

**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*

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Minutes Approval Date

Stephanie Shelley Recorder/Clerk



Stephanie Shelley <[sshelley@fairfieldtown-ut.gov](mailto:sshelley@fairfieldtown-ut.gov)>

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

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Amy Walker <[amy@millerharrisonlaw.com](mailto:amy@millerharrisonlaw.com)>

Tue, Sep 16, 2025 at 3:48 PM

To: "wtaylor@fairfieldtown-ut.gov" <[wtaylor@fairfieldtown-ut.gov](mailto:wtaylor@fairfieldtown-ut.gov)>, "hstrong@fairfieldtown-ut.gov"

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"alina rmkplanes.com" <[alina@rmkplanes.com](mailto: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](mailto:alina@rmkplanes.com), addressed in an appropriate meeting, or relayed to me through the Town's counsel.

Respectfully,

**MILLER | HARRISON**  
— LAWYERS —

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Attorney | MRED  
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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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## CC: Fairfield Town Attorney

Todd Sheeran

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## CC: Fairfield Town Mayor

Hollie McKinney

[hmckinney@fairfieldtown-ut.gov](mailto: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**

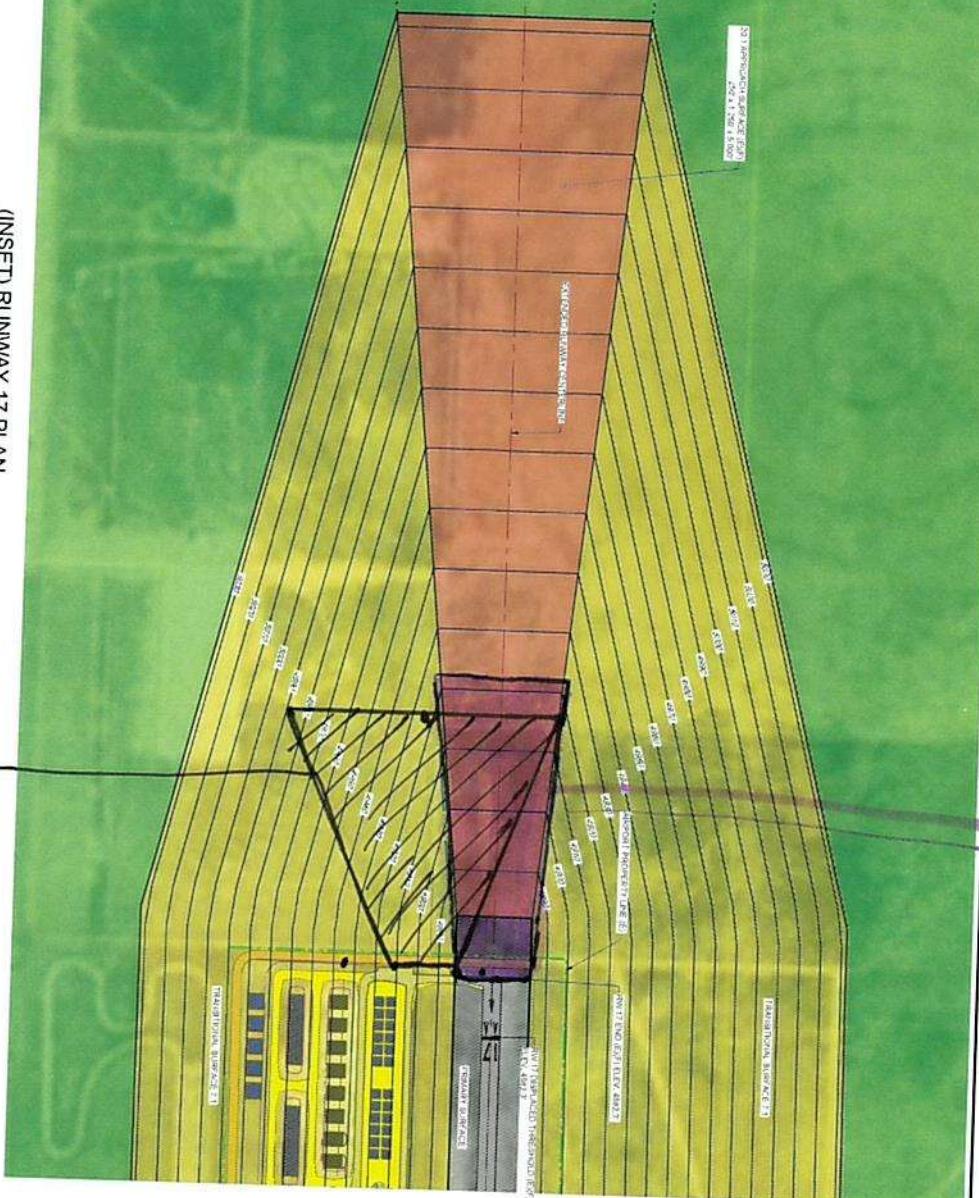
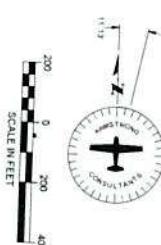
A handwritten signature in black ink that reads "Amy C. Walker".

Amy C. Walker  
Attorney at Law



**(INSET) RUNWAY 17 PLAN**  
SCALE PER BARSCALE

Then



Now

Ref.	Acq. No.	Date	Revision / Description	File	Draw	Check	Approved
1	226845	05/2025	AS-BUILT RUNWAY 11/29 RELOCATION	6516554	MAC	DUN	JPH
2	208645	06/2020	ORIGINAL ISSUE	6516554	GWK	JH	ZPF

WEST DESERT AIRPARK  
FAIRFIELD, UTAH

## AIRPORT LAYOUT PLAN



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

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

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Amy Walker <amy@millerharrisonlaw.com>

Tue, Sep 16, 2025 at 5:22 PM

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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

— L A W Y E R S —

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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 <a href="#">13</a> (Aviation), Provo City Code Ramp, hangar and other facilities see Chapter <a href="#">13.10</a> , 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 <a href="#">14.34.090</a> and <a href="#">14.34.250</a> , Provo City Code
Eating places, restaurants (no drive-through)	P	P	Subject to Section <a href="#">14.34.250</a> , Provo City Code
Federal agencies	P	N	Inside the airport terminal only
<a href="#">Hotels</a>	N	P	
Miscellaneous manufacturing	N	P	
<a href="#">Professional office</a>	N	P	
Police station (branch only)	P	N	Inside airport terminal only
<a href="#">Professional office</a> 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 <a href="#">zone</a>
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 <a href="#">lot area</a>	No requirement	10,000 SF
Minimum <a href="#">lot frontage</a>		100 feet
Minimum <a href="#">lot width</a>		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).

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- (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.

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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)