

# Fairfield Town

Utah County, Utah

---

**PUBLIC NOTICE IS HEREBY GIVEN THAT** The Town Council of Fairfield, Utah Shall hold a Regular Session Meeting on September 17, 2025, @ 7:00 P.M. At the Town Office 121 West Main Street Fairfield, Utah

## **Call to Order**

- 1) Roll Call
- 2) Prayer / Pledge Of Allegiance

## **Reports and discussion**

- 1) Sheriff's Department Update.
- 2) Planning Commission Update.

**General Public Comment** (2-minute limit per person): Comments are for any matter not on the agenda and not related to a pending land use application. *Two minutes per person, with a total limit of 14 minutes.*

## **Consent Items**

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

- 1) Approval of Minutes: August 20, 2025.
- 2) #R2025-14. A Resolution Of Fairfield Town To Cancel the General Municipal 2025 Election

## **Business Items**

*The Council will discuss (without public comment) and may approve the following items:*

- 1) Approve the Fairfield Industrial Park Development Agreement, approximately located at 400 S Allens Ranch Road.
- 2) Approve Fairfield Industrial Park Development Agreement Final Plat approval.
- 3) Ordinance #2025-15. Water Regulations. An Ordinance Amending the Current 6.1. Water Regulations, in the Fairfield Town Code, Replacing, Revising, and Adding Regulations as Needed.
- 4) Comcast Presentation
- 5) Approve the Comcast Franchise Agreement
- 6) Ordinance # 2025-16 An Ordinance repealing and reinstating Fairfield Town Code § 10.11.260 (Airpark Zone) and § 10.11.275 (Airpark Overlay Zone), and amending Town Code § 10.16 (Special Use Regulations) to add special use regulations to the additional special uses found in the Airpark Mixed-Use Zone's table of uses
- 7) Town Corn Hole Event, discuss and pick a date
- 8) Approve bids on the Town Office Maintenance and rain gutters.
- 9) Looping the north water line discussion and approval of design

## Closed Session

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

## Adjournment

Supporting materials are available for inspection on the Town Website, <https://fairfieldtown-ut.gov/>. Questions and comments to Staff and/or Council may be submitted to [sshelley@fairfieldtown-ut.gov](mailto:sshelley@fairfieldtown-ut.gov).

## Join Zoom Meeting

<https://us06web.zoom.us/j/88207250867?pwd=NXBYcnhmaFNCSEdWOVB5NG9WMDgxZz09>

**Meeting ID:** 882 0725 0867

**Passcode:** 499981

PLEASE NOTE: The order of items may be subject to change with the order of the Mayor. One or more council members may participate by electronic telecommunication means such as phone, internet, etc., so that they may participate in and be counted as present for all meeting purposes, including the determination that a quorum is present.

## Certificate Of Posting

The above agenda notice was posted on or before the 16th 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.

---

Date

Stephanie Shelley Town Recorder/Clerk

## Unapproved Meeting Minutes

Fairfield Town Council  
Regular Session  
August 20, 2025

### Minutes

**Date:** Wednesday, August 20, 2025

**Location:** Fairfield Town Office, 121 West Main Street, Fairfield, Utah

**Time:** 7:00 P.M.

**Minutes By:** Stephanie Shelley

#### Call to Order

##### 1) Roll Call

###### **Town Council Members Present:**

Mayor Hollie McKinney (arrived late from mediation), RL Panek, Tyler Thomas (arrived late from mediation), Richard Cameron, Michael Weber

**Staff Present:** Treasurer: Codi Butterfield, Attorney: Todd Sheeran, Officer: Sargent Dutson

**Others Present:** Spencer Foster (LAA/MAG), Tal Adair, Kyler Fisher, Vern Carson, Attonnery: Todd Sheeran.

##### 2) Prayer / Pledge Of Allegiance

Councilman Cameron offered the prayer. Those present recited the Pledge of Allegiance.

##### 3) **General Public Comment (2-minute limit per person): Comments are for any matter not on the agenda and not related to a pending land use application.**

Vern Carson asked if the council would be addressing the water ordinance during the meeting. Councilman Weber confirmed it was on the agenda as business item 7, but noted they were not taking action on it as the Planning Commission hadn't completed their review.

#### **Reports**

##### 1) **Planning Commission Update.**

Kyler Fisher reported that the Planning Commission met last Tuesday. During this meeting, no items were passed. He mentioned that the Planning Commission did not take action on any resolutions or applications. The discussion included whether there needs to be another meeting to ensure all deadlines are met for their pending matters.

Kyler also highlighted the time constraint for processing planning items, noting that they are awaiting specific deadlines to ensure the timely completion of all requirements.

##### 2) **Presentation on the Government Data Privacy Act (10-15 mins) - Spencer Foster**

Spencer Foster presented on the 2024 Government Data Privacy Act, which requires every government entity to adopt a privacy policy by December 31, 2025. The law prohibits agencies from selling personal information such as phone numbers and addresses. It requires the town to

## Unapproved Meeting Minutes

Fairfield Town Council

Regular Session

August 20, 2025

appoint a Chief Administrative Officer, likely the Mayor, and records officers, which will be the Recorder (Stephanie) and Treasurer (Codi). All staff, council, and planning commission members must complete annual training through an eight-minute video. Future compliance steps will include data inventory and additional protections. Spencer noted that this is another unfunded state mandate, but offered to assist Hollie and Stephanie with the compliance process and will send templates and materials for consideration at a future council meeting.

### Consent Items

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

Councilman Weber had questions on the following payments regarding the cemetery.

- Gross pay of \$200 on May 31, 2025, June 30, 2025, and July 31, 2025.
  - Codi clarified that this is the Sexton pay.
- Cemetery clean-up of \$495 on June 19, 2025.
  - Codi clarified that it was for the cemetery clean-up for Memorial Day.
- Question on what the \$900 was on July 22, 2025
  - Codi clarified that it was for McNiel engineering for the Cemetery plat.

**1) Approval of Minutes: July 16, 2025**

**2) Approval of Financials: June 30, 2025, and July 31, 2025.**

*Councilman Weber motioned to approve the consent items number 1 and 2. Councilman Cameron seconded the motion. The motion passed unanimously.*

*Mayor McKinney - Yes*

*Councilman Panek - Yes*

*Councilman Cameron - Yes*

*Councilman Weber - Yes*

### Business Items

*The Council will discuss (without public comment) and may approve the following items:*

**1) Approve the #R2025-13 A Resolution Of Fairfield Town, Utah, Approving The Interlocal Cooperation Agreement With Utah County For The 2025 Recreation Grant Agreement Between Utah County And Fairfield Town.**

Mayor McKinney explained this was the annual recreation grant from Utah County, typically around \$2,000, which must be used for park purposes. This year's amount was \$2,051.

*Councilman Cameron motioned to approve #R2025-13 A Resolution Of Fairfield Town, Utah, Approving The Interlocal Cooperation Agreement With Utah County For The 2025 Recreation Grant Agreement Between Utah County And Fairfield Town. Councilman Panek seconded the motion. The motion passed unanimously.*



## Unapproved Meeting Minutes

Fairfield Town Council

Regular Session

August 20, 2025

*Mayor McKinney - Yes*

*Councilman Panek - Yes*

*Councilman Cameron - Yes*

*Councilman Weber - Yes*

### **2) Discuss previous recreation grants from Utah County**

Mayor McKinney brought up blacksmithing equipment that was purchased with a previous recreation grant during Brad's time. The equipment is currently stored in the town garage, and Clay from the park had asked if he could have it. After discussion, the Council decided to keep the equipment for future use in the town park rather than giving it to the Camp Floyd State Park.

### **3) Discussion on the Utah County Sheriff using a room in the town office.**

Mayor McKinney explained that the Utah County Sheriff would like to use a room in the town office to sit and do reports. The sheriff would like a location where he can see the door and window.

The Council agreed this would be a positive arrangement and had no objections.

### **4) Discuss the Comcast Water impact fee and water requirements**

Mayor McKinney explained that Comcast has a building permit for a property in the Bolindar subdivision across from the storage units. The one-acre property will only need water for minimal landscaping outside its fence. The town's ordinance requires a one-acre share of water per acre lot, but it is unclear whether this requirement should also apply to utility stations that use very little water.

The Council discussed whether impact fees could be reduced, given the minimal impact on the water system. The consensus was that Comcast should still purchase a water share as required initially, as they were aware of this requirement from the beginning of the project, and they would still be connecting to the town's water system.

### **5) Comcast franchise agreement.**

Mayor McKinney stated this item would be tabled as Todd Sheeran (attorney) still had some concerns with the agreement after his review, and she hadn't had a chance to look at it yet.

### **6) Road easements for utilities**

Mayor McKinney explained that the town lacks proper utility easements for roads, a problem that will become apparent when Comcast connects its building to fiber along Allen's Ranch Road to SR 73. There are also no utility easements for natural gas, which is scheduled for installation in spring 2026. The discussion noted that some roads do not appear as owned by Fairfield Town in Utah County parcel maps, certain roadways need to be dedicated to the town, most roads have a 56-foot right-of-way from fence to fence, and additional easements will likely be required for dry utilities such as gas, power, and communications. The Council agreed to obtain an estimate from McNeil Engineering to determine the cost of resolving these easement issues.

## **Unapproved Meeting Minutes**

Fairfield Town Council

Regular Session

August 20, 2025

### **7) Discuss and review the Water ordinance**

Mayor McKinney presented a draft water ordinance, prepared with assistance from Bowen Collens, that still requires revision. The draft included new definitions, policies on irrigation shares, water rights, and source locations, well capping provisions, and updated water share requirements. Concerns were raised that the proposed requirements were too high: 1.8 acre-feet per residential lot plus 1.8 acre-feet per additional acre. The draft also prohibited private wells for culinary use within 300 feet of the municipal system (reduced from 1,000 feet), and commercial and light industrial standards remained unclear.

Tyler noted that state law requires only 0.45 acre-feet for a single-family home with a yard, while Fairfield's higher standards account for animals, gardens, and rural uses. The Council agreed to retain the current requirements, which have worked well, while considering a minimum for commercial and industrial properties, with additional needs to be determined by an engineer.

Mayor McKinney emphasized that the ordinance must be adopted by September 29, which will require a public hearing and additional meetings. She will send the draft to the Council for review.

### **8) Update on The Inland Port Authority**

Mayor McKinney reported that the Inland Port Authority is still working on reimbursing the town for the waterline. Because the bond amount is small compared to their typical \$30 million bonds, the Authority is exploring alternative financing options, including a collateralized loan. She expressed frustration that reimbursement—promised for June or July—has still not occurred. Mayor McKinney has another meeting scheduled with the Port Authority and stated she will halt the project if the town is not reimbursed.

### **9) Discuss the budget**

Codi Butterfield reported that the budget includes \$750,000 for park improvements in the general fund and \$955,000 in the capital projects fund following the purchase of the land and house. The lowest bid for the park project was approximately \$430,000 to \$435,000 and covers excavation to five inches below finished grade, construction of the parking lot and park access road, relocation of a fire hydrant, installation of culinary water for the future town hall, and a tap for the sprinkler system.

The Council discussed the future town hall and agreed to move forward with the park project, awarding the bid for Phase 1 and beginning planning for Phase 2, which may include the history path. They also decided to reserve the central location for a future, more substantial town hall rather than building a basic structure now, and to revisit town hall plans in January after the Christmas events.

### **10) Discussion on next steps with the park**

Discussed as part of the budget item above.

## Unapproved Meeting Minutes

Fairfield Town Council

Regular Session

August 20, 2025

### 11) Discussion on the maintenance of the new office and items that need to be taken care of.

The Council reviewed several maintenance issues that need attention, including installing a security camera and improving lighting in the back parking lot, constructing a concrete path to the house, building a handicap ramp using structural foam with a four-inch sidewalk on top, repairing a water spigot that sprays, and fixing broken electrical outlets on the back patio. The Council agreed to purchase solar lights as an immediate solution for lighting. Councilman Cameron noted he has assistance from Oakland for construction projects and will bill the town for their hours once the work is completed.

### 12) Discussion on landscaping maintenance in Town.

Mayor McKinney informed the Council that the Cemetery Board was aware of Tristan mowing the cemetery. She explained that the lawnmower had not been working, and since Tristan's crew was already working in town, she asked him if he could also take care of the cemetery. Councilman Thomas had already contacted him to set up maintenance on the spring.

Before the Town moved into the new office, Hollie asked Tristan about his rates, and he quoted \$50 per maintenance visit. It was not yet clear whether mowing would be needed weekly or every other week. Tristan also agreed to move the water on his own time, mow along the driveway and road, and address weeds around the new office. Hollie arranged for the work to be completed in one visit to save time and effort.

Councilmember Weber expressed concern about having the Mayor's son perform paid work for the Town. He noted that Tristan had previously mowed the cemetery in August without the Cemetery Board's knowledge, for which he received \$400, despite the cemetery not being watered. Councilman Weber said he was uncomfortable with the arrangement and believed the decision had been made improperly. Mayor McKinney acknowledged his frustration, noting that the mower was down, weeds were knee-high, and additional tasks still needed attention around town, including cleaning up Bird's Road and maintaining the road into the cemetery. She explained that she had only mentioned the cemetery mowing to Tristan while his crew was already in town working, and he completed it quickly. Councilman Thomas added that Tristan's company had been handling the spring maintenance for four years and always did a good job, including work on Darwin's property, and he had no concerns with their performance.

Mayor McKinney stated that she had told Tristan not to do any additional work. She clarified that she was not interested in being directly involved with the Cemetery Board but felt obligated to respond when residents complained about upkeep. She believed the Cemetery Board was generally doing a good job, but that the ordinance process still needed to be completed. She also noted that she had asked Vern and Councilman Weber to address cemetery maintenance issues while she was away at Lake Powell.

Mayor McKinney stated she had attempted to contact all Councilmembers about the situation regarding the move to the Town Office. Mayor McKinney explained that she had asked the

## Unapproved Meeting Minutes

Fairfield Town Council

Regular Session

August 20, 2025

Council for mover recommendations, but only Councilman Cameron had responded with a suggestion. Since the staff could not move the heavier items themselves and the Council was unavailable, she had asked Tristan's company to assist. She pointed out that the company carried its own insurance for moving. Since that is not what Councilman Weber wanted, she is grateful that his family helped with the move. Her intent was to save the Town money.

Councilman Panek confirmed that the mayor had reached out to him about using her son's company. He acknowledged that in the past, when he received quotes for cleanup along the road and labor, they were high, with quotes over \$2,000 just to pick up roadside trash. He said he had no issue with hiring laborers for the work, and that \$200 per hour for professional movers was reasonable; he did not object to the mayor's solution in this case.

Mayor McKinney noted that the Cemetery Board would soon present a spreadsheet clarifying responsibilities for cemetery maintenance.

Mayor McKinney asked who would take charge of obtaining bids for landscaping around the new office. Councilman Cameron stated that he could not take on any additional responsibilities until January. Councilman Weber said he would collect bids on the Town Office Landscaping.

Mayor McKinney also mentioned that both Stephanie and Codi need new computers at a cost of \$2,945 for both, including warranties. The current computers will cost \$60 each per month for security after next month.

### 13) Discussion on the Christmas event and light installation

Mayor McKinney noted that the town had signed a five-year contract with Tristan last year for the Christmas lights installation. The Council agreed to honor the contract for this year's event.

### Closed Session

*Councilman Cameron moved to temporarily recess the council meeting to go into closed meeting for the following purposes: strategy sessions to discuss pending or reasonably imminent litigation. Councilman Weber seconded. The motion passed unanimously.*

*Mayor McKinney - Yes*

*Councilman Panek - Yes*

*Councilman Cameron - Yes*

*Councilman Weber - Yes*

*Councilman Thomas - Yes*

*The meeting was closed at 9 pm.*

## Unapproved Meeting Minutes

Fairfield Town Council

Regular Session

August 20, 2025

### Adjournment

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

The meeting adjourned at    p.m.

---

Minutes Approval Date

Stephanie Shelley Town Recorder

Working Draft

**Resolution #R2025-14** A Resolution Of Fairfield Town To Cancel the General Municipal 2025 Election  
**Dated July 16, 2025**

---

**WHEREAS**, Fairfield has two at-large town council seats up for election: two 4-year terms, and

**WHEREAS**, the number of at-large municipal offices is equal to or greater than the number of candidates for those offices, and

**WHEREAS**, the period for individuals and write-in candidates to file for candidacy in the 2025 Fairfield municipal election has passed; and

**WHEREAS**, no fewer than 20 days remain before the day of the election; and

**WHEREAS**, the Utah Election Code allows a municipal legislative body to cancel a local election under the above conditions, and

**WHEREAS**, the Fairfield Town Council has voted to cancel the November 4, 2025, Fairfield General Election to the Utah Election Code;

**BE IT RESOLVED THAT THE TOWN COUNCIL OF FAIRFIELD HEREBY:**

- 1) Cancels the November 4, 2025, General Election; and
- 2) Certifies RL Panek Town Council Seat C and Richard Cameron Town Council Seat D, both 4-year terms. Therefore, each municipal officer candidate is either unopposed or a candidate for an at-large municipal office for which the number of candidates does not exceed the number of open at-large offices; and
- 3) Certifies that the candidates described above are considered to be elected to office.

**EFFECTIVE DATE:** This Resolution shall become effective immediately upon adoption.

Passed and Adopted this 16th day of July 2025.

**FAIRFIELD TOWN**

---

Hollie McKinney, Mayor

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

ATTEST:

---

Stephanie Shelley, Recorder

(OFFICIAL SEAL)

FAIRFIELD TOWN

STATE OF UTAH     )  
                                  ) ss.  
COUNTY OF UTAH   )

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the 16th day of July 2025.

Resolution #R2025-XX. A Resolution Of Fairfield Town To Cancel the General Municipal 2025 Election

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this 16th day of July 2025.

\_\_\_\_\_,  
Stephanie Shelley  
Fairfield Town Recorder/Clerk

(SEAL)

**Ordinance #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

(SEAL)



**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.

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.

<b>Use Type</b>	<b>Minimum Water Right Volume</b>	<b>Notes</b>
Residential ≤ 1 acre lot	1.0 Acre foot water right	Indoor & outdoor use
Residential > 1 acre – ≤ 5 acres	1.25 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 rights, 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. Reduction of Water right Requirement. The Town Council may, at its sole discretion, reduce the amount of required water rights if the applicant provides adequate proof, supported by engineering or professional analysis, that the full requirement is not necessary to serve the intended use. Any such reduction shall be documented in the approval of the development or connection.

F. 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 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 Fairfield's 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 (600) 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

1. Fairfield's culinary water source protection zones are subject to change based on updated studies and regulatory requirements. Residents and property owners located within these areas shall refer to the most current Source Protection Zone Plan adopted by the Town for applicable restrictions and requirements.
2. 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 # 2025-16** An Ordinance repealing and reinstating Fairfield Town Code § 10.11.260 (Airpark Zone) and § 10.11.275 (Airpark Overlay Zone), and amending Town Code § 10.16 (Special Use Regulations) to add special use regulations to the additional special uses found in the Airpark Mixed-Use Zone's table of uses

Dated \_\_\_\_ 2025

---

Created January 10, 2023, with the passing of the Fairfield Town Code; amended September 17, 2025

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

**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**, the WDA contests the passage of the notice of pending ordinances and filed suit against Fairfield. See Case No. 250402063. The WDA agreed to stay the suit pending review by the Utah Property Rights Ombudsman and further negotiations.

**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 Mixed Use Zone and Airpark Overlay Zone, attached

hereto as **Exhibit A** and **Exhibit B**, respectively, and additional special uses to be added to the Town's special use regulations.

**WHEREAS**, the Planning Commission reviewed the subject text amendments and recommended [REDACTED] 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 (Airpark Mixed Use Zone), attached as **Exhibit A**, and § 10.11.275 (Airpark Overlay Zone), attached as **Exhibit B**; and to amend Town Code § 10.16 (Special Use Regulations) to add special use regulations to the additional special uses found in the Airpark Mixed-Use Zone's table of uses, attached as **Exhibit C**.

**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

(SEAL)

Exhibit A.  
Airpark Mixed Use Zone.

**Section 10.11.260.1. Title**

This zone is known as the “Airpark Mixed-Use Zone” or AMUZ.

**Section 10.11.260.2. Legislative Findings, Purpose, and Intent.**

A. The AMUZ was drafted by using standards and guidance from the Federal Aviation Administration (FAA) Advisory Circulars, The FAA's Land Use Compatibility and Airports guide, 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.

B. The Town Council finds it is in the interest of the residents of Fairfield, and is the purpose of this zone, to:

1, Support aviation-related activities with mixed-use development in a manner that is compatible with the airport and the surrounding community.

2. Protect public health, safety, and welfare by reducing land use conflicts and safeguarding airport operations.

3, Encourage aviation activity and related economic opportunities while maintaining the Town's rural character.

C. The intent of the Town Council that the provisions of this zone be interpreted to promote these purposes.

**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.

**AC.** Means Advisory Circular by FAA.

**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, assembly or substantial modification of an aircraft or aircraft components, including airframes, avionics, and structural elements. The term includes testing and inspection activities incidental to existing aircraft.

**Aircraft (Manned).** Means the same as defined in 14 C.F.R.1.1.

**Aircraft (Unmanned) or Drone.** Means the same as defined in 14 C.F.R. 1.1.

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

**Aircraft, Small.** Means the same as defined in 14 .C.F.R.1.1.

**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 planned area designated to accommodate aircraft operations such as a runway, taxiways, and hangars) with residential, commercial, or light industrial uses that support aircraft operations.

**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 the same as found in 14 C.F.R. § 1.1.

**Airport Emergency Plan.** Means a written plan that complies with 14 C.F.R. § 139.325.



**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.

**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.** Means an airport that has as a runway less than five thousand (5000) ft., less than ten thousand (10,000) operations per year, visual approaches only, and aircraft classified as (ARC) A-I/B-I.

**ARC A-1/B-1.** Means the Airport Reference Code classification of A-1 which 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 and B-1 which 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.

A-I	B-I <i>less than 12,500 lbs.</i>
	
<ul style="list-style-type: none"><li>• Beech Baron 55</li><li>• <b>Beech Bonanza</b></li><li>• Cessna 150</li><li>• Cessna 172</li><li>• Cessna Citation Mustang</li><li>• Eclipse 500</li><li>• Piper Archer</li><li>• Piper Seneca</li></ul>	<ul style="list-style-type: none"><li>• Beech Baron 58</li><li>• Beech King Air 100</li><li>• Cessna 402</li><li>• <b>Cessna 421</b></li><li>• Piper Navajo</li><li>• Piper Cheyenne</li><li>• Swearingen Metroliner</li><li>• Cessna Citation I</li></ul>



**Air School.** Means the same as defined in Utah Code 72-10-102 (12).

**Air School, Private.** Means a for profit or a non profit air school.

**Air School, Public.** Means an air school operated by a public school district, university, or government agency.

**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).** Means a permit issued pursuant to Town Code 10.17.

**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.

**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.

**FAA.** Means the Federal Aviation Administration of the United States Department of Transportation.

**Fuel Farm.** Means 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.

**Fuel Dispenser.** Means 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.** Means 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 S-1).** Means 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.** Means the National Fire Protection Association.

**Obstruction. Obstruction to Air Navigation.** Means the same defined in FAA AC 150/5300-13B § 1.5(70).

**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 the same as defined in FAA AC 150/5300-13B § 1.5(79).

**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.

**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



**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 any alterations, upgrades, or modifications, interior finish work performed within a leased space by or on behalf of a tenant.

**Touch and Go.** Means operation by an aircraft that lands and departs on a runway and immediately takes off again without coming to a full stop to a full stop or exiting the runway.

**Traffic Pattern.** Means the same as defined in 14 C.F.R. § 1.1.

**Utility Runway.** Means the same as defined in 14 C.F.R. § 77.3.

**Visual Flight Rules (VFR).** Means the same as defined in 14 C.F.R. § 170.3.

**Section 10.11.260.4. Applicability and 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.

**Section 10.11.260.5. Uses Allowed in the Airpark Zone.**

Only the uses expressly listed in this ordinance are allowed within the aviation facility. 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.

All special uses shall comply with Town Code § 10.16., and all conditional uses shall comply with Town Code § 10.17.

**Table 1**

<b>Uses</b>	<b>Permitted</b>	<b>Special use</b>	<b>Conditional use</b>	<b>Expressly prohibited</b>
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	
Roto Craft Operation				X
Commercial passenger/cargo operations				X
Air traffic control tower				X
Sewage plant				X
Short term rental				X

#### **Section 10.11.260.9. Development Approval.**

A. Master Plan Required. All development within the AMUZ shall require submission of a master plan for review by the Planning Commission and Town Council.

1. The master plan review shall include, but not be limited to, architectural design and theme, building materials lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors and natural and man-made hazards.

2. The master plan shall cover at least 15 acres and shall establish where residential and nonresidential uses will be located. The master plan should create natural buffering through the location of compatible uses and should include the following elements:

- a. Building orientation, size, and type;
- b. A land use plan that determines where residential, commercial, and other uses will be located;
- c. Identification of buffering, screening, or distance used to mitigate possible noncompatible uses;
- d. Parking areas and vehicle access to the site;
- e. Engineering issues, including grading, drainage, sewer, and other utilities;
- f. Airport operation layout (runway, taxiways, aprons, fueling stations, maintenance areas, parking);
- g. Layout, dimensions, and names of existing and future road rights-of-way;
- h. Transportation circulation plan for aircraft, vehicles, and pedestrians;
- i. Utility plan showing all existing and proposed utilities, including, but not limited to, sewer/septic, culinary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communication lines, cable television lines, minimum fire flow required by the building code for the proposed structures (and fire flow calculations at all hydrant locations), location and dimensions of all utility easements, and a letter from each utility provider, other than the Town, addressing the feasibility and their requirements to serve the project.;
- j. Airport emergency plan and it shall be approved by the Town council.
- k. List of known or identified hazards or obstructions to air navigation;
- l. Environmental study;
- m. Compliance with Fairfield's soil ordinance;
- n. Utilities: must comply with water standards (Town Code § 6.1), wastewater and stormwater design, and wildlife hazard avoidance;

p. Must show proof of ownership or restrictive easements for all land located within the RPZ and any required approach surfaces prior to approval; and

q. Must include an airport layout plan (ALP) that matches the proposed development and is consistent with the Small Airpark classification.

**B. Phasing of Development.**

1. Any mixed-use development proposed to be constructed in phases shall include the full details relating thereto, including a time schedule for the completion of each phase. For all mixed-use projects, required open space shall be completed according to a phasing plan approved with the mixed-use development; and
2. Each phase a development must submit the required water shares to the Town when submitting approval of a phase of the development.

**Section 10.11.260.10. Development Standards.**

**A. General Standards.**

**1. Land Use Allocation:**

- a. No more than 27 one acre lots for residential;
- b. A minimum of 30% of the total developable land area shall be preserved as open space. In calculating required open space, roads, driveways, parking areas, runways, taxiways, aprons, and other areas used primarily for vehicle or aircraft circulation shall be excluded; and
- c. Remaining land in the airpark may be developed for industrial, commercial with aviation related uses consistent with the purposes of the zone.

**2. Restrictive Covenants and HOA.** Development in the AMUZ shall have a homeowner's association and restrictive covenants that comply with the regulations in the AMUZ and the AOZ;

**3. Prohibited Structures.** No building, structure, or other vertical obstruction shall be constructed or maintained within the navigable airspace defined in 14 C.F.R. Part 77 (Objects Affecting Navigable Airspace), including any approach surfaces, transitional surfaces, horizontal surfaces, or conical surfaces, nor within the RPZ, except as otherwise permitted by the Federal Aviation Administration and approved by the Town Council;

**4. Roads.** All development within the AMUZ shall be served by direct access to a public road constructed to Light Industrial west APWA standards; and

**5. Other Regulations.** All development must meet any other applicable Town regulations, such as the Town's roadway standards, water requirements, building code, etc.

6. 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.

B. Airport Standards.

1. Runway. One runway is permitted with the following restrictions:

a. The runway shall not to exceed five thousand (5,000) ft. in length; constructed to standards consistent with serving small propeller driven aircraft with the total gross weight of twelve thousand five hundred (12,500) lbs. or less;

b. Based Aircraft. Only 29 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 the Aviation Facility, consistent with the airpark's runway weight-bearing capacity and Utility Runway classification under FAA Advisory Circular 150/5320-6G;

c. 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;

d. Allow 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 propeller driven aircraft and are not designed for use by heavier aircraft or those with dual-wheel or tandem gear configurations;

e. The airport shall have security gates and security fencing around the perimeter of the runway. Fencing shall comply with FAA wildlife hazard and security guidelines;

f. Runway lights of any type are prohibited;

g. The runway shall be limited to a visual runway with no runway lighting;

h. Runway Protection Zone (RPZ) Standards shall comply with FAA AC 150/5300-13B (Airport Design) and FAA AC 150/5320-6G (Airport Pavement Design). The RPZ's purpose is to protect people and property on the ground by keeping these areas free of objects and activities. The airport sponsor or airpark operator shall control the entire RPZ through fee-simple ownership, if ownership is not feasible, by obtaining recorded restrictive easements sufficient to prevent incompatible land uses, consistent with FAA AC 150/5190-4B (Land Use Compatibility). Fairfield Town shall not be responsible for acquiring, maintaining, or enforcing RPZ ownership or easements; and

2. Flight operations.

a. As a condition of operating within AMUZ, an airport shall adopt and implement policies to discourage touch-and-go operations and to promote flight patterns and operational practices that minimize disturbance to Town residents. Such policies shall be incorporated into airport management documents, published for airport users, and made available to the Town upon request;

b. Follow Visual Flight Rule (VFR) operations only; daytime operations only; from sunrise to sunset, as determined by the National Weather Service;

c. Restrict operations to fewer than ten thousand (10,000) operations per year, not to exceed twenty eight (28) per day; and

d. 14 CFR FAA Part 135 commuter or on-demand commercial operations are strictly prohibited except for emergency aircraft.

C. Industrial and Commercial Standards. All industrial and commercial development must meet the requirements and standards of the Light Industrial West Zone.

D. Residential Standards. 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;
3. Shall all have one hangar with private access to taxi way;
4. not to exceed 27, 1 acre lots plus one lot for a clubhouse; and
5. All residential development must meet the requirements, standards and building requirements of the AR-1 Zone with exterior roads meeting adjacent zone road requirements.

**Section 10.11.260.12. Air Traffic Pattern & Noise Abatement.**

A. Flight Pattern Standards. Air traffic patterns shall avoid overflight of residential dwellings, yards, pastures, or other private property within Fairfield, except in the event of an in-flight emergency. Flight patterns shall be consistent with FAA AC 90-66B (Non-Towered Airport Flight Operations) and FAA AC 150/5300-13B (Airport Design) and must be:

1. Documented in FAA Chart Supplements and any other applicable FAA publications;
2. Published and kept current on the airpark website; and
3. Supported by appropriate visual indicators (segmented circles, runway markings, signage) designating traffic direction and preferred approaches.

B. Operational Requirements:

1. Runway Use. Runway 17 shall be the preferred runway for takeoff and landing;

2. Northbound Departures. Departing aircraft shall turn to avoid residential areas of Fairfield as soon as safely practical;
3. No-Overflight Rule. Aircraft shall not overfly residential properties within Fairfield except during an emergency;
4. A violation of the No-Overflight Rule constitutes a nuisance when:
  - a. The same property is overflown more than three (3) times in any thirty-minute period;
  - b. Overflights are repetitive or consecutive in a manner reasonably perceived as circling or loitering;or
  - c. Overflights occur at such altitude or proximity that they substantially interfere with the quiet enjoyment of the property; and
5. Pre-Flight Responsibility. All aircraft operators shall check applicable NOTAMs and published chart supplements before operating in the airpark traffic pattern.

**Section 10.11.260.13. Easements and Property Control Requirements.**

A. Easement Obligation. Required avigation or restrictive easements shall be purchased, recorded, and maintained by the airpark operator, consistent with Utah Code Title 72, Chapter 10, Part 4 (Airport Zoning Act) and FAA AC 150/5300-13B:

1. Fairfield Town shall not impose easements on private property, as doing so would constitute an unconstitutional taking;
2. The airpark operator is solely responsible for acquiring all easements necessary for approach surfaces, transitional zones, and RPZs within the airpark overlay;
3. Runway Protection Zones (RPZs). All RPZ land must either:
  - a. Be owned in fee simple by the airpark operator; or
  - b. Be encumbered by a restrictive easement, approved by Fairfield Town, that grants full control to prohibit incompatible uses and structures;
4. Approvals. FAA airspace determinations or approvals do not constitute Town approval. Town review and approval are required for all runway extensions, configuration changes, and operational modifications, and may not proceed until all required easements are acquired;
5. Accuracy of Submittals. All FAA and Town submittals must reflect accurate, current on-the-ground conditions, including terrain, landfill heights, obstructions, and land uses. Any material misrepresentation shall be grounds for immediate denial, suspension, or revocation of Town permits and may trigger legal enforcement; and



6. Ongoing Compliance. Failure to maintain ownership or easement control of RPZ areas, or failure to comply with approved flight pattern restrictions, constitutes a zoning violation enforceable under this chapter.

**Section 10.11.260.14. Hazard Notifications.**

A. Airpark operators shall notify the FAA and UDOT Aviation of all potential hazards affecting operations, including the two (2) landfills within Fairfield Town limits. Notifications shall include:

1. The municipal landfill location, distance from the runway, and height allowances of up to 200 feet within the 10,000-foot radius;
2. The C&D/North Pointe landfill location, distance from runway centerline, and permitted heights (up to 75 feet near the center and an allowance of 100' to the south end of landfill.
3. Acknowledgment that seagulls and other birds travel between the landfills, creating a documented wildlife hazard; and
4. A satellite view map with locations of landfill depicting heights and locations in proximity of the runway.
5. Where the airpark is located within Fairfield Town.
6. Notifications must comply with 14 CFR Part 77 obstruction evaluation and be submitted via FAA Form 7460-1. Documentation of submittals, FAA determinations, and any required mitigation measures (including those under FAA AC 150/5200-33C) shall be provided to Fairfield Town within thirty (30) days. No operational modifications may occur until FAA review is complete and all conditions are satisfied. Publicly available airpark information must be kept current and must disclose all known hazards, operational limitations, and restrictions; omission or misrepresentation is grounds for suspension or revocation of airpark permits.

**Section 10.11.260.15. Pilot and Tenant Compliance Requirements.**

A. Distribution of Rules:

1. The aviation facility 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.

**10.11.260.18. Penalties.**

**A. Criminal Violation.** Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this zoning code, or who knowingly permits assists another in doing so, shall be deemed guilty of a class B. misdemeanor.

**B. Civil Remedy.** The municipality may pursue civil remedies, including fines, injunctions, abatement, or other equitable relief permitted under the Town's administrative code enforcement officer is authorized to enforce this zoning code by issuing notice of violation, stop work orders, or other administrative actions, including recommending permit revocation when necessary..

**Exhibit C.  
Circulars.**

**Grant Assurance 20 - requires the airport sponsor to remove hazards in the airspace, but does not grant land use authority to restrict uses.**

**Grant Assurance 21 - requires the airport sponsor to make their best effort to establish land use controls that ensure compatible land uses surrounding the airport. Private ownership of the airport does not excuse the operator from being involved in the public process to encourage safe compatible development. But it also does not grant the airport sponsor power to control land use.**

It's unclear if WDA is subject to either of these assurances because they aren't taking FAA money. UDOT might be requiring it for their grant.

Rough Draft Airport Zone 25-08-03

## **Exhibit B. 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 airport 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.

### **1** Chart 1.

## **2** 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	Same definitions imported verbatim	Full match for consistency.

	Surface, Avigation Easement, RPZ, Transitional Surface, Primary Surface, Horizontal Surface, Utility Runway Weight Limit, Based Aircraft, Crew Rest Facility (if applicable).	(excluding hangar-specific terms unless relevant).	
Height limitations	FAR Part 77 surfaces; no penetration of airspace; <del>41,999</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.

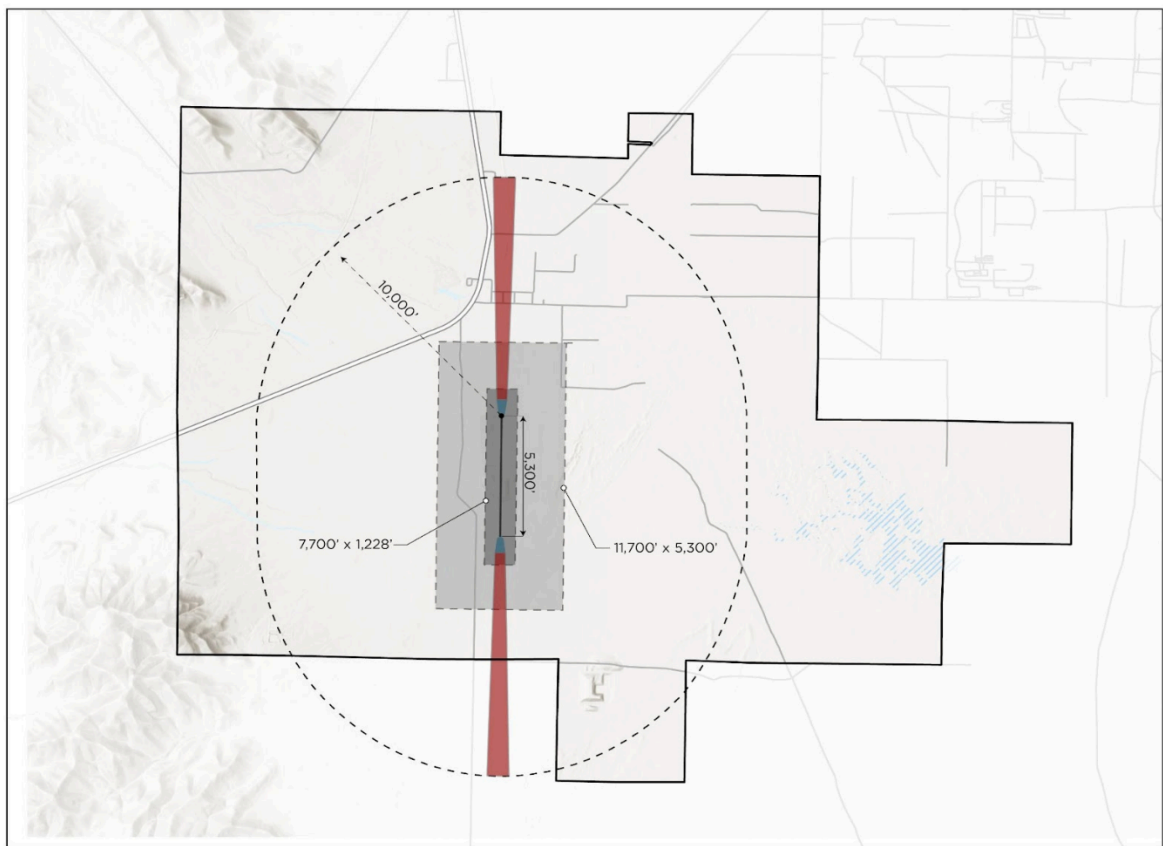
<https://luau.utah.gov/wp-content/uploads/Airports-and-Land-Use-Guide-8-2018-Version-WEB.pdf>

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

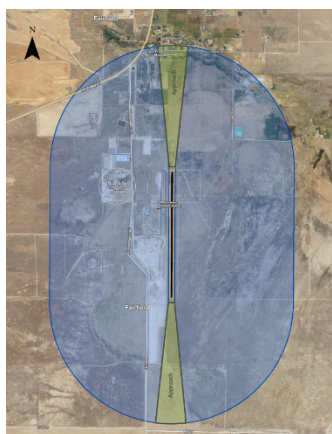
375 WEST 200 SOUTH  
SALT LAKE CITY, UT 84101  
P 801.521.8600  
F 801.521.7913

**Fairfield Town**  
Utah County, Utah

**GSBS**  
CONSULTING



375 WEST 200 SOUTH  
SALT LAKE CITY, UT 84101  
P 801.521.8600  
F 801.521.7913



## AIRPARK LAND REGULATION AND COMPATIBLE LAND USE

FAIRFIELD

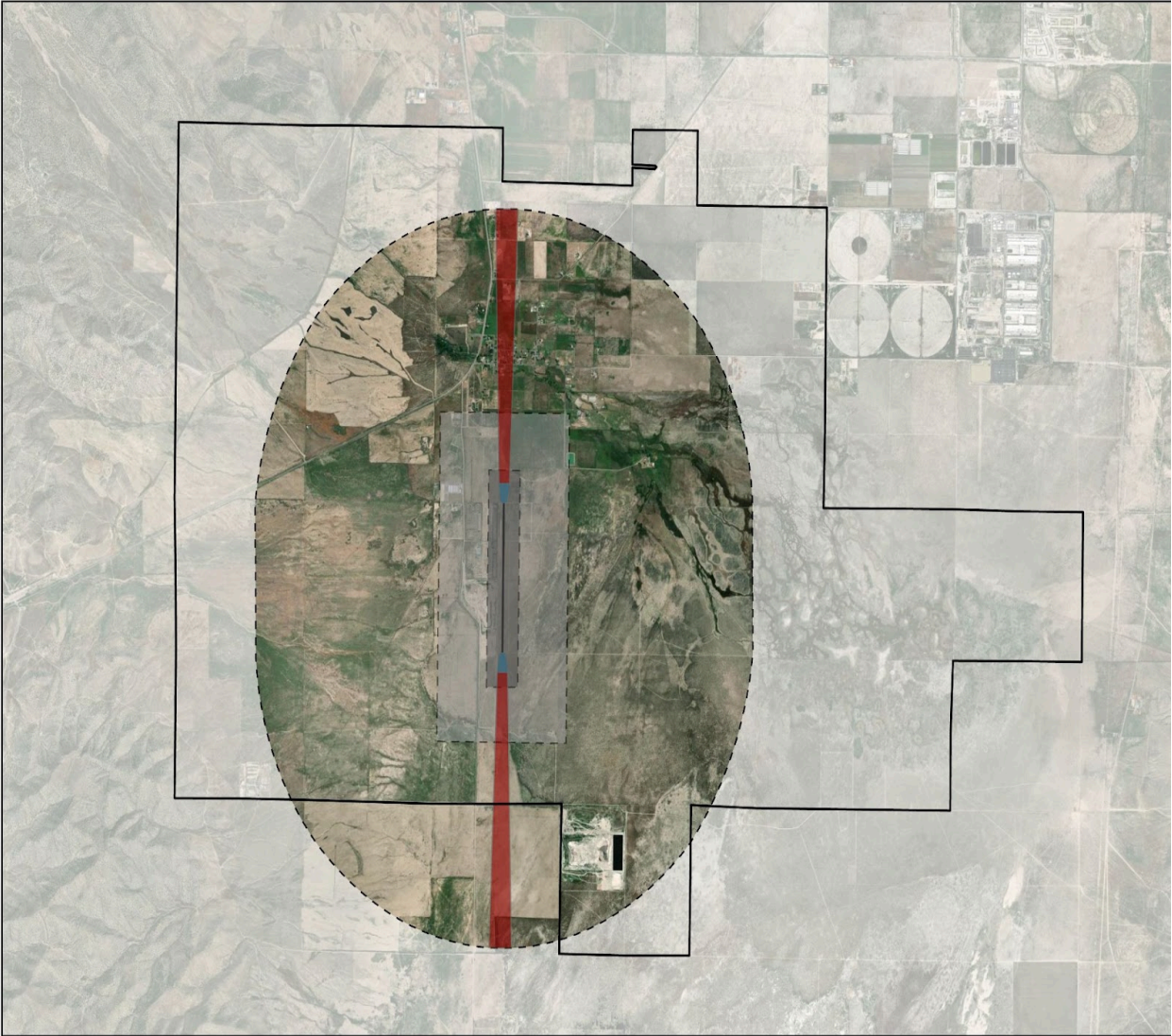
### LEGEND

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



4 Satellite View





5 Map 3. Affected Parcels Within the Overlay.

