

# Fairfield Town

Utah County, Utah

## **PUBLIC NOTICE IS HEREBY GIVEN THAT THE**

The Planning Commission of Fairfield, Utah, shall hold a Regular Session on September 9, 2025, @ 6:00 P.M., At the Fairfield Town Office, 121 West Main Street, Fairfield, Utah.

### **Agenda**

#### **Call to Order**

- 1) Roll Call

#### **Public Hearing**

*The Commission will accept public comment and may make a recommendation to the Town Council for the following items: (No more than 2 minutes per person, with a 14-minute limit for each item.)*

- 1) Presentation on the Fairfield Industrial Park Development Agreement, approximately located at 400 S Allens Ranch Road.
  - a) Public Comment on the Fairfield Industrial Park Development Agreement, approximately located at 400 S Allens Ranch Road.
  - b) Commissioner Discussion on the Fairfield Industrial Park Development Agreement, approximately located at 400 S Allens Ranch Road.
  - c) Motion to send the Fairfield Industrial Park Development Agreement, approximately located at 400 S Allens Ranch Road, to the Town Council for approval.
- 2) Presentation on the Revisions to the Town's Water Regulations (Ordinance) § 6.1
  - a) Public Comment on the Revisions to the Town's Water Regulations (Ordinance) § 6.1
  - b) Commissioner Discussion on the Town's Water Regulations (Ordinance) § 6.1
  - c) Motion to send the Revisions to the Town's Water Regulations (Ordinance) § 6.1 to the Town Council for approval.
- 3) Presentation on the Revisions to the Airport Zone found in Town Code § 10.11.260.
  - a) Public Comment on the Revisions to the Airport Zone found in Town Code § 10.11.260.

- b) Commissioner Discussion on the Airport Zone found in Town Code § 10.11.260.
- c) Motion to send the Revisions to the Airport Zone found in Town Code § 10.11.260. to the Town Council for approval.

4) Presentation on the Revisions to the Airport Overlay found in Town Code § 10.11.275.

- a) Public Comment on the Revisions to the Airport Overlay found in Town Code § 10.11.275
- b) Commissioner Discussion on the Airport Overlay found in Town Code § 10.11.275
- c) Motion to send the Revisions to the Airport Overlay found in Town Code § 10.11.275. to the Town Council for approval.

## **Adjournment**

Join Zoom Meeting

<https://us06web.zoom.us/j/83126828099?pwd=AEH7yFd9tmXjH8CZtK6T8EOhnnUdoi.1>

**Meeting ID:** 831 2682 8099 **Passcode:** 483823

### **Certificate Of Posting**

The above agenda notice was posted on or before the 8th day of September 2025 at the location of the meeting, Fairfield town office, 121 West Main Street, Fairfield, UT, and at the Fairfield town website <https://fairfieldtown-ut.gov/meetings/>, and on the Utah State public notice website at <https://www.utah.gov/pmn/index.html>.

In Compliance With The Americans With Disabilities Act, Individuals Needing Special Accommodations (Including Auxiliary Communicative Aids And Services) During This Meeting Should Notify City Offices At 801-766-3509.

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Date

Stephanie Shelley Town Recorder/Clerk

1Ordinance #2025-XX. Water Regulations. An Ordinance Amending the Current 6.1. Water Regulations, in the Fairfield Town Code, Replacing, Revising and Adding Regulations as Needed.

Dated \_\_\_\_\_, 2025

Document Control Changes: Document Control Changes: Amendments made December 13, 2012, January 8, 2015; October 10, 2019; August 9, 2022; amendments made and document added to the Fairfield Town Code Title.6.1.; January 10, 2023, April 11, 2023; xxxx2025.

**WHEREAS;** Fairfield Town is the owner of a culinary water distribution system for the purpose of furnishing culinary water to the residents of the town under a system of facilities; and

**WHEREAS;** The Town Council deems it necessary and advisable to adopt an Ordinance for the control of the System, which will supersede existing ordinance or portions thereof inconsistent with this ordinance which contains, without limitations, provisions for culinary water services and amends, and where necessary, repeals water ordinances and regulations heretofore adopted in conflict with; and

**WHEREAS;** The Town Council has reviewed the proposed amendments to the Town Code.

**NOW, THEREFORE;** Be it ordained by the Town Council of Fairfield Town, State of Utah, that:

**Section 1. Text Enactment.** The Town Council hereby enacts changes to Fairfield Town Code 6.1, 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 \_\_\_\_\_ day of \_\_\_\_\_ 2025

Mayor: \_\_\_\_\_

Hollie McKinney

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

ATTEST: \_\_\_\_\_

Stephanie Shelley, Town Recorder

**Exhibit A.**  
**Water Regulations.**

**Section 6.1.10. General Provisions.**

A. Ownership & Purpose. Fairfield, a municipal corporation of the State of Utah (“Town”), owns and operates a culinary water distribution system (“System”) for the purpose of furnishing culinary water to residents and businesses within the Town. This ordinance governs the operation, connection, expansion, and protection of the System, superseding any conflicting provisions in prior ordinances. This ordinance is adopted pursuant to Utah Code Title 10, Chapter 8 (Municipal Utilities), Utah Code Title 73 (Water and Irrigation),

B. Fairfield Irrigation Company.

1. A separate legal entity that operates independently from the Town of Fairfield. The Company retains fiduciary responsibility for forty (40) grandfathered shares existing at the time of the Town’s purchase of the culinary water system, which remain subject to their original agreements. The Company maintains its own water rights, irrigation shares, and rules of operation. The Town of Fairfield does not regulate, control, or guarantee water service provided by the Company, and all questions, disputes, or service issues related to the irrigation system shall be addressed directly with the Company.
2. Court Decree Compliance. All Fairfield Irrigation Company culinary water shares that have been transferred to the Town shall be administered in accordance with the court decree of 1965. Owners of such shares acknowledge that water use, allocation, and priority are governed by the terms of said decree, and that the Town shall manage these shares subject to its provisions.

C. System Goals. The Culinary Water System shall be managed to:

1. Protect public health, safety, and welfare;
2. Provide adequate water for existing and future needs consistent with the General Plan;
3. Ensure capacity for fire suppression in accordance with the Utah State Fire Marshal’s standards and NFPA 24/1142, as amended;
4. Maintain orderly and efficient system design;
5. Preserve water quality and prevent contamination; and
6. Protect the rural character, resources, and value of the Town.

D. Director of Water Department. A “Director of Water Department” is appointed to oversee the System, enforce this ordinance, and administer the cross-connection control program. The Director shall coordinate with the Town Engineer and Town Council on all capacity determinations, fire flow requirements, and water rights transfers.

### **Section 6.1.12. Definitions.**

For purposes of this Chapter, the following terms shall have the meanings set forth below. Where definitions differ from or are not provided in this section, the definitions contained in Utah Code Title 73 (Water and Irrigation), Utah Administrative Code R309 (Drinking Water), or applicable federal standards shall apply.

**Acre-Foot (AF).** Means the volume of water required to cover one acre of land to a depth of one foot, equal to 325,851 gallons.

**Applicant.** Means any individual, developer, corporation, or entity applying for connection, subdivision approval, or any service under this ordinance.

**Capacity Review.** Means the evaluation performed by the Town Engineer to determine whether the culinary water system has sufficient source capacity, storage capacity, and distribution capacity to serve a proposed development, including fire flow requirements.

**Cedar Valley Aquifer.** Means the designated groundwater basin from which Fairfield Town's municipal and culinary water rights are sourced, located in Utah State Water Rights Area 54.

**Change Application.** Means an application filed with the Utah State Engineer to change the point of diversion, place of use, or nature of use of a water right.

**Connection (or Service Connection).** Means the physical tie-in of a property or structure to the Town's culinary water system, including the service line, meter, and appurtenances.

**Cross-Connection.** Means any physical connection or arrangement between the Town's culinary water system and another water source, including a private well, irrigation system, or secondary water system, through which backflow could occur into the Town system.

**Culinary Water.** Means potable water that meets all applicable Utah Department of Environmental Quality (DEQ) and Utah Division of Drinking Water (DDW) standards for human consumption, domestic use, and food preparation.

**Developer.** Means any person, partnership, corporation, or entity proposing to subdivide land, construct improvements, or connect to the Town's culinary water system.

**Director of Water Department.** Means the individual appointed by the Town Council to oversee Fairfield's culinary water system, enforce this ordinance, and coordinate with the Town Engineer.

**Fairfield Irrigation Company.** A separate legal entity that operates independently from the Fairfield Town.

**Fairfield Irrigation company** is a non profit company established for the equitable distribution of water issuing forth from a natural flowing spring thus providing irrigation, stock watering, and culinary for shareholders within said company

**Fairfield Irrigation-Culinary Share.** Means an irrigation culinary water share that is governed by the Fairfield Irrigation company. These shares are not available to purchase.

**Final Plat.** Means a subdivision map approved by the Town Council and recorded with Utah County, which identifies all lots, dedications, easements, and water rights conveyed.

**Impact Fees.** Means charges assessed in accordance with Fairfield's Impact Fee Facilities Plan and Impact Fee Analysis to ensure new development pays its proportionate share of system-level improvements.

**Livestock Watering Permit.** Means a temporary water permit issued by Fairfield Town for the limited purpose of watering livestock, subject to metering, duration limits, and prohibitions on irrigation of fields or land.

**Main Line (Water Main).** Means a water distribution pipeline owned and maintained by Fairfield Town, generally located within a public right-of-way or utility easement, from which service connections are made.

**Master Development Agreement (MDA).** Means a written agreement between a developer and the Town that governs water service obligations, infrastructure installation, water right conveyances, reimbursement terms, and other conditions of development approval.

**Meter.** Means a device owned and maintained by the Town to measure culinary water delivered to a service connection.

**Meter Tampering.** Means any unauthorized interference, bypass, removal, or modification of a Town-owned meter, meter box, or appurtenance.

**Municipal or Culinary Water Right.** Means a groundwater right authorized by the Utah State Engineer for municipal or culinary use and approved for diversion at Fairfield Town's designated points of diversion.

**Performance Guarantee.** Means a bond, escrow, letter of credit, or other acceptable security required by the Town to ensure completion of improvements or transfer of water rights.

**Platted Lot.** Means a parcel of land that has received final subdivision approval and has been recorded with Utah County.

**Point of Diversion.** Means the legally authorized location where water under a valid right may be diverted from its natural source.

**Private Well.** Means a groundwater well owned and operated by a private individual or entity, not incorporated into the Town's culinary water system.

**Secondary Use.** The use of water from a private well or non culinary source for purposes other than indoor household culinary use, such as outdoor irrigation, livestock watering, or agricultural purposes, provided such use complies with all applicable State water right and cross-connection regulations.

**Service Line.** Means the pipe and related infrastructure running from the Town's main to the customer's meter and from the meter to the building served.

**Short Term Water Permit.** Means a permit issued by the Town for temporary water use such as construction, dust control, or livestock watering. Such permits shall not exceed ninety (90) days, must be metered, and do not establish permanent service rights.

**Subdivision.** Means any division of land requiring Town approval under Fairfield's subdivision ordinance.

**System (Culinary Water System).** Means the complete culinary water distribution system owned and operated by Fairfield Town, including sources, wells, pumps, storage tanks, mains, service connections, and meters.

**Town Engineer.** Means the professional engineer designated by Fairfield Town to review, approve, and inspect all water-related plans, improvements, and water right transfers.

**Unauthorized User.** Means any person who obtains water service from the Town system without proper authorization, permit, or connection approval.

**Water Banking.** Means the conveyance of water rights to the Town for retention and future use on a specific parcel or project, subject to a Town Council-approved development agreement.

**Water Main Extension.** Means a newly constructed segment of water main designed to connect a development to the existing Town system, required to meet Town standards.

**Water Right.** Means a right to divert and beneficially use water under Utah law, recognized by the Utah State Engineer.

**Well Capping.** Means the permanent sealing of a groundwater well in compliance with Utah Administrative Code R655-9 (Water Well Drilling) when required by this ordinance or as a condition of connection to the Town system.

#### **Section 6.1.15. Fundamental Policies.**

A. No Irrigation Shares in the Culinary System. Irrigation water shares, secondary water shares, or any other non-culinary water rights shall not be accepted into the Town's culinary system. Surface water or agricultural shares shall not be accepted unless certified as municipal/culinary by the Utah State Engineer and approved by the Town's designated water

engineer.

B. Water Rights Source & Location. All water rights must be transferred to Fairfield Town's approved point of diversion from the Cedar Valley aquifer and determined to be culinary water before being moved.

C. Water Rights Review. All water rights offered to the Town must be reviewed by the Town's designated water engineer for suitability, quantity, and transferability before acceptance.

D. Developer Cost Responsibility. Developers shall connect and bear one hundred percent (100%) of the cost of extending and connecting water lines, tanks, pump stations, and related equipment necessary to serve their development from the nearest approved connection point. Impact fees are in addition to, not in lieu of, these direct costs.

E. Impact Fees.

1. All developments shall pay the applicable impact fees listed in the Fairfield Town Fee Schedule for each culinary water connection.
2. Each lot shall require a separate connection and corresponding impact fee.
3. Impact fees have been established pursuant to an impact fee study and shall remain in effect unless amended by the Town in accordance with State law.

F. Existing Resident Water Connections

1. Any resident lawfully residing in Fairfield as of 2025 may connect to the Town water system, provided that:
  - a. The property is not being developed for new residential, commercial, or industrial purposes; and
  - b. The resident transfers an adequate water right to Fairfield, with the point of diversion changed to Fairfield's designated point of diversion.
2. Well Requirements.
  - a. If the resident's well does not have irrigation water shares associated with it, the well shall be capped and abandoned in accordance with State regulations.
  - b. If irrigation water shares are associated with the well, the well may remain in use for irrigation purposes only.
3. Cross-Connection Prohibition.  
Under no circumstances shall a private well or any other secondary water source be cross-connected with the Town's culinary water system, including any connection to a residence, accessory dwelling unit (ADU), or accessory structure.

#### **Section 6.1.20. Well Capping and Cross-Connection Requirements.**

A. Voluntary Connection. When a property owner voluntarily connects to the Town's culinary water system and transfers the water right associated with an existing well to the Town, the well shall be permanently capped and abandoned in compliance with State of Utah standards.

B. Subdivision or Annexation. In the case of new subdivisions, annexations, or system expansions where properties are required to connect to the Town's culinary water system as a condition of approval, existing wells on those properties shall be required to be capped in accordance with State standards.

C. Existing Independent Wells. Nothing in this Section shall be construed to require existing property owners who remain independent of the Town's culinary water system to cap or abandon their lawful private wells.

D. Cross-Connection Prohibition. Where a property is served by the Town's culinary water system, no private well shall be physically connected to the household plumbing or to any portion of the Town's culinary water system. Any retained wells may only be used for approved secondary purposes (such as outdoor irrigation or livestock watering), and such uses must comply with all applicable State of Utah cross-connection and backflow prevention regulations.

#### **Section 6.1.25. Water Share Requirements.**

A. Required Volumes by Land Use. All applicants must convey adequate water rights to the Town prior to final plat approval (for subdivisions) or prior to issuance of a building permit (for single-lot development), except as allowed under Section 6.1.35. Timing of Water Right Transfer.

A. Minimum Required Water Rights. Table 6.1.25.

Use Type	Minimum Water Right Volume	Notes
Residential $\leq$ 1 acre lot	1.0 Acre foot water right	Indoor & outdoor use
Residential $>$ 1 acre – $\leq$ 5 acres	1.1 acre foot water right	Rounded up to nearest tenth
Residential $>$ 5 acres	1.25 acre foot water right	Engineer review required
Commercial/retail	1.8 AF per lot of developed land	Includes landscaping
Light Industrial	0.9 AF per lot of developed land	May allow water banking if low demand
Non standard uses	Determined by town Council & engineer based on demand	Examples: car wash, processing plant

The Town Council may, by resolution, update these volumes as needed to remain consistent with regional studies, Utah Division of Water Resources guidance, or Cedar Valley aquifer conditions.

B. Platted Water Disclosure. All final plats shall note the volume of water rights conveyed for each lot.

C. Right to Require More Water. If anticipated demand exceeds volumes above, the Town may require additional water rights at any stage. A written capacity review by the Town Engineer shall be required for all subdivisions and non-residential developments.

D. Low- or Non-Water Use Businesses. In cases where a business or facility requires little to no culinary water (such as utility hubs, communications facilities, or similar operations), the Town Council may, at its sole discretion, reduce or waive the standard water connection, water share, and/or impact fee requirements. Such determinations shall be made on a case-by-case basis, proportionate to the actual anticipated water demand, and documented in the development approval.

E. Nothing in this ordinance obligates the Town to approve a connection if system capacity is insufficient.

#### **Section 6.1.30. Outdoor Irrigation and Animal Unit Regulations.**

A. Outdoor Irrigation.

1. Culinary water connections may be used for outdoor landscaping irrigation on an area not to exceed one-tenth (0.10) acre per acre foot of water right.
2. Irrigation of agricultural fields, pastureland, or similar large-scale areas is prohibited on the Town's culinary water system.

B. Animal Units by Lot Size.

1. Lots one (1) acre or less: Up to three (3) animal units may be maintained.
2. Lots two (2) to five (5) acres: Up to six (6) animal units may be maintained, provided that each lot has a minimum of 1.1 acre-feet of water rights dedicated for such use (in accordance with Section 6.1.25).
3. Lots greater than five (5) acres: Animal allowances shall be governed by the provisions of the Agricultural Zone regulations.

C. Animal Unit Equivalents. For purposes of this Section, the following equivalencies shall apply:

1. One (1) cow or horse = one (1) animal unit;

2. Five (5) sheep or goats = one (1) animal unit;
3. Twenty-five (25) chickens, ducks, or similar fowl = one (1) animal unit; and
4. Other species shall be evaluated by the Town on a case-by-case basis, based on equivalent water consumption and space requirements.

#### **Section 6.1.35. Timing of Water Right Transfer.**

##### **A. Single Lot Residential. Requirements.**

1. Initiation and Review. The applicant shall initiate the transfer of required water rights;
2. Submit water rights for review by the Town's designated water engineer, who shall verify their suitability for use in Fairfield's culinary water system;
3. Building Permit Condition. No building permit shall be issued until the Town Engineer has approved the proposed transfer of water rights;
4. Deeding and State Approval. Following Town Engineer approval, the applicant shall deed the approved water rights to Fairfield Town and obtain approval from the Utah State Engineer to change the point of diversion to Fairfield Town's designated point of diversion;
5. Single-Family Dwelling Requirement. For the construction of a single family dwelling, the approved water right must be fully transferred into Fairfield Town's culinary water system, or into an approved Town-owned well, before a certificate of occupancy will be issued; and
6. Source Limitation Exception. Water rights transferred to Fairfield Town shall be municipal or culinary well rights from Utah State Water Rights Area 54 (Cedar Valley). In rare cases, the Town may accept water rights from another water rights area if the Utah State Engineer determines, in writing, that the rights are suitable for transfer to Fairfield Town's culinary water system and the Town's designated water engineer approves their use.

##### **B. Subdivision / Multi-Lot Residential Water Right Transfer Requirements.**

1. All residential subdivisions shall transfer to Fairfield Town, prior to final plat approval, a minimum of one (1) acre-foot of approved municipal or culinary water rights from Utah State Water Rights Area 54 for each one (1) acre lot, or the amount otherwise required for the lot size under Section 6.1.25, Water Share Requirements; and
2. Water rights may be transferred in phases corresponding to the recorded plat phases; however, no subdivision phase shall receive final plat approval until all required water rights for that phase have been transferred to the Town.

##### **C. Performance Guarantee Requirement.** For phased subdivisions, the Town Council may require a bond, escrow, or other financial guarantee to ensure delivery of all required water rights for subsequent phases.

1. Initiation and Review. For each subdivision or phase of subdivision, the developer shall initiate the transfer of the required water rights for all lots in that phase and submit them to the Town's designated water engineer for review. The Town Engineer shall verify that the water rights are suitable for use in Fairfield's culinary water system;
2. State Approval and deeding. After Town Engineer approval, developer shall obtain approval from the Utah State Engineer to change the point of diversion to Fairfield Town's designated point of diversion;
3. The developer shall deed the approved water rights to Fairfield Town;
4. Final Plat Condition. No final plat approval for any phase or for an entire subdivision shall be recorded until all required water rights for that phase or development have been approved by the state engineer and the change of diversion into fairfield town has been completed; and
5. Source Limitation Exception. Water rights transferred to Fairfield Town shall be municipal or culinary water rights from Utah State Water Rights Area 54 (Cedar Valley). In rare cases, the Town may accept water rights from another water rights area if the Utah State Engineer determines, in writing, that the rights have been approved for transfer to Fairfield Town's culinary water system and the Town's designated water engineer approves their use.

#### D. Commercial and Industrial Water Rights. Requirements.

1. Initial Proof at Site Plan Approval. At the time of site plan approval, the developer shall provide proof of ownership of municipal or culinary well rights from Utah State Water Rights Area 54 (Cedar Valley) in no less than the minimum amount required for the proposed zoning:
  - a. Commercial / Retail. 1.8 acre-feet per lot of developed land;
  - b. Light Industrial. 0.9 acre-feet per lot of developed land; and
  - c. Non-standard Uses. Determined by the Town's designated water engineer's based anticipated demand.
2. Final Determination at **time of** Building Permit or Business License Application. Prior to issuance of a building permit (or a business license if no building permit is required), the applicant shall submit final water use estimates to the Town's designated water engineer. If the final requirement exceeds the minimum provided at site plan approval, the applicant shall transfer the additional water rights to the Town before the permit or license is issued;
3. Building permit issuance. All required water rights must be fully transferred to Fairfield Town and approved by the Utah State Engineer, with the point of diversion changed to Fairfield Town's designated point of diversion, before a building permit can be issued;

4. Water Banking Option. If a developer wishes to bank water rights for future use on the same parcel, the terms and conditions for banking shall be set forth in a written development agreement approved by the Town Council. Banked rights must be held in trust by Fairfield Town, not by the developer, privately, to ensure the Town retains control; and

5. No Reliance on Town Owned Water Rights. Fairfield Town does not maintain excess water rights for allocation to new commercial or industrial developments. Developers are solely responsible for acquiring and transferring adequate rights for their projects.

**E. Single Commercial or Light Industrial User. Requirements.:**

1. Initiation and Review. The applicant shall initiate the transfer of required water rights and submit them for review by the Town's designated water engineer, who shall verify their suitability for use in Fairfield's culinary water system;

2. Building Permit Condition. No building permit shall be issued until the Town Engineer has approved the proposed transfer of water rights;

3. Deeding and State Approval. The state will approve the point of diversion before the water can be moved or deeded to the town. The water point of diversion shall be changed to the Fairfields town point of diversion; and

4. The approved water right must be fully transferred into Fairfield Town's culinary water system, or into an approved Town owned well, before a certificate of occupancy will be issued.

**Section 6.1.40. Water Main Line Extensions.**

A. Connection Point and Alignment. All water main line extensions shall originate from the nearest adequate, existing main line and extend across the full frontage of the development along all public street frontages, in accordance with the Town's Master Water Plan.

B. Plans and Approvals. No person shall construct a water main line extension without first submitting detailed plans to the Town Engineer for review and receiving written approval. The applicant shall be bound by all applicable Town ordinances, resolutions, regulations, and construction specifications. All installations shall comply with current American Water Works Association (AWWA) standards.

C. Construction Standards. All work shall be performed by a licensed, bonded, and insured contractor, inspected in accordance with Town standards.

D. Boring Requirements. Boring of pipelines under paved roadways is required unless the Town Council determines otherwise due to extenuating circumstances. The cost of boring shall be the developer's responsibility.

E. Developer Costs. The developer shall bear all costs associated with the extension, including but not limited to: Installation of the new water main, Road restoration, Utility relocation, Easements, Replacement of any infrastructure, landscaping, or other improvements damaged

or removed during construction.

F. Voluntary Extensions and System Level Improvements. A developer may voluntarily extend a water main line beyond the distance required for their project. If the extension is identified as a system-level improvement in the Town's Master Water Plan, the Town shall provide an impact fee credit equal to the cost of that improvement. If the cost exceeds the developer's impact fee liability, the Town and developer may negotiate a reimbursement agreement for the excess cost, subject to Town Council approval.

G. Fire Protection and Water Right Requirement. All structures requiring fire protection or culinary service shall be supported by adequate municipal or culinary water rights. Where extension of a waterline is necessary to provide fire hydrants or service to such structures, the developer or property owner shall transfer to Fairfield Town an adequate water right from Utah State Water Rights Area 54. The quantity of water right transferred shall be sufficient to meet both the fire flow and domestic water capacity needs of the development, as determined by the Town Engineer in consultation with the Fire Authority.

H. No building permit, subdivision approval, occupancy, or system connection shall be granted until the necessary water rights have been transferred and all required waterline extensions have been completed in compliance with Town standards.

#### **Section 6.1.45. Master Development Agreements (MDA).**

A. An MDA is required for any development requiring a water system extension.

B. The MDA must:

1. Define project scope, capacity, and infrastructure specifications;
2. Establish reimbursement terms (if any) approved in writing before construction;
3. Limit reimbursement eligibility to Town-approved system-level improvements; and
4. Set duration of reimbursement period (maximum 10 years).

#### **Section 6.1.50. Private Systems & Wells.**

A. Private Wells for Culinary Use. Private wells are prohibited for culinary use unless:

1. The lot is more than three hundred (300) feet from the existing municipal water system;
2. The Town Council determines that the private well aligns with the Town's land use goals and that connection to the municipal system is cost-prohibitive; and
3. The well meets all State standards and remains on the same parcel as the served building.

B. Connection to the municipal system may be required by the Town Council if system expansion renders service to new construction reasonably available.

C. Town Option to Extend Service. In cases where a lot is more than three hundred (300) feet from the existing system, the Town may, at its sole discretion, choose to cover the additional cost of extending the municipal waterline and require the property owner to connect to the system instead of drilling a private well.

D. Agricultural Wells. Agricultural wells are permitted if:

1. The lot is ten (10) acres or larger;
2. The water rights are agricultural in nature; and
3. All required State and County approvals are obtained.

**Section 6.1.55. Water and Water Line Regulations and Restrictions.**

A. Water Use Restrictions. The Mayor, with Town Council approval, may issue a proclamation restricting the use of water during times of emergency. Such proclamation shall be signed by the Mayor and remain in effect until rescinded.

B. Water Source Protection Plan (Spring protection)

1. Sources of pollution, including but not limited to septic tanks, drain fields, garbage dumps, pit privies, and corrals, are prohibited within fifteen hundred (1,500) feet of a spring collection area;
2. Sewer lines may be permitted within a spring protection zone (as defined in the most recent Drinking Water Source Protection Plan" only with approval of the Town Engineer and shall be located more than three hundred (300) feet from a spring; and
3. Where State or Federal statutes impose stricter requirements, those laws shall govern.

Refer to the Fairfield Town Drinking Water Source Protection Plan and Fairfield Spring Source Protection Plan.

C. Maintenance Responsibilities.

1. Before Town Acceptance. The applicant is responsible for maintenance of new water mains and related facilities until the Town formally accepts them by dedication;
2. After Town Acceptance. The Town shall maintain water mains and service connections located on public property, except for service lines between the meter and the served building, which shall be maintained by the property owner; and
3. Meters. The Town shall maintain all water meters, including those on private property, and may enter private property for inspection, repair, or replacement.

D. Service Line Connections.

1. No service line connection shall be made to the Town water system without authorization from the Water Director;
2. The applicant must obtain a permit, pay applicable fees, and bear the full cost of installation from the building or service location to the Town main, including trenching, piping, meter set, and meter box;
3. All work shall be performed by a qualified and licensed plumber or a prequalified utility contractor, inspected and approved by the Water Director; and
4. No tapping or connection to water mains is permitted when ambient temperatures are below forty (40) degrees Fahrenheit unless emergency exception approved by the Town Engineer.

**E. Separate Service Lines.**

1. Residential lots shall have no more than one water service line per lot unless the Planning Commission approves a second line to serve an ADU;
2. Commercial or multi-tenant buildings shall have one connection with separate service lines and meters for each unit or business; and
3. The Town may require separation of existing shared service lines or allow continued shared service if one party accepts responsibility for all charges.

**F. Abandoned Service Lines.**

When abandoning a service line in favor of a different service, the old line shall be disconnected and the tap plugged at the main. All costs are the owner's responsibility. All work must be inspected before backfilling. Application must be filled out from Fairfield Town.

**G. Town Required Relocation or Replacement.**

If the Town relocates or replaces part of the water system, and this requires moving a customer's connection, the Town will bear the cost of all work to replace and reconnect the waterline.

**H. Unauthorized Users.**

No customer shall allow unauthorized persons to obtain water service from their premises.

**I. Water Meters.**

1. All new service connections shall have a water meter in an accessible location approved by the Water Director or Town Engineer. Meter sizes set by the Town Engineer;
2. Meters shall be provided and installed by the Town, but only after the main line is tested,

disinfected, and approved, and all fees are paid;

3. Tampering with or modifying meters or meter boxes is prohibited; and
4. Customers are responsible for damages to Town water infrastructure on or near their premises caused by their acts or negligence, including legal costs incurred by the Town in recovering repair expenses.

J. Use of Unmetered Water. Use of unmetered water from any service line, main line, or fire hydrant is prohibited unless authorized by the Town Council. The use of a "jumper" in place of a meter is strictly prohibited.

K. Installation Before Occupancy permit.

All required water lines must be installed and completed prior to issuance of Occupancy permit

L. Metered Water Use Requirement.

All water use must be metered unless otherwise authorized by the Town Council.

1. Culinary Water Connection. Usage is confined to properties within Town boundaries and primarily for residential or commercial buildings, with one connection per building. If a building or structures cross over Fairfield boundaries, it may be approved through a Development Agreement; and

2. Water Permits. Issued for short term or one (1) time uses such as construction, dust control, or livestock watering. Livestock watering may be permitted within and outside Town boundaries, shall be metered, but shall not include irrigation of fields or land.

Short term permits for construction, dust control, or livestock watering shall be limited to a maximum of ninety (90) days and shall not establish permanent service rights.

#### **Section 6.1.60. Sprinklers and Irrigation Systems.**

Use of sprinklers or irrigation devices connected to the Town's culinary water system shall not impair water pressure, fire flow, or overall system supply. The Town Council may, by resolution, establish restrictions on irrigation use when necessary to protect the system. Violations shall be subject to enforcement under Section 6.1.90.

#### **Section 6.1.70. Application for Service.**

A. Applicants for culinary water service shall submit a completed application on the Town-approved form and shall pay all applicable fees as established in the Town Fee Schedule.

B. Each applicant shall sign an agreement to comply with all Town ordinances, regulations, and policies, and to pay all charges for service when due.

C. Deposit Requirements.

1. A security deposit may be required for new accounts in the amount established in the Town Fee Schedule;
2. The security deposit may be applied to any delinquent bill or unpaid charges on the account;
3. Security deposits shall be credited or refunded when service is terminated, provided all outstanding charges have been paid in full; and
4. Security deposits shall also be refunded after one (1) year of consecutive on-time payments.

D. Non-Transferability.

1. Service accounts are tied to the property served and shall not be transferred to another location;
2. A new application shall be required for any change in property ownership or occupancy; and
3. All rates, fees, and deposits shall apply to all new applications, regardless of prior service history.

E. Rates and Fees.

1. All rates, impact fees, and service-related charges shall be established by resolution of the Town Council in compliance with Utah Code and published in the Fairfield Town Fee Schedule;
2. Rates may vary by classification of service or customer type;
3. Additional charges, including but not limited to late fees, returned check fees, and service disconnect/reconnect fees, shall also be established in the Fee Schedule; and
4. All such rates and fees are enforceable as a condition of water service.

**Section 6.1.80. Billing, Nonpayment, Disconnection, and Reconnection.**

A. Billing and Payment.

1. Water meters shall be read on the last day of each month;
2. Water bills shall be issued by the fifth (5th) day of each month and shall be due on the last day of the same month;

3. Payments received after the due date shall incur a late fee as established in the 'Fairfield Town Fee Schedule' and

4. Accounts not paid within forty-five (45) days past the due date shall be considered delinquent and subject to disconnection.

**B. Notice of Disconnect.**

1. Written notice shall be mailed by the Town to the account holder no fewer than five (5) business days before the effective date of shut-off; and
2. A final twenty-four (24) hour notice of disconnect shall be delivered to the property before shut-off.

**C. Disconnection and Reconnection.**

1. Water service may be discontinued for nonpayment or for violation of this Chapter; and
2. Service shall not be restored until:
  - a. All delinquent charges, late fees, and service fees are paid in full; and
  - b. A new deposit is posted, if required.

**D. Town Liability.**

The Town shall not be liable for any damages, losses, or claims resulting from the disconnection, interruption, or restoration of water service carried out in accordance with this Section.

**E. Returned Payments.** Any check or electronic payment returned unpaid by a bank shall incur a returned payment fee as established in the Town Fee Schedule.

**F. Unauthorized Restoration of Service.** When water service has been disconnected for nonpayment, violation of ordinance, or other lawful cause, it is unlawful for any person to restore or attempt to restore service without authorization from the Town. Violation shall be subject to enforcement under Section 6.1.90. It is unlawful for any person to restore service without Town authorization. Violations may result in criminal penalties under the Utah Code.

**G. Use Without Payment Prohibited.** It is unlawful for any person to obtain water from the Town system without authorization or without paying for such service. It is also unlawful to tamper with or open any valve, stopcock, connection, or fixture connected to the system without Town authorization. Violations shall constitute a Class C misdemeanor.

**H. Discontinuance of Service.**

1. **Customer Initiated Termination.** Any customer requesting discontinuance of service shall notify the Town in writing at least ten (10) days before the date service is to be

terminated. Any credit balance resulting from advance payments or deposits shall be refunded upon discontinuance of service; and

2. Town-Initiated Termination. The Town may terminate service without notice in emergencies or when public health and safety require.

#### **Section 6.1.90. Enforcement and Penalties.**

##### **A. Tampering and Unauthorized Use.**

1. It is unlawful for any person to tamper with meters, valves, hydrants, or any part of the Town's culinary water system;
2. Unauthorized connections to, or use of, the Town's water system are strictly prohibited; and
3. Violations of this subsection shall be subject to enforcement under Section 6.1.90; may also constitute a Class C misdemeanor under Utah law.

##### **B. Judicial Review.**

Any legal action challenging a decision of the Town Council, or any other governmental body performing a function under this Chapter, shall be filed in a court of competent jurisdiction within thirty (30) days of the action being challenged.

##### **C. Legal Action.**

The Town may pursue any legal or equitable remedies available under Utah law to enforce compliance with this Chapter, including injunctions, fines, penalties, Violations are subject to service termination and recovery of costs and attorney fees incurred in enforcement.

#### **Section 6.1.100. Severability.**

Severability of Section, Phrase, Sentence or Portion. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **Section 6.1.110. Conflict with Other Land Use Ordinances of the Town.**

Governing Ordinance. If any provision of this ordinance is in conflict with a provision of another ordinance of the Town, then the most stringent requirement shall govern.

Ordinance # xxxx-25. An Ordinance Repealing and Reinstating Fairfield Town Code § 10.11.260 (Airpark Zone) and § 10.11.275 (Airpark Overlay Zone). Dated \_\_\_\_\_ 2025

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Created January 10, 2023 with the passing of the Fairfield Town Code; amended \_\_\_\_\_ 2025?

WHEREAS, in 2002, before the Town of Fairfield incorporated, the West Desert Airpark (WDA) applied for a conditional use permit from Utah County to operate “a private airstrip and small hangers for sport aircraft in the Fairfield area.”

WHEREAS, West Desert Airpark owns three (3) parcels within Fairfield Town, identified as follows:  
Parcel No. 59:113:0021 consisting of 41.12 acres, upon which all hangars permitted as S-1 buildings are located;  
Parcel No. 59:113:0033 consisting of 54.225 acres;  
Parcel No. 59:113:0034 consisting of 109.27 acres; and

WHEREAS, Parcels 59:113:0033 and 59:113:0034 contain the runway, which runs north to south along the west side of both parcels; and

WHEREAS, any aviation activities within the Town of Fairfield at West Desert Airpark are privately owned, permitted only as a Small Airpark, and shall be regulated in accordance with the standards and definitions set forth in the Utah Airport Land Use Guide (Exhibit B), together with all applicable FAA and State of Utah regulations; and

WHEREAS, these standards for a Small Airpark include:

- A runway less than 5,000 feet;
- Fewer than 10,000 annual operations;
- Visual approaches only;
- Runway lights or flashing lights strictly prohibited;
- Airport Reference Code (ARC) A-I/B-I; and
- Fewer than 20 based aircraft.

WHEREAS, the County approved the conditional use permit and the WDA has operated as a privately owned, privately used small airport for almost 20 years.

WHEREAS, around 2018, the WDA applied for a “public-use” designation from the Federal Aviation Administration (FAA), which was granted. This designation subjects the WDA to state and federal public-use standards and makes it eligible for related funding.

WHEREAS, the Utah Department of Transportation (UDOT) Aeronautics Division has awarded approximately \$2.5 million in federal and State funding for runway improvements at the Airpark, conditioned upon its operation as a public use airport.

WHEREAS, neither the FAA nor UDOT has authority to override or preempt a municipality's zoning regulations; however, municipalities are prohibited from regulating navigable airspace, which remains under exclusive federal jurisdiction.

WHEREAS, when UDOT awarded funding to WDA, it did not verify whether the Town had approved the necessary permits or authorized the runway expansion. Additionally, UDOT nor the FAA conducted a flight hazard analysis before approving the funding.

WHEREAS, as a public-use facility, WDA must allow broader access to the airstrip, resulting in a substantial increase in flights over the Town since WDA became a public-use airport; and WDA, using funding from UDOT, extended the landing strip from 2,650 feet to 5,300 feet.

WHEREAS, as WDA sought to expand its uses, the Town reviewed the applicable ordinances and found significant deficiencies, including the following:

1. Any development that occurs in the Airpark Zone requires a concurrent "Master Planned Development," which dictates standard zoning regulations, such as frontage, setbacks, area requirements, building heights, landscaping, and water requirements. See Town Code § 10.11.260 (I), (J), (K)(1), (L), (M), and (O).
2. A Master Planned Development is considered a conditional use in the Airpark Zone, and the Town has not received any conditional use applications for this use. See Town Code § 10.11.260 (D)(1).
3. Confusingly, the Airpark Zone also requires a "master site plan" before any development can even occur in the zone. See Town Code § 10.11.260 (H). While the Town regulates site plans in accordance with Town Code § 9.1, it is unclear whether a master site plan is required to follow those regulations.
4. In the Airpark Zone and the Airpark Overlay Zone, which did not include many critical definitions. For example, The definition of "Airpark," "Airport," "Small Aircraft" "School," "Caretaker Dwelling," "Aircraft," "Fuel Tanks," "Hangars," "Helipads," "Landing Strip," "Storage Containers," "Taxiways," and "Master Planned Development."
5. The Airpark Overlay Zone was written to "minimiz[e] exposure to crash hazards and high noise levels generated by [West Desert] Airpark operations." Town Code § 10.11.275 (A).
6. The Airpark Overlay Zone creates protection zones around West Desert Airpark that burdens property not owned by West Desert Airpark. There remains constitutional questions as to whether a private airport owner can burden property that it does not own.
7. Additionally, the West Desert Airpark recently added a new runway and the Overlay Zone has specific maps that were only contemplated with the old runway.
8. Additionally, the West Desert Airpark is located next to two landfills, which has flocks of birds that congregate there, but those birds create hazards for the pilots. The Airpark Overlay Zone failed to adequately address the known hazards.

WHEREAS, on April 2, 2025, the Town passed a notice of pending ordinance in compliance with Utah Code § 10-9a-509(1)(a)(ii)(A), which found “a compelling, countervailing public interest would be jeopardized by approving any application in the Airpark Zone or Airpark Overlay Zone.”

WHEREAS, in the ensuing months, the Town has diligently drafted regulations related to airport operations to protect the health, safety, and welfare of Fairfield residents. The regulations were crafted from FAA Advisory Circulars, attached as **Exhibit 1**, the “Airports & Land Use guide: An Introduction for Local Leaders,” written by the Workforce Services: Housing and Community Development (2018), attached as **Exhibit 2**, and other input from aviation experts.

WHEREAS, additionally, the Airport Zoning Act, found in Utah Code § 72-10-401, *et seq.* requires municipalities to create airport influence areas, including an airport overlay zone, as a manner “to prevent the creation or establishment of airport hazards...” Utah Code § 72-10-403(2). The overlay zone must comply with applicable provisions of Utah Code and 14 C.F.R. Part 77.

WHEREAS, on September 9, 2025, the Town Planning Commission held a public hearing on the proposed Airpark Zone and Airpark Overlay Zone, attached hereto as **Exhibit A** and **Exhibit B**, respectively.

WHEREAS, the Planning Commission reviewed the subject text amendments and recommended \_\_\_\_\_ to the Town Council.

WHEREAS, the Town Council reviewed the subject text amendments and finds that the regulations and provisions therein help protect the health, safety, and welfare of Fairfield residents.

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, for the approval to repeal and reinstate Town Code § 10.11.260 (West Desert Airpark Zone), attached as **Exhibit A**, and § 10.11.275 (Airpark Overlay Zone), attached as **Exhibit B**.

**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.

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

Passed and Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

FAIRFIELD TOWN

\_\_\_\_\_  
Hollie McKinney, Mayor

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

Stephanie Shelley, Recorder

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(SEAL)

Rough Draft Airport Zone 25-08-03

## **Exhibit A.**

### **Airpark Zone.**

#### **Section 10.11.260.1. Purpose.**

- A. To ensure the safe and compatible integration of aviation related uses with limited and light industrial development. The Airpark Zone is intended to provide reasonable regulations related to the airport, enhance aviation activity, economic opportunity, and rural character, while safeguarding public safety, minimizing land use conflicts, and preserving the long term viability of the airpark and surrounding community.
- B. This ordinance incorporates standards and guidance from the Federal Aviation Administration (FAA) Advisory Circulars, the Utah Department of Transportation Division of Aeronautics, the Airport and Land Use: An Introduction for Local Leaders, written by the Workforce Services - Housing & Community Development Office (2018), and leaders in the aviation and aeronautics industries.

#### **Section 10.11.260.2. Compliance.**

- A. Applicability. The provisions of this ordinance apply to the operation, maintenance, and use of any airport or airfield facilities located within the Town. Nothing in this ordinance shall be construed to regulate navigable airspace, which remains under the exclusive jurisdiction of the Federal Aviation Administration.
- B. General Requirement. All persons subject to this ordinance shall comply with its provisions and with all applicable federal, state, and local laws, rules, and regulations, including zoning and land use approvals issued by the Town.
- C. Responsibility. The operator or other responsible party shall ensure that all facilities and activities remain consistent with this ordinance and the terms and conditions of any permits, licenses, or approvals issued by the Town.
- D. Inspections. The Town or its designee may conduct reasonable inspections of airport premises and related improvements to verify compliance with this ordinance and applicable Town approvals.
- E. Continuing Obligation. Compliance with this ordinance is a continuing obligation, and issuance of any permit or approval under this ordinance does not relieve any person from complying with other applicable laws or regulations.

—Airport operations must comply with this Chapter. Any proposed changes to status or development within the airpark zone must be in compliance with this ordinance and the Airpark Overlay Zone Ordinance and have prior approval of the Town Council.

#### **Section 10.11.260.3. Definitions.**

The definitions provided in this section shall be specific to this section only. In the event of conflict between a definition in this section and a definition in Title 12, the definition in this section shall prevail.

**Accessory Structure.** Means a subordinate building or structure on the same lot as a principal use, which is incidental and related to the principal building or use. Examples include utility enclosures, maintenance sheds, or small storage buildings that are aviation related.

**Aircraft Construction.** Means the fabrication and assembly of new aircraft or aircraft components, including airframes, avionics, and structural elements, performed in compliance with FAA manufacturing standards

**Aircraft (Manned).** Means any device capable of sustained flight in the atmosphere that is designed to carry one or more human occupants and to be operated or navigated by a pilot. This includes airplanes, helicopters, gliders, airships, and other vehicles used for civil, recreational, or commercial aviation purposes.

**Aircraft (Unmanned) or Drone.** Means a device or contrivance that is capable of sustained flight in the atmosphere without an onboard human pilot, and that is operated remotely or autonomously. Also known as a drone or unmanned aerial system (UAS), these aircraft are regulated under applicable FAA rules and may include recreational drones, commercial UAS, and surveillance or cargo drones.

**Aircraft Parking and Tie-Downs.** Means designated outdoor or indoor areas for the temporary or long term parking of small or ultra light aircraft, where aircraft are secured using tie-downs, chocks, or mooring systems. .

**Aircraft, Small.** Means an aircraft with a maximum certificated total gross weight of twelve thousand five hundred (12,500) lbs. or less, as defined by the Federal Aviation Administration (FAA), typically used for general aviation operations.

**Airframe Repair and Painting.** Means the maintenance, restoration, or cosmetic finishing of aircraft fuselage, wings, stabilizers, and other structural components, including paint, coatings, and corrosion control.

**Airpark.** Means a privately or publicly owned airport that combines aviation related infrastructure (such as a runway, taxiways, and hangars) with residential, commercial, or light industrial uses that support aircraft operations. Airparks are designed to accommodate only small, general aviation aircraft with a total gross weight of twelve thousand five hundred (12,500) lbs or less, and may allow direct aircraft access to residences or businesses. Airparks may be publicly accessible or privately restricted,

**Airpark Traffic Patterns and Altitudes.** Means published procedures describing standard aircraft arrival and departure routes, pattern altitudes, and no-fly zones over sensitive areas.

**Airport.** Means any area of land or water that is used or intended to be used for the landing and takeoff of aircraft, including associated buildings, structures, runways, taxiways, and facilities. An airport may be publicly or privately owned and operated, and may serve public, commercial, or private aviation purposes. For purposes of this ordinance, “airport” includes any facility recognized by the FAA with an assigned location identifier and subject to FAA operational, safety, and land use regulations

**Airport Hazard.** Means any structure or use of land which actually or potentially obstructs the airspace required for the safe flight of aircraft in landing or taking off at an airport.

**Airport Hazard Area.** Means any area of land or water under the imaginary surfaces as defined in the airport overlay upon which an airport hazard might be established if not prevented as provided in these regulations.

**Airport Influence Area.** Means an area within five thousand (5,000) feet of an existing airport runway in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. **FAA part 77**

**Airport Overlay Zone.** Means a secondary zoning district around an airport designed to protect the public health, safety, and welfare which protects property owner land values near an airport through compatible land use regulations as recommended by the Federal Aviation Administration; and protects aircraft occupant safety through protection of navigable airspace. Regulations imposed by the overlay zone are in addition to the primary zoning district land use regulation of property.

**Airport, Small.** LUPG defines a small airport as a runway less than five thousand (5000) ft., less than ten thousand (10,000) operations per year, visual approaches only, airport reference code (ARC) A-I/B-I:

**Airport Reference Code. (ARC)** Codes that reflect the proper aircraft design utilization for determining suitable runway length and separation geometry. (FAA Control # ACF-CG RD 14-02-288).

A-I classifies aircraft with an Approach speed of less than 91 knots (104mph), and either a Wingspan of less than 49 feet, or a Tail height of less than 20 feet, whichever is most restrictive.

B-I classifies aircraft with an Approach speed of 91–120 knots (104-138mph), and either a Wingspan of less than 49 feet or a Tail height of less than 20 feet, whichever is most restrictive.

**Air School.** Means any person(s) engaged in offering instruction in aeronautics, either flying or ground subjects, or both, for hire or reward, and who employs other persons for such purposes.

**Air School, Private.** Means a for profit, educational entity offering flight or ground training for student pilots, operating under FAA Part 61 or Part 141 certification, and Fairfield Ordinances.

**Air School, Public.** Means an aviation education program operated by a public school district, university, or government agency, providing aeronautical instruction or flight training to students.

**Airside Access.** Means security measures and protocols to regulate entry to areas of an airport where aircraft operations take place, including runways, taxiways, aprons, hangers, and boarding areas.

**Avigation Easement.** Means a legal right to access and permit unimpeded aircraft navigation and flights over property subject to the easement and includes the right to create or increase noise or other effects that may result from the lawful operation of aircraft; and it provides for the removal of any obstruction to such overflight.

**Based Aircraft.** An aircraft that is regularly housed, stored, or maintained at the Airpark for the majority of the calendar year. This includes aircraft kept in hangars, tie-downs, or shelters on the property and generally reflects the aircraft owner's primary operating location. An aircraft shall be considered "based" if it is (1) documented as such in FAA records, (2) reported by the airpark owner or operator, or (3) verified through a lease agreement or consistent observable presence on site.

**Caretaker Dwelling.** Means a residential unit located on the same parcel as a non-residential use, intended for full-time occupancy by an individual or household responsible for the care, security, or operation of the primary use or facility. Caretaker dwellings are accessory in nature and must be directly related to the ongoing maintenance or oversight of the property.

**Conditional Use Permit (CUP)** A permit issued by the Town that authorizes a land use or structure which, because of its unique characteristics or potential impact on the surrounding area, may be allowed only under specific conditions designed to mitigate adverse effects. Conditional uses are those identified in the Town's zoning ordinance as being permitted subject to review, approval, and the imposition of conditions by the Town's designated land use authority, in accordance with Utah Code § 10-9a-507.

**Controlled Development Zone.** Means restrictions on crops that attract birds, require buildings over two hundred (200) ft. in height to register with the FAA, control lighting up to the sky and limit residential development.

**Crew Rest Facility:** A designated area within an airpark hangar used exclusively for short-term rest and recuperation by flight crew members between flight operations. A crew rest facility may include basic accommodations such as seating or sleeping areas, a restroom, and minimal kitchen amenities, but shall not be used or approved as a permanent residence. The facility must be accessory to and clearly subordinate to the primary aviation use of the hangar and may only be used by personnel directly associated with aircraft operations on site.

**Culinary Water.** Means water that is treated and approved by the Utah Division of Drinking Water for human consumption, cooking, food preparation, and other domestic household uses. Culinary water must meet all applicable state and federal drinking water quality standards and is typically delivered through a pressurized, piped distribution system operated by Fairfield Town.

**Daytime Operations.** Means all aircraft activities and procedures, including takeoffs and landings, that occur between official sunrise and sunset, during periods when natural light provides sufficient visibility for safe operation without the use of runway lighting or navigational aids. These operations are limited to daylight hours and do not include night or low visibility operations.

**Engine Repair.** Means the inspection, overhaul, or servicing of aircraft engines or propulsion systems, including removal and installation, conducted in accordance with FAA-approved maintenance procedures.

**Evacuation and Emergency Response Plan.** Means a written plan that outlines how people, aircraft, and vehicles will safely evacuate an airpark or airport during an emergency. It includes designated evacuation routes, assembly areas, communication procedures, and coordination with local fire, medical, and law enforcement agencies.

**Fuel Farm:** A centralized aviation fuel storage and distribution facility located within an airport or airpark, consisting of one or more aboveground or underground storage tanks, associated pumps, piping, filtration systems, spill containment, and safety equipment. A fuel farm serves as the primary on site supply source for fueling aircraft, either through direct dispensing or by filling mobile fuel trucks.

**Fuel Dispenser:** A fixed or mobile unit designed to transfer aviation fuel from a storage tank or fuel farm to an aircraft. A fuel dispenser includes pumps, hoses, nozzles, meters, filters, grounding systems, and associated safety equipment.

**Hangar** A structure designed and constructed for the storage, shelter, and protection of aircraft. A hangar may also provide space for routine aircraft maintenance and operations as permitted.

**Hangar (Shell Building S-1)** A fully enclosed structure intended solely for the storage and protection of aircraft, without interior build-out for occupancy, offices, or non-aviation activities.

**Landside Access.** Means security measures and protocols to regulate access to areas of an airport open to the public, including parking lots, administrative offices, industrial, and commercial spaces.

**Limited Development Zone.** Means the width of the airport's longest runway and extends 3,200 feet beyond either end of the runway and 2,500 feet from either side of the runway.

**NFPA 30 – Flammable and Combustible Liquids Code:** A standard published by the National Fire Protection Association that provides minimum safety requirements for the storage, handling, and use of flammable and combustible liquids. NFPA 30 addresses design and construction of containers, tanks, piping systems, and related equipment; fire and explosion prevention measures; emergency venting; and protection of facilities and personnel.

**Obstruction.** Means any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in this chapter.

**Office and Administrative Buildings.** Means structures used for airpark-related management or support operations, including business offices, tenant services, flight planning centers, or aviation service companies.

**Operations.** Means aircraft activity at the airpark or airport, defined as either a takeoff or a landing. Each takeoff or landing counts as one(1) operation. Touch and go maneuvers, practice approaches, and stop and go landings are each counted as two (2) operations - one (1) landing and one (1) takeoff. Annual and daily operation totals are used to determine the level of activity and ensure compliance with any operational limits established by ordinance or FAA designation.

**Restaurant.** Means an establishment that prepares and serves meals and beverages to customers, with full kitchen facilities and seating for on site dining.

**Runway.** Means a defined surface within an airport that is prepared for landing and takeoff of aircraft along its length.

**Runway Design Standards.** Runway design standards are a set of established criteria for the physical characteristics of runways, ensuring they are safe and suitable for aircraft operations. These standards are developed by organizations like the [Federal Aviation Administration \(FAA\)](#) and the [International Civil Aviation Organization \(ICAO\)](#) and cover aspects like length, width, pavement strength, and safety areas. They are crucial for safe aircraft operations, including takeoff and landing.

**Runway Length Limit.** Means the declared distances for takeoff and landing that are published for each runway end.

**Runway, Primary.** Means, for this Chapter, a designated main runway used for takeoff and landing at an airpark or airport. It is the only improved and maintained landing surface authorized for regular aircraft operations and is limited in length and load to accommodate only small aircraft.

**Runway Protection Zone (RPZ).** Means an area at ground level beyond each runway end that enhances the protection of people and property on the ground in the event of an aircraft undershoot or overshoot.

**Runway Security Gates and Fencing.** Means a continuous perimeter fence that is installed around the entire length and width of the runway and its safety areas, with gated access points for authorized personnel and aircraft only.

**Runway Weight Limit.** Runway weight limits refer to the maximum allowable weight that an aircraft can have when taking off or landing on a specific runway, based on factors like the runway's structural strength and length. These limits ensure the safety of the aircraft and runway infrastructure.

**Aircraft Service and Sales.** Means a facility that provides maintenance, inspection, and minor repairs for aircraft, and may include the sale or brokerage of new or used aircraft and related equipment with a total gross weight of twelve thousand five hundred (12,500) lbs.

**Short Term Rental.** Means any property offered for lease or rent as transient housing for a term of less than thirty (30) days. and shall not be allowed.

**Special Events.** Means temporary activities held on airpark property, such as airshows, community gatherings, educational programs, or sales exhibitions

**Special Use** Means a land use that is not permitted by right within a zoning district but may be allowed subject to review and approval by the Town, and only when specific conditions are met to ensure compatibility with surrounding uses and the intent of the zone.

**Structure.** Means an object including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines and landfills.

**Tenant Improvement.** Means alterations, upgrades, or modifications made to the interior or exterior of a building or hangar by a tenant or owner to accommodate the specific operational needs of an approved aviation related use. TI work may include structural, mechanical, electrical, plumbing, or cosmetic changes that will require certain applicable permits, and adherence to applicable building codes, zoning requirements, and FAA safety regulations. A Tenant Improvement Permit must be obtained prior to commencement of any such work

**Touch and go's** Means a maneuver in which an aircraft lands on a runway and immediately takes off again without coming to a full stop or exiting the runway. Touch-and-go operations are commonly used for flight training and proficiency practice, and typically involve repeated circuits in the traffic pattern.

**Utility runway.** Means a runway that is constructed for and intended to be used by propeller driven aircraft weighing the total gross weight of twelve thousand five hundred (12,500) lbs. or less.

**Visual Flight Rules (VFR).** Means a set of FAA regulations governing aircraft operations in weather conditions clear enough to allow pilots to operate the aircraft with visual reference to the ground and other obstacles, without reliance on instrument-based navigation.

#### **10.11.260.4. Applicability**

1. This chapter shall apply to all aviation operations, facilities, and improvements within the Airpark Zone.

C. These standards shall also govern the Airpark Overlay Zone, including requirements for aviation and restrictive easements.

#### **Section 10.11.260.5. General Standards.**

A. The following requirements shall apply to the Airpark Zone:

1. Any use not specifically permitted in this chapter shall be prohibited;
2. All runway, taxiway, and aircraft movement areas shall be designed and constructed in compliance with FAA Advisory Circular 150/5300-13B [Airport Design] – Change 1 (August 16, 2024), including all data current as of April 3, 2025." and 14 CFR Part 77; and FAA Advisory Circular 150/5320-6G (Airport Pavement Design and Evaluation), including all data current as of April 3, 2025, and 14 CFR Part 77;
3. Runway Protection Zone. RPZs are defined by FAA AC 150/5300-13B and shall be entirely owned or subject to recorded restrictive or aviation easements purchased by the airpark operator. Fairfield Town shall not be responsible for acquiring or maintaining RPZ easements.
4. Based Aircraft. Only 20 small propeller driven, fixed wing aircraft that meet the total gross weight of twelve thousand five hundred (12,500) lbs. or less shall be based at West Desert Airpark, consistent with the airpark's runway weight-bearing capacity and Utility Runway classification under FAA Advisory Circular 150/5320-6G.
5. All development is subject to the Airport Overlay Zone (10.11.275);
6. All industrial development must meet the requirements and standards of the light industrial west zone;
7. All residential development must follow meet the requirements, standards and building requirements of the AR-1 zone;
8. The Airport Overlay Zone shall be regulated using the recommended template provided in the Utah Airport Land Use Guide, with standards based on the runway length and classification as a small Airpark;
9. All uses within the Airpark Zone must be directly related to aviation or aircraft operations. Non aviation uses are prohibited unless explicitly approved as accessory or conditional uses in accordance with this Chapter.
10. An Evacuation and Emergency Response Plan shall be required for all development within the Airpark Zone and shall be submitted as part of the Master Site Plan;
  - a. Identify procedures for the orderly evacuation of people and aircraft in the event of fire, fuel spill, hazardous materials incident, aircraft accident, or natural disaster;
  - b. Include evacuation routes for aircraft and vehicles, emergency communication protocols, assembly points, and coordination with Fairfield Fire Authority and Utah County emergency services;

- c. Be reviewed and approved by the Fairfield Fire Authority;
- d. Comply with FAA Advisory Circular 150/5200-31C (Airport Emergency Plan), NFPA 424 (Guide for Airport/Community Emergency Planning), and International Fire Code §§ 403.10.2.1 and 404 (as adopted by the Utah State Fire Code); and
- e. The plan must be updated as required by changes in layout, occupancy, or emergency procedures and shall be available to emergency responders at all times;

11. All development within the Airpark Zone shall be required to transfer the required water shares to the town before said development can be hooked up to the Town culinary water system. All development shall follow the standards in the Fairfield Town Water Ordinance;

12. All development within this zone shall comply with the Fairfield Code, International Fire code, State and international Building code, FAA recommendations and State recommendations; and

13. Access to the interior of the Airpark. All dwellings, hangars, commercial establishments, or other facilities occupied by humans shall gain access from a public road which follows the APWA standards.

14. Access to the commercial/Industrial part of the airpark needs a public access road that follows the APWA standards.

15. Every business operating within the development shall obtain and maintain a business license issued by Fairfield Town in accordance with applicable ordinances.

#### **Section 10.11.260.6. Uses Allowed in the Airpark Zone.**

Only the uses expressly listed in this ordinance are allowed within the WDAZ. Any use not specifically identified or authorized herein is expressly prohibited. No use or structure shall be permitted without obtaining a building permit or tenant improvement. All uses shall comply with the International Building Code (IBC) occupancy classifications, with a default classification of S-1 for hangars unless otherwise approved through a building permit or TI permit.

Uses	Permitted	Special use	Conditional use
Accessory structure			X
Aircraft construction		X	
Aircraft parking and tiedowns	X		
Airframe repair/painting		X	
Caretaker dwelling			X
Crew rest facilities			X

Engine Repair		X	
Fuel farm and fuel dispenser		X	
Office and administrative buildings	X		
Private air school		X	
Restaurant/cafe		X	
Service and sales		X	
Shell hangars		X	
Special events		X	
Aircraft museum			X

#### **Section 10.11.260.7. Permitted Uses - Airpark Zone.**

These uses are permitted without additional standards

#### **Section 10.11.260.8. Special Uses – Airpark Zone.**

All special uses in the Airpark Zone shall be directly related to aviation and conducted in compliance with Fairfield Town Code, the Airport Land Use Guide, and applicable FAA, NFPA, and building code standards. All special uses are restricted to small aircraft as defined in this chapter, with a maximum total gross weight of twelve thousand five hundred 12,500 lbs. Special Use standards are listed in Exhibit C.(B) . Failure to comply with these standards shall be subject to enforcement under Section 10.11.260.14.

#### **Section 10.11.260.9. Conditional Uses – Airpark Zone.**

A. Permit Required. A Conditional Use Permit (CUP) shall be required for any use in the Airpark Zone that is not listed as a permitted use or special use and involves mixed-use occupancy of an aircraft-related structure, or has potential to impact aviation safety, operations, or surrounding properties.

#### **Section 10.11.260.10. Residential Use.**

A. Single family Residential hangar homes are allowed in a portion of the airpark. This zone must be outside the Limited Development Zone of the runway and not used for light industrial use. The following requirement shall apply:

1. One (1) acre lots minimum not including the roadway;
2. Shall meet all subdivision requirements of Fairfields subdivision ordinance;
3. Shall all have one hangar with private access to taxi way. No shell hangars are permitted in the residential area;
4. Hangar homes must be aesthetically cohesive to the hangar;
5. Shall meet all area, frontage, setbacks and height of the AR-1 zone;

6. Residential lots shall not be within the limited development zone;
7. Residential layout: max 25% of existing parcels of land dedicated to the residential area outside of the limited development zone and the runway protection zone;
8. Shall require a development agreement;
9. Shall include an HOA;
10. Shall have ingress and egress to a public road; and
11. Where feasible, open space parcels shall be designed to be utilized by and made available for general public uses.
12. All residential hangar home development shall be subject to FAA AC 150/5300-13B separation standards to ensure adequate distance from taxiways, aprons, and aircraft movement areas for safety.

13. Residential development shall be prohibited within the Runway Protection Zone (RPZ) and any area subject to required aviation or restrictive easements.

B. Enforcement. Failure to comply with the requirements of this section shall be subject to enforcement under Section 10.11.260.14, including revocation of approvals, civil penalties, and injunctive relief.

#### **Section 10.11.260.11. Runway Design & Operations.**

A. The airport shall:

1. Have One runway, not to exceed five thousand (5,000) ft. in length; constructed to standards consistent with serving small aircraft with the total gross weight of twelve thousand five hundred (12,500) lbs. or less;
2. Follow Design per FAA AC 150/5300-13B Airport Design and AC 150/5320-6G, which states, FAA AC 150/5300-13B – Airport Design States: “The RPZ’s function is to enhance the protection of people and property on the ground. This is achieved through airport owner control over RPZs. Such control includes clearing RPZ areas of incompatible objects and activities. Control is preferably exercised through the acquisition of sufficient property interest in the RPZ;
3. Follow Design Standards FAA AC 150/5190-4B – Land Use Compatibility Guidance Advises “When practical, the airport sponsor should own the entire RPZ. If fee simple is impractical, sponsors must obtain aviation or restrictive easements sufficient to control incompatible uses;
4. Follow Runway weight limit. The runway shall be constructed and maintained to operate as a utility runway to serve aircraft not to exceed a total gross weight of twelve thousand five hundred (12,500) lbs., appropriate for a Utility Runway, as defined by FAA Advisory Circular 150/5320-6G. Utility Runways are intended to serve small aircraft—~~typically with gross weights under 12,000 pounds~~—and are not designed for ~~regular~~ use by heavier aircraft or those with dual-wheel or tandem gear configurations;
5. Follow Pavement Design. The runway weight bearing capacity shall not exceed the standards of a Utility Runway with a total gross weight capacity not to exceed twelve thousand five hundred (12,500) lbs. as per FAA AC 150/5320-6G, Airport Pavement Design and Evaluation;
6. Follow Visual Flight Rule (VFR) operations only; daytime operations only;

7. Follow Hours of Operation. The airport shall be open for daytime operations, sunrise to sunset only;
8. Restrict operations to fewer than ten thousand (10,000) operations per year, not to exceed twenty eight (28) per day;
9. Have Security gates and security fencing around the entire perimeter of the runway. Fencing shall comply with FAA wildlife hazard and security guidelines;
10. Runway lights of any type are prohibited.
11. No runway extension, reconfiguration, or change in operational type (e.g., from VFR to IFR) shall be permitted without prior approval by Fairfield Town, verification of compliance with FAA design standards, and confirmation that all required RPZ ownership or easement acquisitions have been completed by the Airpark;

B. Enforcement. Noncompliance with the runway design, operational limits, or safety requirements in this section shall be subject to enforcement under Section 10.11.260.14, including permit suspension, license revocation, civil penalties, and injunctive relief.

#### **Section 10.11.260.12. Air Traffic Pattern & NoiseAbatement.**

- A. Flight patterns must avoid overflight of hazards, obstructions, and any residential houses or any property owned by a resident of Fairfield. Flight patterns must be documented in FAA Chart Supplements, published on the airpark website, and include visual indicators (e.g., segmented circles or runway markings) for traffic direction and preferred approaches, consistent with FAA AC 90-66B (Non-Towered Airport Flight Operations) and FAA AC 150/5300-13B.
- B. Airport traffic shall comply with the following:
  1. Patterns published on Airpark website and FAA publications;
  2. Runway 17/ 35 is preferred for takeoff/landing; and
  3. Northbound departures must turn to avoid Fairfield residential area;
4. No Overflight Rule. Aircraft operations from West Desert Airpark shall not overfly any residential home or any portion of residential property within Fairfield Town, including dwellings, yards, pastures, or other land contained within the property boundaries, except in the event of an in-flight emergency;
5. Nuisance. An overflight of a residence or residential property in violation of Subsection 4 constitutes a nuisance when:
  - a. The same property is overflowed more than three (3) times within any thirty (30) minute period; or
  - b. The overflights occur in a repetitive or consecutive pattern that would reasonably be perceived as circling or loitering over the same location; or
  - c. The overflights occur at an altitude or proximity that causes substantial and unreasonable interference with the quiet use and enjoyment of the property; and

6. All aircraft operators shall check applicable published NOTAMS and chart supplements prior to landing at the airpark.

**C. Enforcement.** Violation of the traffic pattern, noise abatement, or flight path restrictions in this section shall be subject to enforcement under Section 10.11.260.14, including operational restrictions, permit suspension, license revocation, civil penalties, and injunctive relief.

#### **Section 10.11.260.13. Requirements for Developing the Airpark.**

A. Any development in the airpark shall require the following:

1. Development Review if needed;
2. Zoning entitlements and development agreement;
3. Subdivision process;
4. Master site plan;
5. Development Agreement including CCR and HOA agreements;
6. Evacuation Plan;
7. Final plat recording ;
8. Verification of compliance with all applicable FAA Advisory Circulars, including but not limited to AC 150/5300-13B (Airport Design), AC 150/5320-6G (Airport Pavement Design), and AC 150/5200-31C (Airport Emergency Plan);

B. Master Site Plan Requirements. All developments must submit a Master Site Plan. In addition to standard site plan elements, the following must be included:

1. Site analysis, topography, drainage, FAA airspace classifications;
2. Environmental considerations
  - a. Wetlands, floodplains, noise contours, air hazard areas
3. Airpark layout (runway, taxiways, aprons, fueling stations, maintenance areas, parking);
4. Residential layout: max 25% of land dedicated to the residential area outside of the limited development zone and the runway protection zone;

5. Open space: minimum 30%; not to include driveways/yards or runway publicly accessible where feasible;
6. Road access: separate ingress/egress for residential; exterior roads of development must meet the standards of the Light Industrial West following the APWA standards;
7. Transportation circulation plan for aircraft, vehicles, and pedestrians;
8. Landscaping per Section 10.19; may be modified to meet FAA safety standards;
9. Structure height max: 35 ft or FAA height limit, whichever is lower;
10. Lighting and fencing per Town Code §§ 9.3.60, 9.3.70, and 10.17.70;
11. Utilities: must comply with water standards (Town Code § 6.1), wastewater and stormwater design, and wildlife hazard avoidance;
12. Sewer feasibility study is required;
13. Shall meet the requirements of the Fairfield soil ordinance;
14. Shall meet all other requirements in the Fairfield Master Site Plan application and checklist;
15. Must demonstrate how all uses and facilities will remain in compliance with the maximum total gross aircraft weight limit of twelve thousand five hundred (12,500) pounds.
16. Must show proof of ownership or restrictive easements for all land located within the RPZ and any required approach surfaces prior to approval
17. Must include a current FAA-approved airport layout plan (ALP) that matches the proposed development and is consistent with the Small Airpark classification.

#### **Section 10.11.260.14. Easement & Property Control Requirements.**

1. Any required avigation or restrictive easement shall be purchased and recorded by West Desert Airpark, consistent with Utah Code Title 72, Chapter 10, Part 4 (Airport Zoning Act), and FAA AC 150/5300-13B.
  - a. Fairfield Town shall not impose avigation or restrictive easements on private property as doing so would constitute an unconstitutional taking of private property.
  - b. West Desert Airpark is required to obtain all necessary avigation easements from adjacent landowners for approach surfaces, transitional zones, and RPZs or within the airpark overlay:
2. All land located within the FAA Defined Runway Protection Zone (RPZ) must either:

- a. Be owned in fee simple by West Desert Airpark; or
- b. Be encumbered by a restrictive easement approved by Fairfield Town and voluntarily purchased by West Desert Airpark that grants full control to prohibit incompatible uses and structures.

3. FAA airspace determinations or approvals do not constitute Town approval of airport facilities, runway extensions, or operational patterns. Town review and approval are always required

4. All submittals to the FAA and the Town must accurately reflect actual on the ground conditions, including but not limited to terrain elevations, landfill or mound heights, obstructions, and surrounding land uses. Any discrepancies shall be considered a material misrepresentation. Material misrepresentation in FAA or Town submittals shall be grounds for immediate denial, suspension, or revocation of all Town issued permits, approvals, or operational authorizations, and may be referred for legal enforcement.

5. No runway extension, change in runway configuration, or modification of operational use shall occur without prior Town approval and verified easement acquisition as described above.

6. Failure to maintain ownership or restrictive easement control of all RPZ areas, or to comply with flight pattern restrictions under this section, shall constitute a zoning violation subject to enforcement under Fairfield Town Code.

**Section 10.11.260.15. Notifications Required. West Desert Airpark must:**

1. Notify the FAA and UDOT Aviation department of two (2) landfills located within 1 ½ miles of the airpark. One that is 1.5 miles, with the height allowances of two hundred (200) ft. within the ten thousand (10,000) ft. radius and North Pointe, having an allowance of one hundred (100) ft. high which is located two thousand six hundred fifty nine(2659) ft. directly south of the runway in the runway protection zone;
2. Also in the notification, they must clarify that a portion of North Pointe Landfill runs adjacent to the runway with a portion being permitted to go seventy five (75) ft. high at a distance of six hundred twenty nine (629) ft. from the center of the runway;

3. Seagulls are a known bird to fly between these two (2) landfills.



4. All information on the West Desert Airpark website needs to be accurate and updated regularly. The website shall clearly disclose any known hazards, operational limitations, or restrictions required under Town ordinance, FAA determinations, or state law. Omission or misrepresentation of required safety information may be grounds for suspension or revocation of permits under this chapter.

5. Notification to the FAA and UDOT shall comply with 14 CFR Part 77 obstruction evaluation requirements and FAA Form 7460-1 submission procedures. Documentation of such notification, including FAA determinations and any required mitigation measures under FAA AC 150/5200-33C (Hazardous Wildlife Attractants On or Near Airports), shall be provided to Fairfield Town within 30 days of submittal or receipt. No modification to airpark operations may occur until the FAA review process is complete and any conditions are satisfied.

#### **Section 10.11.260.16. Governance & Maintenance.**

A. Where required as part of the site plan approval, or conditional use or special use process, the developer of a subdivision within this zone shall develop, impose and record restrictive covenants running with the land to carry out the conditions of the proposed development or the proposed use. Restrictive covenants shall include but not be limited to including the following:

1. HOA shall maintain all private taxiways, runways, and common areas.

2. Maintenance responsibilities shall include compliance with FAA AC 150/5300-13b pavement condition standards, wildlife hazard mitigation measures, security fencing requirements, and any drainage or stormwater facilities necessary for safe operations;
3. CCRs must include:
  - a. Noise and operation limitations;
  - b. Hangar ownership and usage rules;
  - c. Emergency evacuation plan; and
  - d. Maintenance standards.
4. CCRs shall also include enforcement provisions granting the HOA authority to impose penalties, suspend use rights, or seek injunctive relief for violations of operational safety rules or Town ordinances; and
5. Development agreement shall be recorded prior to any final plat approval, shall bind successors and assigns, and shall incorporate by reference all Town-imposed conditions, FAA-required operational limitations, and state airport compatibility requirements.

#### **Section 10.11.260.17. Pilot and Tenant Compliance Requirements.**

##### **A. Distribution of Rules.**

1. The Airpark operator shall provide every tenant, aircraft owner, student pilot, flight instructor, transient pilot, and commercial operator with a written copy of all operational rules and restrictions adopted by Fairfield Town under this chapter, including:
  - a. Noise abatement procedures;
  - b. Approved air traffic patterns;
  - c. Overflight and nuisance restrictions;
  - d. Runway and taxiway usage rules; and
  - e. Emergency and evacuation procedures.

##### **B. Acknowledgment of Receipt.**

1. Each person or entity receiving the rules under Subsection A shall sign a written acknowledgment of receipt; The signed acknowledgment shall include:
  - a. The recipient's printed name, signature, and date;
  - b. Aircraft tail number(s), if applicable; and
  - c. A statement that the recipient understands and agrees to comply with all airpark rules and Fairfield

Town Code provisions.

C. Recordkeeping.

1. The Airpark operator shall maintain all signed acknowledgments for a minimum of five (5) years and make them available to Fairfield Town upon request within thirty (30) days; and
2. The Airpark operator shall also keep a current distribution log indicating the date each pilot, tenant, or visitor received the most recent version of the rules.

D. Enforcement.

1. Failure to provide rules or obtain signed acknowledgments shall constitute a violation by the Airpark operator, subject to enforcement under Section 10.11.260.19; and
2. Any tenant, pilot, or operator who violates the operational rules shall be subject to the same enforcement provisions and penalties as the Airpark operator.

**Section 10.11.260.18. Evacuation and Emergency Response Plan (EERP) Requirement.**

A. Purpose. To protect public safety, preserve aviation operations, and ensure coordinated response to emergencies, all airparks shall prepare and maintain an Evacuation and Emergency Response Plan (EERP) in compliance with this section. This plan is required as a condition of zoning approval, site plan approval, and issuance of any building permit, tenant improvement permit, or business license for operations within the Airpark Zone.

B. Applicability. This requirement applies to all facilities, operations, tenants, and transient activities within the West Desert Airpark and any other designated Airpark Zone. This includes both permanent and temporary operations, regardless of ownership or lease status.

C. Plan Standards. The EERP shall meet the following minimum standards:

1. Regulatory References – The plan shall comply with applicable FAA Advisory Circulars, including AC 150/5200-31C (Airport Emergency Plan), NFPA 409 (Standard on Aircraft Hangars), and the Utah State Comprehensive Emergency Management Plan;
2. The plan shall also comply with and NFPA 424 (Guide for Airport/Community Emergency Planning), and shall address aircraft incidents, fuel spills, fires, severe weather, hazardous material releases, and mass-casualty events. The plan shall be submitted to Fairfield Town and updated at least once every twenty four (24) months;
3. Emergency Contact Information. The plan shall list 24/7 contact numbers for airpark management, security, and emergency services, including the Utah County Fire Marshal, law enforcement, Utah County sheriff Dispatch and FAA notification points;

4. Hazard Identification – A map and inventory of all fuel storage, fueling facilities, hazardous material storage areas, hangars, aboveground or underground storage tanks, and other high-risk locations;
5. Evacuation Routes & Assembly Areas – Clearly marked pedestrian and vehicle evacuation routes, designated assembly points approved by the Fairfield Fire Authority outside the Runway Protection Zone (RPZ) and away from active aircraft movement areas;
6. Emergency Scenarios – Procedures for response to:
  - a. Aircraft crash or fire;
  - b. Hangar fire or fuel spill;
  - c. Severe weather (including high winds, microbursts, lightning);
  - d. Hazardous material release;
  - e. Security threat or unauthorized entry;
  - f. Wildfire or area evacuation; and
  - g. Earthquake.
7. Roles & Responsibilities. Assignment of duties to airpark personnel for evacuation coordination, communications, and system shutdowns with a clear chain of command and designated alternates;
8. Notification Procedures. Methods to alert all tenants, visitors, and staff, including public address systems, radios, text/email alerts, and integration with the Utah County Emergency Alert System (Reverse 911);
9. Training & Drills. At least one full-scale evacuation drill annually, plus additional tabletop exercises for fire, crash, and severe weather. Records of drills and training shall be maintained for at least three (3) years and provided to Fairfield Town upon request; and
10. Agency Coordination. Written mutual aid agreements or memoranda of understanding (MOUs) with fire, EMS, law enforcement, and other relevant agencies, including confirmation that the plan has been reviewed by the Utah County Fire Marshal.

#### D. Approval & Updates

1. The EERP shall be submitted to Fairfield Town for review and approval prior to issuance of any airpark business license or tenant improvement permit. Approval shall be contingent on written confirmation of review by the Fairfield Fire Authority and compliance with FAA and NFPA standards;
2. The plan shall be reviewed and updated annually, or immediately following any significant change in airpark layout, operations, or emergency response resources; and

3. A current, approved EERP is a condition of all airpark-related business licenses. Failure to maintain compliance shall be grounds for license suspension or revocation.

E. Enforcement. Violations of this section shall be subject to enforcement under Fairfield Town Code, including permit suspension, license revocation, civil penalties, and injunctive relief, as provided in Section 10.11.260.14 (Enforcement).

#### **Section 10.11.260.19. Compliance.**

A. Development shall:

1. Comply with all applicable building, fire, fuel storage, hazardous material handling, health codes, environmental regulations, and Fairfield Town Code;
2. FAA Form 7460-1 must be filed as required for structures penetrating imaginary surfaces, or for any construction, alteration, or crane operation within FAA notification distances as outlined in 14 CFR Part 77;
3. Comply with the Utah Airport Land Use Guide, Utah Code Title 72 Chapter 10 Part 4 (Airport Zoning Act), and all applicable FAA Advisory Circulars referenced in this ordinance;
4. The Town may require third party peer review of plans at developer expense, including but not limited to engineering, legal review, aviation safety, environmental, and fire code compliance reviews; an
5. Any expansion beyond approved limits shall require reapplication and updated FAA/overlay compliance, including verification that all required aviation and restrictive easements have been purchased, recorded, and approved by Fairfield Town prior to commencement of the expansion.

B. Operational Compliance.

1. All aircraft operations shall comply with the air traffic pattern, noise abatement, and overflight restrictions set forth in Section 10.11.260.12;
2. A violation of the No Overflight Rule or Nuisance Definition in Section 10.11.260.12 constitutes an operational violation subject to enforcement;

C. Enforcement & Penalties.

1. Upon verification of a violation by the Town through flight tracking data, eyewitness testimony, or other credible evidence, the Town may issue a written notice of violation to the airpark operator and, where identifiable, to the aircraft operator;
2. Violations are subject to the following remedies, which may be imposed cumulatively:
  - a. Administrative fines as set by Town Council resolution;
  - b. Suspension or revocation of the airpark's business license;

- c. Suspension or revocation of any conditional or special use permit related to the operation;
- d. Civil action for injunctive relief to prohibit continued violations; and
- e. Referral to the FAA or other regulatory agencies for further enforcement.

3. Each day of continued violation constitutes a separate offense;

4. The airpark operator shall be responsible for ensuring that all tenants, students, transient pilots, and other users are informed of and comply with the operational restrictions of this chapter; and

5. Failure to comply with this section shall be subject to the enforcement provisions in Section

#### **Section 10.11.260.20. Enforcement, Violations and Remedies.**

##### **A. General Enforcement Authority.**

All approvals, permits, and licenses issued under this ordinance — including but not limited to business licenses, building permits, tenant improvement permits, conditional use permits, and occupancy permits, are conditional upon continued compliance with all applicable federal, state, and local laws, the Fairfield Town Code, and the conditions of approval specific to each permit.

##### **B. Violation and Remedies.**

A violation of any requirement in this ordinance, including failure to prepare, maintain, or follow an approved Evacuation and Emergency Response Plan (EERP), shall be grounds for:

- 1. Suspension or revocation of any related permit or license;
- 2. Issuance of a stop work order;
- 3. Civil penalties as provided in the Fairfield Town Code;
- 4. Recovery of enforcement costs; and
- 5. Injunctive relief in a court of competent jurisdiction.

##### **C. FAA and State Reporting.**

Any violation that poses a risk to aviation safety shall be reported to the Federal Aviation Administration (FAA) and the Utah Department of Transportation – Aeronautics Division.

##### **D. Separate Offenses.**

Each day of violation shall constitute a separate offense.

##### **E. Immediate Hazard Authority.**

If a violation creates an immediate threat to public safety, aviation safety, or the environment, the Town may order the immediate suspension of operations until the hazard is mitigated to the satisfaction of the Town, the Fairfield Fire Authority, and any applicable regulatory agencies.

**Exhibits and Standards Not Completed**

**Exhibit A.**

**West Desert AirPark Ordinance.**

**Exhibit B.**

**Airport Land Use Guide.**

To view the AP Land Use Guide, 2018, click on the following link:

[Airport Land Use Guide](#)

**Exhibit C.**

**Standards for Special and Conditional Uses**

**Special Uses Standards.**

Special Uses is a land use that is not permitted by right within a zoning district but may be allowed subject to review and approval by the Town, and only when specific conditions are met to ensure compatibility with surrounding uses and the intent of the zone. Special Uses require the applicant to demonstrate that the use:

1. Will not create adverse impacts to public health, safety, or welfare;
2. Can be operated in harmony with the general character of the area; and
3. Complies with all conditions of approval imposed by the Town to mitigate potential impacts.
4. Approval of a Special Use shall not be considered a vested right, and may be revoked if the operator fails to comply with applicable standards or conditions. All special uses shall meet the requirements of International Building Code.

**A. Aircraft Construction, Service, and Sales.**

1. Limited to construction, assembly, service, and sales of small aircraft;
2. Facilities shall comply with FAA Advisory Circular (AC) 150/5300-13B (Airport Design) and AC 150/5320-6G (Pavement Design and Evaluation);
3. All hazardous materials shall be handled in accordance with NFPA 30 and applicable state regulations; and

4. Adequate ventilation, dust collection, and noise mitigation measures shall be installed

**B. Airframe Repair/Painting.**

1. Comply with NFPA 33 for spray application and NFPA 409 for hangars
2. Limit operations to small aircraft With a total gross weight limit of twelve thousand five hundred (12,500) pounds.
3. Provide ventilation, hazardous location electrical compliance, and approved fire suppression systems.

**C. Engine Repair.**

1. Limited to repair and maintenance of small aircraft engines.
2. Comply with FAA AC 43.13-1B and 43.13-2B for acceptable methods, techniques, and practices.
- 3c. Hazardous materials storage in accordance with NFPA 30.
4. Noise mitigation measures required to reduce impact on surrounding areas.

**D. Fuel Storage (Fuel Farm) & Dispensing (Fuel Dispensing) Facilities.**

1. Purpose. To ensure that any fuel storage or dispensing facility located within the Airpark Zone operates in full compliance with FAA safety guidance, NFPA fire codes, environmental regulations, and Fairfield Town standards, and does not create undue risk to surrounding properties, people, or aviation operations.
2. Fuel Farms Shall comply with FAA Advisory Circular 150/5230-4B (Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports), NFPA 30 (Flammable and Combustible Liquids Code), NFPA 30A (Code for Motor Fuel Dispensing Facilities and Repair Garages), NFPA 407 (Standard for Aircraft Fuel Servicing), and all applicable federal, state, and local environmental regulations, including spill prevention and secondary containment requirements. Fuel storage and dispensing facilities shall be treated as a Conditional Use in the WDAZ and must comply with FAA AC 150/5230-4B, NFPA 30, NFPA 30A, NFPA 407, and all applicable EPA spill prevention regulations. Only fuel servicing of small aircraft meeting the WDAZ total gross weight of twelve thousand five hundred (12,500) lbs. or less, is permitted.
3. Fuel dispensers shall comply with FAA Advisory Circular 150/5230-4B (Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports), NFPA 30 (Flammable and Combustible Liquids Code), NFPA 30A (Code for Motor Fuel Dispensing Facilities and Repair Garages), NFPA 407 (Standard for Aircraft Fuel Servicing), and all applicable federal, state, and local environmental and fire safety regulations. Mobile fuel dispensing vehicles must meet the same safety, inspection, and grounding requirements as fixed dispensing equipment.

4. FAA Compliance-All facilities shall be designed, constructed, and located in compliance with FAA Advisory Circular AC 150/5230-4B – Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports.

5. Fire Code Compliance-All facilities shall comply with NFPA 30 – Flammable and Combustible Liquids Code and NFPA 407 – Standard for Aircraft Fuel Servicing, as adopted by the State of Utah.

6. Environmental Compliance-Facilities shall comply with all applicable state and federal environmental regulations, including EPA spill prevention and control requirements.

7. Fuel farms and tanks shall be located in designated fueling areas away from hangars, dwellings, and other ignition sources, in compliance with FAA AC 150/5230-4B location tables.

8. Minimum one hundred fifty (150) ft. setback from any residential property line or public roadway, unless a greater distance is required by FAA or NFPA standards.

9. Tank Standards:

a. Only above-ground storage tanks (ASTs) are permitted. Underground tanks are prohibited;

b. Tanks must be double-walled or installed with approved secondary containment; and

c. Tanks must be equipped with emergency venting, overfill protection, and spill containment per NFPA 30 and NFPA 407.

10. Security:

a. All fuel storage areas must be enclosed within a secured, locked perimeter fence with controlled access; and

b. Adequate lighting and surveillance shall be provided for security and operational safety.

11. Operations & Training:

a. Only trained personnel certified per FAA AC 150/5230-4B may operate fueling Equipment; and

b. Fuel spill response kits must be readily available at all fueling points.

12. Inspections:

a. Annual inspections by the Utah County Fire Marshal and/or the State Fire Marshal are required; and

b. Fairfield Town reserves the right to conduct inspections without prior notice.

13. Bonding Requirement. The operator must post a performance and environmental bonding an amount determined by the Town Council to ensure compliance with removal, cleanup, and remediation obligations in the event of a spill or closure;

14. Easement Requirement. Any fuel facility located within the Runway Protection Zone (RPZ) or other restricted safety area must be owned by the Airpark operator or be located on land with a restrictive easement purchased by the Airpark operator and approved by the Town.

15. Permit Expiration. Special Use approval for fuel storage or dispensing facilities shall expire if construction is not commenced within one (1) year of approval or if operations cease for more than one hundred eighty (180) consecutive days.

#### **D. Private Air School (Special Use).**

1. Certification & Standards.
  - a. Private air schools shall operate only under FAA Part 61 or Part 141 certification.
  - b. Flight training shall be limited to small aircraft meeting the West Desert Airpark Zone (WDAZ) gross weight restriction of 12,500 pounds or less.
  - c. All training shall be conducted only under Visual Flight Rules (VFR) and in compliance with established Airpark traffic patterns and altitudes.
2. Ownership & Operation.
  - a. The training program must be owned and operated directly by the Airpark entity.
  - b. Contracting with, leasing to, or affiliating with any outside or larger flight training organization, commercial operator, or collegiate program is prohibited.
3. Scope of Operations.
  - a. Flight training shall be incidental and subordinate to the Airpark's primary use as a private general aviation facility.
  - b. The Town may establish a maximum number of students or training aircraft as a condition of approval.
  - c. Touch-and-go operations may be limited, restricted to designated training periods, or prohibited if determined necessary by the Town to minimize noise and community impacts. Touch and go's count as daily operations

4. Hours of Operation. Flight training operations shall be limited to daytime hours only, unless otherwise authorized by Special Use approval.

1. Night training may be further restricted or prohibited at the discretion of the Town.

5. Noise & Community Impacts;

1. The operator shall implement noise abatement procedures consistent with FAA guidance and Town policy.
2. Training flights shall be conducted in designated practice areas to minimize overflight of residential neighborhoods.

6. Compliance & Revocation;

1. The program shall comply with all applicable FAA regulations and Town ordinances.
2. Violation of these provisions or conditions of approval shall be grounds for revocation of the Special ~~se~~ Permit.

#### **E. Restaurant.**

#### **F. Service and Sales.**

1. Aircraft Service and Sales. All service and sales activities shall be limited to small aircraft meeting the WDAZ maximum total gross weight of twelve thousand five hundred (12,500) lbs. and shall comply with FAA AC 43.13-1B (Acceptable Methods, Techniques, and Practices – Aircraft Inspection and Repair) and any applicable Utah state business licensing requirements.

See Aircraft Construction, Service, and Sales.

2. All sales and service operations shall be limited to small aircraft meeting WDAZ weight limits and shall comply with FAA AC 43.13-1B and any applicable state licensing or dealer requirements

#### **G. Shell Hangars.**

1. S1 Classification.
2. Hangars in the WDAZ shall only accommodate small aircraft meeting the maximum total gross weight of twelve thousand five hundred (12,500) lbs.
3. Any non-aviation use or occupancy requires special or conditional use approval and the appropriate building or tenant improvement permit.

4. Shall be a fully enclosed structure intended solely for the storage and protection of aircraft, without interior build out for occupancy, offices, or non aviation activities. Shell hangars are not equipped for uses beyond basic aircraft accommodation and may not be converted to other uses without obtaining the appropriate building permit or tenant improvement permit which may also require receiving special or conditional use approval.
5. Only small aircraft as defined in this ordinance may be stored in a shell hangar.
6. The maximum number of aircraft based in a small airport is twenty (20). The maximum number of hangars allowed is also twenty (20).
7. **Uses.**
  - a. Storage of active aircraft.
  - b. Non commercial construction of amateur built or kit built aircraft provided that activities are conducted safely;
  - c. Storage of aircraft handling equipment, e.g., tow bar, glider tow equipment, work benches, and tools and materials used to service, maintain, repair or outfit aircraft; items related to ancillary or incidental uses that do not affect the hangars' primary use.
  - d. Storage of materials related to an aeronautical activity, e.g., balloon and skydiving equipment, office equipment, teaching tools, and materials related to ancillary or incidental uses that do not affect the hangars' primary use;
  - e. Storage of non aeronautical items that do not interfere with the primary aeronautical purpose of the hangar (example: televisions, furniture); and
  - f. Maintenance, repair, or refurbishment of aircraft but not the indefinite storage of non operational aircraft.
  - g. Provided the hangar is used primarily for aeronautical purposes, an airport sponsor may permit non aeronautical items to be stored in hangars provided the items do not interfere with the aeronautical use of the hangar.
  - h. No items may be stored in a hangar that
    - i. Impede the movement of the aircraft in and out of the hangar or impede access to aircraft or other aeronautical contents of the hangar; or
    - ii. Displace the aeronautical contents of the hangar. A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft.
  - i. **Prohibited Hangar Uses.** Any activity, occupancy, or improvement within a hangar that is not directly related to the storage, shelter, maintenance, or operation of aircraft is prohibited unless expressly approved as a special or conditional use.
  - j. Prohibited uses include, but are not limited to:

- i. Residential occupancy or overnight lodging.;
- ii. Commercial or industrial operations unrelated to aviation;
- iii. Storage of vehicles, boats, or equipment unrelated to aircraft operations;
- iv. Retail, restaurant, or entertainment uses not directly supporting aviation activities;
- v. Assembly uses, events, or gatherings unrelated to aviation; or
- vi. Storage of hazardous materials not associated with permitted aircraft maintenance or Operations.

k. Hangar Use Enforcement.

- i. Any violation of permitted use restrictions for hangars, including the provisions under Prohibited Hangar Uses, shall constitute a zoning violation subject to enforcement under Fairfield Town Code. Upon verification of a violation:
- ii. Notice of Violation. The Town shall issue a written notice specifying the prohibited use, corrective actions required, and a compliance deadline not to exceed 14 calendar days.
- iii. Immediate Cease Order. If the violation poses an immediate threat to public safety, health, or aviation operations, the Town may order an immediate cessation of the prohibited activity.
- iv. Permit and License Suspension. Failure to correct the violation within the stated deadline may result in the suspension or revocation of the applicable building permit, tenant improvement permit, and/or business license associated with the hangar.
- v. Civil Penalties. The Town may impose fines consistent with the Fairfield Town Code penalty provisions for zoning violations, with each day of continued noncompliance constituting a separate offense.
- vi. Legal Action. Continued noncompliance may result in the Town seeking injunctive relief or other remedies in a court of competent jurisdiction.

**H. Special Events.** All special events must comply with WDAZ operational limitations, including small-aircraft weight limits, VFR-only operations, and approved traffic patterns. Events involving public attendance must include a temporary safety and emergency operations plan approved by Fairfield Town and the Utah County Fire Marshal.

- 1. Must be aviation related and receive Town approval at least sixty (60) days in advance.
- 2b. A detailed event management and safety plan, including parking, crowd control, and emergency access, must be provided.

### C. Conditional Use Standards.

**A. Accessory Structure.**

**B. Caretaker Dwellings.** Only one caretaker dwelling is permitted per airpark or non-residential development, subject to conditional use approval.

**C. Cafe.**

**D. Crew Rest Facilities in a Hangar.**

1. A Crew rest Area in a hangar, is not a residential space, but is a designated area within the hangar where the “crew” members (such as pilots and mechanics) can rest and recuperate for no more than twelve (12) hours maximum.
2. Crew Rest Areas are not intended as permanent or semi permanent living spaces. No short-term rentals or sub-leasing of rest areas is allowed
3. Crew rest facilities shall be constructed and fully enclosed within an aircraft storage hangar.
4. No more than one separate room may be utilized as crew rest facilities.
5. Crew rest facilities may not exceed three hundred (300) square feet in size.
6. Crew rest facilities must include a kitchen facility and toilet and washing facilities.
7. Crew rest facilities must have approval of the Fairfield Fire authority and the Utah County Health Department.
8. Crew rest facilities shall not be offered for rent, subleased, or utilized as a short-term rental.

**E. Aircraft Museum.**

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**Circulars.**

**Exhibit C.**

**Ordinance # 2025-\_\_\_\_, Section 10.11.275 – Airpark Overlay Zone (APO). An Ordinance amending Chapter 10.11.275. Airpark Overlay Zone, Adding definitions, Updated Maps, and Updating and Reformatting Written Content. Dated \_\_\_\_ 2025**

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Document Control Changes.Created-original lost in 2013; Rewritten February 11, 2016 as part of Zoning Ordinance (#2-11-2016. Chapter 6.9); amended April 12, 2018; amended May 10, 2018 (Zone Standards Chapter 6.9; amended September 13, 2018 (Ordinance #09132018); amended January 10, 2023 (code adoption); amended \_\_\_\_ 2025 Ordinance #\_\_\_\_ 2025.

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WHEREAS, Fairfield Town would like to establish an Airport Overlay Zone that is in compliance with Utah Code 72-10-403 and 14 /C.F.R. Part 77; and

WHEREAS, the Town seeks to protect the health and safety of the residents of the Town from aircraft using the West Desert Airpark; and

WHEREAS, the Town also seeks to protect the Airpark from hazards near the airpark; and

WHEREAS, a complete copy of the Airpark Overlay Zone Ordinance as approved and recommended by the Planning Commission to the Town Council is attached hereto as Exhibit A, and is incorporated herein fully by reference; and

WHEREAS, on **September 9,2025**, the Town Planning Commission held a public hearing on the proposed Airpark Overlay Zone Ordinance, Exhibit A hereto; and

WHEREAS, all notices as required by Utah Code § 10-9a-205 or otherwise by Utah law were provided to those entitled to receive notice of the public hearing of the Planning Commission and of the public meeting of the Town Council.

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, that revisions be accepted for the Title 10.11.275. Airport Overlay Zone.

**Section 1. 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 2. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

Passed and Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

FAIRFIELD TOWN

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Hollie McKinney, Mayor

---

Stephanie Shelley, Recorder  
(SEAL)

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

**Exhibit A.**  
**Airport Overlay Zone.**

**Section 10.11.275.1. Purpose and Intent.**

A. Fairfield Town retained GSBS Consulting to implement the adopted recommendations and prepare official mapping for the Airpark Overlay Zone. This mapping is based off of the current runway length.

This included:

1. A standard geographic depiction of the Overlay boundaries;
2. A parcel-based map illustrating affected properties; and
3. A detailed parcel inventory identifying all properties located within the Overlay. These materials shall serve as the official reference documents for determining Overlay applicability.

B. The Airpark Overlay Zone (APO) is established in compliance with Utah Code Title 72, Chapter 10, Part 4 (Airport Zoning Act) and 14 C.F.R. Part 77 to:

1. Promote public health, safety, and welfare by minimizing exposure to crash hazards and high noise levels from airpark operations;
2. Encourage land uses compatible with continued airpark operations while protecting residents and property from hazards and nuisances;
3. Preserve unobstructed airspace for safe aircraft operations and protect operating aircraft from obstructions, wildlife hazards, or incompatible uses; and
4. Protect private property rights and land values while ensuring that public use airpark operations meet applicable safety, easement, and operational standards.

**Section 10.11.275. 2. Definitions.**

For purposes of this section, the following terms shall have the meanings ascribed below. These definitions match Section 10.11.260 – Airpark Zone to ensure consistency between zoning districts and overlays.

**Airpark.** Means a privately owned facility that combines aviation-related infrastructure (such as a runway, taxiways, and hangars) with residential, commercial, or light industrial uses that support aircraft operations. Airparks are designed to accommodate only small, general aviation aircraft with a maximum total gross weight of twelve thousand five hundred(12,500) pounds or less. Airparks may be publicly accessible or privately restricted, and are subject to Fairfield Town zoning and FAA regulatory compliance.

**Airport Influence Area.** Means an area within five thousand (5,000) feet of an existing airport runway in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses.

**Approach Surface.** Means a surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface at slopes and distances established by FAA regulations, based on runway type and approach.

**Avigation Easement.** Means an easement granting the right of flight in the airspace above a property, including the right to cause noise, vibrations, fumes, dust, and fuel particle emissions; and the right to prevent the construction or growth of any structure, tree, or other object into the restricted airspace.

**Horizontal Surface.** Means a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet from the center of each end of the primary surface of each runway and connecting adjacent arcs by tangent lines.

**Primary Surface.** Means a surface longitudinally centered on the runway, extending two hundred (200) feet beyond each runway end, with a width as established by FAA regulations.

**Runway Protection Zone (RPZ).** Means a trapezoidal ground area at each runway end, beginning fifteen (15) feet from the airpark property line, centered on the extended runway centerline, designed to enhance the protection of people and property on the ground.

**Transitional Surface.** Means a surface extending outward and upward at right angles to the runway centerline and the runway centerline extended, at a slope of seven to one (7:1) from the sides of the primary surface and from the sides of the approach surfaces.

**Utility Runway Weight Limit.** Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum total gross weight. ~~or less~~.

**West Desert Airpark.** Means a small, privately owned airpark located within the boundaries of Fairfield Town, Utah, operating as a public use airport under FAA designation. West Desert Airpark provides facilities for aircraft storage, taxiing, takeoff, and landing, and includes associated infrastructure such as runways, taxiways, hangars, tie-down areas, and support buildings. The airpark is subject to all applicable provisions of Fairfield Town Code, including the Airpark Zone and Airpark Overlay Zone regulations, and is limited to operations and aircraft consistent with its FAA classified Utility Runway and maximum total gross weight of twelve thousand five hundred (12,500) pounds.

#### **Section 10.11.275.3. Scope and Compliance.**

- A. The APO applies to all lands, waters, and uses within the defined overlay boundaries (see Airport Overlay Map).
- B. All development must comply with both the base zoning and APO standards. If conflicts exist, the more restrictive standard applies.

C. FAA approvals or determinations do not constitute Town approval. Town review and approval shall be required for any development, runway changes, or operational modifications.

**Section 10.11.275.4. Boundary Definition.**

The APO boundary is a horizontal plane constructed by swinging arcs of five thousand (5,000) feet from the center of each end of the primary surface of the runway, connecting adjacent arcs by tangent lines. The perimeter includes all RPZs, approach surfaces, transitional surfaces, and horizontal surfaces as defined in FAR Part 77.

**Section 10.11.275.5. Height and Obstruction Limitations.**

A. No structure, natural growth, or object shall penetrate the imaginary surfaces as defined by FAR Part 77, without first filing a 7460-1 notice of construction or alteration, including:

1. Primary Surface;
2. Approach Surface;
3. Transitional Surface;
4. Horizontal Surface; and
5. Conical Surface (20:1 slope for 4,000 feet)

**Section 10.11.275.6. Land Use Restrictions.**

A. Runway Protection Zone (RPZ). Shall remain clear of structures, congregations of people, and incompatible uses. Restricted to open space or agriculture unless otherwise approved by the Town.

B. Approach Surface Zone. Prohibits incompatible residential or public facilities. Nonresidential uses may be permitted with density restrictions and noise attenuation measures.

C. Airport Influence Area. No uses that attract birds, cause electrical interference, produce glare, impair visibility, or otherwise create hazards.

D. Noise-Sensitive Uses. Residential, schools, hospitals, and similar uses should be avoided within high noise exposure areas unless adequate mitigation is provided.

**Section 10.11.25.7. Special Hazard Considerations.**

A. Directly south of the runway, the North Pointe Landfill is permitted to a height of one hundred (100) feet.

B. Adjacent to this, the Intermountain Regional Landfill is permitted to a height of two hundred (200) feet.

C. Airpark operations must account for these obstructions in FAA and Town safety analyses.

D. All submittals to FAA or the Town must accurately reflect actual "on the ground" conditions.

**Section 10.11.275.8. Traffic Pattern and Flight Restrictions.**

A. All flight operations must comply with FAA AC 90-66C and the Town adopted noise abatement procedures.

B. No overflight of any existing residential house or privately owned residential property within Fairfield Town is permitted.

C. Student training or repetitive flight patterns are prohibited when exceeding five (5) passes in a consecutive pattern over the same property within any twenty (20) minute period.

D. No 14 CFR FAA part 135 commuter and/or on-demand commercial operations are not allowed, they are strictly prohibited.

**Section 10.11.275.9. Easement and Property Control Requirements.**

A. Fairfield Town shall not impose avigation or restrictive easements on private property.

B. West Desert Airpark must obtain all necessary avigation easements from adjacent landowners for approach surfaces, transitional zones, and RPZs within the overlay.

C. All Runway Protection Zone (RPZ) land must be:

1. Owned by West Desert Airpark; or
2. Encumbered by a restrictive easement approved by the Town.

D. All FAA and Town submittals must reflect actual conditions. Material misrepresentation is grounds for permit denial, suspension, or revocation.

E. All operations must adhere to approved flight patterns and overflight restrictions.

F. No runway extension, configuration change, or operational modification without Town approval and verified easement acquisition.

G. Failure to comply is a zoning violation subject to enforcement, penalties, and possible injunctive relief.

**Section 10.11.275.10. Permitting and Enforcement.**

A. Any proposed construction or alteration within the APO that penetrates an imaginary surface requires FAA Form 7460-1 and a Town permit.

B. The Town may require third party peer review of any airspace analysis at the applicant's expense.

C. Violations shall be subject to enforcement under Fairfield Town Code, including permit suspension, license revocation, civil penalties, and legal action.

Chart 1.

Fairfield Airpark Zone vs. Airpark Overlay Zone – Alignment Table

Category	Airpark Zone (10.11.260)	Airpark Overlay Zone (10.11.27)	Notes / Alignment
Purpose and intent	Protects health/safety, ensures compatible land use, minimizes hazards, complies with FAA/Utah Code	Same goals: public safety, compatible land use, obstruction control, property rights protection, FAA/Utah Code compliance	Language aligned. Overlay adds landfill hazard note & stronger public disclosure.
Definitions	Includes Airpark, Airport Influence Area, Approach Surface, Avigation Easement, RPZ, Transitional Surface, Primary Surface, Horizontal Surface, Utility Runway Weight Limit, Based Aircraft, Crew Rest Facility (if applicable).	Same definitions imported verbatim (excluding hangar-specific terms unless relevant).	Full match for consistency.
Height limitations	FAR Part 77 surfaces; no penetration of airspace; <del>44,999</del> Maximum 12,500 lb. total gross weight limit for Utility Runway.	Same FAR Part 77 rules; 12,500 lb. limit stated; applies to all APO properties.	Fully aligned. Overlay emphasizes landfill obstruction awareness.
Land use restrictions	RPZ clear of structures; approach surfaces limited; AIA restrictions on bird attractants, glare, visibility hazards	Identical RPZ/approach/AIA rules; overlay adds explicit noise-sensitive use restrictions and “entire property” overflight protection.	Overlay strengthens protection for large parcels and repetitive flight patterns.
Traffic Pattern/Noise abatement	Avoid residential overflight when feasible; comply with FAA AC 90-66C.	Same base standard; overlay adds no overflight of any residential house or entire residential property + training restriction: no >5 passes in 20 minutes over same property.	Overlay adds measurable enforcement threshold

Easement and RPZ control	Requires airpark to own/obtain easements for RPZ; Town will not impose easements; misrepresentation penalty.	Same language copied; identical enforcement; applies to the overlay area to prevent bypass.	Aligned word-for-word for maximum enforcement.
FAA town submittals	Must reflect true on-the-ground conditions; misrepresentation = revocation/penalties.	Same requirement; overlay reiterates for emphasis and expands "material misrepresentation" clause	Aligned, but overlay strengthens penalty language
Runway changes	No extension/configuration change without Town approval & verified easement acquisition.	Same rule; applies to overlay.	Aligned exactly.
Enforcement	Zoning violation; subject to enforcement under Town Code.	Same; overlay applies enforcement townwide within APO.	Aligned.

This Airpark Overlay Zone was written following guidelines taken from the US Federal Aviation Administration (FAA) circulars and also from the handbook, "Airports and Land Use Guide", distributed by the State of Utah, which draws upon the guidelines and best practices promoted by the FAA, the Utah Department of Transportation Division of Aeronautics, and leaders in the aviation and aeronautics industries.

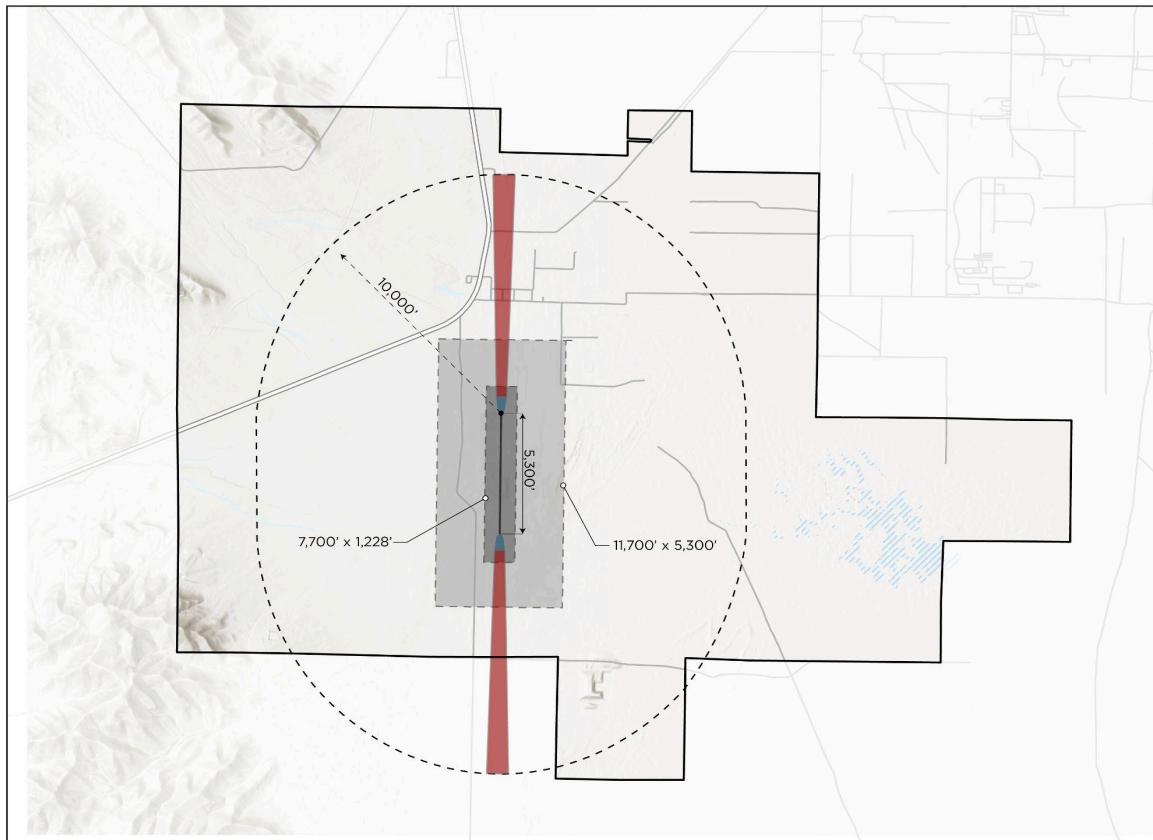
<https://luau.utah.gov/wp-content/uploads/Airports-and-Land-Use-Guide-8-2018-Version-WEB.pdf>

Measurements for the following maps were composed by GSBS Consulting. Using the Airports and Land Use Guide.

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**Fairfield Town**  
Utah County, Utah

**GSBS**   
CONSULTING



# AIRPARK LAND REGULATION AND COMPATIBLE LAND USE

## FAIRFIELD

### LEGEND

-  CONTROLLED DEVELOPMENT
-  LIMITED DEVELOPMENT
-  NO DEVELOPMENT
-  APPROACH SURFACE
-  RUNWAY PROTECTION ZONE
-  RUNWAY

0'

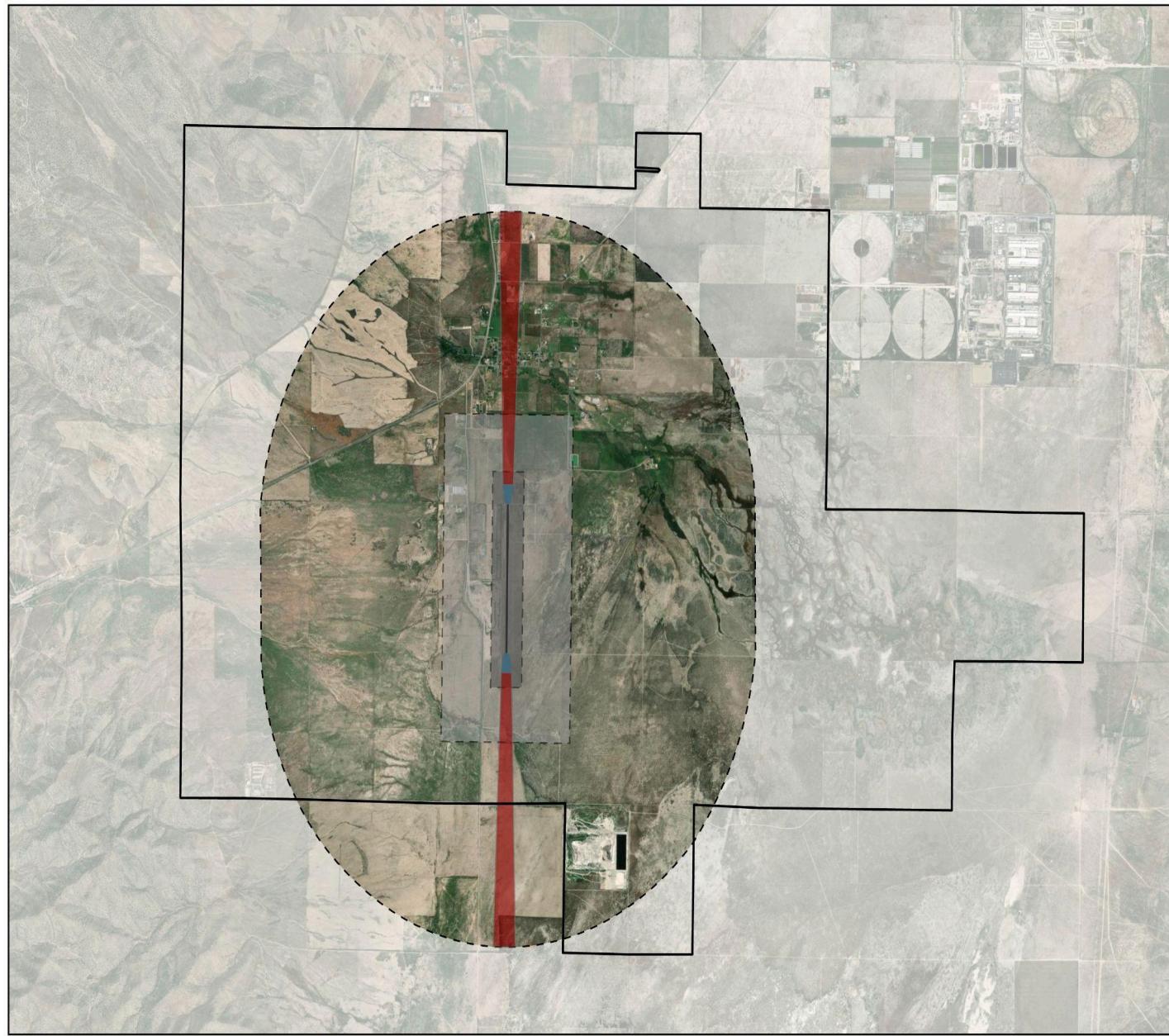
0.5'

1'

MILES



Satelite View



Map 3. Affected Parcels Within the Overlay.

