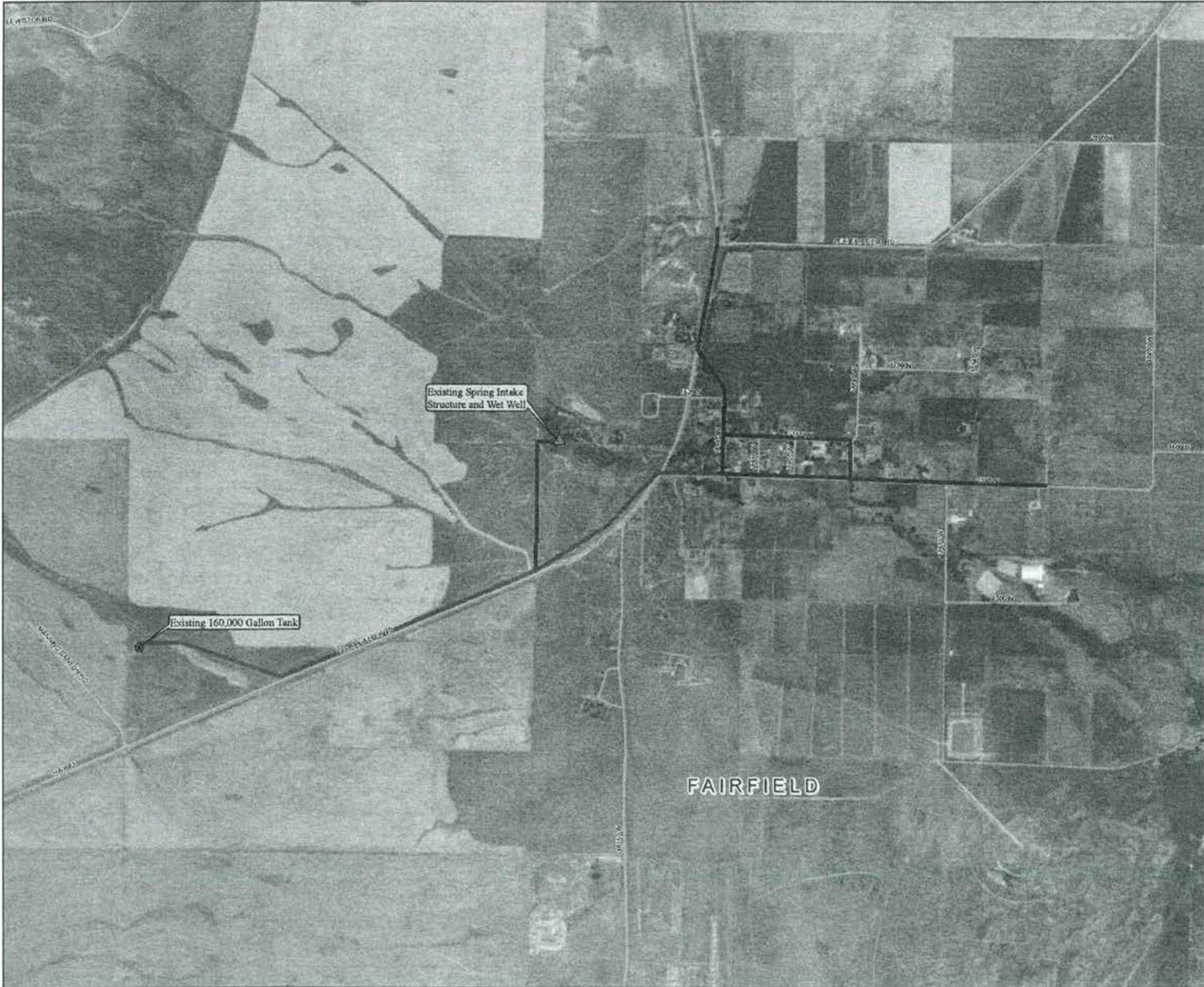
The system currently utilizes one concrete underground storage tank (Utah DDW ID ST001) with a capacity of 160,000 gallons and which is 40-feet in diameter. It was constructed in 1998 and is located at the southwestern corner of the Fairfield boundaries, north of Cedar Valley Rd and northeast of Manning Canyon Rd. A 12-inch pipe conveys the water to the Town, exiting the storage tank at an elevation of approximately 5004 feet.

TREATMENT

The existing treatment system consists of hypo-chlorination (Utah DDW ID TP001). The system is functional but no exact measurements of dosages are readily available. There is no redundancy built into the existing system. The method of treatment includes injecting chlorine into the water at the pump station by the spring before it is conveyed to the storage tank.

DISTRIBUTION SYSTEM

The distribution system (Utah DDW ID DS001) consists of roughly 1.8 miles of 12-inch diameter pipe that runs from the storage tank along Highway 73 and into Town to the Camp Floyd State Park. The remainder of the distribution system is comprised of 8-inch pipe. The service area is mostly comprised of the Old Town area. The distribution system is shown in Figure 4.

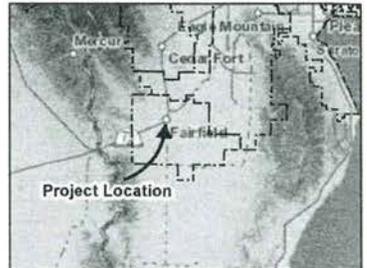
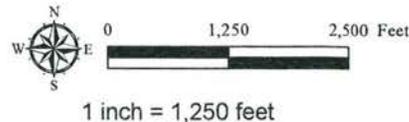


**FIGURE 4
EXISTING CULINARY
WATER SYSTEM**

FAIRFIELD, UTAH
FEBRUARY 2016

Legend

-  Fairfield Town Boundary
-  Existing 12-inch Water Line
-  Existing Supply Line
-  Existing 8-inch Water Line
-  Existing 160,000 Gallon Tank
-  Existing Spring and Wet Well



Source: Utah Automated Geographic Reference Center (AGRC)



WATER USAGE

The existing water source has appeared to be supplying water of sufficient quantity and quality to meet the existing system demands, but several major deficiencies exist, including;

- 1) Current residents who want to be serviced by the system are unable to connect
- 2) The system is at capacity, therefore no expansion is available
- 3) The flows from the spring are declining

A number of construction details appear to be undocumented, however, the water quality reports indicate the construction is sufficient and does not impair the water quality. The quantity of water also appears to be sufficient to meet the existing system demands, as there is no indication or reported history of water shortages in the system. The system however, is at the maximum number of connections and as the number of connections will increase, an additional source of water is required. ***It is recommended that the Town monitor the spring using a flow meter to record the spring production.*** After flow records have been recorded for a period of three to five years, an analysis should be conducted to determine the safe yield of the spring.

The Town will need to explore alternative water sources as the further development of the existing spring is not feasible. Table 2 below indicates the projected average and peak demands for the system.

Table 2 Future Water Demand

Item	2015	2020	2030	2040	2050	2060	2065
Population	123	151	227	340	497	655	733
ERU (Equivalent Residential Connection)	20	29	53	89	139	189	214
Annual average water use (AF/YR)	18	26	47	80	124	169	192
Peak Demand (gpd)*	16,000	23,085	42,308	70,985	110,985	150,985	170,985

*Based upon State recommended design peak demand of 800 gpd/ERU

Table 2 indicates that by the year 2065 the Town will need a source or sources capable of supplying a peak demand of approximately 171,000 gallons per day and an annual average water use of approximately 192 acre-feet per year.

MODELING

The Town of Fairfield's culinary water system was analyzed using the computer model EPANET 2.0. Average day, peak day and fire flow scenarios were performed to determine the system operating pressure and available fire flow. System pressures are consistent through average day and peak day ranging from 64 psi to 73 psi. The fire flow analysis indicated that when fire flows are applied at existing hydrants during peak day demands, the system is able to maintain a minimum pressure above 20 psi with a fire flow rate of 1,500 gpm. With increased demand and population growth, additional pipelines and system improvements will be required. It is anticipated that the 8-inch distribution line running north on 18040 W and continuing on Cedar Valley Rd will need to be extended east along the Lehi Fairfield Rd for the areas designated by the zoning map as future residential development.

FIRE PROTECTION

Construction of the water system in 1998 intended to provide an adequate water supply for indoor use and some irrigation. Subsequently, a number of fire hydrants have been installed on the system.

The Insurance Services Office (ISO) defines fire flow as the amount of water supplied during a fire. The equation used by the ISO to determine the amount of water needed is given as follows:

$$Q = FC(A)^{1/2}$$

Where F = 18,
C = 1.5 for framed homes, and
A is the total square footage of the building

For the typical residential structure in Fairfield the minimum fire flow is 1,500 gpm at which should be sustained for a minimum of 2 hours.

RESERVOIR STORAGE ANALYSIS

Utah State Drinking Water rule UAC R309-510-8 requires that the Town supply enough water storage to provide for peak day demands for indoor and outdoor usage, fire suppression volume, and for emergencies. The required storage has been sized with the capacity to provide one peak month average day indoor and outdoor demand along with fire flow storage of 1,500 gpm for two hours and a suggested 20 percent operating reserve for emergencies.

The 160,000 gallon tank was constructed to meet shortfalls but does not address capacity to adequately meet peak demand and fire flow. With system growth, new storage facilities will be required to further increase the storage capacity. Table 3 indicates the projected storage requirements for the system thru planning period phase, based on the available water use records, projected system growth, and Division of Drinking Water Guidelines.

Table 3 Future Water Storage Requirements

	2015	2020	2030	2040	2050	2060	2065
Estimated ERU's	20	29	53	89	139	189	214
Demand storage (gallons)*	16,000	23,085	42,308	70,985	110,985	150,985	170,985
Fire protection storage (gallons)**	180,000	180,000	180,000	180,000	180,000	180,000	180,000
20% emergency reserve	39,200	40,617	44,462	50,197	58,197	66,197	70,197
Required storage volume (gallons)	235,200	243,702	266,769	301,182	349,182	397,182	421,182
Existing Storage (gallons)	160,000	160,000	160,000	160,000	160,000	160,000	160,000
Surplus / Shortfall (gallons)	-75,200	-83,702	-106,769	-141,182	-189,182	-237,182	-261,182

*Based upon peak demand of 800 gpd/ERU

**Fire protection at 1,500 gpm for 2 hours

Table 3 shows the storage requirements at increments from the year 2015 to the year 2065 using the criteria listed above. Also shown in the table are the existing storage and the storage surplus/shortfall. As seen from the storage indicated in Table 3, the Town does not have sufficient storage.

RECOMMENDED WATER SYSTEM IMPROVEMENTS AND UPGRADES

The existing water system source and tank are capable of providing water to the existing customers, but are at maximum capacity. In addition to reaching the limits of the source, there is no redundancy or back up system should contamination or failure occur. Expected growth will require an additional or new source and storage. In order to address the major deficiencies in the system, Table 4 lists the required system improvements for Fairfield. The water supply source and associated water treatment improvements are expected to be implemented within the next 1-3 years and completed within the next 5 years to ensure adequate and safe operation of the system for the customers and community. The other improvements are expected to be addressed and planned out accordingly in the next 5-10 years for future completion.

Table 4 Projects for Fairfield Culinary Water System

Project	Recommended action
New Supply Source – Well	Drill new well for primary culinary water supply of Fairfield
New Pump Station and Treatment Facility	Construct pump station with automated treatment facility of new source
New Storage Facility – Tank 1	Construct new tank for sufficient storage
Metering Connections	Replace aging meters and install new meters, take monthly readings
Water Rights	Miscellaneous water right issues (acquire new rights, transfer rights etc.)
Distribution Piping	Construct distribution piping for future connections
New Storage Facility – Tank 2	Construct new tank for sufficient storage

SOURCE

The existing spring has been a sufficient source until recently when it has reached estimated capacity and future flows are uncertain. The anticipation of population growth indicates that a new source is required. It is recommended that a new 300 gpm to 500 gpm well be drilled. This will enable the existing spring to be used only as a back-up for the new well. It is also recommended that the Town monitor the flow from the spring with a flow meter to record production for analysis of future use.

DISTRIBUTION SYSTEM

As described above, the existing system is capable of supplying water and fire flows to the existing service area, if additional customers are acquired then new distribution piping is needed to maintain minimum system pressures during high flows and supplying fire protection to the community. In order to maintain a reasonable level of service (40 psi peak day and 1,500 gpm at 20 psi for fire flows), provide water to future users, and expand the service area and fire protection, potential system upgrades were simulated in the existing water model (H2Onet) to identify the needed improvements. Through a trial and error process, improvements sufficient to meet existing, future, and fire flow demands and pressures while minimizing the length, size and number of new components were determined. The most efficient system upgrades and improvements identified through the modeling software are listed in Table 5 and are shown in Figure 5.

Table 5 Recommended New Water Lines

General Location	Recommended Action	Diameter (in)	Length (ft)
2000 North from Cedar Valley Road to Approximately 17700 West	Install new water line	12	2,720
1540 North from 17415 West to 17200 West	Install new water line	10	1,400
17200 West from 1540 North to 1700 North	Install new water line	10	1,500
1700 North from 17790 West to 17200 West	Install new water line	8	3,900
17790 West from 1700 North to 2000 North	Install new water line	8	1,900

STORAGE

The existing storage is not sufficient to meet peak demand and fire flow for the future population, as was previously shown in Table 3. Required storage for the planning period is 421,200 gallons with total build out requiring total storage of 1.1 million gallons. New storage (in addition to the existing tank) will require a minimum of 262,000 gallons in order to store the required volume through the 50 year planning period. This volume of storage will be constructed in two phases. The first phase includes a new 250,000 gallon tank that will be constructed in 2016. Phase one will adequately serve the Town until 2063 at which time phase two will take place and the Town will, re-evaluate storage needs, plan for future storage and

construct a third tank. Table 6 illustrates the storage requirements with the new tank and existing tank through the planning period of 2065.

Table 6 Storage Volumes with New Tanks

	2015	2016	2020	2030	2040	2050	2060	2063	2065
Estimated ERU's	20	22	29	53	89	148	189	203	214
Demand storage (gallons)*	16,000	17,306	23,085	42,308	70,985	118,075	150,985	162,075	170,985
Fire protection storage (gallons)**	180,000	180,000	180,000	180,000	180,000	180,000	180,000	180,001	180,000
20% emergency reserve	39,200	39,461	40,617	44,462	50,197	59,615	66,197	68,415	70,197
Required storage volume (gallons)	235,200	236,767	243,702	266,769	301,182	357,690	397,182	410,492	421,182
Existing Storage (gallons)	160,000	160,000	410,000	410,000	410,000	410,000	410,000	410,000	610,000
New Storage (gallons)	0	250,000	0	0	0	0	0	200,000	0
Surplus / Shortfall (gallons)	-75,200	173,233	166,298	143,231	108,818	52,310	12,818	199,508	188,818

*Based upon peak demand of 800 gpd/ERU

**Fire protection at 1,500 gpm for 2 hours

The new tanks will be located on the same parcel as the existing tank and will be similar to the existing tank with respect to elevation in order to accommodate gravity flow of the water to the Town.

PUMP STATION AND TREATMENT

The existing pump station from the spring to the existing tank functions by timed operation. The treatment of the water is a manual procedure. The new pumping facility should contain methods to control, record, and regulate treatment.

The new pump station accompanying the new well should be equipped with modern telemetry capable of detecting a failure, initializing backup equipment, and notifying staff of any problem prior to customers experiencing any interruption in service.

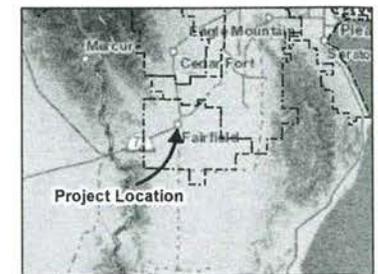
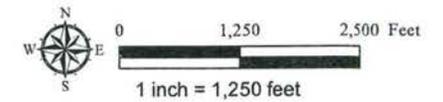
As the new pump station is constructed, the treatment method will also be updated. Much like the existing pump, the existing treatment unit consists of a single non-redundant unit. The replacement unit(s) should be compatible with the pump station telemetry unit, and provide redundancy.

FIGURE 5 CULINARY WATER SYSTEM IMPROVEMENTS

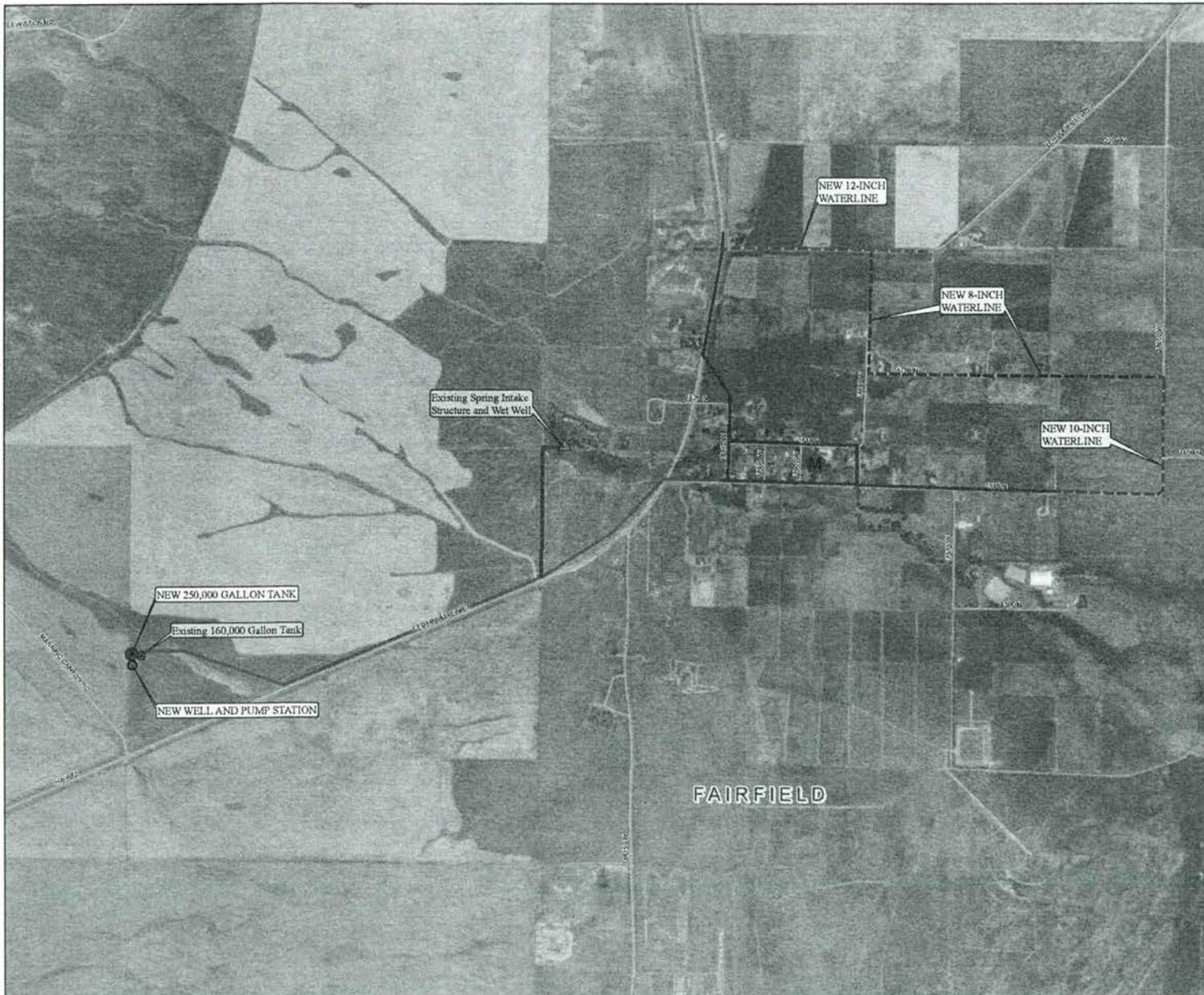
FAIRFIELD, UTAH
FEBRUARY 2016

Legend

-  Fairfield Town Boundary
-  Existing 12-inch Water Line
-  Existing Supply Line
-  Existing 8-inch Water Line
-  Existing 160,000 Gallon Tank
-  Existing Spring and Wet Well
-  Future 12-inch Water Line
-  Future 10-inch Water Line
-  Future 8-inch Water Line
-  Upgrade Residential Meters
-  New 250,000 Gallon Tank
-  New Well and Pump Station



Source: Utah Automated Geographic Reference Center (AGRC)



CONSTRUCTION PRIORITIZATION

The improvements and upgrades discussed in the previous sections describe projects that will need to be completed within the next 30 to 50 years to maintain and upgrade the Town's water system. Ideally, the Town would design and construct all of these projects at once to maximize the benefits to the citizens as soon as possible. However, funding and logistical constraints will likely require these projects to be constructed in phases as funds become available. The purpose of this section is to identify the optimum construction order to provide the maximum benefits to the existing customer base as soon as practical. The need and urgency of the projects were evaluated and sorted qualitatively using the following criteria:

- 1) Existing probability of failure of water system component(s)
- 2) The cost / time necessary to repair the existing component(s)
- 3) The portion of the system affected by a failure and the severity of the failure
- 4) The improvement in flow per dollar spent
- 5) Anticipated growth areas

Through the evaluation it was determined that recommendations to improve the source, treatment and storage components of the system were the highest priority because reduction of the existing source would affect the entire water system and storage capacity is below the recommended storage by the State. Transmission lines, while important to the overall system, can be repaired relatively quickly, with minimal expense, and will likely affect only a portion of the system at any one time, therefore new transmission mains can be built as growth occurs. The prioritized list of recommended projects is presented in Table 7. ***It is recommended that projects 1 -4 be completed within the next one to two years to ensure the system continues to function properly.*** Projects 5 through 11 can be constructed and implemented as needed.

Table 7 Project Prioritization

Project	Priority	Project
1	1	300-500 gpm Well
2	1	Pump Station
3	1	250,000 Gallon Storage Tank
4	1	Upgrade Meters
5	3	Water Rights
6	4	12-inch Water Lines
7	4	10-inch Water Lines
8	4	8-inch Water Lines
9	-	Planning Report Update
10	-	Future Well and Pump Station
11	-	Future Storage Tank

OPINION OF PROBABLE COST

The costs for the proposed projects described above are presented in the following sections. The costs have been separated into two categories: 1) improvements and 2) upgrades. The improvement list contains items that will “improve” the existing system and are necessary to provide the desired level of service to the existing residents of the town. The upgrades list contains projects intended to “upgrade” or expand the system to adequately handle the anticipated future growth. As part of the optimization process, some of the proposed projects will serve both purposes. When one project is required to improve the existing system, but will provide for new system connections, the cost of the project is divided among the two categories based on the ratio between existing customers benefited and anticipated future connections made possible by the project.

For example, to meet the existing storage demands, the town would need to construct a storage tank large enough to hold approximately 75,000 gallons. With the anticipated future growth, the tank will ultimately need to be approximately 250,000 gallons. In other words if a 250,000 gallon tank is constructed in the near future, as recommended, 60% of the tank is intended to meet future demands and as such 60% of the tank construction cost can be considered an “upgrade” while the remainder is an “improvement”. This methodology is also true in evaluating the towns recommended source infrastructure.

UNIT COST JUSTIFICATION

Construction costs for the recommended projects are based on unit cost per linear foot for different types of pipe construction, volume for storage projects, and lump sums for other projects such as valves or pump stations. The unit costs are based on recent bids for similar projects, discussions with local contractors and engineering judgment. The unit costs basis for this report is summarized in Table 8 below and supporting details are provided in the appendix.

Table 8 Conceptual Unit Cost Summary

Item	Unit	Cost Per Unit*
Water storage less than 0.5 MG	Gal	\$ 1.70
Well construction	LF	\$ 380.00
12-inch Waterline	LF	\$ 140.00
10-inch Waterline	LF	\$ 130.00
8-inch Waterline	LF	\$ 120.00

*Unit costs based on 2014 construction costs

In addition to the estimated construction cost, design and administrative costs have been added to the base construction cost as shown below:

Engineering and Survey	8%
Construction management	3%
Material Testing	2%

Town management	1%
Legal	1%
Contingency	15%
Total	30%

Based on the unit costs and cost sharing strategies described above, the total project costs are presented in Tables 9. The table also presents the percentage of each project that qualifies as an improvement or an upgrade as discussed above.

Table 9 2016 Recommended Projects Cost Summary

Year	Project List	Quantity	Unit	Total Cost	Sharing	Upgrades / Impact Fee	Improvements / Rates
2016	300-500 gpm Well	1	LS	\$260,000.00	95% / 5%	\$247,000	\$13,000
2016	Pump Station	1	LS	\$350,000.00	95% / 5%	\$332,500	\$17,500
2016	250,000 Gallon Storage Tank	250,000	Gal	\$500,000.00	70% / 30%	\$350,000	\$150,000
2016	Upgrade Meters	1	LS	\$20,000.00	0% / 100%	\$0	\$20,000
2017 / 2020	Water Rights	1	LS	\$10,000.00	0% / 100%	\$0	\$10,000
2020 - 2065	12-inch Waterline	2800	LF	\$392,000.00	100% / 0%	\$392,000	\$0
2021 - 2065	10-inch Waterline	2900	LF	\$408,900.00	100% / 0%	\$408,900	\$0
2022 - 2065	8-inch Waterline	3800	LF	\$456,000.00	100% / 0%	\$456,000	\$0
2025, 35, 45 & 55	Planning Report Update	4	EA	\$80,000.00	100% / 0%	\$80,000	\$0
2052	200 GPM Well and Pump Station	1	LS	\$350,000.00	100% / 0%	\$350,000	\$0
2063	200,000 Gallon Storage Tank	200,000	Gal	\$400,000.00	100% / 0%	\$400,000	\$0
				\$3,226,900.00		\$3,016,400	\$210,500

SUMMARY

Evaluation of the overall condition of the existing Fairfield Culinary Water system was completed in order to determine any needed repairs, plan for additional connections, and improve fire protection. The existing water system will need to be expanded to adequately serve new residents as the town grows and aging infrastructure will need to be replaced to meet current system needs. In addition to evaluating the water system, this report provided recommendations and cost estimates for system improvements totaling approximately 3.0 million dollars. The recommended improvements will improve the level of service of the existing system, accommodate for future growth, and provide for adequate fire protection throughout the Town.

RESOURCES

1. **Utah Impact Fees Act, Title 11, Chapter 36a**, *Utah State Legislature, 2011*
2. **Fairfield Utah General Plan**, *pursuant to Utah code title 10, chapter 9a, section 4 of the municipal land use, development, and management act, 2011*

FAIRFIELD TOWN, UTAH
CULINARY WATER IMPACT FEE ENACTMENT ORDINANCE
June 9, 2016

ORDINANCE NO. 2016-60916-1

AN ORDINANCE OF THE TOWN OF FAIRFIELD ADOPTING AN IMPACT FEE ANALYSIS AND IMPOSING IMPACT FEES, PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

WHEREAS, The Town of Fairfield (the “**Town**”) is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the Town is authorized pursuant to the Impact Fees Act, Utah Code Ann. § 11-36-101 et seq. to adopt and impose impact fees as a condition of development approval; and

WHEREAS, the Town provided written notice of its intent to prepare an Impact Fee Facilities Plan pursuant to Utah Code Ann. §§ 11-36a-501; and

WHEREAS, the Town has caused an Impact Fee Facilities Plan (the “**Facilities Plan**”) to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, Epic Engineering P.C. has certified its work on the Facilities Plan under Utah Code Ann. § 11-36-306(1); and

WHEREAS, the Town provided notice and held a public hearing prior to adopting the Facilities Plan in satisfaction of Utah Code Ann. § 11-36a-502; and

WHEREAS, the Town adopted the Facilities Plan by motion on June 9th, 2016; and

WHEREAS, prior to preparing the Impact Fee Analysis (the “**Impact Fee Analysis**”), the Town provided notice as set forth in Utah Code Ann. § 11-36a-503; and

WHEREAS, the Town has caused an Impact Fee Analysis to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference; and

WHEREAS, Epic Engineering P.C. has certified its work on the Impact Fee Analysis under Utah Code Ann. § 11-36-306(2); and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(i) and § 17B-1-111(1)(a)(ii), the Town made this Impact Fee Enactment Ordinance (the “**Ordinance**”) available to the public on or before May 27, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 17B-1-111, the Town posted notice of the public hearing with respect to the proposed Ordinance in at least three public places within the Town on or before May 27, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 17B-1-111, the Town published notice of such public hearing in a newspaper of general circulation in the Town; and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(ii), the Town, having previously made this Ordinance available to the public, posted notice of its intent to adopt this Ordinance; and

WHEREAS, on or before May 27, 2015 a copy of the Impact Fee Analysis and a summary of the impact fee analysis prepared in accordance with Utah Code Ann. §11-36a-303 was available to the public; and

WHEREAS, the Town Council (the “**Council**”) recommended adoption of the Ordinance; and

WHEREAS, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the Town to enact new impact fees.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfield, as follows:

SECTION 1: FINDINGS.

The Council finds and determines as follows:

1.1. All required notices have been given and public hearings conducted as required by the Impact Fee Act with respect to the Facilities Plan, Impact Fee Analysis and this Ordinance.

1.2. Growth and development activities in the Town will create additional demands on its facilities. The capital facility improvement requirements which are analyzed in the Facilities Plan and the Impact Fee Analysis are the direct result of additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the recreational facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Town has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and recreational needs of the Town, the capital financial needs of the Town which are the result of the Town's future facilities needs, the distribution of the burden of costs to different properties within the Town based on the use of facilities of the Town by such properties, the financial contribution of those properties and other properties similarly situated in the Town at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the Town, and the impact on future facilities that will be required by growth and new development activities in the Town.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Town in establishing a program of impact fees in compliance with the Utah Impact Fees Act

1.6. This Ordinance, upon its effective date, shall replace all impact fees previously enacted by the Town as well as any rules, regulations, procedures or policies relating to such previously-enacted impact fees.

SECTION 2: DEFINITIONS.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2. "Council" means the Town Council of the Town of Fairfield, Utah.

2.3. "Facilities Plan" means the plan prepared for the Town as required by Utah Code Ann. § 11-36a-301.

2.4. "Impact Fee Analysis" means the analysis prepared for the Town as required by Utah Code Ann. § 11-36a-303.

2.5. "Project Improvements" does not mean system improvements.

2.6. "Request for Information" means a written request submitted to the Town for information regarding the impact fee.

2.7. "Ordinance" means this Impact Fee Enactment Ordinance.

2.8. "Service Area" means all areas within the Town. A map of the Town boundaries is attached hereto as **Exhibit C**.

2.9. "Summary" means the summary of the Impact Fee Analysis.

SECTION 3: ADOPTION OF IMPACT FEES.

3.1. Impact Fee Analysis. The Council hereby approves and adopts the Impact Fee Analysis attached as **Exhibit B**.

3.2. Impact Fees. Impact fees are hereby imposed in the Service Area as a condition of any development activity that impacts public facilities in order to mitigate the impact of such development on public facilities. Impact fees shall be paid in cash or by check to the Town at the time of the building permit application to Utah County.

3.3. Impact Fee Schedule. The impact fees imposed are as set forth in the Impact Fee Schedule attached hereto as **Exhibit D** and incorporated herein by reference. Unless the Town is otherwise bound by a contractual requirement or the impact fees have been prepaid according to a prior agreement with the Town, the impact fee shall be determined from the impact fee schedule in effect at the time of payment.

3.4. Adjustments. The Town may adjust the impact fee imposed on a particular project or development at the time the impact fee is charged as necessary:

- (a) to respond to unusual circumstances in specific cases;
- (b) to respond to a request for a prompt and individualized impact fee review for the development activity of an agency of the State of Utah, a school district, or charter school;
- (c) to respond to a request for a prompt and individualized impact fee review for an offset or credit for a public facility for which an impact fee has been or will be collected;
- (d) to ensure that impact fees are imposed fairly; or
- (e) based upon studies and data submitted by a developer.

3.5. Credits and Reimbursements.

- (a) A developer may be allowed a credit against or proportionate reimbursement of impact fees if a developer:
 - (i) dedicates land for a system improvement;

- (ii) builds and dedicates some or all of a system improvement; or
 - (c) dedicates a public facility that the Town and the developer agree will reduce the need for a system improvement.
- (b) A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
- (i) are system improvements, or
 - (ii) are dedicated to the public and offset the need for an identified system improvement.

3.6. Waiver for Public Purpose. The Town may, on a project-by-project basis, authorize exemptions or adjustments to the impact fee in effect for those projects the Town determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such projects may include low income housing.

3.7. Additional Fees and Costs. The impact fees imposed hereby are separate from and in addition to user fees and other charges lawfully imposed by the Town or by Utah County for new development, such as engineering and inspection fees, building permit fees, review fees, hookup fees, connection fees, fees for project improvements, and other fees and costs that may not be included as itemized component parts of any impact fee.

SECTION 4: IMPACT FEE ACCOUNTING.

4.1. Impact Fee Accounts. The Town shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected and deposit impact fee receipts in the appropriate ledger account. Interest earned on each such account shall be retained in that account.

4.2. Reporting. At the end of each fiscal year, the Town shall prepare a report on each impact fee ledger account established as required herein generally showing the source and amount of all monies collected, earned, and received by the account and each expenditure from the account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure. The report shall be in a format approved by the State Auditor, certified by the Town's chief financial officer, and transmitted to the State Auditor annually.

4.3. Impact Fee Expenditures. The Town may expend impact fees only for system improvements identified in the Facilities Plan and for the specific public facility type for which the fee was collected.

4.4. Time of Expenditure. Impact fees collected are to be expended, dedicated or encumbered for a permissible use within six years of receipt by the Town, unless the Board directs otherwise. For purposes of this calculation, first funds received shall be deemed to be the first funds expended.

4.5. Extension of Time. The Town may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing, before the expiration of the six year period, (i) an extraordinary and compelling reason why the fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

4.6. Refunds. The Town shall refund any impact fees paid by a developer, plus interest actually earned, when (i) the developer does not proceed with the development activity and has filed a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted.

SECTION 5: APPEAL PROCEDURES.

5.1. Application. The appeal procedures set forth herein apply both to challenges to the legality of impact fees of the Town and to the interpretation and/or application of those fees.

5.2. Request for Information Concerning the Fee. Any person or entity required to pay or who has paid an impact fee under this Ordinance may file a written request for information concerning the fee (the “**Request for Information**”) with the Town. The Town will provide the person or entity with the Town's Impact Fee Analysis and other relevant information relating to the impact fee within fourteen (14) days after receipt of the written Request for Information.

5.3. Appeal to the Town after Payment of the Impact Fee; Statute of Limitations for Failure to File.

- (a) Any person or entity that has paid an impact fee under this Ordinance and wishes to challenge the impact fee shall file a notice of appeal with the Town that contains
 - (i) the appellant’s name, mailing address and daytime phone number;

- (ii) a copy of the written Request for Information and a brief summary of the grounds for appeal; and
 - (iii) the relief sought.
- (b) The notice of appeal shall be filed as provided below:
- (i) if the appellant is challenging compliance with the notice requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within thirty (30) days after payment of the impact fee;
 - (ii) if the appellant is challenging compliance with other, non-notice, procedural requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within one hundred and eighty (180) days after payment of the impact fee; and
 - (iii) if the appellant is challenging the impact fee, the notice of appeal must be filed within one year after payment of the impact fee.

5.4. Appeals to the Town. Any developer, landowner or affected party desiring to challenge the legality of any impact fee under this Ordinance shall appeal directly to the Town by filing a notice of appeal with the Town either prior to payment of the impact fee but within thirty (30) days of the decision or action to which the appeal relates or after payment of the impact fee and within the applicable time period set forth in Section 5.3 herein. If a notice of appeal is not filed with the Town within the applicable time period set forth above, the person or entity is barred from proceeding with an administrative appeal to the Town.

5.6. Hearing. An informal hearing will be held not sooner than five (5) days nor more than twenty-five (25) days after the written notice of appeal is filed. The Board shall sit as the hearing officer.

5.7. Decision. After the conclusion of the informal hearing, the hearing officer shall affirm, reverse, or take action with respect to the challenge or appeal as appropriate. The decision of the hearing officer will be issued within thirty (30) days after the date the written notice of appeal was filed. In light of the statutorily mandated time restriction, the Town shall not be required to provide more than three (3) working days' prior notice of the time, date, and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of the Town's final determination.

5.8. Denial Due to Passage of Time. Should the Town, for any reason, fail to issue a final decision on a written challenge to an impact fee, its calculation or application, within thirty (30) days after the filing of the notice of appeal, the challenge shall be deemed to have been denied and any affected party to the proceedings may seek appropriate judicial relief from such denial.

5.9. Judicial Review. Any party to the administrative action who is adversely affected by the Town's final decision may petition the district court for a review of the decision within thirty (30) days of the hearing officer's final decision. After having been served with a copy of the pleadings initiating the court review, the Town shall submit to the court the record of the proceedings before the Town, including minutes, and if available, a true and correct transcript of any proceedings.

SECTION 6: SEVERABILITY.

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable. In the event any section, subsection, paragraph, clause, or phrase of this Ordinance conflicts with the Utah Impact Fees Act, the relevant provision of the Utah Impact Fees Act shall control.

SECTION 7: EXHIBITS.

All exhibits to this Ordinance are hereby incorporated herein by reference and are made a part hereof as though fully set forth herein.

SECTION 8: EFFECTIVENESS.

This Ordinance shall become effective ninety (90) days after the adoption hereof.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Fairfield, Utah, as **APPROVED AND ADOPTED** this 9th day of June, 2016.

FAIRFIELD TOWN COUNCIL
TOWN OF FAIRFIELD, UTAH

Jaren Hancock, Mayor

ATTEST:

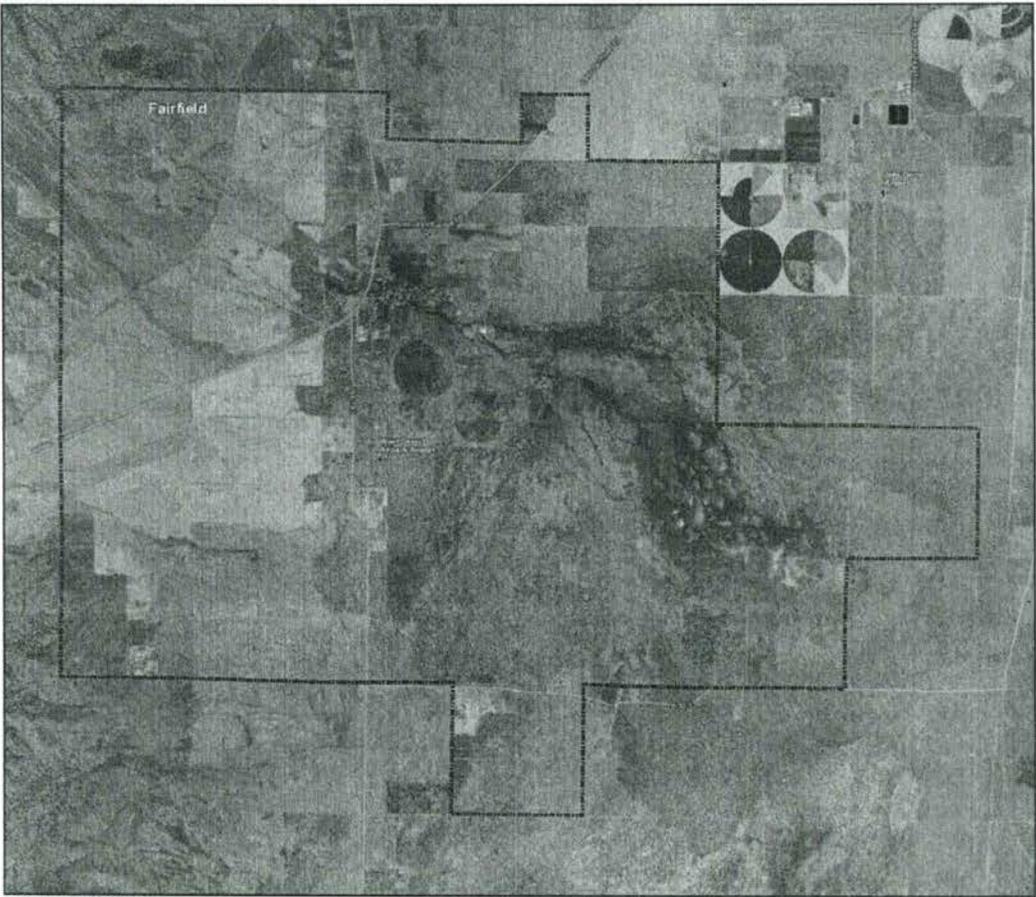
Town Clerk

(SEAL)

Exhibit A: Impact Fee Facilities Plan

Exhibit B: Impact Fee Analysis

Exhibit C: Town Map



**FIGURE 1
SITE MAP
FAIRFIELD, UTAH**

APRIL 2016

 Fairfield Boundary



SOURCE: UTAH AGRIC SERVICES

Culinary Water Impact Fee

3/4-inch meter = \$15,600.00

1-inch Meter = \$26,000.00

FAIRFIELD TOWN, UTAH
TRANSPORTATION IMPACT FEE ENACTMENT ORDINANCE
May 10, 2018

ORDINANCE NO. 05-10-2018

AN ORDINANCE OF THE TOWN OF FAIRFIELD ADOPTING AN IMPACT FEE ANALYSIS AND IMPOSING IMPACT FEES, PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

WHEREAS, The Town of Fairfield (the “**Town**”) is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the Town is authorized pursuant to the Impact Fees Act, Utah Code Ann. § 11-36-101 et seq. to adopt and impose impact fees as a condition of development approval; and

WHEREAS, the Town provided written notice of its intent to prepare an Impact Fee Facilities Plan pursuant to Utah Code Ann. §§ 11-36a-501; and

WHEREAS, the Town has caused an Impact Fee Facilities Plan (the “**Facilities Plan**”) to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, Epic Engineering P.C. has certified its work on the Facilities Plan under Utah Code Ann. § 11-36-306(1); and

WHEREAS, the Town provided notice and held a public hearing prior to adopting the Facilities Plan in satisfaction of Utah Code Ann. § 11-36a-502; and

WHEREAS, the Town adopted the Facilities Plan by motion on May 10th, 2018; and

WHEREAS, prior to preparing the Impact Fee Analysis (the “**Impact Fee Analysis**”), the Town provided notice as set forth in Utah Code Ann. § 11-36a-503; and

WHEREAS, the Town has caused an Impact Fee Analysis to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference; and

WHEREAS, Epic Engineering P.C. has certified its work on the Impact Fee Analysis under Utah Code Ann. § 11-36-306(2); and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(i) and § 17B-1-111(1)(a)(ii), the Town made this Impact Fee Enactment Ordinance (the “**Ordinance**”) available to the public on or before April 29, 2018; and

WHEREAS, in accordance with Utah Code Ann. § 17B-1-111, the Town posted notice of the public hearing with respect to the proposed Ordinance in at least three public places within the Town on or before April 29, 2018; and

WHEREAS, in accordance with Utah Code Ann. § 17B-1-111, the Town published notice of such public hearing in a mailed postcard of general circulation in the Town; and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(ii), the Town, having previously made this Ordinance available to the public, posted notice of its intent to adopt this Ordinance; and

WHEREAS, on or before April 29, 2018 a copy of the Impact Fee Analysis and a summary of the impact fee analysis prepared in accordance with Utah Code Ann. §11-36a-303 was available to the public; and

WHEREAS, the Town Council (the “**Council**”) recommended adoption of the Ordinance; and

WHEREAS, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the Town to enact new impact fees.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfield, as follows:

SECTION 1: FINDINGS.

The Council finds and determines as follows:

1.1. All required notices have been given and public hearings conducted as required by the Impact Fee Act with respect to the Facilities Plan, Impact Fee Analysis and this Ordinance.

1.2. Growth and development activities in the Town will create additional demands on its facilities. The capital facility improvement requirements which are analyzed in the Facilities Plan and the Impact Fee Analysis are the direct result of additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the

recreational facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Town has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and recreational needs of the Town, the capital financial needs of the Town which are the result of the Town's future facilities needs, the distribution of the burden of costs to different properties within the Town based on the use of facilities of the Town by such properties, the financial contribution of those properties and other properties similarly situated in the Town at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the Town, and the impact on future facilities that will be required by growth and new development activities in the Town.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Town in establishing a program of impact fees in compliance with the Utah Impact Fees Act

1.6. This Ordinance, upon its effective date, shall replace all impact fees previously enacted by the Town as well as any rules, regulations, procedures or policies relating to such previously-enacted impact fees.

SECTION 2: DEFINITIONS.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2. "Council" means the Town Council of the Town of Fairfield, Utah.

2.3. "Facilities Plan" means the plan prepared for the Town as required by Utah Code Ann. § 11-36a-301.

2.4. "Impact Fee Analysis" means the analysis prepared for the Town as required by Utah Code Ann. § 11-36a-303.

2.5. "Project Improvements" does not mean system improvements.

2.6. "Request for Information" means a written request submitted to the Town for information regarding the impact fee.

2.7. "Ordinance" means this Impact Fee Enactment Ordinance.

2.8. "Service Area" means all areas within the Town. A map of the Town boundaries is attached hereto as **Exhibit C**.

2.9. “Summary” means the summary of the Impact Fee Analysis.

SECTION 3: ADOPTION OF IMPACT FEES.

3.1. Impact Fee Analysis. The Council hereby approves and adopts the Impact Fee Analysis attached as **Exhibit B**.

3.2. Impact Fees. Impact fees are hereby imposed in the Service Area as a condition of any development activity that impacts public facilities in order to mitigate the impact of such development on public facilities. Impact fees shall be paid in cash or by check to the Town at the time of the building permit application to Utah County.

3.3. Impact Fee Schedule. The impact fees imposed are as set forth in the Impact Fee Schedule attached hereto as **Exhibit D** and incorporated herein by reference. Unless the Town is otherwise bound by a contractual requirement or the impact fees have been prepaid according to a prior agreement with the Town, the impact fee shall be determined from the impact fee schedule in effect at the time of payment.

3.4. Adjustments. The Town may adjust the impact fee imposed on a particular project or development at the time the impact fee is charged as necessary:

- (a) to respond to unusual circumstances in specific cases;
- (b) to respond to a request for a prompt and individualized impact fee review for the development activity of an agency of the State of Utah, a school district, or charter school;
- (c) to respond to a request for a prompt and individualized impact fee review for an offset or credit for a public facility for which an impact fee has been or will be collected;
- (d) to ensure that impact fees are imposed fairly; or
- (e) based upon studies and data submitted by a developer.

3.5. Credits and Reimbursements.

- (a) A developer may be allowed a credit against or proportionate reimbursement of impact fees if a developer:
 - (i) dedicates land for a system improvement;
 - (ii) builds and dedicates some or all of a system improvement;
or

- (c) dedicates a public facility that the Town and the developer agree will reduce the need for a system improvement.
- (b) A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - (i) are system improvements, or
 - (ii) are dedicated to the public and offset the need for an identified system improvement.

3.6. Waiver for Public Purpose. The Town may, on a project-by-project basis, authorize exemptions or adjustments to the impact fee in effect for those projects the Town determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such projects may include low income housing.

3.7. Additional Fees and Costs. The impact fees imposed hereby are separate from and in addition to user fees and other charges lawfully imposed by the Town or by Utah County for new development, such as engineering and inspection fees, building permit fees, review fees, hookup fees, connection fees, fees for project improvements, and other fees and costs that may not be included as itemized component parts of any impact fee.

SECTION 4: IMPACT FEE ACCOUNTING.

4.1. Impact Fee Accounts. The Town shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected and deposit impact fee receipts in the appropriate ledger account. Interest earned on each such account shall be retained in that account.

4.2. Reporting. At the end of each fiscal year, the Town shall prepare a report on each impact fee ledger account established as required herein generally showing the source and amount of all monies collected, earned, and received by the account and each expenditure from the account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure. The report shall be in a format approved by the State Auditor, certified by the Town's chief financial officer, and transmitted to the State Auditor annually.

4.3. Impact Fee Expenditures. The Town may expend impact fees only for system improvements identified in the Facilities Plan and for the specific public facility type for which the fee was collected.

4.4. Time of Expenditure. Impact fees collected are to be expended, dedicated

or encumbered for a permissible use within six years of receipt by the Town, unless the Board directs otherwise. For purposes of this calculation, first funds received shall be deemed to be the first funds expended.

4.5. Extension of Time. The Town may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing, before the expiration of the six year period, (i) an extraordinary and compelling reason why the fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

4.6. Refunds. The Town shall refund any impact fees paid by a developer, plus interest actually earned, when (i) the developer does not proceed with the development activity and has filed a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted.

SECTION 5: APPEAL PROCEDURES.

5.1. Application. The appeal procedures set forth herein apply both to challenges to the legality of impact fees of the Town and to the interpretation and/or application of those fees.

5.2. Request for Information Concerning the Fee. Any person or entity required to pay or who has paid an impact fee under this Ordinance may file a written request for information concerning the fee (the "**Request for Information**") with the Town. The Town will provide the person or entity with the Town's Impact Fee Analysis and other relevant information relating to the impact fee within fourteen (14) days after receipt of the written Request for Information.

5.3. Appeal to the Town after Payment of the Impact Fee; Statute of Limitations for Failure to File.

- (a) Any person or entity that has paid an impact fee under this Ordinance and wishes to challenge the impact fee shall file a notice of appeal with the Town that contains
 - (i) the appellant's name, mailing address and daytime phone number;
 - (ii) a copy of the written Request for Information and a brief summary of the grounds for appeal; and
 - (iii) the relief sought.
- (b) The notice of appeal shall be filed as provided below:

- (i) if the appellant is challenging compliance with the notice requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within thirty (30) days after payment of the impact fee;
- (ii) if the appellant is challenging compliance with other, non-notice, procedural requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within one hundred and eighty (180) days after payment of the impact fee; and
- (iii) if the appellant is challenging the impact fee, the notice of appeal must be filed within one year after payment of the impact fee.

5.4. Appeals to the Town. Any developer, landowner or affected party desiring to challenge the legality of any impact fee under this Ordinance shall appeal directly to the Town by filing a notice of appeal with the Town either prior to payment of the impact fee but within thirty (30) days of the decision or action to which the appeal relates or after payment of the impact fee and within the applicable time period set forth in Section 5.3 herein. If a notice of appeal is not filed with the Town within the applicable time period set forth above, the person or entity is barred from proceeding with an administrative appeal to the Town.

5.6. Hearing. An informal hearing will be held not sooner than five (5) days nor more than twenty-five (25) days after the written notice of appeal is filed. The Board shall sit as the hearing officer.

5.7. Decision. After the conclusion of the informal hearing, the hearing officer shall affirm, reverse, or take action with respect to the challenge or appeal as appropriate. The decision of the hearing officer will be issued within thirty (30) days after the date the written notice of appeal was filed. In light of the statutorily mandated time restriction, the Town shall not be required to provide more than three (3) working days' prior notice of the time, date, and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of the Town's final determination.

5.8. Denial Due to Passage of Time. Should the Town, for any reason, fail to issue a final decision on a written challenge to an impact fee, its calculation or application, within thirty (30) days after the filing of the notice of appeal, the challenge shall be deemed to have been denied and any affected party to the proceedings may seek appropriate judicial relief from such denial.

5.9. Judicial Review. Any party to the administrative action who is adversely affected by the Town's final decision may petition the district court for a review of the decision within thirty (30) days of the hearing officer's final decision. After having been served with a copy of the pleadings initiating the court review, the Town shall submit to the court the record of the proceedings before the Town, including minutes, and if available, a true and correct transcript of any proceedings.

SECTION 6: SEVERABILITY.

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable. In the event any section, subsection, paragraph, clause, or phrase of this Ordinance conflicts with the Utah Impact Fees Act, the relevant provision of the Utah Impact Fees Act shall control.

SECTION 7: EXHIBITS.

All exhibits to this Ordinance are hereby incorporated herein by reference and are made a part hereof as though fully set forth herein.

SECTION 8: EFFECTIVENESS.

This Ordinance shall become effective ninety (90) days after the adoption hereof.

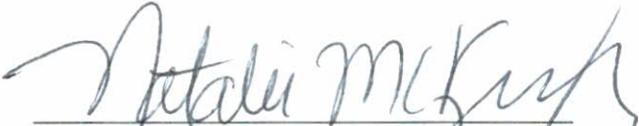
(Note) The Transportation Impact Fee Enactment Ordinance was **APPROVED AND ADOPTED JUNE 9, 2016**. Due to the document not being signed and dated the ordinance was subject to the re-approval process.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Fairfield, Utah, as **APPROVED AND ADOPTED this 10th day of May, 2018.**

FAIRFIELD TOWN COUNCIL
TOWN OF FAIRFIELD, UTAH


Brad Gurney, Mayor

ATTEST:


Natalie McKinney, Town Recorder

(SEAL)



Town of Fairfield

Transportation Impact Fee Enactment

ENACTMENT

Approved June 9, 2016

Effective Date:

September 7th, 2016

**Geoffrey Ryan Taylor, P.E.
Project Engineer**

**EPIC ENGINEERING, P.C.
50 East 100 South
Heber, Utah 84032**



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Town of Fairfield

TRANSPORTATION IMPACT FEE ENACTMENT

Executive Summary

This Transportation System Impact Fee Enactment is intended to provide detailed information on the existing roadway conditions in the Town of Fairfield and provide recommendations to accommodate the continued use of the roads as well as plan for future growth. Overall the roadways throughout the center of Town are in generally good condition, as you travel outside of the Town center the roads are in fair to poor condition. The most frequently noted problems can generally be corrected by adopting an operations and maintenance schedule along with some one time repairs.

Restoration of the existing roadway network to safe conditions will require a number of one time repairs. The estimated total for these onetime repairs is **\$3,905,300**. With the adoption of the Impact Fee the Total Impact Fee for a new residential equivalent will be **\$20,235.00**.

Introduction

Fairfield (Town) is located in the southwest corner of Cedar Valley at the western side of Utah County, approximately 50 miles southwest of Salt Lake City. The Town was incorporated in 2004. The Town currently occupies approximately 26.7 sq. miles and the population is estimated at 123.

Within the Town boundary there is approximately 1.34 miles of roadway that varies from two-lane paved roads to narrow unpaved roads of varying age and condition. The major roadways through the town, classified as minor collectors, consist of 1540 North, 1600 North, 1680 North, 18040 West, 17970 West, 17900 West and 17800 West. Some of the roadways appear to be recently paved while others have not been maintained for some time and require immediate repair.

Impact Fee Definition

The Town of Fairfield transportation impact fees are to be established in a manner consistent with Utah statutory guidelines and are to reflect the Towns Roadway Impact Fee Facility Plan. An impact fee within the State of Utah is defined as: “A payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public facilities.”

The Utah State Legislature established Senate Bill 4, effective 1 July 1995 concerning the methodology to be used in constructing impact fees. Since that time, the Impact Fees Act has been updated and is now embodied in Title 11, Chapter 36 of the Utah Code. The impact fee Act solidified local government’s authority to impose impact fees in their jurisdictions by regulating those fees within their individual boundaries. However, it also mandates procedural requirements for local governments to follow when establishing and collecting an impact fee. The latest changes were approved during the 2014 Legislative Session.

Basis of Transportation Impact Fee

The purpose of an impact fee is to equitably apportion the cost of constructing capital facilities required by new development, so that existing customers (residences) are not caused to subsidize the construction of the new infrastructure. The methodology is also intended to avoid overcharging new development, a situation which would result if there was a subsidy of existing customers.

This one-time charge is imposed on new development as a condition of service. The fee may also only be applied within the system for which it is collected (e.g. Culinary water impact fees cannot fund storm drain or street improvement projects). Not only can the fee fund new improvements to a system, but it can also be charged to recover costs incurred by that system. This is consistent with the statute in that new development benefits from already-existing

capacity paid for by existing customers. The impact fee calculation must consider several factors:

1. The expected future demand on the system and the requirements that the Town's facilities, existing and planned, must meet;
2. The value of the Town's existing facilities from which new development benefits;
3. The cost of improving those facilities to increase capacity for development whose demand will exceed the limits of existing facilities; and
4. Any contributions that existing customers and new development have already paid toward the construction and/or improvement of existing and planned facilities.

This analysis has taken into account the statutory guidelines for developing a funding mechanism that supports the Town's growth. The study results in an equitable impact fee on future development that will create an added demand on the existing facilities and that will require the Town to expand facilities in order to meet its future need.

Given the narrow nature of this study and uncertainty of future growth, several assumptions are necessarily made to determine appropriate impact fees:

1. Impact Fees are assessed to new connections assuming that each connection has the same impact on the Town's roadways.
2. In 2011, Mountainland Association of Governments (MAG) in conjunction with Fairfield Town developed a general plan that predicted a population growth rate of 4%. Actual population numbers from 2005, 2010 and 2015 show growth rates of 2.5% and 1% respectively. To ensure that the town will be prepared, a moderate growth rate of 4% was used for all future population projections.
3. The study period is fifty years with recommended projects being constructed over the same fifty year period.
4. Interest earned on collected impact fees will be accumulated and applied toward future impact fee facilities improvements. The interest earned will likely be offset by the interest paid for loans incurred so that impact fee facilities improvements can be constructed on the proposed timeline.

Summary of Impact Fee Process

- Town staff determined the need to update impact fees for the Transportation System to ensure funding for the upcoming system improvements.
- Town staff and consultant completed the Transportation Impact Fee Facilities Plan Update, including the following:
 - Determined magnitude and location of future growth.
 - Determined problem areas, repairs required and associated costs.
 - Calculated the appropriate fee for an equivalent residential connection.

- Generate written analysis.
- Evaluate impact fee verses Utah State Law.
- Generate Impact Fee Enactment and Summary.
- Town holds a public meeting for public comment on the Impact Fee Facilities Improvement Plan.
- Town holds a public meeting for public comment on the proposed Impact Fee Revision.
- Impact Fee revision is enacted.

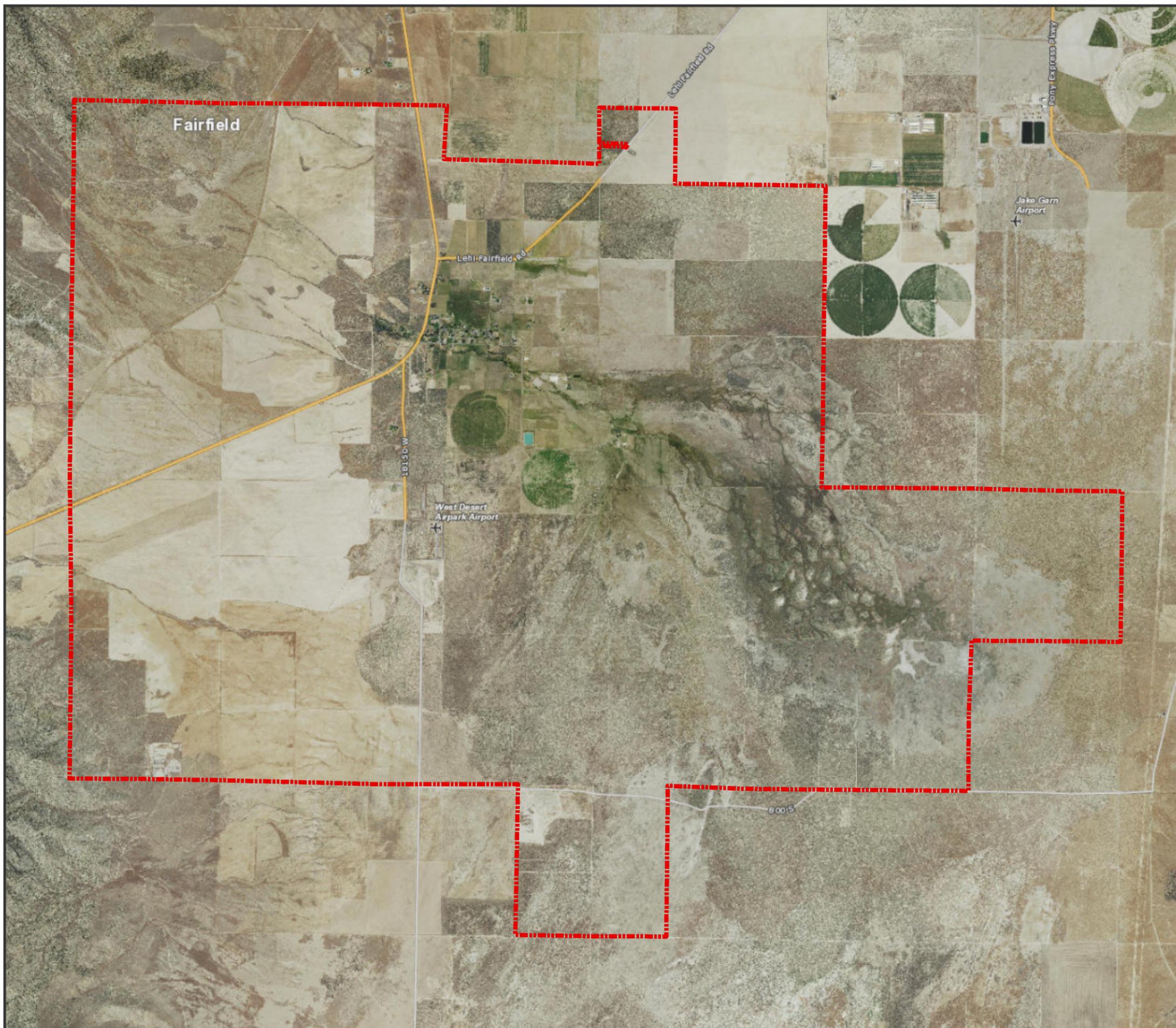
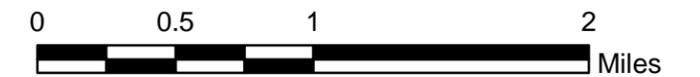
Background

Fairfield is located at the base of the southeastern side of the Oquirrh Mountain Range in the Cedar Valley in Utah County. Within the Town boundary the topography slopes from the west to the east. The elevation high point of approximately 5,400 feet is in the northwest corner. The Town is at approximately 4,879 feet and the low point of approximately 4,830 feet is in the southeast area of the Town boundary. A map of the area is shown in Figure 1.

FIGURE 1 SITE MAP FAIRFIELD, UTAH

APRIL 2016

 Fairfield Boundary



1"=80,000'

Population and Growth Projections

In total, the Town population is estimated to be at 123 residents. In 2011 Mountainland Association of Governments (MAG) in conjunction with Fairfield Town developed a general plan that predicted a growth rate of 4%. Actual population numbers from 2005, 2010 and 2015 show growth rates of 2.5% and 1% respectively. To ensure that the Town will be prepared, a moderate growth rate of 4% was used for all future population projections.

The growth within the Town boundaries is likely to increase by 2-4% each year after 2020. The projected population of the Town in the year 2065 is 733.

Number of Future Connections = 193

Existing Transportation System

The existing roadway system in town consists of roughly 1.34 miles of roadway that varies from two-lane paved roads to narrow unpaved roads of varying age and condition. 1540 North, 1600 North, 1680 North serve as the major east to west corridors with 18040 West, 17970 West, 17900 West and 17800 West serving as the major north to south corridors. 1680 North and 1540 North both connect to Utah State Route 73 (Cedar Valley Road) which is the main access to the Town. A map of the existing roadway system is shown in Figure 2.

In the spring of 2016, Epic Engineering surveyed all of the major roadways throughout the Town and noted the condition of each stretch of roadway. Overall, the existing asphalt surfaces within the Town center are generally in good condition. The roads within the Town Center consisting of 1540 N, 1600 N, 18040 W, 17970 W, 17900 W and 17800 W are in good condition but will require widening as the Town grows. The majority of the roadways outside of the Town center will require pavement reconstruction or grading and new pavement.

Road Signage

The Town does not currently have adequate signage for the existing roadways. To increase the safety of the roads and the level of service it is recommended that new signage be added to all intersections and existing roads as needed. **It is recommended that the Town install signage as needed for all existing and new roadway projects.**

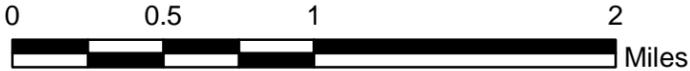
Roadways

The Town should implement several of the widening projects planned to accommodate the added traffic and maintain adequate level of service. **It is recommended that the Town construct the planned roadway projects.**

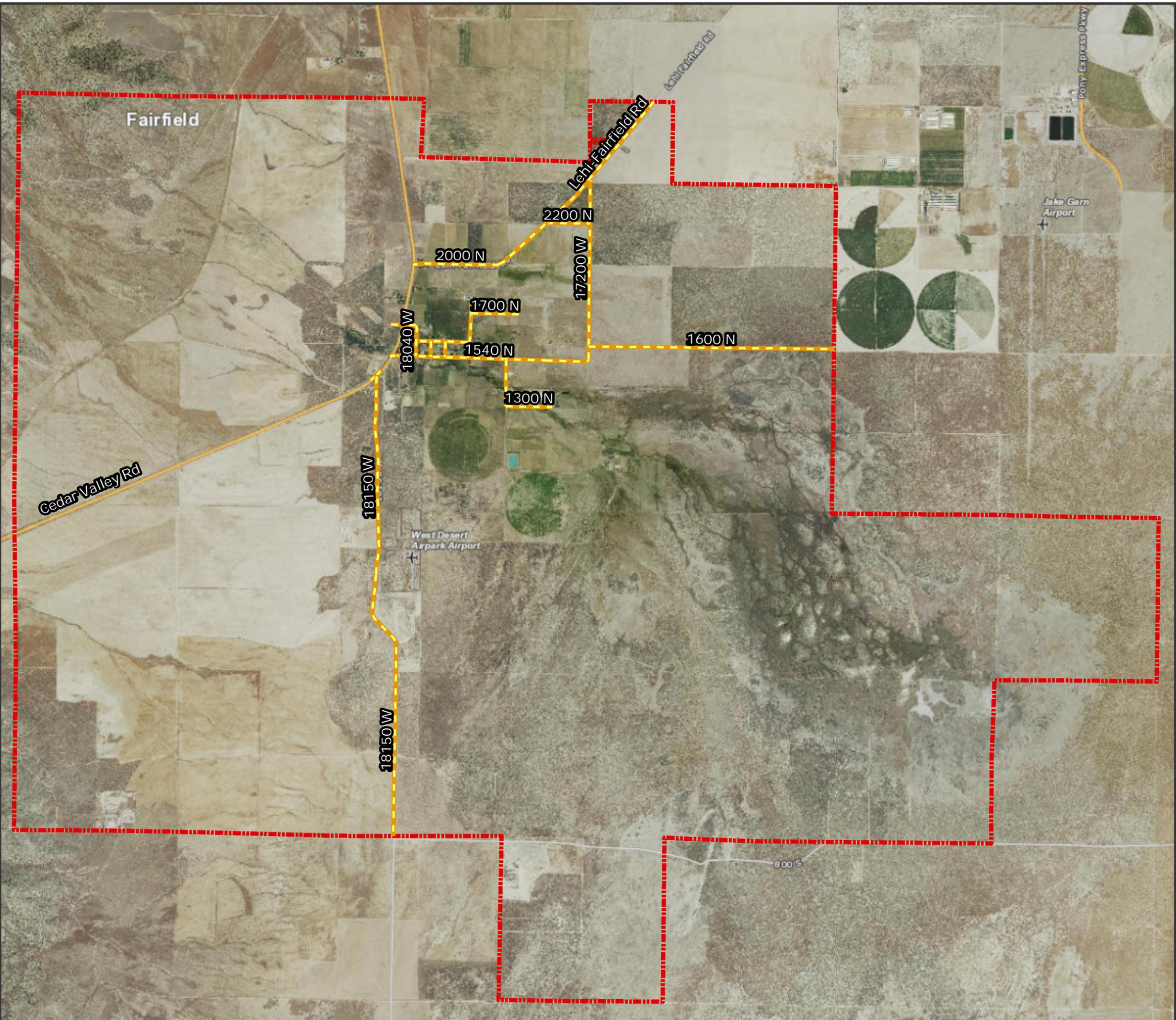
FIGURE 2 EXISTING ROADWAY MAP FAIRFIELD, UTAH

APRIL 2016

-  Fairfield Boundary
-  Local Roadway
-  State Roadway



1"=80,000'



SOURCE: UTAH AGRC SERVICES

Improvement Costs Summary

Implementation of a regular maintenance plan is only effective if the condition of the existing roadway is acceptable. Many of the identified problems are a result of roadway deterioration that is too great to be corrected with simple maintenance procedures or is necessary for growth. Following is a list of the one-time construction projects recommended to restore the roadways to their intended level of service. Once completed, it will be necessary to ensure regular maintenance is performed on these roadways. The estimated one-time improvement costs are shown below.

TOTAL	\$3,905,300.00
--------------	-----------------------

The improvement projects are projected to be completed by the year 2065. The collection of Impact Fees that will pay for these projects will be collected during the study period. Therefore, sufficient funds may not be available at the proposed construction date and the Town may need to issue a bond(s) or use other funding options to pay for the improvement projects and use the impact fee funds to service the debt as the funds are collected.

Impact Fee

Collected Fees

The Town does not currently collect Impact Fee's

Impact Fee Fund Balance

The Town does not have an existing balance

Impact Fee Calculation

The Impact Fee should be in a form that is flexible enough to be applied to several types of connections such as residential connections, apartments, parks or commercial property. The common quantity for all connections is the Residential Equivalent (RE). Accordingly, impact fees for the Town's Transportation System are based on residential equivalents.

Impact Fee Calculation(s)

The Impact Fee should be in a form that is flexible enough to be applied to several types of connections such as residential connections, apartments, Parks or commercial property. Because the Town of Fairfield is relatively small and consists mostly of single family residential connections this impact fee will be applied to all connections equally.

The general Impact Fee is calculated as follows:

$$\text{Impact Fee per RE} = \frac{\text{Cost of new capital facility improvements} - \text{Collected Fees}}{\text{Number of future RE connections}}$$

The numerator in this formula is the cost of Capital Improvements minus the amount of unassigned collected Impact Fees remaining in Town's accounts at the time of this analysis. At the present time the Town does not and has not collected impact fees so the "collected fees" portion of the calculation will be zero. The denominator is the number of future residential connections projected through buildout.

The value of the proposed capital facilities is \$3,905,300 and the current available Impact Fee balance is \$0.00. The number of new residential equivalents connecting through build-out is 193. Therefore, the calculated Service Area Impact Fee is

$$\text{Impact Fee per RE} = \frac{\$3,905,300 - \$0.00}{193} = \$20,234.72$$

The Transportation Impact Fee for all future residential connections is \$20,234.72 which will be rounded to **\$20,235.00** for ease of record keeping.

Transportation Impact Fee = \$20,235.00

Administration of Charges

The impact fees, when imposed, should be separately accounted from other Town revenues and impact fees, and restricted to Transportation capital improvement purposes. This should be performed in a manner which provides a clear audit trail, which can demonstrate that they were used only for capital purposes within the system for which they were collected.

Whenever a developer constructs system facilities which are included in the capital improvement project list, The Town of Fairfield should compensate that developer in one of two ways:

1. Through payment toward the portions of the project (such as oversizing) which provides general Town benefit and are included in the impact fee basis; or
2. Through issuance of impact fee credits for those project costs, which the developer(s) may use toward their impact fees. Such credits should have a finite life (e.g. five to ten years), be non-transferable, and be limited to the specific system for which issued (e.g. culinary water versus sanitary sewer).

The Town's compensation to the developer should be limited to the lesser of the developer's actual costs for the Town's share of the project, or the Town Engineer's cost estimate.

Review of Impact Fee Verses Utah State Code Requirements

As part of the Impact Fee Written Analysis a comparison of the impact fee with the Utah State Code was performed to show compliance with the ordinance.

Challenging Impact Fees

Any person or entity residing in or owning property within The Town of Fairfield service area may in accordance with the Utah Code file a challenge or declaratory judgment action challenging the validity of the Impact Fee. Such individuals or agencies desiring to do so shall follow the procedures outlined in the Utah Code.

Adjustment of Impact Fees

In accordance with Utah State Code Title 11, Chapter 36a, Section 11-36a-402, the Town has the right to adjust the standard impact fee at the time the fee is charged to respond to unusual circumstances in specific cases; or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and ensure that the impact fees are imposed fairly.

Special Project Impact Fee

As the Town develops from time to time a development unanticipated by the Town may require capital improvements in addition to those identified in the Impact Fee Facility Plan that may be needed exclusively for that development. In such cases, the Town will follow a process similar to this Impact Fee study to establish a Special Project Impact Fee for that development. Such Special Project Impact Fees will be assessed in addition to the System Impact Fee.

FAIRFIELD TOWN, UTAH
TRANSPORTATION IMPACT FEE ENACTMENT ORDINANCE
June 9, 2016

ORDINANCE NO. 2016-60916-2

AN ORDINANCE OF THE TOWN OF FAIRFIELD ADOPTING AN IMPACT FEE ANALYSIS AND IMPOSING IMPACT FEES, PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

WHEREAS, The Town of Fairfield (the “**Town**”) is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the Town is authorized pursuant to the Impact Fees Act, Utah Code Ann. § 11-36-101 et seq. to adopt and impose impact fees as a condition of development approval; and

WHEREAS, the Town provided written notice of its intent to prepare an Impact Fee Facilities Plan pursuant to Utah Code Ann. §§ 11-36a-501; and

WHEREAS, the Town has caused an Impact Fee Facilities Plan (the “**Facilities Plan**”) to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, Epic Engineering P.C. has certified its work on the Facilities Plan under Utah Code Ann. § 11-36-306(1); and

WHEREAS, the Town provided notice and held a public hearing prior to adopting the Facilities Plan in satisfaction of Utah Code Ann. § 11-36a-502; and

WHEREAS, the Town adopted the Facilities Plan by motion on June 9th, 2016; and

WHEREAS, prior to preparing the Impact Fee Analysis (the “**Impact Fee Analysis**”), the Town provided notice as set forth in Utah Code Ann. § 11-36a-503; and

WHEREAS, the Town has caused an Impact Fee Analysis to be prepared by Epic Engineering P.C., a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference; and

WHEREAS, Epic Engineering P.C. has certified its work on the Impact Fee Analysis under Utah Code Ann. § 11-36-306(2); and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(i) and § 17B-1-111(1)(a)(ii), the Town made this Impact Fee Enactment Ordinance (the “**Ordinance**”) available to the public on or before May 27, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 17B-1-111, the Town posted notice of the public hearing with respect to the proposed Ordinance in at least three public places within the Town on or before May 27, 2016; and

WHEREAS, in accordance with Utah Code Ann. § 17B-1-111, the Town published notice of such public hearing in a newspaper of general circulation in the Town; and

WHEREAS, in accordance with Utah Code Ann. § 11-36a-504(1)(d)(ii), the Town, having previously made this Ordinance available to the public, posted notice of its intent to adopt this Ordinance; and

WHEREAS, on or before May 27, 2015 a copy of the Impact Fee Analysis and a summary of the impact fee analysis prepared in accordance with Utah Code Ann. §11-36a-303 was available to the public; and

WHEREAS, the Town Council (the “**Council**”) recommended adoption of the Ordinance; and

WHEREAS, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the Town to enact new impact fees.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfield, as follows:

SECTION 1: FINDINGS.

The Council finds and determines as follows:

1.1. All required notices have been given and public hearings conducted as required by the Impact Fee Act with respect to the Facilities Plan, Impact Fee Analysis and this Ordinance.

1.2. Growth and development activities in the Town will create additional demands on its facilities. The capital facility improvement requirements which are analyzed in the Facilities Plan and the Impact Fee Analysis are the direct result of additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the recreational facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Town has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and recreational needs of the Town, the capital financial needs of the Town which are the result of the Town's future facilities needs, the distribution of the burden of costs to different properties within the Town based on the use of facilities of the Town by such properties, the financial contribution of those properties and other properties similarly situated in the Town at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the Town, and the impact on future facilities that will be required by growth and new development activities in the Town.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Town in establishing a program of impact fees in compliance with the Utah Impact Fees Act

1.6. This Ordinance, upon its effective date, shall replace all impact fees previously enacted by the Town as well as any rules, regulations, procedures or policies relating to such previously-enacted impact fees.

SECTION 2: DEFINITIONS.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2. "Council" means the Town Council of the Town of Fairfield, Utah.

2.3. "Facilities Plan" means the plan prepared for the Town as required by Utah Code Ann. § 11-36a-301.

2.4. "Impact Fee Analysis" means the analysis prepared for the Town as required by Utah Code Ann. § 11-36a-303.

2.5. "Project Improvements" does not mean system improvements.

2.6. "Request for Information" means a written request submitted to the Town for information regarding the impact fee.

2.7. "Ordinance" means this Impact Fee Enactment Ordinance.

2.8. "Service Area" means all areas within the Town. A map of the Town boundaries is attached hereto as **Exhibit C**.

2.9. "Summary" means the summary of the Impact Fee Analysis.

SECTION 3: ADOPTION OF IMPACT FEES.

3.1. Impact Fee Analysis. The Council hereby approves and adopts the Impact Fee Analysis attached as **Exhibit B**.

3.2. Impact Fees. Impact fees are hereby imposed in the Service Area as a condition of any development activity that impacts public facilities in order to mitigate the impact of such development on public facilities. Impact fees shall be paid in cash or by check to the Town at the time of the building permit application to Utah County.

3.3. Impact Fee Schedule. The impact fees imposed are as set forth in the Impact Fee Schedule attached hereto as **Exhibit D** and incorporated herein by reference. Unless the Town is otherwise bound by a contractual requirement or the impact fees have been prepaid according to a prior agreement with the Town, the impact fee shall be determined from the impact fee schedule in effect at the time of payment.

3.4. Adjustments. The Town may adjust the impact fee imposed on a particular project or development at the time the impact fee is charged as necessary:

- (a) to respond to unusual circumstances in specific cases;
- (b) to respond to a request for a prompt and individualized impact fee review for the development activity of an agency of the State of Utah, a school district, or charter school;
- (c) to respond to a request for a prompt and individualized impact fee review for an offset or credit for a public facility for which an impact fee has been or will be collected;
- (d) to ensure that impact fees are imposed fairly; or
- (e) based upon studies and data submitted by a developer.

3.5. Credits and Reimbursements.

- (a) A developer may be allowed a credit against or proportionate reimbursement of impact fees if a developer:
 - (i) dedicates land for a system improvement;

- (ii) builds and dedicates some or all of a system improvement; or
 - (c) dedicates a public facility that the Town and the developer agree will reduce the need for a system improvement.
- (b) A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
- (i) are system improvements, or
 - (ii) are dedicated to the public and offset the need for an identified system improvement.

3.6. Waiver for Public Purpose. The Town may, on a project-by-project basis, authorize exemptions or adjustments to the impact fee in effect for those projects the Town determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such projects may include low income housing.

3.7. Additional Fees and Costs. The impact fees imposed hereby are separate from and in addition to user fees and other charges lawfully imposed by the Town or by Utah County for new development, such as engineering and inspection fees, building permit fees, review fees, hookup fees, connection fees, fees for project improvements, and other fees and costs that may not be included as itemized component parts of any impact fee.

SECTION 4: IMPACT FEE ACCOUNTING.

4.1. Impact Fee Accounts. The Town shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected and deposit impact fee receipts in the appropriate ledger account. Interest earned on each such account shall be retained in that account.

4.2. Reporting. At the end of each fiscal year, the Town shall prepare a report on each impact fee ledger account established as required herein generally showing the source and amount of all monies collected, earned, and received by the account and each expenditure from the account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure. The report shall be in a format approved by the State Auditor, certified by the Town's chief financial officer, and transmitted to the State Auditor annually.

4.3. Impact Fee Expenditures. The Town may expend impact fees only for system improvements identified in the Facilities Plan and for the specific public facility type for which the fee was collected.

4.4. Time of Expenditure. Impact fees collected are to be expended, dedicated or encumbered for a permissible use within six years of receipt by the Town, unless the Board directs otherwise. For purposes of this calculation, first funds received shall be deemed to be the first funds expended.

4.5. Extension of Time. The Town may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing, before the expiration of the six year period, (i) an extraordinary and compelling reason why the fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

4.6. Refunds. The Town shall refund any impact fees paid by a developer, plus interest actually earned, when (i) the developer does not proceed with the development activity and has filed a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted.

SECTION 5: APPEAL PROCEDURES.

5.1. Application. The appeal procedures set forth herein apply both to challenges to the legality of impact fees of the Town and to the interpretation and/or application of those fees.

5.2. Request for Information Concerning the Fee. Any person or entity required to pay or who has paid an impact fee under this Ordinance may file a written request for information concerning the fee (the “**Request for Information**”) with the Town. The Town will provide the person or entity with the Town's Impact Fee Analysis and other relevant information relating to the impact fee within fourteen (14) days after receipt of the written Request for Information.

5.3. Appeal to the Town after Payment of the Impact Fee; Statute of Limitations for Failure to File.

- (a) Any person or entity that has paid an impact fee under this Ordinance and wishes to challenge the impact fee shall file a notice of appeal with the Town that contains
 - (i) the appellant's name, mailing address and daytime phone number;

- (ii) a copy of the written Request for Information and a brief summary of the grounds for appeal; and
 - (iii) the relief sought.
- (b) The notice of appeal shall be filed as provided below:
 - (i) if the appellant is challenging compliance with the notice requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within thirty (30) days after payment of the impact fee;
 - (ii) if the appellant is challenging compliance with other, non-notice, procedural requirements of Title 11, Chapter 36 of the Utah Code Annotated (the Impact Fee Act) with respect to the imposition of the impact fee, the notice of appeal must be filed within one hundred and eighty (180) days after payment of the impact fee; and
 - (iii) if the appellant is challenging the impact fee, the notice of appeal must be filed within one year after payment of the impact fee.

5.4. Appeals to the Town. Any developer, landowner or affected party desiring to challenge the legality of any impact fee under this Ordinance shall appeal directly to the Town by filing a notice of appeal with the Town either prior to payment of the impact fee but within thirty (30) days of the decision or action to which the appeal relates or after payment of the impact fee and within the applicable time period set forth in Section 5.3 herein. If a notice of appeal is not filed with the Town within the applicable time period set forth above, the person or entity is barred from proceeding with an administrative appeal to the Town.

5.6. Hearing. An informal hearing will be held not sooner than five (5) days nor more than twenty-five (25) days after the written notice of appeal is filed. The Board shall sit as the hearing officer.

5.7. Decision. After the conclusion of the informal hearing, the hearing officer shall affirm, reverse, or take action with respect to the challenge or appeal as appropriate. The decision of the hearing officer will be issued within thirty (30) days after the date the written notice of appeal was filed. In light of the statutorily mandated time restriction, the Town shall not be required to provide more than three (3) working days' prior notice of the time, date, and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of the Town's final determination.

5.8. Denial Due to Passage of Time. Should the Town, for any reason, fail to issue a final decision on a written challenge to an impact fee, its calculation or application, within thirty (30) days after the filing of the notice of appeal, the challenge shall be deemed to have been denied and any affected party to the proceedings may seek appropriate judicial relief from such denial.

5.9. Judicial Review. Any party to the administrative action who is adversely affected by the Town's final decision may petition the district court for a review of the decision within thirty (30) days of the hearing officer's final decision. After having been served with a copy of the pleadings initiating the court review, the Town shall submit to the court the record of the proceedings before the Town, including minutes, and if available, a true and correct transcript of any proceedings.

SECTION 6: SEVERABILITY.

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable. In the event any section, subsection, paragraph, clause, or phrase of this Ordinance conflicts with the Utah Impact Fees Act, the relevant provision of the Utah Impact Fees Act shall control.

SECTION 7: EXHIBITS.

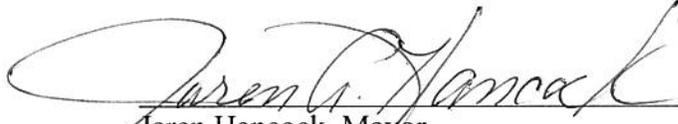
All exhibits to this Ordinance are hereby incorporated herein by reference and are made a part hereof as though fully set forth herein.

SECTION 8: EFFECTIVENESS.

This Ordinance shall become effective ninety (90) days after the adoption hereof.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Fairfield, Utah, as **APPROVED AND ADOPTED** this 9th day of June, 2016.

FAIRFIELD TOWN COUNCIL
TOWN OF FAIRFIELD, UTAH



Jaren Hancock, Mayor

ATTEST:



Town Clerk

(SEAL)



Exhibit A: Impact Fee Facilities Plan

Exhibit B: Impact Fee Analysis

Exhibit C: Town Map



SOURCE: UTAH AGRC SERVICES

**FIGURE 1
SITE MAP
FAIRFIELD, UTAH**

APRIL 2016

 Fairfield Boundary



 Miles

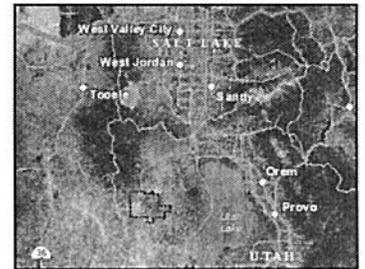
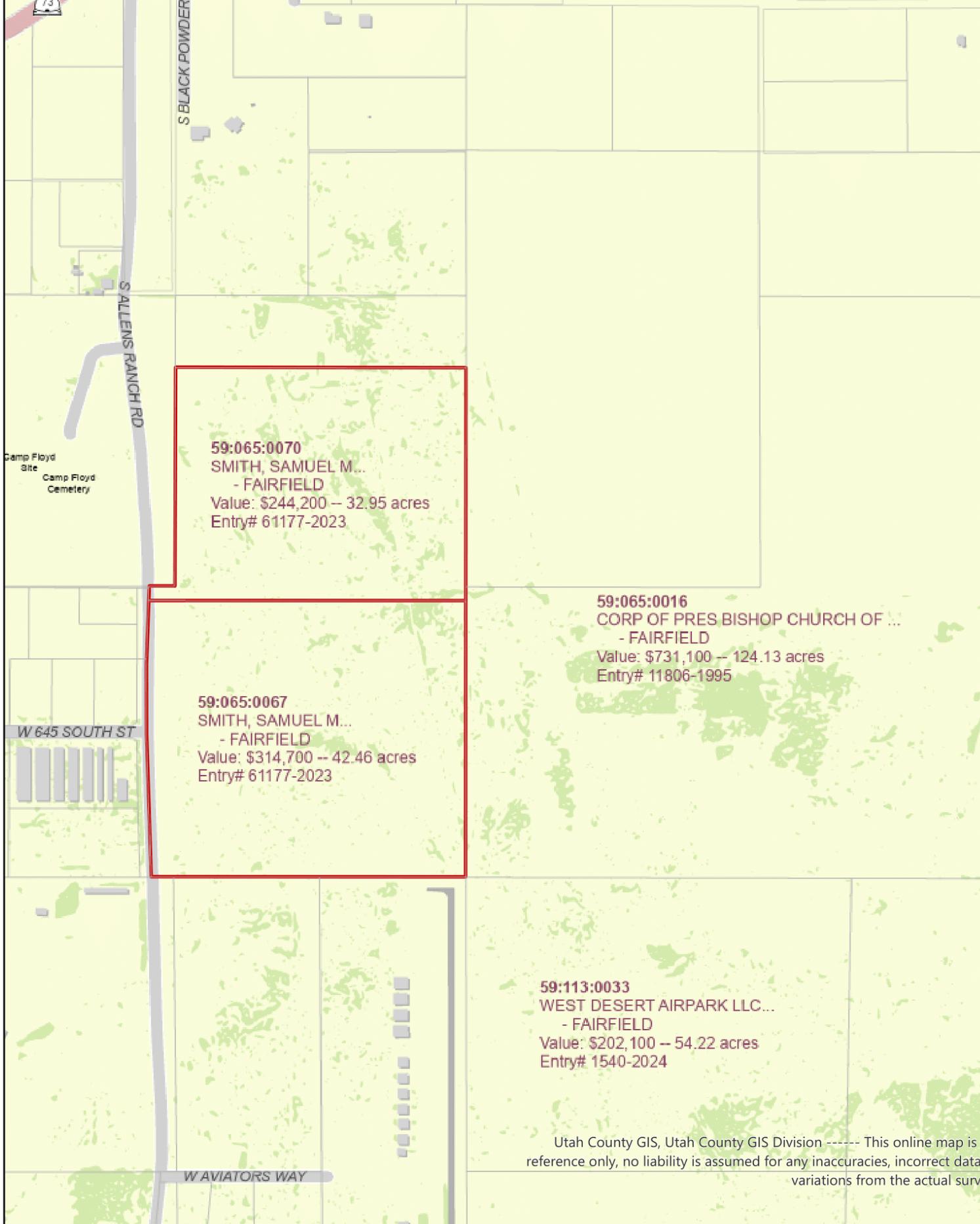


Exhibit D: Impact Fee Schedule

Transportation Impact Fee = \$5,290.00



Utah County Parcel Map

Smith Property

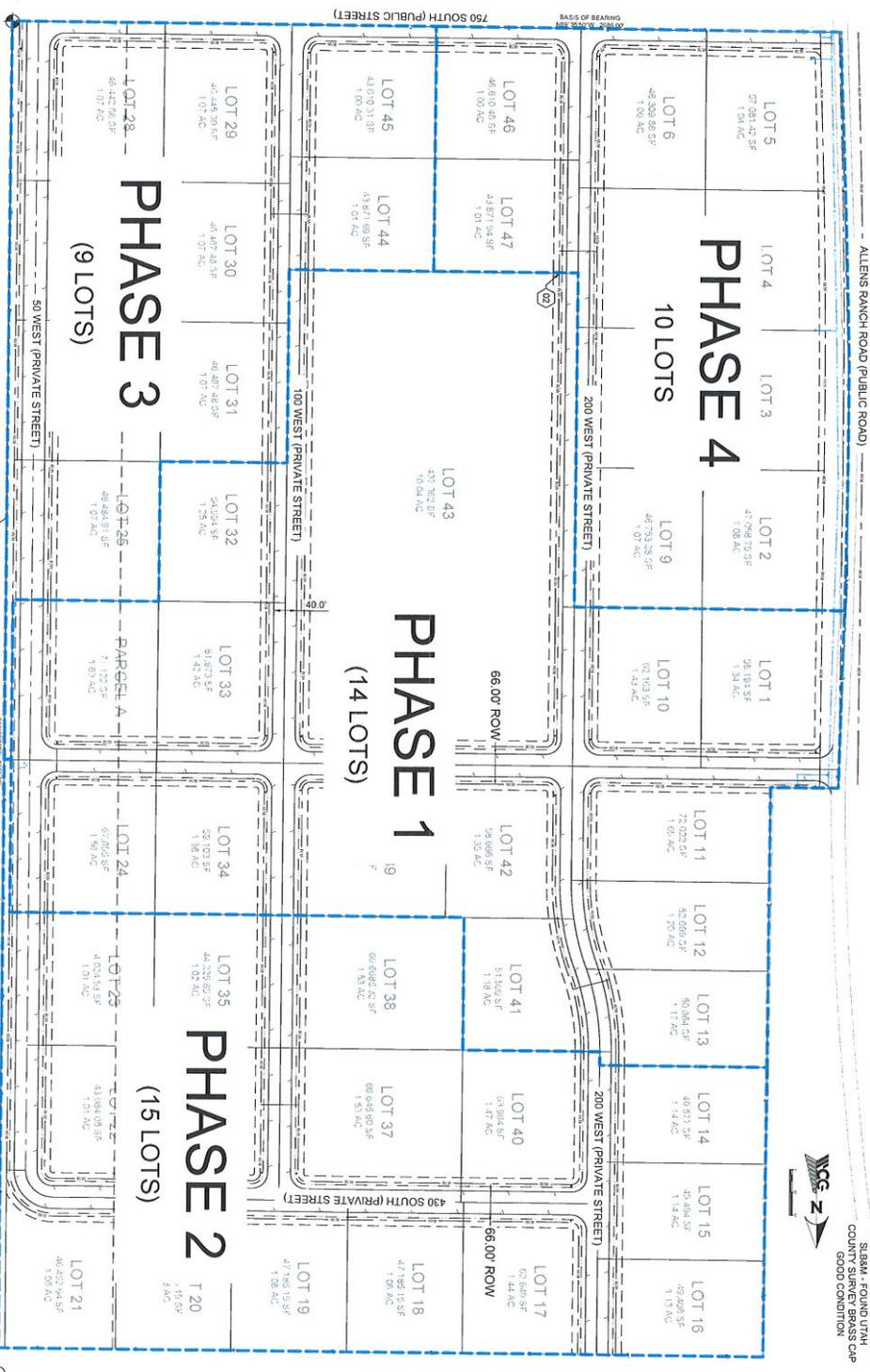
1 inch equals 771.6 feet

Date: 6/26/2025

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.



Exhibit B



POINT OF BEGINNING -
SOUTH QUARTER CORNER
OF SECTION 36, T24N, R10E,
S18M - FOUND UTAH
COUNTY SURVEY BRASS CAP - GOOD
CONDITION

PARCEL B
27,981.67 SQ. FT.
0.64 AC

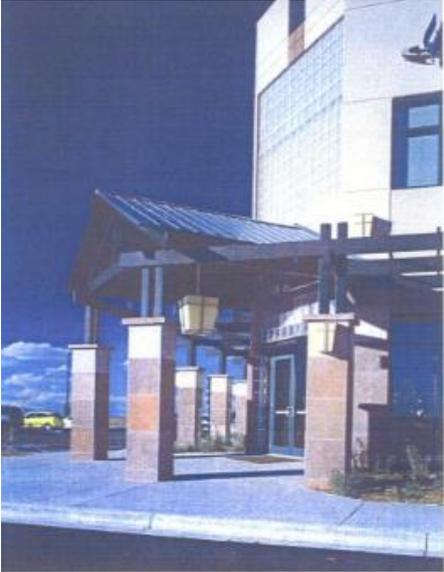
CENTER QUARTER CORNER
OF SECTION 32, T24N, R10E,
S17066' BEAR AND CAP -
HELD AS CENTER QUARTER
CORNER

NOTE:
THE CONTRACTOR'S OBLIGATION TO CONDUCT SURVEYING AND RECORDING SHALL BE LIMITED TO THE INFORMATION PROVIDED BY THE DEVELOPER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED BY THE DEVELOPER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

Know what's below.
Call 811 before you dig.
811
www.811.utah.gov

THE CONTRACTOR'S TOTAL BLUE
STAMP IS VALID FOR CONSTRUCTION

Exhibit F







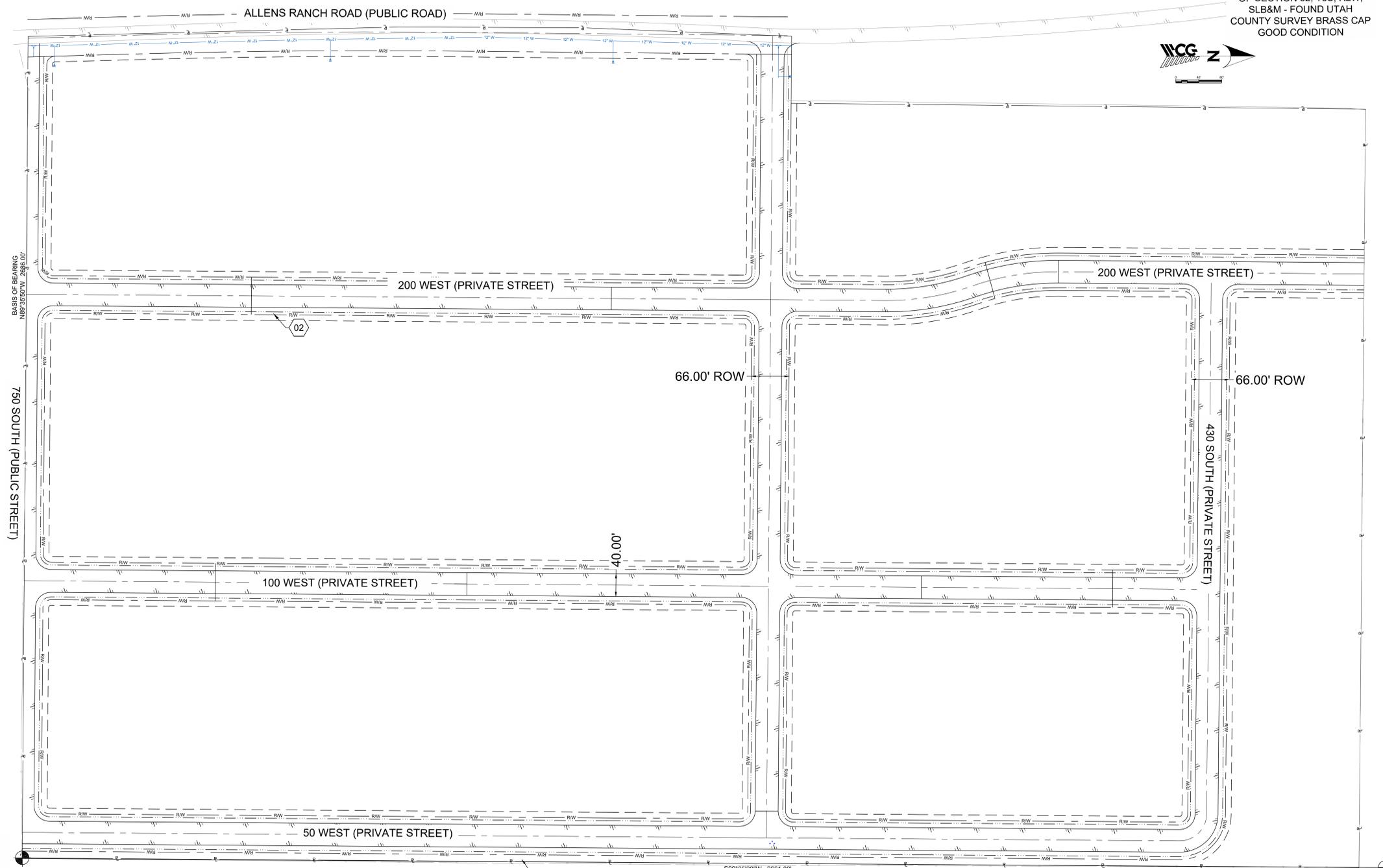




SOUTHWEST CORNER OF SECTION 32, T6S, R2W, SLB&M FOUND UTAH COUNTY SURVEY BRASS CAP - GOOD CONDITION

N00°45'07"E 2665.96'

WEST QUARTER CORNER OF SECTION 32, T6S, R2W, SLB&M - FOUND UTAH COUNTY SURVEY BRASS CAP GOOD CONDITION



NOTE:
OWNER, DEVELOPER, AND/OR THE CONTRACTOR ARE RESPONSIBLE FOR ANY DAMAGE TO THE FAIRFIELD TOWN RIGHT-OF-WAY THAT MAY BE DIRECTLY OR INDIRECTLY CAUSED BY THE DEVELOPMENT ACTIVITY.

THE DEVELOPER AND THE GENERAL CONTRACTOR UNDERSTAND THAT IT IS HIS/HER RESPONSIBILITY TO ENSURE THAT ALL IMPROVEMENTS INSTALLED WITHIN THIS DEVELOPMENT ARE CONSTRUCTED IN FULL COMPLIANCE WITH ALL STATE, AND FAIRFIELD TOWN CODE, ORDINANCES, AND STANDARDS. THESE PLANS ARE NOT ALL INCLUSIVE OF ALL MINIMUM CODES, ORDINANCES AND STANDARDS. THIS FACT DOES NOT RELIEVE THE DEVELOPER OR GENERAL CONTRACTOR FROM FULL COMPLIANCE WITH ALL MINIMUM STATE AND FAIRFIELD TOWN CODES, ORDINANCES AND STANDARDS.

ALL RECOMMENDATIONS MADE IN A PERTINENT GEOTECHNICAL REPORT/STUDY SHALL BE FOLLOWED EXPLICITLY DURING CONSTRUCTION OF BUILDINGS AND SITE IMPROVEMENTS.

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. IF A CONFLICT IS IDENTIFIED, THE ENGINEER OF RECORD SHOULD BE CONTACTED IMMEDIATELY, PRIOR TO ANY FURTHER WORK BEING DONE RELATED TO THE ISSUE.

A PERSON MAY NOT PERFORM ANY CONSTRUCTION WORK WITHIN 30 FEET OF THIS SURVEY MONUMENT UNLESS THE PERSON OBTAINS ANY PERMIT THE COUNTY REQUIRES BEFORE BEGINNING CONSTRUCTION WORK WITHIN 30 FEET OF THE SURVEY MONUMENT. A PERSON WHO FINDS IT NECESSARY TO DISTURB ANY ESTABLISHED GOVERNMENT SURVEY MONUMENT FOR ANY REASON, INCLUDING THE IMPROVEMENT OF A ROAD, SHALL NOTIFY THE COUNTY SURVEYOR AT LEAST FIVE BUSINESS DAYS BEFORE THE DAY ON WHICH THE PERSON DISTURBS THE GOVERNMENT SURVEY MONUMENT. UTAH CODE 17-23-14(5)

CONTRACTOR IS TO BEGIN CONSTRUCTION AT LOW SIDE OF ALL GRAVITY LINES.

POINT OF BEGINNING - SOUTH QUARTER CORNER OF SECTION 32, T6S, R2W, SLB&M - FOUND UTAH COUNTY BRASS CAP - GOOD CONDITION

PARCEL B
27,981.67 SQ FT
0.64 AC

CENTER QUARTER CORNER OF SECTION 32, T6S, R2W, SLB&M - FOUND "WILSON LS 170766" REBAR AND CAP - HELD AS CENTER QUARTER CORNER



NO.	REVISIONS	BY	DATE

CHECKED BY: UR	DRAWN BY: UR	DATE: 5/8/2025
-------------------	-----------------	-------------------

WALL CONSULTANT GROUP
1339 SOUTH 1260 WEST
SALT LAKE CITY, UT 84119
PHONE: 801-445-1173
FAX: 801-445-1180

FAIRFIELD INDUSTRIAL PARK
550 SOUTH 250 WEST
24-507
STREET PLAN

ENGINEER
ISAAC RICHES, P.E.
WALL CONSULTANT GROUP
1339 SOUTH 1260 WEST
S.L.C. UTAH 84119
P: 801-445-1173
E: isaac.riches@wvcg.us

Know what's below. Call 811 before you dig.
BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
www.bluestakes.org
1-800-662-4111

THE CONTRACTOR IS TO CALL BLUE STAKES PRIOR TO ANY CONSTRUCTION.

24-507
PROJECT NO.
SHEET NO. C200