

Approved Meeting Minutes
Fairfield Planning Commission
Session
September 24, 2025

Minutes

Date: Wednesday, September 24, 2025

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

Time: 6:30 P.M.

Minutes By: Recorder: Stephanie Shelley

Call to Order

1) Roll Call

Commissioner Taylor opened the meeting at 6:30 pm

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

Excused Commissioners:

Kyler Fisher

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney

Others Present: Codis' iPhone, Amy Walker

Business Items

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

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

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

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

Adjournment

Commissioner Taylor closed the meeting.

January 7, 2026

Stephanie Shelley

Minutes Approval Date

Stephanie Shelley Recorder/Clerk



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

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

Amy Walker <amy@millerharrisonlaw.com>

Wed, Sep 24, 2025 at 6:19 PM

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

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

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

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MILLER | HARRISON

— L A W Y E R S —

AMY C. WALKER
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ADMITTED TO PRACTICE IN UTAH

September 24, 2025

Fairfield Planning Commission

Wayne Taylor
wtaylor@fairfieldtown-ut.gov

Heather Strong
hstrong@fairfieldtown-ut.gov

David Riet
drriet@fairfieldtown-ut.gov

Kyler Fisher
kfisher@fairfieldtown-ut.gov

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

Sent via e-mail

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

Dear Planning Commission and Town Council;

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

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

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

1. Defective Notice Under OPMA.

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

2. Conflict Between Posted Notices.

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

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



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

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

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

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

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

4. Failure to Hold a True Public Hearing.

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

5. Development Agreement as Legislative Action.

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

6. Ordinance and Agreement Adoption Are Voidable.

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

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

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

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

There are several serious concerns:

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

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

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

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

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

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

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

Final Comments

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

— Abraham Lincoln

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

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

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

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

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

Respectfully submitted,

MILLER HARRISON LLC



Amy C. Walker
Attorney at Law