

Approved 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. (Commissioner Riet Chaired this meeting)

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

Staff Present:

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

Others Present: Cheri Anderson, Dan McDonald, 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.

Town Attorney Todd Sheeran presented updates on revisions made to the previous draft of the Airpark (Airport Mixed Use) Zone and the Airport Overlay ordinances. He explained that the definitions section was revised to align terminology with applicable federal and state law, and that the compliance and applicability language was clarified to better describe development requirements within the zone. He noted that the development approval section now requires the submission of a Master Plan and includes specific criteria outlining the information that must be provided for review. Todd reported that the development standards were streamlined and reorganized into two parts—General Standards and Airport Standards—for improved clarity and structure. He further stated that special uses were removed from the body of the Airpark Zone ordinance and placed into a standalone Special Uses section (Exhibit C), so that the separate special use criteria govern any use designated as a special use in the table.

Todd emphasized the importance of the Airport Emergency Response Plan requirement, stating that an emergency plan is necessary for Town's awareness and preparedness in the event of an aircraft-related incident or other emergency. He clarified that the plan requirement is intended to ensure the Town can coordinate response and has the needed information on record, and that the ordinance should require the plan to align with applicable federal definitions rather than restating or enforcing FAA operational detail. Todd confirmed that the Airport Overlay ordinance language itself remained unchanged from the prior draft.

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

Dan McDonald (Attorney for Intermountain Regional Landfill, IRL) spoke in person. He introduced himself as counsel for IRL and stated he reviewed the recent notice and ordinance drafts. He asserted there is a major mismatch between the ordinance text and the GSBS overlay exhibits. He said the GSBS map appears to show a 10,000-foot radius airport influence area, which he characterized as a medium-airport approach, while the ordinance text reads as if Fairfield is adopting standards for a small airport, which should correspond to a 5,000-foot influence area. He stated that the definition in §10.11.275.2 and the GSBS map do not align, and he believed the APO boundary definition in §10.11.275.4 also did not match the exhibits.

Mr. McDonald cited Utah Code Title 72, which defines airport influence areas as land within 5,000 feet of a runway. He said state law authorizes municipalities to regulate land use in the influence area only. He cautioned that extending regulation to 10,000 feet could exceed authority and invite legal challenge. He stated that if Fairfield intends a controlled development area of 10,000 feet, IRL cannot support adoption without a collaborative stakeholder process involving IRL, North Pointe, the Airpark, and other affected landowners. He added that IRL had not yet evaluated effects on its existing CUP and needed time to determine whether any new standards would apply to the landfill.

He further criticized terms on the GSBS map legend, such as “controlled development,” saying the term appears only once in the ordinance and needs a clear definition tied to boundaries. He stated that “airport” and “airpark” are used inconsistently in both drafts and should be corrected to avoid interpretive conflict. He suggested revising the ordinance to define “airport, small” as “5,000 feet or less.” He warned that incorporating FAA advisory circulars and state airport land-use guidelines wholesale by reference could put Fairfield in the position of enforcing federal guidance rather than operating within a narrow local zoning role. He concluded that the overlay geography and the ordinance’s scope were not clear to major stakeholders.

Amy Walker (Attorney for West Desert Air Park) commented online. She stated her main concern is the penalty/enforcement language combined with federal preemption. She referenced a letter she sent earlier that day and said municipal regulation of aircraft operations is preempted by the FAA, adding that a recent Utah Supreme Court decision (the “Hideout case”) supports this preemption position. She said other municipal ordinances typically regulate land use and safety surfaces but do not attempt to regulate flight operations or pilot behavior because those are FAA-exclusive. She objected to the draft’s misdemeanor level, stating it describes negligent violations as a Class B misdemeanor; she said Utah zoning law limits such violations to Class C misdemeanors, and only after conviction, and she believed a Class B designation exceeds the Town’s authority.

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

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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.

Neil (North Pointe Solid Waste) spoke online. He pointed to Land-Use Restriction Part C language prohibiting uses that attract birds, create glare, interfere with flight, impair visibility, or create hazards, and noted that later “special considerations” sections reference landfills. He asked whether the landfill special-considerations language overrides Part C, or whether Part C could later be used against landfill operations if alleged bird hazards arise. He stated North Pointe maintains a fuel tank on site and was concerned the fuel-farm language in the draft might require FAA fuel-farm compliance for that tank. He referenced the General Standards requiring compliance with Town code, building/fire code, FAA recommendations, and state recommendations, and asked if that clause could allow FAA hazard opinions to later be used as a basis to shut down landfill operations.

Alina Pringle, an owner of the Airpark, stated the Airpark’s attorney, Amy Walker, had requested additional time for stakeholders and landowners to work with the Town to refine the zone and overlay language. He said the Airpark is willing to agree to a 60-day extension and a moratorium on filing development applications during that period, but delays are costly and have already resulted in lost development progress, including a \$1 million water sale that could not proceed. He emphasized the Airpark is seeking genuine collaboration and “a seat at the table” because the ordinances directly affect their property and long-term development rights.

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. He said the Airpark moratorium sounded like an olive branch. He believed Fairfield should accept more time for a careful process and stated that a sincere extension offer would help the Town and stakeholders resolve issues cleanly.

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

Todd Sheeran responded. He stated Fairfield is facing a pending ordinance clock requiring adoption within about 180 days and that the deadline was approaching near the end of September. He said he asked West Desert Air Park whether they would agree to a 60-day extension; they agreed but requested conditions. Todd read those conditions into the record, including: the extension must not affect the Ombudsman advisory opinion; related statements about the MDA; temporary issuance of three business licenses currently on hold in the zone; allowance for relocation of fire-marshall-required water suppression tanks; a defined collaborative role for major stakeholders; and adoption within a maximum 60-day window. Todd said these conditions are for Town Council consideration, and he believed additional time for collaboration could benefit all affected parties.

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.

Commissioner Riet closed the Public Comment period.

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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. Chairman Taylor stated that the Commission's goal was to identify any issues needing correction before forwarding the Airport Zone to the Town Council, noting that the ordinance is complex and time-sensitive under the pending-ordinance deadline. Commissioners also emphasized that any revisions made during this meeting were working-draft edits to be forwarded to Council for consideration.

Regarding the Airport Emergency Response Plan, commissioners discussed how the plan should be required and reviewed without Fairfield overstepping into FAA-regulated operations. Commissioners debated whether the ordinance should include a detailed list of emergency-plan elements or instead require submission of an FAA-compliant plan as part of the Master Plan. Mayor McKinney noted that the development approval section already requires an emergency plan, but a later subsection lists extensive and highly specific plan contents, and questioned whether that level of detail should be removed to avoid over-regulating. The Chair agreed that the FAA already outlines emergency-plan requirements and that Fairfield should not restate or attempt to enforce federal operational detail, as doing so could exceed Town authority; however, he emphasized that the Town still needs an emergency plan on record so local emergency services understand how to respond in the event of a crash, fuel incident, or other airport emergency. Todd Sheeran added that the Town's interest is practical public health and safety—verifying that a compliant plan exists and ensuring the Town can coordinate response—rather than regulating aviation operations. The Commission agreed to retain the emergency plan requirement, require that an FAA-compliant plan be submitted with the Master Plan for Town review and awareness, and avoid codifying detailed federal operational requirements in Town code.

The Commissioners also reviewed the Limited Development Zone around the runway. It was explained that the Limited Development Zone is included in the state land-use guide and is tied to FAA recommendations. Commissioners acknowledged concerns raised by the Airpark but agreed to keep the zone in place because removing it would shift where the overlay's conical safety surface begins, potentially reducing protection to the public. Commissioners further stated

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that FAA advisory circulars can contradict each other, making it difficult to draft a fully precise ordinance without expert confirmation, and that this was part of the reason additional technical and stakeholder review was needed. Chair Taylor recommended meeting with the Town attorney, engineer, mayor, and key stakeholders to further evaluate the Limited Development Zone and consider any potential refinements.

In discussing air traffic patterns and noise, commissioners agreed to keep the existing ordinance language. They reiterated that Fairfield cannot regulate flight paths or operational flight patterns once aircraft are in the air, as those matters are under FAA control. However, commissioners stated the Town may still adopt land-use standards and local statements addressing potential nuisance impacts. They felt the noise/nuisance language should remain, so Fairfield has a local tool to respond to resident concerns without attempting to control FAA-regulated operations.

The Commissioners then considered the preferred runway designation. The draft listed initially both Runway 17 and Runway 35 for preferred departure. Commissioners decided to revise the ordinance to designate Runway 17 as the preferred departure direction. They discussed that this preference is intended for calm-wind conditions, recognizing that wind and safety ultimately dictate actual runway use. Commissioners described the preference as a strong expectation/honor-system approach meant to reduce aircraft noise impacts over residential areas by encouraging southbound departures when weather allows. They noted that emphasizing Runway 17 departures could lessen noise over Main Street and nearby homes.

The Commissioners decided to retain the runway protection zone requirements in both the Airport Zone ordinance and the Airport Overlay ordinance, including easements and property-control standards. Commissioners stated these provisions are referenced in FAA guidance in both contexts and should remain for safety, consistency, and clarity.

Questions were raised regarding pilot and tenant compliance requirements. Several commissioners questioned whether this section was redundant because other clauses in the ordinance already require ongoing compliance by operators and responsible parties. Todd Sheeran advised that he needed additional legal research on whether Fairfield can regulate pilot and tenant compliance at a public-use airport and how public/private/public-use authority applies. Until that research is completed, commissioners chose to leave the pilot and tenant

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compliance section in place to preserve the Town's intent and to revisit it once legal guidance is obtained.

Commissioners also briefly acknowledged the operational significance of the extended runway length, noting that the runway has expanded from roughly 2,600 feet to over 5,200 feet, and that ordinance protections should reflect the increased scope and intensity of aircraft activity associated with that expansion.

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

Commissioner Mascaro motioned to send the revisions to the airpark zone found in town code §10.11.260 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 and shape of the Airport Overlay area shown in the GSBS drawings. Commissioners began by comparing the overlay boundary in the GSBS exhibits to the state-defined airport influence area and noted that the drawings depict an overlay extending 10,000 feet from the runway ends and also outward from the runway centerline sides. Several commissioners stated that the overlay, as drawn, appeared extremely large and would affect most properties in Fairfield. They clarified that the overlay was not a simple circle but a runway-based "hot-dog" shape, consisting of semicircular arcs extending 10,000 feet beyond each runway end (north and south) with a 10,000-foot lateral extension on both sides along the full runway length. Commissioners stated that because the runway sits near the center of town, a 10,000-foot hot-dog overlay essentially covers most of Fairfield and seemed to go beyond what state law contemplates. Brian Carver of JUB Engineering confirmed that Utah's airport influence area is defined at 5,000 feet and explained that while an overlay zone must be at least as large as the influence area, it does not need to exceed that distance without a specific legal or safety justification. He stated that, in his professional opinion, the 10,000-foot overlay was excessive

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and that Fairfield could adopt an overlay mirroring the influence-area size using the same hot-dog geometry with 5,000-foot arcs and lateral offsets. Commissioners responded that the influence area is the zone where landowners must be notified and where FAA paperwork is triggered for construction affecting airspace, and they questioned why Fairfield would regulate double that distance if not required.

The Commission then discussed how the overlay's height-restriction surfaces function and how they intersect with surrounding land uses, particularly the landfills. The Airpark representative explained the overlay color bands on the map, noting that the blue area represents the conical surface and the green area represents the horizontal surface. He stated that within the conical surface area, structures exceeding roughly 200 feet above ground require FAA notification, while the horizontal surface triggers FAA notice at approximately 150 feet. He emphasized that the overlay does not automatically prohibit development at those heights but requires FAA notification and appropriate marking or lighting so pilots can identify obstacles. Commissioners compared these limits to existing landfill allowances, noting that nearby landfill properties are already permitted to build to roughly 200 feet. They expressed concern that an oversized overlay could create unnecessary future conflicts or burdens on established landfill operations without providing a clear additional safety benefit.

As the discussion continued, commissioners weighed whether to recommend immediately reducing the overlay boundary to 5,000 feet to align with state standards or to forward the ordinance to the Town Council as written due to the pending ordinance timeline. Commissioners stated that although the overlay map likely needs correction to match the state influence-area definition, they were under time pressure and believed Council could evaluate and finalize the appropriate boundary. One commissioner stated that maintaining a 10,000-foot overlay would impact twice as many landowners "for no reason," while others said the safest procedural course was to move the ordinance forward now and allow the Town Council to determine whether the overlay should be redrawn to 5,000 feet.

The Commissioners voted to either leave the Overlay at 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

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Commissioner Mascaro - Change it
Commissioner Butterfield - Leave 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.

January 7, 2026

Stephanie Shelley

Minutes Approval Date

Stephanie Shelley Recorder/Clerk