

Fairfield Town

Utah County, Utah

PUBLIC NOTICE IS HEREBY GIVEN THAT THE

The Planning Commission of Fairfield, Utah, shall hold a Regular Session on December 3, 2025, @ 7:00 P.M., At the Fairfield Town Office, 121 West Main Street, Fairfield, Utah.

Agenda

Call to Order

- 1) Roll Call

Consent Items

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

- 1) Minutes: September 16, 2025; September 22, 2025; September 24, 2025; November 5, 2025.
- 2) 2026 Planning Commission Meeting Schedule with a Start Time of 6 pm or 7 pm

Business Items

The Commission will discuss (without public comment) and may either make a recommendation to the Town Council or approve the following items as needed:

- 1) Hape Properties Site Plan
- 2) OMBM amended Site Plan
- 3) Landscape Requirements
- 4) Commercial Overlay Zone

Adjournment

Join Zoom Meeting: <https://us06web.zoom.us/j/84690571210?pwd=DiZROJorp1mDLS20hIV0KT4JqbogqU.1>

Meeting ID: 846 9057 1210

Passcode: 806234

Certificate Of Posting

The above agenda notice was posted on or before the 2nd day of December 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 Planning Commission

Session

September 16, 2025

Minutes

Date: Tuesday, September 16, 2025

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

Time: 6:00 P.M.

Minutes By: Recorder: Stephanie Shelley

Call to Order

1) Roll Call

Commissioner Riet opened the meeting at 6:03 pm

David Riet, Wayne Taylor (via Zoom), Kyler Fisher, Jamie Mascaro, Kelton Butterfield

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney, Treasurer: Codi Butterfield, Attorney: Todd Sheeran.

Others Present: Cheri Anderson, Dan McDonal, Councilman Michael Weber, Alina Pringle, Mark Pringle,

Via Zoom: Tal Adair, North Pointe Solid Waste SSD, Amy Walker, Aaron Weight, iPad, jim, Rob, Brian Carver (JUB), RL, Scot Hazard

2) Short Presentation on the Airpark Zone and Airpark Overlay by Todd Sheeran.

Todd Sheeran presented updates on revisions made to the previous draft of the Airpark Zone and Overlay ordinances. He explained that the definitions section was updated to align terminology with applicable federal and state law, and that the compliance and applicability sections were clarified to better describe development requirements. He noted that the development approval section now requires a master plan and includes specific criteria for what must be submitted. He also reported that development standards were streamlined and reorganized into two parts: general standards and airport standards, and that special uses were removed from the Airpark Zone and placed into a standalone special use section.

Todd further emphasized the importance of the emergency response plan requirements, stating they are necessary for town awareness and preparedness in the event of an emergency. He confirmed that the overlay zone language remained unchanged from the prior draft.

3) Public Comment *The Commission will accept public comment and may make a recommendation to the Town Council for the following items: (No more than 2 minutes per person, with a 20-minute limit for each item.)*

Dan McDonald, an attorney for Intermountain Regional Landfill (IRL), stated that he had reviewed the draft notices and identified several concerns. He noted inconsistencies between the GSBS drawings and the ordinance text, particularly regarding the airport influence area. The drawings depict a 10,000-foot radius, which aligns with regulations for a medium airport, while the

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ordinance text appears to regulate a small airport, which would require only a 5,000-foot radius. He emphasized that state law (Title 72) defines the airport influence area as land within 5,000 feet of the runway and authorizes land-use regulation only within that distance. He cautioned that regulating areas beyond 5,000 feet could invite legal challenges.

He further explained that if the Town intends to adopt a 10,000-foot controlled development radius as shown in the GSBS exhibits, IRL is not currently in a position to wholeheartedly endorse the legislation at this time. He recommended that the Town convene discussions with major stakeholders, including the airport, North Point, IRL, and other affected landowners, before moving forward.

Finally, he cautioned against codifying FAA advisory circulars and Utah airport land-use guidelines by reference, as doing so could effectively make the Town responsible for enforcing federal guidelines. He concluded that the ordinance appears ambiguous in both scope and geographic reach, making it difficult to understand the proposed overlay boundaries and how they would affect landowners and stakeholders such as IRL.

Amy Walker, attorney for the West Desert AirPark, stated that she had only briefly reviewed the revised draft ordinance but identified significant concerns, particularly with the penalty section. She explained that enforcing federal aviation regulations at the municipal level raises issues of federal preemption and may be unlawful. She referenced recent Utah Supreme Court decisions, including the Hideout case, that emphasize the limits of municipal authority in areas governed by federal law. She noted that while cities may enforce regulations authorized under state law, the FAA exclusively regulates aircraft operations.

Aaron Weight, representing Property Reserve (the real estate holdings of the Church of Jesus Christ of Latter-day Saints), adjacent to the Airpark, stated that they are closely monitoring the proceedings. He noted that both he and his colleague, who manages the Fairfield Ranch, have been gathering information and communicating with the Mayor, Airpark representatives, and others to better understand the issues and potential impacts of the proposed ordinances. He emphasized that they strive to be good neighbors and partners within the communities where they operate. They do not yet feel adequately educated about the impacts of airport operations or the proposed zoning overlays. They are currently working with their legal teams and others with more experience to review and better understand the potential impacts. Because of that, they are not prepared at this time to comment on the merits of the ordinance, but wanted to be present, listen, and continue following the progress until they have more clarity on how it may affect them.

Todd Sheeran asked a follow-up question to clarify which attorneys Property Reserve was working with. Aaron Weight explained that they are working with Kirton & McConkie, though he was unsure who the primary attorney is, possibly Peter or Christopherson. Todd asked Aaron to let them know they may contact him with any questions.

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Neil Schwendiman from North Point Solid Waste voiced concerns about several provisions in the draft ordinance. He questioned whether the special hazard considerations listed for landfills would override the general restriction that prohibits uses in the airport influence area that attract birds, create glare, interfere with electronics, or otherwise create hazards. He expressed concern that this general restriction could cause future problems for the landfill if bird activity becomes an issue. He also noted that the ordinance's references to fuel farms within the zone might subject his existing fuel tank to FAA regulatory requirements. Additionally, he pointed to language requiring all development within the zone to comply with Fairfield Code, fire and building codes, FAA recommendations, and state recommendations, and asked whether this could allow the FAA at a later date to deem the landfills hazardous and potentially shut them down. He concluded by stating these were his primary concerns.

Alina Pringle, an owner of the Airpark, explained that their attorney, Amy, had submitted a letter requesting additional time for all affected landowners, the Town, and the airport to collaboratively refine the overlay and airport zone language so it works for everyone involved. She stated that, due to the complexity of the issues, a careful and cooperative review process would best serve all parties. She noted that the Airpark had agreed to honor a temporary moratorium on submitting applications, despite the significant time and financial impacts this delay has caused, including the recent sale of water rights because their development cannot move forward. She emphasized that they want to work with the Town but need a seat at the table, as the ordinance directly affects airport-related development on their land. She asked for time to meet with the Town Council and Planning Commission to review the proposed ordinances and work together constructively moving forward.

Councilman Michael Weber commented that the Airpark's willingness to extend the moratorium appears to be an olive branch. He stated that, if accurate, the Town should allow the time needed for a thorough review. He added that it would further demonstrate goodwill if the Airpark agreed to extend the moratorium without additional conditions, showing a genuine interest in working collaboratively with the Town.

Todd Sheeran explained that on Sunday, he contacted the West Desert Air Park's attorney, Amy, to discuss the Town's looming deadline under the pending ordinance, which requires adoption of a final ordinance within 180 days. With the deadline approaching on the 29th, he asked whether the Airpark would agree to extend the timeframe by refraining from submitting any applications. The Airpark agreed to a 60-day extension, though they also included additional requests. He noted that any agreement on an extension would ultimately need to be decided by the Town Council, and he provided this update to clarify why the matter was not brought before the Planning Commission that evening.

Mayor McKinney noted that the additional conditions included in the Airpark's proposed 60-day extension should be shared with the Planning Commission because several of those conditions involve bringing the Airpark to the table to negotiate the ordinance. She emphasized that the Planning Commission will ultimately be the body engaging in those discussions and therefore

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needs to be aware of the requested terms. She then asked Todd to read the list of additional requirements.

Todd Sheeran, The extension request included several conditions. First, the Airpark asked that the extension not affect the pending advisory opinion with the Property Rights Ombudsman, which was considered reasonable. They also referenced matters related to the MDA, though the Planning Commission is not currently in a position to address those. They requested temporary approval of three business licenses that are currently on hold in the airport zone, relocation of the fire marshal-requested water suppression tanks, a collaborative seat at the table during ordinance discussions, and a firm timeline of no more than 60 days for ordinance adoption.

Commissioner Riet asked, Todd, what would you recommend we do to resolve this?

Todd's response, it was noted that several of these items should be decided by the Town Council, which would be meeting the following day. The Council could handle the negotiations itself or refer the matter back to the Planning Commission with direction or parameters, such as an additional review period. It was acknowledged that the draft ordinance is complex and was provided to the Planning Commission only a few days earlier, making a thorough review challenging. Additional time for collaboration with interested parties, including the Airpark, landfills, and the Church, was seen as beneficial for developing a workable ordinance.

Amy Walker asked Todd whether the planning commission could recommend granting this extension. Todd responded that the Planning Commission could recommend an extension be granted.

Business Items

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

1) Commissioner Discussion on the Airport Zone found in Town Code § 10.11.260.

The Commissioners continued their review of the proposed airport zone ordinance and discussed several key components. Regarding the Airport Emergency Response Plan, commissioners debated whether the Town should formally approve the plan. They agreed to retain the requirement that the plan comply with FAA regulations while specifying that the Town Council must approve it.

The Commissioners also reviewed the Limited Development Zone around the runway. Despite concerns raised by the Airpark, the Commissioners agreed to keep the zone in place. Chairman Taylor recommended meeting with the town attorney, engineer, mayor, and himself to evaluate the zone and any potential adjustments further.

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In discussing air traffic patterns and noise, commissioners agreed to keep the existing language, acknowledging that while the Town cannot regulate flight paths, it may adopt statements addressing potential nuisance concerns.

The Commissioners also considered the preferred runway designation and decided to designate Runway 17 as the preferred departure direction rather than listing both Runway 17 and Runway 35. Commissioners noted that emphasizing southbound departures, when weather allows, may help reduce noise over residential areas.

The Commissioners decided to retain the requirements for runway protection zones in both the overlay and the airport zone ordinance, including easements and property control standards.

Questions were raised regarding pilot and tenant compliance requirements. Todd explained that he needed to further research whether the Town can regulate these aspects at a public-use airport. The Commissioners chose to leave the requirements in place until additional legal guidance is obtained.

The Commissioners also briefly discussed the impacts of the extended runway length, from roughly 2,600 feet to over 5,200 feet.

a) Motion to send the Revisions to the Airport Zone found in Town Code § 10.11.260 to the Town Council for approval.

Commissioner Masacro motioned to send the revisions to the airpark zone found in town code 10.11.2620 to the Town Council for approval or denial, allowing the Town Council to decide whether to grant the 60-day extension request by the Airpark. Seconded by Commissioner Fisher. The motion passed unanimously.

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

2) Commissioner Discussion on the Airport Overlay found in Town Code § 10.11.275

The Commissioners reviewed the size of the airport overlay area shown in the GSBS drawings.

The drawings depicted a 10,000-foot radius from the runway ends, which several commissioners

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felt was excessive given that state requirements specify only 5,000 feet. Brian Carver of JUB Engineering confirmed the state standard and noted that the overlay zone could follow the 5,000-foot requirement instead of extending to 10,000 feet. Commissioners also discussed how the overlay's height restrictions would affect surrounding properties, particularly the landfills, which are permitted heights of up to 200 feet.

The Commissioners considered whether to recommend reducing the overlay to 5,000 feet or leave the 10,000-foot radius for the Town Council to evaluate. With the pending ordinance deadline approaching, the Commissioners voted to move the overlay ordinance forward as written, allowing the Town Council to determine whether adjustments should be made.

The Commissioners held a vote to either leave the Overlay 10,000 or shrink it. The vote was three to two. With three to 'Leave it' and Two to shrink it.

Commissioner Taylor - Leave it
Commissioner Riet - Change It
Commissioner Fisher - Leave it
Commissioner Mascaro - Change it
Commissioner Butterfield - Change it

a) Motion to send the Revisions to the Airport Overlay found in Town Code § 10.11.275 to the Town Council for approval.

Commissioner Fisher motioned to send the revision to the airport overlay, found in the town code 10.11.275, to the Town Council for approval or denial. Commissioner Butterfield seconded the motion. Unanimously approved

*Commissioner Taylor - Yes
Commissioner Riet - Yes
Commissioner Fisher - Yes
Commissioner Mascaro - Yes
Commissioner Butterfield - Yes*

Adjournment

Motion made by Commissioner Mascaro to end the meeting. Commissioner Riet seconded the motion. The meeting ended at 7:45 pm.



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

WDAP - Public Comment on Proposed Airpark Ordinance – RPZ and Regulatory Authority

Amy Walker <amy@millerharrisonlaw.com>

Tue, Sep 16, 2025 at 3:48 PM

To: "wtaylor@fairfieldtown-ut.gov" <wtaylor@fairfieldtown-ut.gov>, "hstrong@fairfieldtown-ut.gov"

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Cc: "toddrsheeran@gmail.com" <toddrsheeran@gmail.com>, "sshelley@fairfieldtown-ut.gov"

<sshelley@fairfieldtown-ut.gov>, "hmckinney@fairfieldtown-ut.gov" <hmckinney@fairfieldtown-ut.gov>,

"alina rmkplanes.com" <alina@rmkplanes.com>

Dear Planning Commission and Town Council,

Attached is a letter addressing some of West Desert Airpark's general concerns about the proposed zoning ordinances. This is being submitted as part of the public comment process.

Please don't reply to me directly. Any questions can be directed to Alina Pringle at alina@rmkplanes.com, addressed in an appropriate meeting, or relayed to me through the Town's counsel.

Respectfully,

MILLER | HARRISON
— LAWYERS —

Amy C. Walker
Attorney | MRED
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Murray, UT 84123
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MILLER | HARRISON

— L A W Y E R S —

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ADMITTED TO PRACTICE IN UTAH

September 16, 2025

Fairfield Planning Commission

Wayne Taylor

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Heather Strong

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David Riet

drriet@fairfieldtown-ut.gov

Kyler Fisher

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CC: Fairfield Town Attorney

Todd Sheeran

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CC: Fairfield Town Mayor

Hollie McKinney

hmckinney@fairfieldtown-ut.gov

Sent via e-mail

Re: Public Comment on Proposed Airpark Ordinance - RPZ and Regulatory Authority

Dear Planning Commission and Town Council;

This firm represents the owners and representatives of the project known as the West Desert Airpark, located at approximately 89 West Aviator Way, Fairfield, UT

84103 (“WDAP”). Thank you for the opportunity to provide comments on the proposed airpark ordinance and overlay zone. We recognize the Town’s efforts to balance community concerns with the operation of the West Desert Airpark, and we appreciate the chance to contribute constructively to this important discussion. I do want to note that this is being provided without the benefit of substantively reviewing the most current version of the proposed code, and therefore we reserve the right to supplement or revise these comments as additional information becomes available, and we apologize if any of the concerns raised herein are already addressed in the new draft.

The purpose of this letter is to provide some clarification on WDAP’s position and the legal framework supporting it.

TAKINGS

During prior discussions, there was concern expressed about fairness, particularly where it might hurt someone’s ability to do something later, or impact existing owners. This concern requires a brief explanation of takings and exactions.

Both the United States Constitution and the Utah Constitution protect private property rights against uncompensated government interference. The Fifth Amendment to the U.S. Constitution provides that private property shall not “be taken for public use, without just compensation,” a protection made applicable to the states through the Fourteenth Amendment. Similarly, article I, section 22 of the Utah Constitution provides: “Private property shall not be taken or damaged for public use without just compensation.” Importantly, a taking requires government action. “In sum, the Takings Clause bars *the State* from taking private property without paying for it, no matter which branch is the instrument of the taking.” *Stop the Beach Renourishment, Inc. v. Fla. Dep’t of Env’t Prot.*, 560 U.S. 702, 715, 130 S. Ct. 2592, 2602, 177 L. Ed. 2d 184 (2010).

There are both physical takings [expanding a public road onto your land], which always require compensation, and regulatory takings. “[R]egulatory takings do not always trigger an obligation to compensate the property owner. If a regulation is so onerous that its effect is tantamount to a direct appropriation or ouster it may be compensable.” *Alpine Homes, Inc. v. City of W. Jordan*, 2017 UT 45, ¶ 18, 424 P.3d 95 (cleaned up). A “mere diminution in property value is insufficient to meet the burden of demonstrating a taking by regulation.” *Tolman v. Logan City*, 2007 UT App 260, ¶ 11, 167 P.3d 489 (reaffirming that even a loss in property value of 43% did not constitute a regulatory taking.) The Utah Court of Appeals has affirmed that rezoning property in a way that changes future allowable use, does not constitute a taking, so long as the municipality making the zone change properly exercises their legislative power. *See Smith Inv. Co. v. Sandy City*, 958 P.2d 245, 254 (Utah Ct. App. 1998).

Of course, the Town does not owe compensation every time it amends or updates its zoning code. Courts have long recognized that municipalities retain broad

authority to adopt new regulations that will guide future development. That is the ordinary function of zoning, and changes in zoning classifications or requirements (except in extreme cases), do not amount to a taking of private property.

Legal protections do come into play when government action interferes with a vested right, that is, an existing, lawful use of property. The West Desert Airpark is a long-established, vested use. Under Utah law, vested rights cannot be stripped away by later changes to zoning ordinances. The Utah Legislature has codified this principle in Utah Code § 10-9a-511, which safeguards existing lawful uses that may not conform to current zoning. We recognize that there may be some disagreement regarding WDAP's final plat application for additional hangars, but this letter is directed primarily at concerns raised about WDAP's existing operations.

Avigation Easements

Utah's Airport Zoning Act was designed to protect airports by preventing the creation of hazards to the airport. This is made explicit in Utah Code § 72-10-402(4) and (7), where the Legislature codified that "it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented" and that "the establishment of an airport overlay zone best prevents the creation or establishment of an airport hazard, and promotes the public health, safety, and general welfare." We have some concern about how Utah's Airport Zoning Act, Utah Code § 72-10-401 et seq., operates in relation to the Fairfield's proposed language.

EXACTIONS

Like takings, "[e]xactions are conditions imposed by governmental entities on developers for the issuance of a building permit or subdivision plat approval." *B.A.M. Dev., LLC v. Salt Lake Cnty.*, 2006 UT 2, ¶ 34, 128 P.3d 1161. "Development exactions are the progeny of physical and regulatory takings." *Id.* The U.S. Supreme Court has been clear that exactions must satisfy both an "essential nexus" to a legitimate government interest and "rough proportionality" to the impacts of proposed new development. *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 374 (1994). The Office of the Property Rights Ombudsman has explained, "[p]romoting a public objective, no matter how desirable, that is not directly linked to the development, cannot be a valid exaction." Advisory Opinion #134 (Green v. Layton City, Nov. 15, 2013).

Avigation Easements

There is no legal authority to retroactively impose new conditions on an existing use. Because the Airpark's operations are long-established, the Town cannot lawfully require it to purchase off-site easements as a condition of continuing its use. The Airport

Zoning Act provides that a political subdivision may, as a condition of granting a new land use application, require the applicant “to grant or sell to the airport owner, at appraised fair market value, an aviation easement.” In other words, the Utah Legislature explicitly placed the obligation on the new development and not on the existing airport owner. By contrast, Fairfield’s proposed ordinance appears instead to require the airport owner to purchase easements from future developers or landowners as a condition of continuing its existing, vested operations.

Moreover, no easement is necessary where the airport is already lawfully operating. Aviation easements are intended to address potential future hazards that may penetrate the 14 C.F.R. Part 77 surfaces, and it is our understanding that no structures currently do so. The Airpark’s runway is in operation and qualifies as a lawful use under Utah Code § 72-10-403(1). Conditioning the continuation of that vested use on the purchase of additional property rights would constitute both an impermissible taking and an unlawful exaction.

Development Requirements

We believe the language in Section 10.11.260.10 requiring that “a minimum of 30% of the total developable land area shall be preserved as open space” constitutes an unlawful exaction. The Town has not identified any legitimate governmental interest that would justify this dedication requirement, particularly where the Airpark’s impacts are tied to aviation activity rather than the community’s general preference for open space. Imposing such a condition without a demonstrated connection to the project’s actual impacts exceeds the Town’s lawful authority. This concern applies not only to the open space requirement but also to the development requirements more broadly. Conditions that function as mandatory dedications or development restrictions must be tied directly to the impacts of the project; otherwise, they risk being treated as unlawful exactions.

The RPZ Zone

The Runway Protection Zone (RPZ) is an FAA *advisory* safety zone located at the end of a runway. It is not, by itself, a restriction on land use. FAA guidance recommends that airport sponsors control property within the RPZ and avoid new incompatible development, but the RPZ designation alone does not independently alter landowners’ rights.

When considering whether flight operations might create a compensable taking, the controlling precedent is *United States v. Causby*, 328 U.S. 256 (1946). In *Causby*, the Court rejected the ancient doctrine that property ownership extends “to the periphery of the universe,” recognizing instead that “the air is a public highway, as Congress has declared.” *Id.* at 260–61. “To hold otherwise would subject every flight to countless trespass suits and cripple air commerce.” *Id.* This is consistent with Utah Code § 72-10-403(1).

Importantly, if there is ever a takings claim, it must be brought by a property owner against the government entity alleged to have taken their property. It is not a claim for a local government to use against a private landowner, as taking is a *state* aka government, action. Neither is it a claim for private parties to bring against private parties. Just like when one resident's tree falls onto a neighbor's fence, the Town does not step in to bring claims as the remedy lies between the private parties,

The Town's authority is limited by the Utah Airport Zoning Act to prospective regulation: adopting an airport overlay zone consistent with this chapter and 14 C.F.R. Part 77 and requiring new development within an airport influence area to conform with Part 77 standards. Although the RPZ is not identified as a Part 77 Surface, it is appropriately depicted in the proposed ordinances as an area of significant importance. Notably, the Airpark's new runway results in a narrower RPZ footprint. The old RPZ was 1,000 feet wide at its northern end, while the new RPZ is only 450 feet wide, reducing the total amount of land potentially affected. *See Exhibit A.*

Preemption

Preemption is a constitutional principle that limits what municipalities may regulate or enforce. Under the Supremacy Clause of the United States Constitution, federal law overrides conflicting state or local rules in fields where Congress has exercised exclusive authority, such as aviation. Similarly, under the Utah Constitution, municipalities are creatures of statute and may act only within the powers granted to them by the Legislature. At the State level, the Utah Supreme Court has interpreted this restriction to mean that, a municipality "only has such powers that are (1) expressly granted to it by the legislature; (2) necessarily implied and incident to its express powers; and (3) indispensable to accomplish the declared objects and purposes of the municipality." *Provo City v. Ivie*, 2004 UT 30, ¶ 14, 94 P.3d 206

Utah law is clear that municipalities may enforce their own zoning ordinances only in the manner authorized by the State. The Legislature, through the Land Use Development and Management Act (LUDMA), has set out the exclusive framework for how cities and towns may impose penalties or seek enforcement. In *Bleazard v. City of Erda*, 2024 UT 17, ¶ 47, 552 P.3d 183, 193, the Utah Supreme Court reaffirmed that "in the absence of language expressly granting a private right of action in the statute itself, the courts of this state are reluctant to imply a private right of action based on state law." Likewise, in *Summit Cnty. v. Town of Hideout*, 2024 UT 39, ¶ 45, 557 P.3d 574, the Court held that even county prosecutors lacked standing to challenge an annexation within their own boundaries because the statute had not granted them that authority. These cases underscore a fundamental point: municipalities do not have inherent enforcement powers; their authority is strictly derived from, and limited by, state law and federal law.

The draft ordinance contains extensive enforcement provisions that conflict with these limits. Under LUDMA, Utah Code §§ 10-9a-802(2) and 10-9a-803(2) establish the

procedures and limits for enforcing land use ordinances, while § 10-9a-803(3) requires a specific process before civil penalties may be imposed. A class C misdemeanor is permitted only after a conviction, and some violations are expressly limited to infractions. Yet several provisions in the draft ordinance suggest that the Town could revoke licenses, shut down operations, or terminate service without notice or due process. These provisions exceed statutory authority, conflict with due process protections, and create significant legal risk for the Town.

The same principle applies at the federal level. Congress has declared that the United States has “exclusive sovereignty of airspace of the United States.” 49 U.S.C. § 40103(a)(1). Enforcement of federal aviation law rests with the U.S. Secretary of Transportation, who may investigate complaints and, if warranted, refer matters to the U.S. Attorney General. See 49 U.S.C. § 46101. This framework applies equally to both public and private airports and reflects the Supreme Court’s holding in *United States v. Causby*, 328 U.S. 256 (1946) discussed above. Accordingly, the Town has no jurisdiction to interpret or enforce FAA rules, guidance, or regulations. Any attempt to do so would be preempted under the Supremacy Clause and would expose the Town to unnecessary litigation.

In short, the Town should avoid inserting broad, duplicative, or unauthorized enforcement provisions into the ordinance. Where state law provides enforcement mechanisms, the ordinance should reference those statutes directly. Where federal law governs, enforcement must be left to federal authorities. Respecting these limits will ensure the ordinance is legally enforceable and consistent with constitutional protections.

Flight Training and Privileges & Immunities

The ordinance’s prohibition on outside or affiliated training providers also raises significant concerns under the Privileges and Immunities Clause. That Clause protects the right of citizens of one state to pursue lawful occupations in another. As the Supreme Court held in *United Bldg. & Constr. Trades Council of Camden Cnty. v. Mayor & Council of City of Camden*, 465 U.S. 208, 222 (1984), nonresidents cannot be excluded from economic opportunities unless they are shown to “constitute a peculiar source of the evil at which the statute is aimed.” The Court further explained that the fact an ordinance is municipal rather than statewide “does not place it outside the Clause’s scope,” because municipalities are political subdivisions of the State and “what would be unconstitutional if done directly by the State can no more readily be accomplished by a city deriving its authority from the State.” *Id.* at 217.

Applied here, the ordinance does not identify any “peculiar evil” caused by flight schools that aren’t owned by the airpark. Instead, it attempts to reserve the right to conduct flight training exclusively to the Airpark entity, barring all other potential operators, including those lawfully authorized under the FAA. Such discrimination on flight school operators directly burdens a protected privilege, the right to pursue a

lawful occupation across state lines, without a substantial justification. For that reason, the restriction is vulnerable to challenge under the Privileges and Immunities Clause, in addition to raising concerns under the Dormant Commerce Clause and principles of federal preemption.

Benefits of an Airport Overlay Zone

We also want to recognize that protecting the Part 77 surfaces and the airport overlay zone can be beneficial to the Town. The Utah Legislature has identified that airport hazards endanger public safety and that preventing incompatible land uses near airports serves the public interest. *See Utah Code § 72-10-402.* By adopting a clear overlay zone, the Town can help avoid conflicts between the Airpark and future residential or commercial development. This provides certainty for both the community and the airport, while also reducing the likelihood of private disputes or litigation down the road.

In addition, a well-designed overlay can promote community values that Fairfield residents care about, such as preserving open space, maintaining dark skies, and preventing high-density residential uses. These measures not only protect public health and safety but also keep Fairfield small.

Request for Additional Time

Finally, we respectfully request additional time to review the proposed ordinance before it moves forward. To date, neither our clients nor neighboring landowners, including the owners of the landfills within the airport influence area have had the opportunity to meaningfully examine the draft language. Given the complexity of these issues, we believe that a careful and collaborative review process will best serve the Town and its residents.

Thank you for your attention to this matter.

Respectfully submitted,
MILLER HARRISON LLC

A handwritten signature in black ink that reads "Amy C. Walker".

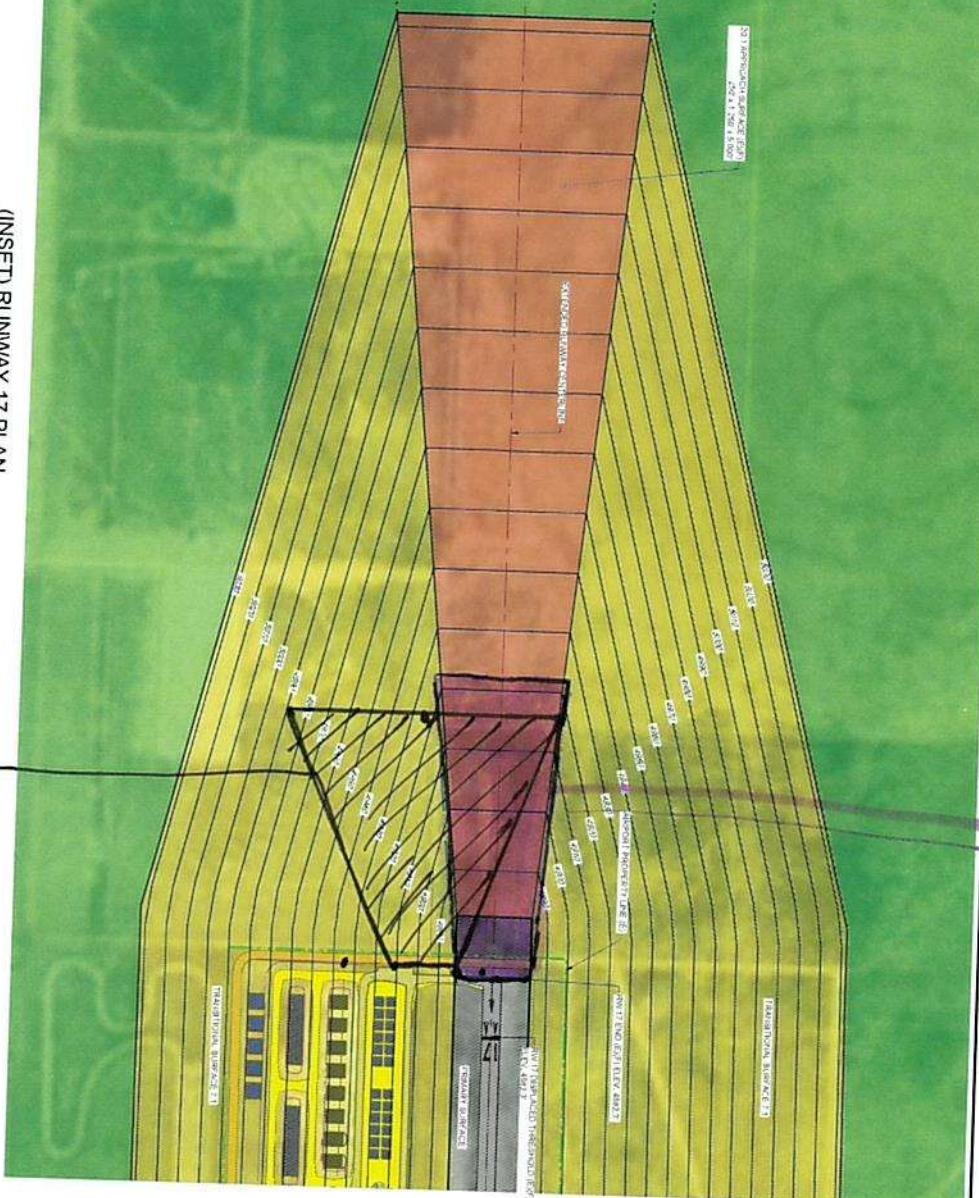
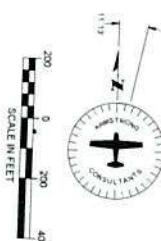
Amy C. Walker
Attorney at Law



(INSET) RUNWAY 17 PLAN
SCALE PER BARSCALE

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Then



Now

File #	Rev.	Issue Date	Description	File #	Rev.	Issue Date	Description
1 226896	05	05/25/2025	AS-BUILT RUNWAY 11/20 RELOCATION	5646504	MAC	DJR	JPH
8 206465	06	06/20/2025	ORIGINAL ISSUE	5646502	GWK	JH	JDP

WEST DESERT AIRPARK
FAIRFIELD, UTAH

AIRPORT LAYOUT PLAN



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

WDAP - Public Comment on Proposed Airpark Ordinance – RPZ and Regulatory Authority

Amy Walker <amy@millerharrisonlaw.com>

Tue, Sep 16, 2025 at 5:22 PM

To: "wtaylor@fairfieldtown-ut.gov" <wtaylor@fairfieldtown-ut.gov>, "hstrong@fairfieldtown-ut.gov" <hstrong@fairfieldtown-ut.gov>, "driet@fairfieldtown-ut.gov" <driet@fairfieldtown-ut.gov>, "kfisher@fairfieldtown-ut.gov" <kfisher@fairfieldtown-ut.gov>, "mweber@fairfieldtown-ut.gov" <mweber@fairfieldtown-ut.gov>, "tthomas@fairfieldtown-ut.gov" <tthomas@fairfieldtown-ut.gov>, "rlpanek@fairfieldtown-ut.gov" <rlpanek@fairfieldtown-ut.gov>, "rcameron@fairfieldtown-ut.gov" <rcameron@fairfieldtown-ut.gov>, "jmascaro@fairfieldtown-ut.gov" <jmascaro@fairfieldtown-ut.gov>
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Dear Planning Commission and Town Council

Attached is a supplemental comment letter highlighting how other Utah municipalities have structured their airport zoning ordinances. I thought it may be helpful to share these examples as the Town considers its own approach.

Respectfully,

MILLER | HARRISON
— LAWYERS —

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801K

MILLER | HARRISON

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ADMITTED TO PRACTICE IN UTAH

September 16, 2025

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Sent via e-mail

Re: Supplemental Comment – Comparison with Other Airport Zoning Ordinances

Dear Planning Commission and Town Council;

As a brief supplement to my earlier letter, I wanted to highlight how other Utah municipalities have approached airport zoning. Attached are the zoning ordinances for

Spanish Fork, Provo, West Jordan, and Woods Cross, each of which has adopted airport overlay zones that focus on protecting aviation operations from hazards while respecting the limits of municipal authority. As a note, Provo has a public airport and therefore maintains separate ordinances that address certain airport-specific issues, but even these do not attempt to regulate FAA operational matters.

For example, Spanish Fork's Airport Impact Overlay emphasizes development standards such as building orientation, materials, and FAA compliance. Similarly, Woods Cross's Airport Zone allows a wide range of aviation-related uses, with setbacks and building heights tied directly to FAA Part 77 standards. Provo and West Jordan follow the same pattern: they use zoning to prevent incompatible development around airports but do not step into FAA jurisdiction or impose disproportionate restrictions on existing airport operations. We believe Fairfield can adopt a similar narrowly tailored model that balances community planning needs and aviation safety without overreaching into areas reserved for federal authority

A common theme across all of these ordinances is their clarity and simplicity. By focusing on preventing hazards and leaving operational matters to the FAA, they avoid unnecessary complexity or enforcement challenges. Fairfield has the opportunity to follow this well-tested approach, ensuring the ordinance is both effective and practical.. We encourage Fairfield to consider these approaches as examples of workable, legally sound regulation.

Respectfully submitted,

MILLER HARRISON LLC



Amy C. Walker
Attorney at Law

WOODS CROSS

CHAPTER 12-18 AIRPORT ZONE AP

- 12-18-101. Purpose and Objectives.**
- 12-18-102. Accessory Uses.**
- 12-18-103. Area and Density Requirements**
- 12-18-104. Lot Frontage.**
- 12-18-105. Yard Requirements – Setbacks.**
- 12-18-106. Development Standards.**
- 12-18-107. Building Height.**
- 12-18-108. Uses Within Buildings.**
- 12-18-109. Uses Within Hangars.**
- 12-18-110. Distance Between Buildings.**
- 12-18-111. Business Activities Within Enclosed Buildings – Outside Storage Requirements.**
- 12-18-112. Permissible Lot Coverage.**
- 12-18-113. Storage – Trash, Garbage, Etc.**
- 12-18-114. Parking, Loading and Access.**
- 12-18-115. Clear vision and Intersections.**
- 12-18-116. Bonds.**
- 12-18-117. Signs.**
- 12-18-118. Site Plan Review.**
- 12-18-119. Development Requirements – Business or Industrial Parks.**
- 12-18-120. Restrictive Covenants – Ownership Association.**
- 12-18-121. Outdoor Retail Displays and Outdoor Storage of Retail Products.**

12-18-101. Purpose and Objectives.

The purpose of this Zone is to provide for and establish reasonable regulations similar to the City's Light Industrial/Business Park Zone (I-1) and, due to its proximity to the airport known as "Skypark Airport," to provide reasonable regulations related to the airport and to aviation related uses.

The Airport Zone (AP) is established to:

- (a) Allow airport and aviation related services, including businesses such as fixed-base operations, fuel sales, aircraft maintenance and parts, hangars, flight schools, etc.
- (b) Provide reasonable regulations for aesthetically pleasing, safe and well-designed light industrial, light manufacturing, light industrial parks, business parks, professional offices and research and development uses within the zone. The definitions of "light industrial," "light manufacturing," "light industrial park" and "business park" shall be as set forth in Section 12-19-101, as amended (Light Industrial I-1 Zone).
- (c) Regulate the development of light industrial and airport areas to provide for, protection of adjacent properties, preservation of street functions, provisions of off-street parking and efficient use of municipal services.
- (d) Provide areas in the City where airport and light industrial/manufacturing uses engage in activities which are performed entirely within buildings designed and

constructed in a manner which does not cause or produce a nuisance to adjacent properties.

- (e) Provide adequate and accessible employment opportunities and airport, aviation, light industrial/manufacturing and business services to City residents and other area residents.

12-18-102. Accessory Uses.

Accessory uses and buildings customarily incidental to the permitted and conditional uses provided herein may be approved by the City in accordance with the provisions of this Title.

12-18-103. Area and Density Requirements.

Each single lot or parcel of land in the AP Zoning District shall contain a minimum of 1/2 acres.

12-18-104. Lot Frontage.

Each lot or parcel of land in the AP Zone shall have a minimum frontage of 100 feet abutting a public street. However, parcels of land, which in the opinion of the Planning Commission, are "interior" to the airport facilities (e.g., primarily oriented toward and/or facing the airport runway and related facilities, such as a hangar door through which aircraft enter or exit) and are proposed for use as an airport or aviation-related service such as a hangar, fuel service, flight school, aviation maintenance and repair, etc. may request a waiver of this requirement by the Planning Commission, which waiver may be granted upon finding the following:

- (a) The parcel of land is interior to and functions as a needed and compatible part of the airport operations and facilities.
- (b) The proposed use of the property is for airport and aviation-related activities. Vehicular and pedestrian access to the property will be through the main parking lot and entrance to the airport.
- (c) Other conditions may be imposed to mitigate any adverse effects of such a waiver.

12-18-105. Yard Requirements – Setbacks.

The following minimum yard requirements shall apply to the AP Zone:

- (a) Front Yard: Each lot or parcel of land in the AP Zone shall have a front yard depth of not less than 30 ft. except the Planning Commission may reduce the front yard to 20 ft. if it finds the yard reduction provides a more attractive and efficient use of the property and the negative effects, if any, thereof may be mitigated by the imposition of reasonable conditions.
- (b) Side Yard: Each lot or parcel of land in the AP Zone shall have a side yard of at least 30 feet; the total width of the two required side yards shall not be less than 70 feet on land located adjacent to a zoning district other than the AP, I-1 or I-2 district. There shall be no side yard requirements in those instances where the side property line abuts another property located within the AP Zone, I-1 or I-2

Zones.

- (c) Side Yard-Corner Lots: On corner lots, the side yard contiguous to the street shall not be less than 30 feet except the Planning Commission may reduce the side yard to 15 feet if it finds the yard reduction provides a more attractive and efficient use of the property and the negative effects, including site lines for safe vehicular and pedestrian travel, thereof may be mitigated by the imposition of reasonable conditions.
- (d) Side Yard-Driveways: When used for access to any garage, carport, hangar or parking area having less than 5 parking spaces, the side yards shall be wide enough to accommodate an unobstructed 12 ft. paved driveway. When used for access to a garage, carport or parking areas having 6 or more parking spaces, the side yards shall be wide enough to provide an unobstructed 12 ft. paved driveway for one-way traffic, or a 20 ft. paved driveway for 2-way traffic. All driveways shall meet any conditions or requirements of the South Davis Metro Fire Service Area.
- (e) Rear Yard: Not less than 15 feet for all uses within the AP Zone; in cases where a building is located upon a lot or parcel adjacent to any zone other than the AP, I-1 or I-2 Zones, the rear yard shall be not less than 30 feet. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of 30 feet. The Planning Commission may reduce the rear yard, if in its judgment the yard reduction provides a more attractive and more efficient use of the property and the negative effects, if any, thereof may be mitigated by the imposition of reasonable conditions.
- (f) Other Requirements: For property within the AP Zone, which has been determined by the Planning Commission to be interior to the airport as outlined in 12-15A-106, a reduced yard or setback requirement may be granted if, in the opinion of the Planning Commission, such reduction or reductions will not be detrimental for any reason or that adverse effects can be mitigated with appropriate conditions.

12-18-106. Development Standards.

- (a) The development standards set forth in the I-1 Zone (Section 12-19-108, as amended) and the Airport Overlay Zone shall apply within the AP Zone.
- (b) In addition to the I-1 Development Standards structures used exclusively as airplane hangars may be constructed entirely of metal in accordance with standards of the aviation industry. Unless demonstrated to be infeasible, exterior walls that are visible to the public from adjoining streets should meet the exterior material requirements of Section 12-19-108, as amended.
- (c) In the event the use of a hangar structure is changed from exclusively aircraft hangar use to another use or combination of uses, the exterior of the building shall be modified to comply with the requirements of Section 12-19-108, as amended.

12-18-107. Building Height.

The building height standards of the I-1 and the Airport Overlay Zones shall be followed in the AP Zone.

In the AP Zone, the height of every building or structure hereinafter designed, erected or structurally altered or enlarged shall also conform to the requirements of the most recent edition of the International Building Code, as adopted by the City, to the requirements of the Airport Overlay Zone of this Title and to the requirements of Part 77 of Federal Aviation Administration regulations, all as amended.

12-18-108. Uses Within Buildings.

Except as otherwise provided in this Chapter, all uses established in the AP Zone shall be conducted entirely within a fully enclosed building.

12-18-109. Uses Within Hangars.

Except as approved as a conditional use by the Planning Commission, all structures approved as aircraft hangars shall be used exclusively for the storage, maintenance and construction of aircraft and business/office activities directly related to the same.

12-18-110. Distance Between Buildings.

The distance between buildings shall be as dictated by the requirements of this chapter, latest edition of the International Building Code and other standard building codes adopted by the City and the State of Utah, by the requirements of the South Davis Metro Fire Service Area, and as applicable, operational standards of the Federal Aviation Administration.

12-18-111. Business Activities Within Enclosed Buildings – Outside Storage Requirements.

Except as expressly modified herein, all uses in the AP Zone shall comply with Section 12-19-112, as amended – “Business Activities Within Enclosed Buildings – Outside Storage Requirements.”

12-18-112. Permissible Lot Coverage.

Lot coverage by buildings and covered or semi-enclosed out-buildings or accessory buildings shall be consistent with the requirements of Section 12-19-113, as amended.

12-18-113. Storage – Trash, Garbage, Etc.

Any use in this Zone shall comply with the requirements of Section 12-19-114, as amended.

12-18-114. Parking, Loading and Access.

Each lot or parcel in the AP Zone shall have on the same lot or parcel off-street parking sufficient to comply with Chapter 19 of this Title.

12-18-115. Clear vision and Intersections.

No landscape, wall, fence, sign or other structure that would obstruct the clear vision of intersecting streets shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points 30 feet from the intersection of the public street lines.

12-18-116. Bonds.

Completion assurances and bonds shall be provided as required in other provisions of the Woods Cross City Code, including without limitation Title 11, Subdivisions.

12-18-117. Signs.

The requirements of the Sign Ordinance of the City shall apply to this zone.

12-18-118. Site Plan Review.

The requirements of Chapter 23 of this Title shall be enforced for any uses requiring site plan review.

12-18-119. Development Requirements – Business or Industrial Parks.

Any industrial park or business park development shall comply with the requirements of the I-1 and Airport Overlay Zones, as amended.

12-18-120. Restrictive Covenants – Ownership Association.

Where required as part of the site plan approval or conditional use process, the developer of a subdivision within this Zone shall comply with the requirements of Section 12-19-121, as amended.

12-18-121. Outside Retail Displays and Outdoor Storage of Retail Products.

The outside display, sale and storage of merchandise, goods, materials, vehicles or equipment for sale at retail as a conditional use under this Chapter shall comply with the requirements of Section 12-19-122, as amended.

SPANISH FORK

15.3.20.010 Airport Impact Overlay

This district is intended to provide for the development of improvements at the airport that will enhance the facility's functionality and visual appeal. These standards are not intended to limit creativity but are expected to facilitate development that creates a distinct sense of place that is recognizable by aeronautical professionals and the community at large. The distinct sense of place will be created by following basic provisions concerning building materials, building orientation, building color and signage. Care shall be taken in this district to ensure compliance with FAA regulations.

A. Permitted Uses

1. Aircraft maintenance and repair facilities.
2. Indoor manufacturing, assembly, and storage of finished products for aeronautical uses.
3. Aeronautical related instructional studios.
4. Municipal facilities required for local service.
5. Aeronautical related offices.
6. Research, development, and testing services.
7. Restaurants.
8. Retail businesses which support aeronautical related uses.
9. Aeronautical related trade or business schools.

B. Non-hangar Building Standards

1. Buildings should orient lobbies and other public areas to the street with windows and building entries that provide visual interest and a connection to the street. The ground level should make use of appropriate fenestration, texture and other architectural elements to avoid creating blank walls.
2. The setback from Main Street shall be a minimum of 25 feet and a maximum of 75 feet. Setbacks elsewhere shall be five (5) feet on side property lines and 25 feet on the front and rear.
3. Massing changes, distinct colors, material changes or entrance canopies shall be used to make building entrances recognizable and a focal part of the overall design.
4. The mass of structures fronting Main Street shall be designed so as to present an articulated and interesting visual presence.
5. The exterior design of a building should reveal differences in its internal function as expressions of height, massing, and the composition of their elevations.
6. The use of decorative elements and colors is recommended to provide accent and soften buildings' mass.
7. Building height shall be limited to the lesser of 50 feet or FAA requirements.
8. Roofs shall be flat or have a very low pitch not to exceed 2:12.
9. All loading, receiving, and storage areas shall be effectively screened from public view by architectural or landscape features. Loading areas shall not be permitted in the front of a building. Service areas should be visually unobtrusive and integrated with each building's architecture and site design.

C. Hangar Standards

1. Hangars shall have minimum dimensions of 41 feet six (6) inches by 33 feet. In areas of the Airport that have been approved for T-hangars, a clear area of the same dimensions shall be provided.
2. Hangars shall have an exterior wall skin of pre-painted metal or painted concrete masonry units. In the event that concrete masonry units are used, the owner shall re-coat as needed to maintain an even-colored appearance. Hangar trim may be constructed of stucco or masonry materials.
3. Hangars shall have a pre-painted metal door which provides a minimum height for Aircraft Tail Clearance 11 feet. Bi-fold doors are recommended. Approved swing out, overhead, or sliding doors may also be used.
4. Each stand-alone building shall have water service, fire extinguishers, and/or other protection required by the Fire Code.
5. All hangars shall be connected to the Airport's paved aircraft movement surfaces by a paved surface, matching the grade of the aircraft movement surface and no less than 25 feet wide and of constructed in accordance with Spanish Fork City Standards.

D. Accessory Buildings and Uses (see §15.3.24.090):

E. Development Standards (see Table 2):

F. Site Plan/Design Review (see §15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see §15.4.16.130).

H. Signs (see §5.36.010 et seq.).

I. Parking (see §15.4.16.120).

(Ordinance 16-17; Created June 20, 2017)

PROVO

Chapter 14.17D AIRPORT ZONES



Sections:

- 14.17D.010 Purpose and Objectives.
- 14.17D.020 Permitted Uses.
- 14.17D.030 Lot Standards.
- 14.17D.040 Yard Requirements.
- 14.17D.050 Projections into Yards.
- 14.17D.060 Building Height.
- 14.17D.070 Parking, Loading, and Access.
- 14.17D.080 Design Standards.
- 14.17D.090 Project Plan Approval.
- 14.17D.100 Prohibited Uses.
- 14.17D.110 Other Requirements.

14.17D.010

Purpose and Objectives.



The purpose of the Airport zone and the Airport Industrial zone is to allow certain land uses that are compatible with the functions and services provided by a municipal airport. These zones are also intended to avoid conflicts incompatible to airport operations. The airport zones are intended to promote economic opportunity and benefit the City. For purposes of consolidation, the ordinance for the Airport and Airport Industrial zones have been combined into one chapter. The purpose of each airport zone is described below:

- (1) The Airport (A) zone is established to provide a high-quality development that is airport-focused and complementary to the Provo Municipal Airport. This zone is only applicable to the area the City of Provo has designated as the Provo Municipal Airport.
- (2) The Airport Industrial (AI) zone is established to provide for a range of uses that are compatible with the Municipal Airport and encourage usage of the airport. The uses allowed in this zone are intended to not interfere with surrounding residential areas as the noise, traffic and aesthetics are being taken into consideration. This zone

Airport and related activities	P	N	See Title 13 (Aviation), Provo City Code Ramp, hangar and other facilities see Chapter 13.10 , Provo City Code
Airport rescue and firefighting (ARFF) facilities	P	N	
Airports, flying fields and other air transportation	P	N	
Antenna – communication tower	P	P	Subject to Sections 14.34.090 and 14.34.250 , Provo City Code
Eating places, restaurants (no drive-through)	P	P	Subject to Section 14.34.250 , Provo City Code
Federal agencies	P	N	Inside the airport terminal only
Hotels	N	P	
Miscellaneous manufacturing	N	P	
Professional office	N	P	
Police station (branch only)	P	N	Inside airport terminal only
Professional office related to airport activities	N	P	
Transportation terminal including bus and rail	P	N	
Vehicle parking – off site	N	P	
Utility right-of-way	P	P	
Vehicle rental facility	P	P	Long-term storage shall be provided in the A zone
Vocational training school (related to aviation)	P	P	
Warehouse	N	P	

(2) *Permitted Accessory Uses.* [Accessory uses](#) and [structures](#) are permitted in the airport [zones](#); provided
incidental to and do not substantially alter the character of the permitted principal [use](#) or [structure](#).

(Enacted 2021-39, Am 2022-02)

14.17D.030 Lot Standards.



[Lots](#) shall be developed according to the following standards as listed in Table 14.17D.2:

Table Table 14.17D.2. Lot Standards

	A	AI
Minimum lot area	No requirement	10,000 SF
Minimum lot frontage		100 feet
Minimum lot width		100 feet

Front yard	No requirement	10 feet	No requirement
Side yard, corner lot		10 feet	No requirement
Side yard, interior		10 feet	No requirement
Rear		20 feet	No requirement
Driveway access	16 feet	30 feet	12 feet
			24 feet

(Enacted 2021-39, Am 2022-02)

14.17D.050

Projections into Yards.



(1) The following structures may be erected on or project into any required yard within the AI zone. The structures are exempt and is subject to the FAA regulations.

- (a) Fences and walls in conformance with the Provo City Code and other City codes and ordinance requirements for front yards;
- (b) Landscape elements, including trees, shrubs, turf, and other plant materials; and
- (c) Necessary appurtenances for utility service, subject to City approval.

(2) The following structures may project into a minimum front or rear yard not more than four (4) feet, and a minimum side yard not more than two (2) feet: cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

(Enacted 2021-39)

14.17D.060

Building Height.



Building height requirements are listed in Table 14.17D.4. Airport communication towers are exempt from requirements per Section 14.34.090, Provo City Code.

Table 14.17D.4. Building Height

	A	AI
Total maximum <u>building height</u>	65 feet	55 feet
Maximum number of <u>building stories</u>	3 stories	
Minimum first <u>story</u> height	12 feet floor to ceiling	
Maximum main floor elevation	30 inches above highest adjacent curb elevation	

(Enacted 2021-39)

14.17D.090

Project Plan Approval.



See Sections [15.03.300](#) and [15.03.310](#), Provo City Code.

(Enacted 2021-39)

14.17D.100

Prohibited Uses.



(1) The following uses are prohibited within the AI zone:

- (a) Uses that will create an electrical interference with navigational signals or radio communication flight controllers in the airport and an aircraft;
- (b) Uses that would make it difficult for pilots to distinguish airport lights, create glare, create dust, or conditions that obscure vision;
- (c) Uses that would cause a concentration of birds such that a hazard is created for aircraft landing;
- (d) Overhead transmission lines;
- (e) Any use that creates a nuisance due to light, glare, noise, smoke, odor, dust, gas or other obnoxious emissions (excluding fire abatement chemicals); and
- (f) The storage, treatment, processing, and manufacture of hazardous materials (excluding aviation fuel) such activity is not appurtenant to an existing or proposed permitted use.

(2) Use of the A zone for business purposes without obtaining a lease agreement with the Airport Director is prohibited.

(Enacted 2021-39, Am 2025-11)

14.17D.110

Other Requirements.



(1) *Signs.*

- (a) AI zone (see Chapter [14.38](#), Provo City Code).
- (b) A zone (see Chapter [13.11](#), Provo City Code).

(2) Landscaping (see Chapter [15.20](#), Provo City Code).

- (8) Minimum standards and requirements for aeronautical business within the A zone (see Chapter 13.07, Provo City Code).
- (9) Applications for commercial aeronautical activities within the A zone (see Chapter 13.09, Provo City Code).
- (10) Any person operating commercial business activity in the A zone shall obtain a lease agreement with the Director (see Chapter 13.07, Provo City Code).
- (11) Any development within one (1) mile of the airport shall submit a Notice of Proposed Construction on Form FAA 7460-1 to the FAA.

(Enacted 2021-39, Am 2025-11)

The Provo City Code is current through Ordinance 2025-43, passed July 22, 2025.

Disclaimer: The city recorder has the official version of the Provo City Code. Users should contact the city recorder for ordinances previously cited above.

[City Website: www.provo.gov](#)

City Telephone: (801) 852-6000

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WEST JORDAN

ARTICLE A. AIRPORT OVERLAY ZONE

SECTION:

13-6A-1: Purpose

13-6A-2: Establishment Of Airport Overlay Zones

13-6A-3: Official Airport Overlay Map

13-6A-4: Permitted And Conditional Uses

13-6A-5: Development Standards

13-6A-1: PURPOSE:

The airport overlay zones are established to provide areas around Salt Lake City Municipal 2 Airport which, in the interest of the public health, safety and general welfare of the city , promote and preserve the function and utility of airport and aircraft activities in appropriate areas. (2001 Code § 89-4-101)

13-6A-2: ESTABLISHMENT OF AIRPORT OVERLAY ZONES:

Airport overlay zones are restrictive designations applied in addition to any other zone in this title. The airport overlay zones are defined and established as follows:

A. Clear Zone (Acl): A zone that commences at the end of and is equal to the width of the primary surface . Where the primary surface of the runway is two hundred fifty feet (250') wide, the clear zone shall expand outward uniformly to a width of four hundred fifty feet (450') at a horizontal distance of one thousand feet (1,000') from the primary surface, its centerline being the continuation of the centerline of the runway. Where the primary surface is five hundred feet (500') wide, the clear zone shall expand uniformly to a width of eight hundred feet (800') at a horizontal distance of one thousand feet (1,000') from the primary surface, its centerline being the continuation of the centerline of the runway.

B. Approach Zone (Aa): A zone with inner edge coinciding with and being the same dimensions as the outer clear zone boundary. Where the outer edge of the clear zone is four hundred fifty feet (450'), the approach zone shall expand outward uniformly to a width of one thousand five hundred feet (1,500') from the primary surface , its centerline being a continuation of the centerline of the runway . Where the outer edge of the clear zone is eight hundred feet (800'), the approach zone shall expand outward uniformly to a width of two thousand feet (2,000') at a horizontal distance of five thousand feet (5,000') from the primary surface, its centerline being a continuation of the centerline of the runway.

C. Noise Zone (An): A zone determined by the exterior boundary of the projected airport activity noise level of sixty five (65) dB .

D. Horizontal Zone (Ah): A zone, the perimeter of which is constructed by swinging arcs of a five thousand foot (5,000') radius from a point on the centerline and two hundred feet (200') beyond the end of each runway and connecting and adjacent arcs by lines tangent to those arcs.

E. Conical Zone (Ac): A zone that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000').

F. Designation: The airport overlay zones shall be designated on the zoning map by affixing the suffixes Acl, Aa, An, Ah or Ac in parentheses after the applicable zone designation, e.g., P-F (Ac).

G. Overlay Zones Supersede: The regulations of the airport overlay zone shall supersede the regulations of the zones to which they are attached. (2001 Code § 89-4-102; amd. 2009 Code)

13-6A-3: OFFICIAL AIRPORT OVERLAY MAP:

A. Lands To Which The Zones Apply: The airport overlay zones shall be applied to all land within the airport overlay zone designated on the zoning map, as periodically amended.

B. Establishment Of Official Airport Overlay Map: The official airport overlay map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this title. The official airport overlay map is based on the airport area of influence as established by Salt Lake City Corporation, owner of the Salt Lake City Municipal 2 Airport, in conjunction with the federal aviation administration, and shall be on file in the offices of the city recorder and the development services department.

C. Rules For Interpretation Of Airport Overlay Boundaries: Boundaries of airport overlay zones shall be determined by scaling distances on the official airport overlay map. Where interpretation is needed as to exact location of airport overlay zone boundaries, the zoning administrator shall make the necessary interpretation, subject to appeal to the Land Use Appeal Authority as provided in this title.

D. Warning And Disclaimer Of Liability: This article does not imply that areas outside the airport overlay boundaries or land uses permitted within the overlay zones will be free from noise or hazards related to airport activities. Therefore, this article shall not create liability on the part of the city or its officers or employees for any damages that result from reliance on this article, or any administrative decision made under this article. (2001 Code § 89-4-103; amd. 2009 Code; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 24-58, 12-18-2024)

13-6A-4: PERMITTED AND CONDITIONAL USES:

Uses allowed in airport overlay zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article F of this title and title 15 of this code, and shall comply with all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in airport overlay zones.

PERMITTED AND CONDITIONAL USES IN AIRPORT OVERLAY ZONES

Legend:

P = Permitted use

C = Conditional use

Use	Acl	Aa	An	Ah	Ac
Use	Acl	Aa	An	Ah	Ac
Agriculture uses, except as specifically regulated elsewhere in this section		C	C	C	P
Animal specialties devoted to raising chickens, turkeys or other fowl				C	P
Athletic fields and playgrounds				C	P
Building moved from another site (see section 13-8-12 of this title)			C	C	C
Commercial and industrial uses resulting in large concentrations of people, including, but not limited to, shopping centers, restaurants and factories			C	P	P
Commercial uses, except as specifically regulated elsewhere in this section		C	C	P	P

Communication, transmission or reception towers, church steeples, flagpoles and other like extensions which exceed the height of buildings allowed in unrestricted zones		C	C	P
Electrical power generating plants		P	P	P
Electrical power transmission lines aboveground	C	P	P	P
Fairgrounds and racetracks			C	P
Gas and oil aboveground storage and pipelines	C	P	P	P
Hotel and motel		C	C	C
Industrial uses, except as specifically regulated elsewhere in this section	C	P	P	P
Large scale public utilities		C	C	C
Low power radio service facility	C	C	C	C
Outdoor theaters			C	P
Public and civic uses, public utilities, except as specifically regulated elsewhere in this section	C	C	C	P
Public and civic uses resulting in large concentrations of people, including, but not limited to, stadiums, hospitals and open air assemblies		C	C	P
Recreational and natural uses as allowed in unrestricted zones, except as specifically regulated elsewhere in this section		AC	AC	AC
Residential development	C	P		

(2001 Code § 89-4-104; amd. 2009 Code)

13-6A-5: DEVELOPMENT STANDARDS:

A. Special Use Provision In Acl And Aa Overlay Zones: No activities or uses shall be permitted in Acl and Aa overlay zones which will:

1. Direct a steady light or flashing light of white, red, green or amber color toward an aircraft engaged in a takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport other than an FAA approved navigational signal light or visual approach slope indicator (VASI).
2. Cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport .
3. Generate smoke which could attract large concentrations of birds or which may otherwise affect safe navigation within this area.
4. Generate electrical interference that may be detrimental to the operation of an aircraft and/or airport instrumentation.

B. Acoustical Treatment In An Overlay Zone : Building design and construction for all hotel /motel uses in the An overlay zone shall provide for appropriate acoustical treatment to reduce noise to an acceptable level. All hotel and motel developments proposed within the An overlay zone shall submit

with the project site plan construction techniques for reducing noise levels within the dwelling units to sixty five (65) decibels or less, for approval by the building official .

C. Height Restrictions: No tree or structural intrusion shall be permitted within the airspace created by an upward sloping plane of one foot (1') vertical for each foot horizontal:

1. Beginning at the end of the primary surface and continuing along the extended runway centerline, a horizontal distance of one thousand feet (1,000') in the Acl overlay zone and five thousand feet (5,000') in the Aa overlay zone.
2. In the Ah overlay zone , beginning at an elevation above the airport of one hundred fifty feet (150') from the transitional surface plane and extending horizontally to the inner edge of the conical zone.
3. In the Ah overlay zone , beginning at the periphery of the horizontal zone and extending to a height above the airport of three hundred fifty feet (350').
4. All developments located within the Acl, Aa and Ah overlay zones shall be required to execute an aviation easement through the Salt Lake City department of airports. This easement shall be recorded with the Salt Lake County recorder and a copy of the as recorded easement shall be provided to the city prior to any final project approvals being granted.

D. Area, Yard And Coverage Regulations: Except as modified by this article, all area, yard and coverage regulations shall be the same as those in the unrestricted zones provided for in this title. (2001 Code § 89-4-105; amd. 2009 Code)

Unapproved Meeting Minutes
Fairfield Planning Commission
Session
September 22, 2025

Minutes

Date: Tuesday, September 22, 2025

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

Time: 7:30 P.M.

Minutes By: Recorder: Stephanie Shelley

Call to Order

1) Roll Call

Commissioner Taylor opened the meeting at 7:30 pm

David Riet, Wayne Taylor, Kelton Butterfield, and Kyler Fisher (arrived at 7:43)

Excused Commissioners:

Jamie Mascaro

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney, Treasurer: Codi Butterfield

Others Present: Michael Weber, Joel McKinney

Via Zoom: Brian, iPad, iPhone (158)

Business Items

The Commissioners will discuss (without public comment) and may approve the following items

1) Review the Airpark Mix Use Zone and Special Uses Ordinance.

The Commissioners reviewed Ordinance 2025-16, which repeals and reinstates Fairfield Town Code Section 10.11.260, renaming the Air Park Zone to the Air Park Mixed Use Zone, and amends Town Code Section 10.16 (Special Uses) to regulate special use provisions by adding additional special uses.

Chairman Taylor noted that the revised ordinances had been distributed to the commissioners on Sunday, and Commissioners Riet and Butterfield confirmed they had reviewed the document. Chairman Taylor then read portions of the ordinance into the record, emphasizing that the town had carefully drafted airport-related operational regulations using FAA advisory circulars (Exhibit 1), the Airports and Land Use Guide and Introduction for Local Leaders (Exhibit 2), and input from aviation experts.

Commissioners stated they had no questions regarding the advisory circulars included with the ordinance materials.

2) Review Exhibit A, Airpark Mixed Use Zone.

Unapproved Meeting Minutes

Fairfield Planning Commission

Session

September 22, 2025

The Commissioners reviewed Exhibit A, which sets forth the regulations for the Airpark Mixed Use Zone. Chairman Taylor drew attention to Section 10.11.260.9 on easements and property control requirements, reading into the record that, "Any public use airport or public airport located within Fairfield town limits shall conform to the requirements of this chapter and 14 CFR part 77 and Utah Code 72-10.403, Airport Zoning Act, and FAA AC 150/5300-13b." Commissioners expressed no concerns regarding this section.

3) Review Exhibit B, Standards for Special and Conditional Uses

The Commissioners reviewed Exhibit B, which establishes standards for special and conditional uses. It was mentioned that revisions had been made to address earlier concerns, particularly in the section on private air schools. The prior language could have prevented non-owners from operating at the airport, so it was modified to ensure the current operator may continue without restriction.

Chairman Taylor also referenced a highlighted comment on page 4 concerning permitted hangar uses. The ordinance states that hangars must be used primarily for aeronautical purposes and lists permitted uses such as aircraft storage. It further specifies that the maximum number of based aircraft at a small airport is 29 and the maximum number of hangars allowed is 29, noting that the airport currently has 29 hangars. This prompted discussion about the difference between the original small-airport designation of 29 hangars and the 29 existing hangars. Mayor McKinney stated that a small airports have 20 hangars. Since the Airpark has 29 hangars, that is why it was written. The Commissioners then clarified that we grandfather in the additional nine hangers.

When Commissioner Fisher arrived at 7:43 pm, the Commissioners brought him up to speed on the discussion and allowed him time to review the updated Exhibit B before proceeding. After final review, members indicated the revised language was clear, precise, and aligned with the Commissioners' intent to support existing airport operations while remaining compliant with applicable regulations.

Commissioner Riet motioned to send Ordinance #2025-16. To the Ordinance Repealing and Reinstating Fairfield Town Code § 10.11.260. Airpark Zone (renamed Airpark Mixed Use Zone) and Amending Town Code § 10.16. Special Use Regulations, Adding Additional Special Uses. With a positive recommendation from the Planning Commission for approval to the Town Council. Commissioner Butterfield seconded the motion. The motion passed unanimously.

Commissioner Taylor - Yes

Commissioner Reit - Yes

Commissioner Butterfield - Yes

Commissioner Fisher - Yes

Unapproved Meeting Minutes

Fairfield Planning Commission

Session

September 22, 2025

The Planning Commission had several meetings in September. So they decided to cancel the October 2025 meeting.

Adjournment

Motion made by Commissioner Riet to end the meeting. Commissioner Fisher seconded the motion. The meeting ended at 7:51 pm.

Minutes Approval Date

Stephanie Shelley Recorder/Clerk

Unapproved Meeting Minutes
Fairfield Planning Commission
Session
September 24, 2025

Minutes

Date: Wednesday, September 24, 2025

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

Time: 6:30 P.M.

Minutes By: Recorder: Stephanie Shelley

Call to Order

1) Roll Call

Commissioner Taylor opened the meeting at 6:30 pm

David Riet (via Zoom), Wayne Taylor, Jamie Mascaro, Kelton Butterfield (on the phone)

Excused Commissioners:

Kyler Fisher

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney

Others Present: Codis' iPhone, Amy Walker

Business Items

The Commission will discuss (without public comment) and may either make a recommendation to the Town Council or approve the following items as needed:

1) Ordinance #2025-17 An Ordinance Repealing and Reinstating Fairfield Town Code § 10.11.275 Airpark Overlay.

Mayor McKinney noted that the date on the written agenda was incorrect.

Chairman Taylor stated that, therefore, the meeting was not noticed correctly and could not be legally held.

Adjournment

Commissioner Taylor closed the meeting.

Minutes Approval Date

Stephanie Shelley Recorder/Clerk



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

WDAP - Public Comment on Proposed Airpark Ordinance – RPZ and Regulatory Authority

Amy Walker <amy@millerharrisonlaw.com>

Wed, Sep 24, 2025 at 6:19 PM

To: "wtaylor@fairfieldtown-ut.gov" <wtaylor@fairfieldtown-ut.gov>, "hstrong@fairfieldtown-ut.gov" <hstrong@fairfieldtown-ut.gov>, "driet@fairfieldtown-ut.gov" <driet@fairfieldtown-ut.gov>, "kfisher@fairfieldtown-ut.gov" <kfisher@fairfieldtown-ut.gov>, "mweber@fairfieldtown-ut.gov" <mweber@fairfieldtown-ut.gov>, "tthomas@fairfieldtown-ut.gov" <tthomas@fairfieldtown-ut.gov>, "rlpanek@fairfieldtown-ut.gov" <rlpanek@fairfieldtown-ut.gov>, "rcameron@fairfieldtown-ut.gov" <rcameron@fairfieldtown-ut.gov>, "jmascaro@fairfieldtown-ut.gov" <jmascaro@fairfieldtown-ut.gov>, "hmckinney@fairfieldtown-ut.gov" <hmckinney@fairfieldtown-ut.gov>
Cc: "sshelley@fairfieldtown-ut.gov" <sshelley@fairfieldtown-ut.gov>, "alina rmkplanes.com" <alina@rmkplanes.com>

Cc: "sshelley@fairfieldtown-ut.gov" <sshelley@fairfieldtown-ut.gov>, "alina rmkplanes.com" <alina@rmkplanes.com>

Dear Planning Commission and Town Council,

As today's meetings have been noticed without public comment, please find attached my written comments and objections submitted on behalf of West Desert Airpark.

These comments address both the procedural defects in notice and hearing requirements, as well as substantive concerns with Ordinance #2025-17 (Airpark Overlay) and the Fairfield Industrial Park Development Agreement. They are provided to ensure the record reflects West Desert Airpark's objections and to preserve all rights moving forward.



Amy C. Walker
Attorney | MRED
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801.468.9020
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25 09 24 - Written Comment and Objections.pdf

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MILLER | HARRISON

— L A W Y E R S —

AMY C. WALKER
UTAH BAR NO. 18122
OFFICE: 801.468.9020
AMY@MILLERHARRISONLAW.COM
ADMITTED TO PRACTICE IN UTAH

September 24, 2025

Fairfield Planning Commission

Wayne Taylor
wtaylor@fairfieldtown-ut.gov

Heather Strong
hstrong@fairfieldtown-ut.gov

David Riet
drriet@fairfieldtown-ut.gov

Kyler Fisher
kfisher@fairfieldtown-ut.gov

CC: Fairfield Town Mayor
Hollie McKinney
hmckinney@fairfieldtown-ut.gov

Sent via e-mail

Re: *Comments and Objections to Items in Fairfield Town's September 24th 2025 Agendas.*

Dear Planning Commission and Town Council;

As has just been identified in the most recent postings, it appears no public comment will be held. Accordingly, I am submitting the following written comments and objects on behalf of West Desert Airpark.

Procedural Objection (TC 25-09-24 Packet / Ordinance #2025-17)

On behalf of West Desert Airpark, an adjacent landowner, I object to the process used in connection with Ordinance #2025-17 (Airpark Overlay) and the Fairfield Industrial Park Development Agreement for the following reasons:

1. Defective Notice Under OPMA.

The Planning Commission's agenda was posted on September 23, 2025, for a meeting scheduled the same day. This provided **less** than 24 hours' notice, violating the Open and Public Meetings Act, which requires at least 24 hours' notice of all public meetings. Utah Code § 52-4-202(1).

2. Conflict Between Posted Notices.

The Town's official website currently lists the Planning Commission meeting date as September 24, 2025. When you click on the agenda link, the agenda itself states the meeting was on September 23, 2025. This conflict is inherently misleading and deprived the public of reliable notice. A resident relying on the website would have been misled into believing the meeting was scheduled for a different day than the agenda reflected.

Planning Commission							
Meeting Date	Agenda	Agenda Packet	Meeting Minutes	Audio	Video	Additional Documents	Notes
Sep 24, 2025	Agenda	Packet				Join Zoom Meeting https://us06web.zoom.us/j/81047256635? pwd=xwZEwcYS0lUDRxflBEUfaiaF9swxwH.1 Meeting ID: 810 4725 6635 Passcode: 770324	



3. Failure to Provide Land Use Notice Required by LUDMA.

Even if OPMA's 24-hour minimum had been satisfied, Utah Code § 10-9a-205 requires **10 calendar days'** notice before the Planning Commission holds a public hearing on the adoption or amendment of any land use ordinance. No such 10-day

notice was provided for Ordinance #2025-17 or for any of the agenda items listed for action at the Town Council meeting on September 24, 2025, including:

- Approval of the Fairfield Industrial Park Development Agreement, approximately located at 400 S. Allens Ranch Road;
- Approval of the Fairfield Industrial Park Development Agreement Final Plat;
- Ordinance #2025-16 – Repealing and Reinstating Fairfield Town Code § 10.11.260 (Airpark Zone, renamed Airpark Mixed Use Zone) and amending Town Code § 10.16 (Special Use Regulations, adding additional special uses);
- Ordinance #2025-17 – Repealing and Reinstating Fairfield Town Code § 10.11.275 (Airpark Overlay).

Each of these items is either a land use ordinance amendment or a development agreement that modifies application of the code. As such, they are subject to the same notice and public hearing requirements under LUDMA.

4. Failure to Hold a True Public Hearing.

Section 10-9a-205 also requires the Planning Commission to hold a public hearing before recommending adoption of a land use ordinance. The agenda itself explicitly states that the Commission would “discuss (without public comment),” meaning Fairfield knowingly refused to allow participation. A meeting without public input is not a hearing under Utah law.

5. Development Agreement as Legislative Action.

The agenda also lists consideration of the Fairfield Industrial Park Development Agreement, approximately located at 400 S. Allens Ranch Road. The current draft of this Agreement represents a substantive change in that it now contemplates a private road instead of a public road. This is a material departure from prior proposals and constitutes a legislative action affecting land use and access. Under Utah law, a development agreement that effectively modifies or overrides the application of the land use code is subject to the same public hearing and legislative requirements as a land use ordinance amendment. See Utah Code §§ 10-9a-205, and 10-9a-502(2). This Agreement must therefore be remanded to the Planning Commission with proper 10-day notice and a true public hearing before any lawful recommendation or adoption can occur.

6. Ordinance and Agreement Adoption Are Voidable.

Under Utah Code § 10-9a-801(3)(a), any land use regulation or development approval “not adopted in accordance with the procedures set forth in this chapter” is voidable. Because Fairfield failed to provide 24-hour notice under OPMA, failed to

provide 10-day notice under § 10-9a-205, refused to hold a true public hearing, and is attempting to adopt a materially revised Development Agreement without returning it to the Planning Commission, both Ordinance #2025-17 and the Fairfield Industrial Park Development Agreement are procedurally invalid and subject to judicial challenge.

Objections and Comments regarding Modifications to the Fairfield Industrial Park Development Agreement

On behalf of West Desert Airpark, an adjacent landowner, I want to raise specific objections to Section E (“Rights-of-Way”) of the Fairfield Industrial Park Development Agreement. Section E provides that *“all roads within the Project shall be private and constructed by the Applicant... owned and maintained by the Applicant at the Applicant’s sole cost and expense, unless and until such Roads and Road Improvements are dedicated to the Town”*. This language represents a significant departure from both West Desert Airpark’s preliminary plat approval and Fairfield Industrial Park’s own preliminary approval, which reflected a **public road** connecting these properties.

There are several serious concerns:

1. **Conflict with Existing Approvals** – West Desert Airpark already holds preliminary plat approval for a public road along the shared boundary. The Agreement’s conversion of that roadway to a **private road** directly conflicts with those approvals, undermines established access rights, and frustrates the coordinated planning that both developers and the Town previously represented.

2. **No Findings or Evidence** – Fairfield has provided no findings of fact or substantial evidence to support why this change is necessary. Utah law requires land use decisions to be grounded in evidence and explained through findings. Instead, it appears this provision was not requested by Fairfield Industrial Park, but rather initiated by the Town itself, raising concern that it is being used as a tool to block West Desert Airpark from moving forward with its approved project.

3. **Missing Pioneering Agreement** – The Development Agreement appears to rely upon obligations tied to a pioneering agreement, but that document has not been made available for review. Without the pioneering agreement, neither the Council nor the public can evaluate what commitments were made, how costs are allocated, or how those obligations intersect with the current draft. This omission leaves a critical gap in the record and creates risk of inconsistent or unenforceable obligations.

4. **Missing Exhibit** – The Agreement references exhibits showing road layouts and alignments, but those exhibits have not been provided in the public packet. Without those materials, neither the Council nor affected landowners can verify how the proposed private roads align with existing plat approvals or evaluate their impacts. Proceeding without complete exhibits deprives the public of meaningful review.

5. **Uncertain Dedication Rights** – Section E allows the Town, at its discretion, to demand dedication of private roads upon 60 days’ notice. Until then, access is controlled by the Applicant, leaving adjacent landowners like West Desert

Airpark exposed to uncertainty over connectivity, maintenance, and cost responsibilities.

For these reasons, West Desert Airpark objects to Section E of the Fairfield Industrial Park Development Agreement. A roadway previously approved as public cannot be converted to private through this Agreement without undermining existing rights, conflicting with prior approvals, and creating significant legal exposure for the Town. At minimum, the pioneering agreement must be produced, findings supported by substantial evidence must be made, and the Agreement must be reconciled with prior plat approvals before it can move forward.

Final Comments

“Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser — in fees, expenses, and waste of time.”

— Abraham Lincoln

I raise Lincoln’s words because they capture what is at stake in Fairfield today. Lawsuits do not make communities stronger — collaboration does. Litigation drains resources, pits neighbor against neighbor, and enlarges government power at the expense of individual freedom.

West Desert Airpark and its principals have tried to work with the Town in good faith. Yet they have been denied the chance to meet with the Council, limited to two-minute comments, and now completely barred from public comment, in a manner that prevents their side from being heard fully. Now the Town’s attorney has stepped away, closing off one of the few remaining paths to compromise.

If there are assumptions about the Airpark’s motivations or goals that have not been heard directly from their representatives, or if there remain unanswered concerns, the proper step is to pause and listen before moving forward. Utah courts have made clear that the legislative body must meaningfully consider arguments both for and against proposed land use regulations. It is both the “privilege and obligation” of the legislative body “to gather available pertinent information from all possible sources and give consideration to it in making [its] determination.” *Harmon City, Inc. v. Draper City*, 2000 UT App 31, ¶ 27, 997 P.2d 321. This obligation naturally includes consideration of meaningful argument. *See Springdale Lodging, LLC v. Town of Springdale*, 2024 UT App 83, ¶ 32, 552 P.3d 222. By excluding public comment, Fairfield deprived itself of the ability to fulfill this obligation.

The community, and, by all indications, even the Council and Planning Commission, have not had a fair opportunity to weigh the issues raised by these proposed ordinances. Normally, sound policymaking requires weeks for review, open work with

legal counsel, and circulation of drafts well in advance so that both Council members and the public can meaningfully engage. The Airpark is not the only party affected. As you know, the LDS church and the surrounding landfills have raised concerns. Instead, every draft has arrived only shortly before, sometimes mere hours before, a vote. That is not how good policy is made, and it risks advancing measures that resemble government overreach, the very thing all of us would resist if it threatened our own rights. The only reason litigation is even being considered is because collaboration has been cut off and legal protections are being disregarded.

Respectfully submitted,

MILLER HARRISON LLC



Amy C. Walker
Attorney at Law

Unapproved Meeting Minutes
Fairfield Planning Commission
Session
September 25, 2025

Minutes

Date: Thursday, September 25, 2025

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

Time: 7:00 P.M.

Minutes By: Recorder: Stephanie Shelley

Call to Order

1) Roll Call

Commissioner Taylor opened the meeting at 7:01 pm

David Riet (Via Zoom), Wayne Taylor, Jamie Mascaro, Kelton Butterfield (arrived at 7:13)

Excused Commissioners:

Kyler Fisher

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney, Treasurer: Codi Butterfield (via Zoom)

Others Present:

Michael Weber, Mark Pringle, Alina Pringle

Via Zoom:

Ihulme, Amy Walker, Cherie Anderson, iPad, iPhone(3)

Business Items

The Commission will discuss (without public comment) and may either make a recommendation to the Town Council or approve the following items as needed:

1) Ordinance #2025-17 An Ordinance Repealing and Reinstating Fairfield Town Code § 10.11.275 Airpark Overlay.

The Commissioners reviewed Ordinance 2025-17, which would repeal and reinstate the town code governing the airpark overlay. Commissioner Riet asked for clarification on the overlay. If they were installing the old one? Chairman Taylor stated that the existing overlay ordinance should be repealed and replaced with language consistent with state standards.

Mayor McKinney proposed opening public comment with a two-minute limit per speaker.

Amy Walker, attorney for West Desert Airpark:

I'll make a quick comment. So, it's just that one paragraph, not the overlay, from my understanding, referring to the state and federal code.

Mayor McKinney

State code, and some of it is partially federal.

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Amy Walker, attorney for West Desert Airpark:

The change to comply with state code is great, but we do have concerns about the FAA circulars. If you look at those, we believe they are advisory, and they're still within the scope of the FAA's regulations, which the federal government imposes. So we believe it's an overreach to impose FAA advisory circular requirements at the town level.

Mayor McKinney:

The very first sentence in the legislative findings and purpose says the Airport Mixed-Use Zone was drafted using FAA standards and suggestions. So we just took them as suggestions. They're not law; they're advisory. They helped us come up with the land-use standards we want.

Amy Walker, attorney for West Desert Airpark:

Are you talking about the paragraph when you open the FAA circular itself?

Mayor McKinney:

No. It's right at the very top of the Airport Mixed-Use Zone, the line that says we used those as recommendations.

Amy Walker, attorney for West Desert Airpark:

I see what you're talking about. But I'm talking about the overlay zone.

Mayor McKinney:

We're just going by the state code. That was right under their code.

Chairman Taylor:

We just didn't draw a map.

Amy Walker, attorney for West Desert Airpark:

Understood. Let me just pull this up. I can't draw a map, so the section I'm looking at says: "to conform with the requirements of Chapter and Part 77," which I agree is incorporated, and then it references FAA Advisory Circular 150/5300-13B. (Two minutes were up)

Chairman Taylor:

Do you want to say anything, Mark?

Mark Pringle:

Not unless Amy wants my two minutes.

Loyal Hulme, counsel for the Church of Jesus Christ of Latter-day Saints:

We're a significant property owner in the area, and we're here to urge the Council to delay a decision until we're able to resolve some of the issues.

There are internal ambiguities that remain, as well as references and other elements that need polishing. For example, is residential use allowed? And if so, where? Section 10.11.265 says only

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the express uses listed are allowed. Is that intended only for aviation-related buildings, or is it broader, as the section title implies? Residential isn't listed as an approved use. Other sections contemplate residential development. We're not sure what the rush is to get this ordinance in place. We'd like a little time to work with the City to solve these issues. It needs to be cleaned up and clarified regarding development rights.

Regarding Ordinance 17, it proposes a repeal and reinstatement. Presumably, the intent is to delete Section 10.11.275 and replace it entirely, but it's unclear. It states it applies to a public-use airport. What about restrictions on non-airport properties outside that boundary? The ordinance remains ambiguous. If the overlay zone expands the area subject to FAA requirements, could that be a taking of adjacent properties? (Two minutes were up)

Loyal Hulme, counsel for the Church of Jesus Christ of Latter-day Saints:

Thank you. Our plea is simply that we think we can get comfortable with this. We can help the City get a good ordinance if we just have a little more time. It feels like there's a rush that may not be necessary, especially if Ms. Walker's client agrees not to file anything. They're the only property owner affected. If they agree not to act, you could re-notice this and give everyone more time. We don't need months; we could do it in weeks.

Chairman Taylor:

Mr. Hulmes, we are under a Notice of Intent, and it runs out on the 29th. Our attorney told us we don't have more time. We can't extend the notice. The airport offered time, but with contingencies we're not willing to accept.

Loyal Hulme, counsel for the Church of Jesus Christ of Latter-day Saints:

Ms. Walker, could you give an extension without conditions?

Amy Walker, attorney for West Desert Airpark:

I have to confirm with my client, but we're open to that conversation. I believe the two contingencies the Town opposed were related to postponing certain business licenses.

Loyal Hulme, counsel for the Church of Jesus Christ of Latter-day Saints:

Ms. Walker, you're either going to get an ordinance you don't like, and we don't like, or, if you give a continuance, we're no worse off.

Amy Walker, attorney for West Desert Airpark:

If I can have just five minutes to consult with my client, I'll check. I agree with your position.

Loyal Hulme, counsel for the Church of Jesus Christ of Latter-day Saints:

And forgive me—I thought this was Planning and Zoning.

Chairman Taylor:

I'm the Planning Chair. Wayne Taylor.

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Loyal Hulme, counsel for the Church of Jesus Christ of Latter-day Saints:

Thank you, Wayne. I'm new to the table. We understand your former attorney may have withdrawn out of frustration with the timing. If Ms. Walker agrees to no contingencies, we could all agree to a standstill. You could issue a new Notice of Intent the next day, with no gap.

Chairman Taylor:

We sent letters to the First Presidency and Presiding Bishopric, trying to get someone to answer. Mr. Rindlisbacher had the entire overlay and airport drawings for months. We've been trying to get you to come, and it has just now reached you. I'm not against working with you in the future to overhaul this, but I feel better putting something in place today. We've felt pushed from the beginning.

Loyal Hulme, counsel for the Church of Jesus Christ of Latter-day Saints:

I apologize on behalf of the Church. It was elevated to me two days ago. But you have our full attention now. We will work promptly if you allow more time. I still don't understand the urgency if Ms. Walker won't take action.

Chairman Taylor:

This is the first I've heard of any extension without conditions. You brought it up tonight, that's when I heard about it.

Mayor McKinney

We tried that previously, and it didn't go anywhere.

Chairman Taylor:

I realize it's not perfect. Our attorney told us, based on an aviation engineering firm, that there are public-use rules and private-use rules. They became a public-use airport simply by sending a form to the FAA. We didn't know until after they did it. Then UDOT Aviation gave them \$2.5 million to build the runway. They didn't talk to us. No one in Town talked to the FAA or UDOT Aviation except the Planning and Zoning Chair at the time, who was part-owner of the airport.

Multiple people were talking at once.

Mark Pringle:

You're lying.

Mayor McKinney

Hey—shut it down. It's not the time.

Alina Pringle

I don't think you're the chair of this meeting.

Chairman Taylor:

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We can go finish it if you want—

Mayor McKinney

Hey. Hey. No. Cut it out. We'll move on.

Mark Pringle:

Bring it on.

Mayor McKinney

Wait—cut it out.

Chairman Taylor:

So you see, Mr. Hulmes, we would feel better passing something now, and I'll work with you tomorrow to overhaul it. And we understand the runway is sixty feet off your fence. Is that a taking? In my mind, it is. The airplanes are barely above the fence when they come in. Anyway, that's how we feel. How does our Commission feel? What do you think, Dave?

Commissioner Riet:

We need to get it in place, and then we can continue to work with them in the future and make it better if there are ways to make it better. I don't see what we can do right now to make it any better than having them comply with state requirements, as we've done.

Chairman Taylor:

Right. Any comments, Kelton?

(No.) I agree.

Jamie, comments?

Would you like two minutes, Alina?

Alina Pringle:

No. Oh, to speak, or go talk to my attorney?

(To speak.)

Thank you. I appreciate that.

The conditions we asked for to extend—I don't think they were unreasonable. A business license, the ability to move the tanks the fire marshal asked us to move—I don't think that's unreasonable.

We have asked and pled and asked and pled to meet with the Town Council to work this out amicably and collaboratively, and we've been turned down multiple times. It's what we wanted. It's what we desire. Every time we pay our attorneys, I think, "Why can't we just work this out?" We've asked. We've pled. I've been turned down and blocked multiple times. That's all I have.

Chairman Taylor:

Okay. And just to respond, this is just me, what I've dealt with in Planning and Zoning: I feel like

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you would really like to work with us as long as you get what you want. And there's not much give and take. It's more take. And that's why attitudes are the way they are.

Alina Pringle:

But we haven't had a chance to sit down and meet.

Councilman Michael Weber :

I think we ought to hear from their attorney and get an answer. If there are no contingencies, I think it's something to consider. If they still have those two contingencies, my opinion as a Town member is: move on. Let's get it going. But if they're willing to remove all contingencies, I think it's worth considering and discussing.

Commissioner Riet:

If we pass this tonight, all we are doing is sending a positive recommendation to the Town Council. Should they decide differently, that's their prerogative. As to Michael's statements, they have that option. But we need to pass it tonight to give them that option. We're not the Town Council.

Michael Weber

All I'm saying is—the option is in twelve minutes. So we might as well hear now, then you can still make your decision to move it on, and then we can make our decision at that point.

Chairman Taylor:

There will be a Town Council meeting, Mr. Hulmes, right after this.

Loyal Hulmes, counsel for the Church of Jesus Christ of Latter-day Saints:

Perfect. We'll make the same recommendation there.

Chairman Taylor stated that the Commissioners were willing to move forward with the Airpark Overlay Ordinance to the Town Council.

Commissioner Mascaro motioned to send Ordinance 2025-17, an Ordinance Repealing and Reinstating Fairfield Town Code 10.11.275 Airpark Overlay Zone, with a positive recommendation to the town council. Commissioner Butterfield seconded the motion. Unanimously approved

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

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Adjournment

Motion made by Commissioner Butterfield to end the meeting. Commissioner Masacro seconded the motion. The meeting ended at 7:20 pm.

Minutes Approval Date

Stephanie Shelley Recorder/Clerk

Working Draft 2025 SS

Unapproved Meeting Minutes

Fairfield Planning Commission

Regular Meeting

November 5, 2025

Minutes

Date: Wednesday, November 5, 2025

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

Time: 7:00 P.M.

Minutes By: Recorder: Stephanie Shelley

Call to Order

1) Roll Call

Commissioner Taylor opened the meeting at 7:00 pm

David Riet, Wayne Taylor, Kyler Fisher, Jamie Mascaro, Kelton Butterfield

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney, Attorney: Brad Christopherson,

Others Present: Tal Adair, Michael Weber

Via Zoom: Jane

Chairman Taylor introduced Brad Christopherson (attorney) as the Town's new legal counsel.

Consent Items

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

1) Minutes: August 6, 2025; August 14, 2025; September 3, 2025; September 9, 2025;

Commissioner Mascaro motion to pass the consent minutes for August 6, 2025; August 14, 2025; September 3, 2025; and September 9, 2025. Commissioner Riet seconded the motion. Unanimously approved

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

Business Items

The Commission will discuss (without public comment) and may either make a recommendation to the Town Council or approve the following items as needed:

1) Fairfield Industrial Park, an additional 50-foot flagpole location.

Chairman Taylor explained that the Fairfield Industrial Park had previously been approved on April 8, 2025, for a 50-foot flagpole with two possible locations: one in the central location and one on the southeast corner lot. The current request was to add two additional potential locations, increasing the total to four. A map was presented to show all proposed sites, with the

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Regular Meeting

November 5, 2025

two previously approved locations highlighted in orange and the two new locations highlighted in blue, identified near the main gate entrance and by the entrance to the truss plant lot.

Chairman Taylor stressed the need to formally approve all four locations as shown on the map to prevent future confusion. Commissioner Riet then drafted a clear motion to approve the updated map locations within the Fairfield Light Industrial West zone, noting that placement must remain compliant with federal, state, and local laws.

Commissioner Riet motioned that we pass agenda item 1, Fairfield Industrial Park, light industrial west zone, 50-foot flagpole addition locations, there are four locations on the map, and the commission would sign the map designating that we approved it. Commissioner Mascaro seconded the motion. The motion passed unanimously.

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

2) Report from the Mayor

Mayor McKinney gave updates on several ongoing town projects. She reported that Comcast will begin boring on Monday and that the town has completed the required blue stake process. She also noted that the town's new attorney, Brad Christopherson, has begun work on the airport ordinance, though several related issues still need to be resolved before that ordinance can be finalized.

The Mayor announced that the updated code book is nearly finished. A complete draft incorporating all ordinances passed over the last two years has been prepared and will soon be sent for codification. Once complete, this will place all town ordinances in one consolidated location, making it easier for residents and officials to track and understand what has been adopted. Currently, the older code book and more recent ordinances are stored separately on the town website, creating confusion.

Regarding the park project, Mayor McKinney explained that some of the original dirt had to be removed because it contained arsenic and could not be reused. That dirt was taken to the landfill, and clean fill dirt was brought in. Capping work is now underway. Strong's company is completing the project, and their bid came in at roughly half the cost of other proposals.

Mayor McKinney also announced that Comcast expects the Fairfield area to be completed by December 2, 2025. Comcast said it will run fiber to every home in town, and Comcast may work on Sundays if needed to stay on schedule, depending on weather conditions. She concluded by

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noting that additional work is still needed on the commercial zone, land use ordinances, and road ordinances.

3) Commercial overlay/ zone

The Commissioners reviewed the commercial overlay zone that the Town has in place now, which runs 300 feet along Highway 73 on both sides through the town. They discussed concerns with the rule that parcels labeled commercial can no longer be used for residential, especially for existing 5-10 acre residential lots along the highway. Attorney Brad Christopherson noted that overlays are typically meant to add options rather than remove residential use and suggested concepts like “neighborhood commercial” to buffer heavier commercial uses near homes.

Commissioners also flagged several ordinance issues for further work, including missing spacing standards for multiple buildings on the same lot and the potential for 45-foot-tall buildings. Brad Christopherson stated that the 45-foot-tall building is not two stories; it is four stories. The Commissioners will need to address the building heights. Brad reminded them that conditional uses in Utah are difficult to deny once listed and recommended dramatically shortening the use lists and possibly eliminating most conditional uses.

Commissioners agreed to continue studying options, such as creating multiple commercial zones with different intensities, aligning the overlay with the general plan, and reviewing examples like Eagle Mountain, before making final decisions and possibly engaging planning consultants.

Adjournment

Motion made by Commissioner Masacaro to end the meeting. Commissioner Butterfield seconded the motion. The meeting ended at 8:38 pm.

Minutes Approval Date

Stephanie Shelley Recorder/Clerk

Fairfield Town

Utah County, Utah

Fairfield Planning Commission

2026 Meeting Schedule

Regular Planning Commission meetings are held on the 1st Wednesday of each month at 7:00 PM at the Fairfield Town Hall, 121 West Main Street. Meetings may be canceled, rescheduled, or held as special sessions with proper public notice. Please refer to the posted agenda and meeting materials on the Utah Public Notice website <https://www.utah.gov/pmn/> or the Town's website <https://fairfieldtown-ut.gov/meetings/>.

January

January 7, 2026

July

July 1, 2026

February

February 4, 2026

August

August 5, 2026

March

March 4, 2026

September

September 2, 2026

April

April 1, 2026

October

October 7, 2026

May

May 6, 2026

November

November 4, 2026

June

June 3, 2026

December

December 2, 2026

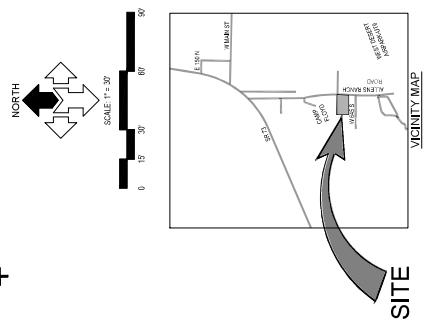
Recorder/Clerk

Approved by the Planning Commission on December 3, 2025

Fairfield Commercial Construction Plans

IN THE SW 1/4 OF SECTION 32, TOWNSHIP 6 S, RANGE 2 W S 1/4
5556 S & 582 S ALLENS RANCH ROAD
FAIRFIELD, UTAH, 84013

FAIRFIELD, UTAH, 84013
LOCATED IN THE SW 1/4 OF SECTION 32, TOWNSHIP 6 S, RANGE 3 W, S. 12, R. 3 W.

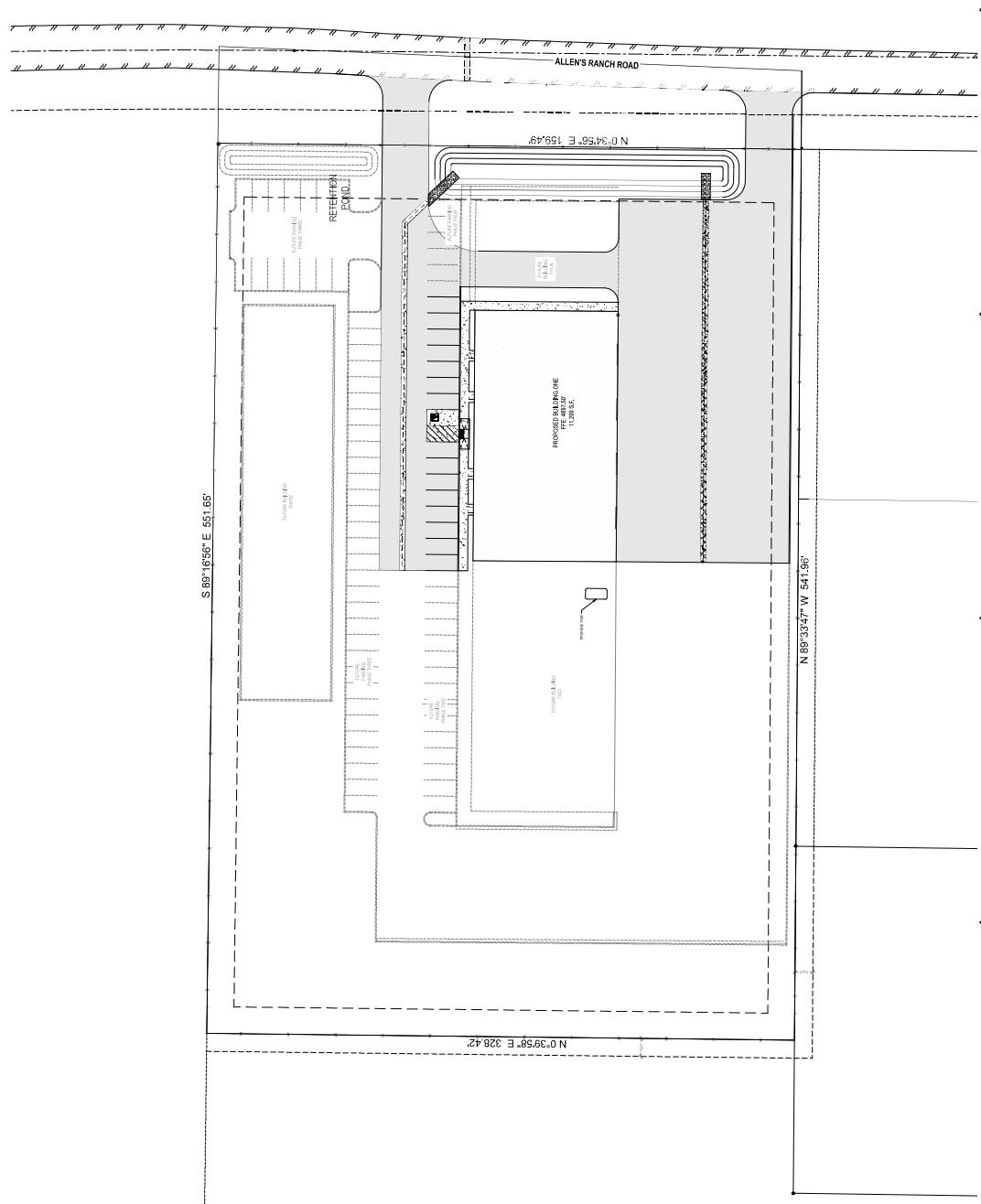


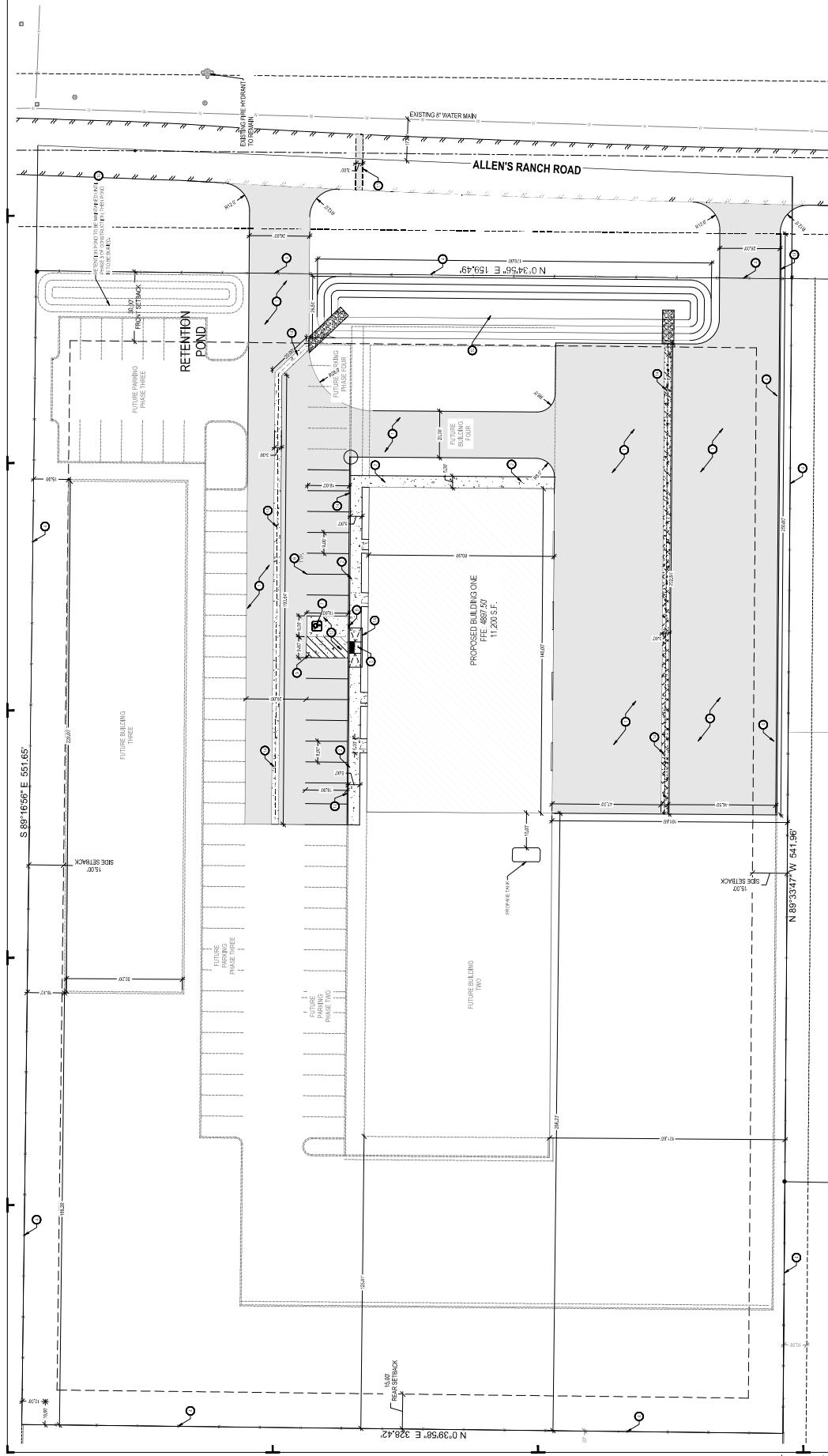
ALL WORK AND MATERIALS FOR WATER
MUST CONFORM TO APWA STANDARDS
AND SPECIFICATIONS

ALL WORK AND MATERIALS FOR SEWER
MUST CONFORM TO APIWA AND GORDON
GEOTECHNICAL ENGINEERING
STANDARDS AND SPECIFICATIONS

ALL WORK AND MATERIALS MUST
CONFORM TO APIWA STANDARDS AND
SPECIFICATIONS

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GENERAL NOTES: ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.

KEYED NOTES: PROVIDE I STALL AND/OR CONSTRUCT THE REFERENCED W/D THE DETAILS NOTED AND

STANDARD DUT ASPHALT PAVEMENT WITH GRANULAR BASE PER CYL. 100' X 100' X 6"

CONCRETE 4" DEWARK, FED. WAY PLANS, 231.

SEE LIAISON AGENTS FOR BLDGD. AND PLANTING.

SEE ARCHITECTURE, SITE PLAN FOR DOWNTOWN FORMATION.

100' X 100' X 6" CYL. 100' X 100' X 6"

AGENT DILEMMA: IT'S USEFUL TO DRAW LESSONS FROM THE END-OF-POSITIONS, SEE BRANCH PAYOFFS. IT CALLS OUT RELEVANT FACTS TO ELLIOTT'S SHOWING ON C201.

CURRENT ZONING: RESIDENTIAL (SUBDIVISION, TENSE, TWO ACCESS GATES WITH ELECTRONIC CONTROL PROPOSED, ADA DAMP WITH THE TESTE WASHDOWN SURFACE, SEE APPENDIX A, TAB 2B, AND APPENDIX B, TAB 2C FOR DETAIL OF WASHDOWN SURFACE).

4' OVERHEAD YELLOW PAGE STICKER STRIPE-1ES,
4' OVERHEAD YELLOW PEDESTRIAN STRIPE-1ES,
4' OVERHEAD 100% RECYCLED

ASIAN JOURNAL FOR APPLIED AND COMPUTATIONAL MATHEMATICS

CONCRETE CORBEL WALL, SEE FIG. 34, SHEET 105A.
CONCRETE WATERBAY, SEE FIG. 34, SHEET 105B.

CURRENT ZONING:

LIGHT INDUSTRY

