

**Ordinance # 2026-01.** An Ordinance Repealing Airpark Zone and Adopting Fairfield Town Code § 10.11.260. Airpark Mixed-Use Zone (AMUZ) and Amending Town Code § 10.16. Special Use Regulations, Adding Additional Special Uses and Conditional Uses within the AMUZ. (This action follows from the Notice of Pending Ordinance Change related to the Airpark Zone and Airpark Overlay Zone adopted by the Town Council on Sept. 25, 2025).

**Dated March XX, 2026**

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Document Control Changes:

Fairfield Town Code 10.11.260. (Airpark Mixed Use Zone) Created August 23, 2022; repealed and replaced as Airpark Mixed Use Zone **March XX, 2026**, and

Fairfield Town Code 10.16. **Special Use Regulations**. Created June 18, 2025, Amended September 25, 2025.

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

**WHEREAS**, the County approved the conditional use permit, and the WDA has operated as a privately owned, privately used small airport for almost 20 years.

**WHEREAS**, In 2018, the WDA applied for “public-use” designation from the Federal Aviation Administration (FAA), which was granted but this (FAA) determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

**WHEREAS**, the Utah Department of Transportation (UDOT) Aeronautics Division has awarded approximately \$2.5 million in federal and State funding for runway improvements at the Airpark, conditioned upon contract No.259900, dated July 12, 2024.

**WHEREAS**, neither the FAA nor UDOT has authority to override or preempt a municipality’s zoning regulations; however, municipalities are prohibited from regulating navigable airspace, which remains under exclusive federal jurisdiction.

**WHEREAS**, when UDOT awarded funding to WDA, it did not verify whether the Town had approved the necessary permits or authorized the runway expansion. Additionally, neither UDOT nor the FAA conducted a flight hazard analysis before approving the funding.

**WHEREAS**, as a public-use facility, WDA must allow broader access to the airstrip, resulting in a substantial increase in flights over the Town. WDA, using funding from UDOT, extended the landing strip from 2,650 feet to 5,300 feet which also resulted in a substantial increase in flights over the town.

**WHEREAS**, as WDA sought to expand its uses, the Town reviewed the applicable ordinances and found significant deficiencies, including the following:

1. Any development that occurs in the Airpark Zone requires a concurrent “Master Planned Development,” which dictates standard zoning regulations, such as frontage, setbacks, area requirements, building heights, landscaping, and water requirements. See Town Code § 10.11.260 (I), (J), (K)(1), (L), (M), and (O).
2. A Master Planned Development is considered a conditional use in the Airpark Zone, and the Town has not received any conditional use applications for this use. See Town Code § 10.11.260 (D)(1).
3. Confusingly, the Airpark Zone also requires a “master site plan” before any development can even occur in the zone. See Town Code § 10.11.260 (H). While the Town regulates site plans in accordance with Town Code § 9.1, it is unclear whether a master site plan is required to follow those regulations.
4. The Airpark Zone and the Airpark Overlay Zone, did not include many critical definitions such as the definition of “Airpark,” “Airport,” “Small Aircraft” “School,” “Caretaker Dwelling,” “Aircraft,” “Fuel Tanks,” “Hangars,” “Helipads,” “Landing Strip,” “Storage Containers,” “Taxiways,” and “Master Planned Development.”
5. The Airpark Overlay Zone was written to “minimize exposure to crash hazards and high noise levels generated by West Desert Airpark operations.” Town Code § 10.11.275 (A).
6. The Airpark Overlay Zone creates protection zones around West Desert Airpark that burdens property not owned by West Desert Airpark. There remains constitutional questions as to whether a private airport owner can burden property that it does not own.
7. Additionally, the West Desert Airpark recently added a new runway and the Overlay Zone has specific maps that were only contemplated with the old runway.
8. Additionally, the West Desert Airpark is located next to two landfills, which attract flocks of birds that congregate there, and create hazards for the pilots. The Airpark Overlay Zone failed to adequately address the known hazards.

**WHEREAS**, on April 2, 2025, the Town passed a notice of pending ordinance in compliance with Utah Code § 10-9a-509(1)(a)(ii)(A), which found “a compelling, countervailing public interest would be jeopardized by approving any application in the Airpark Zone or Airpark Overlay Zone.”

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

**WHEREAS**, in the ensuing months, the Town has diligently drafted regulations related to airport operations to protect the health, safety, and welfare of Fairfield residents. The regulations were crafted from FAA Advisory Circulars, attached as **Exhibit 1**, the “Airports & Land Use Guide: An Introduction for Local Leaders,” written by the Workforce Services: Housing and Community Development (2018), attached as **Exhibit 2**, and input from other aviation experts.

**WHEREAS**, on September 9, 2025, the Town Planning Commission held a public hearing on the proposed Airpark Mixed Use Zone, additional special uses to be added to the Town’s Special Use Regulations, and the proposed Airport Overlay.

**WHEREAS**, On September 22, 2025, the Planning Commission reviewed the subject text amendments and made a positive recommendation to the Town Council.

**WHEREAS**, On September 25, 2025, the Town passed a notice of pending ordinance in compliance with Utah Code § 10-9a-509(1)(a)(ii)(A), which found “a compelling, countervailing public interest would be jeopardized by approving any application in the Airpark Zone or Airpark Overlay Zone.”

**WHEREAS**, the Town Council reviewed the subject text amendments and finds that the regulations and provisions therein help protect the health, safety, and welfare of Fairfield residents.

**NOW THEREFORE**, be it ordained by the Town Council of Fairfield Town, in the State of Utah, for the approval to repeal and reinstate Town Code § 10.11.260 (Airpark Mixed Use Zone), attached as **Exhibit A**; and to amend Town Code § 10.16 (Special Use Regulations), adding **Standards for Special and Conditional Uses within the AMUZ** as attached in **Exhibit B**.

**Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, provisions, and words of this Ordinance shall be severable.

**Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

**Passed and Adopted this XXth day of March 2026.**

FAIRFIELD TOWN

\_\_\_\_\_  
Hollie McKinney, Mayor

Hollie McKinney	yes	_____	no	_____	abstain	_____
RL Panek	yes	_____	no	_____	abstain	_____
Tyler Thomas	yes	_____	no	_____	abstain	_____
Michael Weber	yes	_____	no	_____	abstain	_____
Richard Cameron	yes	_____	no	_____	abstain	_____

ATTEST:

\_\_\_\_\_  
Stephanie Shelley, Recorder

(OFFICIAL SEAL)

FAIRFIELD TOWN

STATE OF UTAH     )  
                                  ) ss.  
COUNTY OF UTAH )

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the **XXth day of March 2026**

**Ordinance # 2026-01.** An Ordinance Repealing and Reinstating Fairfield Town Code § 10.11.260. Airpark Zone (renamed Airpark Mixed Use Zone) and Amending Town Code § 10.16. Special Use & Conditional Use Regulations, Adding Additional Special & Conditional Uses.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield, Utah, this **XXth day of March 2026.**

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

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH     )  
                                  ) ss.  
COUNTY OF UTAH    )

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the **XXth day of March 2026**, and herein referred to as:

SUMMARY.

Repealing and reinstating the Fairfield Town Code Airpark Zone, and adding Special Uses regulations, as well as special uses found in the Airpark Mixed Use Zone.

The three places are as follows:

1. Fairfield Town Hall
2. Fairfield Town Website
3. Utah State Public Notice Website

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

Date of Posting \_\_\_\_\_ day of \_\_\_\_\_, 2026

## EXHIBIT A

### Airpark Mixed-Use Zone.

#### Section 10.11.260.1. Title

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

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

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

1. Support aviation-related activities with mixed-use development in a manner that is compatible with the airport and the surrounding community.
2. Protect public health, safety, and welfare by reducing land use conflicts and safeguarding airport operations.
3. Ensureing property rights are recognized and respected.
4. Encourage aviation activity and related economic opportunities while maintaining the Town’s rural character.
5. Preserve the Town’s land-use authority role while recognizing the FAA’s jurisdiction over airspace.

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

#### Section 10.11.260.3. Definitions.

The definitions provided in this section shall be specific to this section only. In the event of conflict between a definition in this section and a definition in other sections of the Town Code, the definition in this section shall prevail.

**AC.** An Advisory Circular issued by the FAA.

**Accessory Structure.** A subordinate building or structure on the same lot as a principal use, which is incidental and related to the principal building or use. Examples include utility

enclosures, maintenance sheds, or small storage buildings that are aviation related. No accessory dwelling units are permitted with~~in~~ the AMUZ.

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

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

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

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

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

**Airframe Repair and Painting.** The maintenance, restoration, or cosmetic finishing of aircraft fuselage, wings, stabilizers, and other structural components, including paint, coatings, and corrosion control.

**Airpark.** ~~A privately owned aviation-oriented development serving planned area designated to accommodate aircraft owned or operated by residents, tenants, or approved users of the development. An airpark is not open to the general public and does not function as an airport or regional aviation facility. ions such as a runway, taxiways, and hangars) with residential, commercial, or light industrial uses that support aircraft operations.~~

**Airpark Traffic Patterns and Altitudes.** Published procedures describing standard aircraft arrival and departure routes, pattern altitudes, and no-fly zones over sensitive areas.

**Airport.** For purposes of this Title, “Airport” means an aviation facility that:

1. Is approved by Fairfield Town for operation as a public-use airport; and
2. ~~,in addition to meeting~~Meets applicable federal definitions and requirements for an airport;

But does not include any aviation facility that:

- a. ~~provided that an airport does not include an airport that has received grants under 49 U.S.C., Subtitle VII, Chapter 471, Part B (–Airport Development); or or that has~~
- b. Has “regularly scheduled flights of aircraft” within the meaning of 49 U.S.C. § 44718(d)(1).

**Airport Emergency Plan.** A written emergency response and coordination plan approved by the Town addressing aircraft incidents, fire response, fuel spills, wildlife hazards, and public safety coordination.

**Airport Hazard Area.** Any area of land or water under the imaginary surfaces as defined in the airport overlay upon which an airport hazard might be established if not prevented as provided in these regulations.

**Airport Influence Area.** The term Airport Influence Area has the same meaning as the definition for Airport Influence Area found in Utah Code Title 72, Chapter 10, Part 4, the Airport Zoning Act, as amended. ~~geographic area associated with a Significant Airport within which compatibility between aviation operations and surrounding land uses must be addressed pursuant to Utah Code Title 72.~~

For purposes of this Title, compatibility within the Airport Influence Area shall be achieved through airport sponsor acquisition of necessary property interests, recorded aviation easements, RPZ control, or other lawful land-control mechanisms approved by the Town.

Nothing in this definition shall be construed to require Fairfield Town to regulate or restrict property outside the airport boundary on behalf of the airport sponsor.

**Airport Overlay Zone.** A secondary zoning district as may be adopted by the Town Council above and around an airport designed to protect the public health, safety, and welfare which protects property owner rights near an airport through compatible land use regulations as recommended by the Federal Aviation Administration; and protects aircraft occupant safety through protection of navigable airspace. Regulations imposed by the overlay zone are in addition to the primary zoning district land use regulation of property.

**Airport, Small.** An airport that has as a runway less than five thousand (5000) ft., less than ten thousand (10,000) operations per year, visual approaches only, and aircraft weighing no more than twelve thousand five hundred (12,500) pounds maximum certified takeoff weight.



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

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

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

**Airside Access.** Means security measures and protocols to regulate entry to areas of an airport where aircraft operations take place, including runways, taxiways, aprons, hangars, and boarding areas.

~~**ARC A-1/B-1.** Airport Reference Code classification of A-1 which classifies aircraft with an approach speed of less than 91 knots (104mph), and either a wingspan of less than 49 feet, or a tail height of less than 20 feet, whichever is most restrictive and B-1 which classifies aircraft with an approach speed of 91-120 knots (104-138mph), and either a wingspan of less than 49 feet or a tail height of less than 20 feet, whichever is most restrictive.~~

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

**Aviation Facility.** Means any land area, building, structure, or improvement used or intended to be used for the landing, takeoff, movement, storage, servicing, maintenance, fueling, or operation of aircraft. An aviation facility includes runways, taxiways, aprons, hangars, tie-down areas, terminal buildings, fuel farms, navigation aids, and any accessory uses necessary for the conduct of aviation activities.

**Aviation Operator.** Means any person, entity, partnership, corporation, or association that owns, leases, manages, or otherwise conducts aviation-related operations at an aviation facility, including but not limited to aircraft owners, flight schools, maintenance providers, charter services, and fixed-base operators (FBOs). An aviation operator is responsible for compliance with applicable federal, state, and local regulations governing aviation activity.

**Avigation Easement.** Means a legal right to access and permit unimpeded aircraft navigation and flights over property subject to the easement and includes the right to create or increase noise or other effects that may result from the lawful operation of aircraft; and it may provide for the removal or prevention of any obstruction to such overflight.

**Based Aircraft.** An aircraft that is regularly housed, stored, or maintained at the Aairpark\_or airport for the majority of a calendar year and for which the aAirpark/airport serves as the aircraft's primary operating location. This includes aircraft kept in hangars, tie-downs, shelters, or other storage areas on the property.

An aircraft may be determined to be "based" by the Town through FAA records, reporting by the airport sponsor, lease agreements, observable presence, maintenance records, utility usage, or any other reasonably reliable evidence.

**Caretaker Dwelling.** A residential unit located on the same parcel as a non-residential use, intended for full-time occupancy by an individual or household responsible for the care, security, or operation of the primary use or facility. Caretaker dwellings are accessory in nature and must be directly related to the ongoing maintenance or oversight of the property.

**Cargo Service Airport.** Airport that is served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100 million pounds. "Landed weight" means the weight of aircraft transporting only cargo in intrastate, interstate, and foreign air transportation.

**Conditional Use Permit (CUP).** A permit issued pursuant to Town Code 10.17 and consistent with Utah Code 10-20-506.

**Controlled Development Zone.** Restrictions on crops that attract birds, require buildings over two hundred (200) ft. in height to register with the FAA, control lighting up to the sky and limit residential development.

**Crew Rest Facility.** A designated area within an airpark/airport hangar used exclusively for short-term rest and recuperation by flight crew members between flight operations. A crew rest facility may include basic accommodations such as seating or sleeping areas, a restroom, and minimal kitchen amenities, but shall not be used or approved as a permanent residence. The facility must be accessory to and clearly subordinate to the primary aviation use of the hangar and may only be used by personnel directly associated with aircraft operations on site.

**Daytime Operations.** All aircraft activities and procedures, including takeoffs and landings, that occur between official sunrise and sunset, during periods when natural light provides sufficient visibility for safe operation without the use of runway lighting or navigational aids. These operations are limited to daylight hours and do not include night or low visibility operations.

**Engine Repair.** The inspection, overhaul, or servicing of aircraft engines or propulsion systems, including removal and installation, conducted in accordance with FAA-approved maintenance procedures.

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

**Fuel Dispenser.** Fixed or mobile unit designed to transfer aviation fuel from a storage tank or fuel farm to an aircraft. A fuel dispenser includes pumps, hoses, nozzles, meters, filters, grounding systems, and associated safety equipment.

**Fuel Farm.** Centralized aviation fuel storage and distribution facility located within an airport or airpark, consisting of one or more aboveground or underground storage tanks, associated pumps, piping, filtration systems, spill containment, and safety equipment.

**Hangar.** Structure designed and constructed for the storage, shelter, and protection of aircraft. A hangar may also provide space for routine aircraft maintenance and operations as permitted.

**Hangar Home.** A dwelling unit integrated with an aircraft hangar located within an approved Airpark Zone where aircraft access is provided directly to the lot via taxiway.

**Hangar (Shell S-1).** Fully enclosed structure intended solely for the storage and protection of aircraft, without interior build-out for occupancy, offices, or non-aviation activities.

**Landside Access.** Security measures and protocols to regulate access to areas of an airport open to the public, including parking lots, administrative offices, industrial, and commercial spaces.

**Material Change.** Any modification that increases or alters the operational intensity, configuration, runway length, aircraft weight.

**NFPA.** National Fire Protection Association.

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

**Office and Administrative Buildings.** Structures used for [airport](#)/airpark-related management or support operations, including business offices, tenant services, flight planning centers, or aviation service companies.

**Operations.** Aircraft activity at the airpark or airport, defined as either a takeoff or a landing. Each takeoff or landing counts as one (1) operation. Touch and go maneuvers, practice approaches, and stop and go landings are each counted as two (2) operations - one (1) landing and one (1) takeoff. Annual and daily operation totals are used to determine the level of activity and ensure compliance with any operational limits established by ordinance or FAA designation.

**Public-use.** The term “public-use” when used in connection with any airpark, airport, or Significant Airport means that the airpark, airport, or Significant Airport is available for use by the general public without a requirement for prior approval of the airpark, airport, or Significant Airport owner or operator.

**Regional Airport.** A commercial service airport handling short to medium range domestic or point to point flights without international service.

**Restaurant.** An establishment that prepares and serves meals and beverages to customers, with full kitchen facilities and seating for onsite dining.

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

**Runway Protection Zone (RPZ).** A trapezoidal ground area at each runway end, beginning fifteen (15) feet from the runway, centered on the extended runway centerline, designed to enhance the protection of people and property on the ground.

**Runway Weight Limit.** Runway weight limits refer to the maximum allowable weight that an aircraft can have when taking off or landing on a specific runway, based on factors like the runway's structural strength and length.

**Short Term Rental.** Any property offered or used for lease or rent as transient housing for a term of less than thirty (30) days. ~~and shall not be allowed.~~

**Significant Airport.** For purposes of this Title, a "Significant Airport" means an airport that has more than twenty (20) based aircraft or otherwise meets the criteria for a "Significant Private Airport" established under Utah Code Title 72, Chapter 10, as amended. Classification as a Significant Airport under state law does not confer approval to operate as a public-use airport within Fairfield Town.

**Small Public-Use Airport/Airpark.** A public-use airpark approved by the Town that is limited to low-intensity aviation activity and meets all of the following criteria:

1. Runway Length. The runway does not exceed five thousand (5,000) feet in length.
2. Aircraft Weight. Operations are limited to aircraft with a maximum certificated takeoff weight of not more than twelve thousand five hundred (12,500) pounds.
3. Aircraft Type. Operations are limited to small, propeller-driven, fixed-wing aircraft. Jet aircraft, turbojet aircraft, and instrument-guided aircraft are prohibited.
4. Operations. Total aircraft operations do not exceed ten thousand (10,000) per calendar year.
5. Flight Conditions. Operations are conducted under visual flight rules (VFR) only and are limited to daytime operations. ~~with runway length not to exceed 5,000 feet in length, aircraft weight, and fewer than 10,000 operations annually.~~

**Special Events.** Temporary activities held on airpark or airport property, such as airshows, community gatherings, educational programs, or sales exhibitions.

**Structure.** An object including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines and landfills.

**Tenant Improvement (TI).** Any alterations, upgrades, or modifications, interior finish work performed within a leased space by or on behalf of a tenant.

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

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

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

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

**Section 10.11.260.4. Applicability and Compliance.**

A. Applicability. The provisions of this ordinance apply to the operation, maintenance, and use of any airpark, airport or airfield facilities located within the Airpark Mixed-Use Zone in the Town. Nothing in this ordinance shall be construed to regulate navigable airspace, which remains under the exclusive jurisdiction of the Federal Aviation Administration.

B. General Requirement. All persons subject to this ordinance shall comply with its provisions and with all applicable federal, state, and local laws, rules, and regulations, including zoning and land use approvals issued by the Town.

C. Responsibility. The operator, sponsor or other responsible party shall ensure that all facilities and activities remain consistent with this ordinance and the terms and conditions of any permits, licenses, or approvals issued by the Town and any other regulatory body, including the FAA and the State of Utah.

D. Inspections. The Town or its designee may conduct reasonable inspections of airpark, airport, or airfield facilities, and premises, and related improvements to verify compliance with this ordinance and applicable Town approvals.

E. Continuing Obligation. Compliance with this ordinance is a continuing obligation, and issuance of any permit, business license or approval under this ordinance does not relieve any person from complying with other applicable laws or regulations.

F. Significant Airport Designation. ~~Designation of a Significant Airport within the AMUZ is specifically prohibited, without a public hearing and an affirmative approval from the Town Council.~~

~~Prior to receiving a designation or request to be designated as a significant Airport, the Town shall be notified 60 days prior to any such request to permit a public hearing. Any airpark or airport meeting the definition of a Significant Airport under Utah Code Title 72 shall comply with the Airport Overlay Zone adopted by Fairfield Town pursuant to state law.~~

~~Public-use status shall not be granted or maintained unless the airport sponsor demonstrates compliance with all applicable overlay requirements, including land and airspace control provisions through appropriate aviation easements or land ownership over development-limited areas.~~

1. **Prohibition Absent Approval.** No airpark or airport within the Airpark Mixed-Use Zone may be designated or operate as a Significant Airport unless first approved by the Town Council following a duly noticed public hearing.

2. **Advance Notice to Town.** Any airport sponsor seeking designation as a Significant Airport under applicable state law shall provide written notice to the Town at least sixty (60) days prior to submitting such request to any state or federal agency. The Town may use this period to conduct a public hearing and evaluate potential land use, safety, or compatibility impacts.
3. **Compliance with Overlay Requirements.** Any airpark or airport that meets or exceeds the threshold for a Significant Airport under Utah Code Title 72 shall comply with all applicable requirements of the Town's Airport Overlay Zone, including land use compatibility, airspace protection, and hazard mitigation standards.
4. **Public-Use Condition.** Public-use status shall not be granted or maintained for any airport that qualifies as a Significant Airport unless the sponsor demonstrates ongoing compliance with all applicable overlay requirements and this Chapter.
5. **Land and Airspace Control.** As a condition of approval or continued operation as a Significant Airport, the sponsor shall demonstrate adequate control of land and airspace necessary for safe operations, including through fee ownership, recorded aviation easements, Runway Protection Zone (RPZ) control, or other lawful mechanisms acceptable to the Town.
6. **No Municipal Obligation.** Nothing in this Section shall be construed to require the Town to regulate, acquire, or restrict property outside the airport boundary on behalf of an airport sponsor.

#### **Section 10.11.260.5 Liability Insurance Requirements**

##### **A. Minimum Coverage Required.**

As a condition of public-use approval, the airport sponsor shall maintain commercial general liability insurance and aviation liability insurance in amounts not less than:

1. \$5,000,000 per occurrence for bodily injury and property damage combined single limit; and
2. \$10,000,000 aggregate coverage per policy year.

##### **B. Additional Insured.**

Fairfield Town shall be named as an additional insured on all required liability policies.

##### **C. Proof of Coverage.**

A certificate of insurance shall be submitted to the Town prior to issuance or continuation of public-use approval and annually thereafter.

##### **D. Cancellation Notice.**

Policies shall require not less than thirty (30) days written notice to the Town prior to cancellation, non-renewal, or material modification.

E. Failure to Maintain Coverage.

Failure to maintain required insurance shall constitute grounds for suspension or revocation of public-use approval.

The airport sponsor shall indemnify and hold harmless Fairfield Town from claims arising out of airport operations.

**Section 10.11.260.65. Uses Allowed in the Airpark ~~mixed~~ Mixed-Use Zone.**

Only the uses expressly listed in this ordinance (see Table 1 below) are allowed within the ~~aviation facility~~ Airpark Mixed-Use Zone. Any use not specifically identified or authorized herein is expressly prohibited. No ~~use or~~ structure shall be permitted without obtaining a building permit ~~or tenant improvement~~. All uses shall comply with the International Building Code (IBC) occupancy classifications, with a default classification of S-1 for hangars unless otherwise approved through a building permit or TI permit. All special uses shall comply with Town Code § 10.16., and all conditional uses shall comply with Town Code § 10.17.

**Table 1**

Uses	Permitted	Special use	Conditional use	Expressly prohibited
Accessory structure			X	
Accessory Dwelling Units – Internal & External				X
Air Taxis				X
Autonomous or remote Drone Delivery Services				X
Public Use <del>---</del> Airpark			X	

Public Use <del>—</del> Airport			X	<u>X</u>
Aircraft construction		X		
Aircraft parking and tie-downs	X			
Airframe repair/painting		X		
Caretaker dwelling			X	
Crew rest facilities			X	
Engine Repair		X		
Fuel farm and fuel dispenser		X		
Office and administrative buildings	X			
Private air school/Flight School <sup>1</sup>		X		
<u>Public air school/Flight School</u>				<u>X</u>
Restaurant/ <del>cafe</del> café			X	
Service and sales		X		
Shell hangars		X		
Special events		X		
Aircraft museum			X	

<sup>1</sup> No more than 1 (one) flight school/private air school shall be allowed in the AMUZ.

Regional Airport				X
<u>Airport that has received grants under 49 U.S.C., Subtitle VII, Chapter 471, Part B- Airport Development or that has “regularly scheduled flights of aircraft” within the meaning of 49 U.S.C. § 44718(d)(1).</u>				<u>X</u>
Roto Craft Operation				X
<u>Instrument-Guided Aircraft, Jet Aircraft, Turbo-jet Aircraft, or Similar Types of Aircraft</u>				<u>X</u>
<u>Instrument-Guided Approaches</u>				<u>X</u>
Gyro Copter				X
Cargo Service Airport				X
Commercial passenger/cargo operations – drone or otherwise				X
Air traffic control tower				X
Sewage plant				X
Short term rental				X
<u>Significant Airport</u>				<u>X</u>
<u>Operations Under 14 CFR Parts 121 &amp; 135</u>				<u>X</u>

**Section 10.11.260.76. Development Approval.**

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

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

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

- a. Building orientation, size, and type;
- b. A land use plan that determines where residential, commercial, and other uses will be located;
- c. Identification of buffering, screening, or distance used to mitigate possible noncompatible uses;
- d. Parking areas and vehicle access to the site;
- e. Engineered requirements, including grading, drainage, sewer, and other utilities;
- f. Airport operation layout (runway, taxiways, aprons, fueling stations, maintenance areas, parking);
- g. Site Layout, dimensions, and names of existing and future road rights-of-way;
- h. Transportation circulation plan for aircraft, vehicles, and pedestrians;
- i. Utility plan showing all existing and proposed utilities, including, but not limited to, sewer/septic, culinary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communication lines, cable television lines, minimum fire flow required by the building code for the proposed structures (and fire flow calculations at all hydrant locations), location and dimensions of all utility easements, and a will-serve letter from each utility provider, other than the Town, addressing the feasibility and their requirements to serve the project.;
- j. Airport emergency plan following FAA AC150/5200-31C;
- k. List of known or identified hazards or obstructions to air navigation;
- l. Environmental study;
- m. Compliance with Town soil ordinance;

n. Utilities: must comply with water standards (Town Code § 6.1), wastewater and stormwater design, and wildlife hazard avoidance;

p. Proof of ownership or restrictive easements for all land located within the RPZ, any required approach surfaces prior to approval and CFR 14 part 77 surfaces; and

q. An airport layout plan (ALP) that matches the proposed development and is consistent with ~~the~~ the approved size and intensity of aviation classification.

#### B. Phasing of Development.

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

2. Each phase ~~of aa~~-development must comply with ~~the Town's water regulations.~~ ~~Including, including~~ submitting a change application with the required water shares, as determined by the Town Engineer and State Engineer, ~~to the State before receiving final approval of a phase (or plat) of the development.~~

### Section 10.11.260.87. Development Standards.

#### A. General Standards.

##### 1. Land Use Allocation:

a. No more than 27 one acre lots for residential ~~uses are~~ shall be permitted within the AMUZ;

b. A minimum of 30% of the total developable land area shall be preserved as open space. In calculating required open space, roads, driveways, parking areas, runways, taxiways, aprons, and other areas used primarily for vehicle or aircraft circulation shall be excluded; and

c. Remaining land in the airpark may be developed for industrial, commercial with aviation related uses consistent with the purposes of the zone.

2. Restrictive Covenants and HOA. ~~Development-Residential development~~ in the AMUZ shall have a homeowner's association and restrictive covenants that comply with the regulations in the AMUZ and ~~the~~ 14 C.F.R. Part 77;

3. Prohibited Structures. No building, structure, or other vertical obstruction shall be constructed ~~or maintained~~ within the navigable airspace defined in 14 C.F.R. Part 77 nor within

the RPZ, except as otherwise permitted by the Federal Aviation Administration and approved by the Town Council;

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

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

6. Airport operations must comply with this Chapter. Any proposed changes to status or development within the airpark mixed-use zone must be in compliance with this ordinance and shall require have prior approval of the town council.

#### B. Airport Standards.

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

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

b. Based Aircraft. No more than twenty (20) small, propeller-driven, fixed-wing aircraft with a maximum certificated takeoff weight of twelve thousand five hundred (12,500) pounds or less shall be based at the Aviation Facility, consistent with the airpark's or airport's runway weight-bearing capacity and Utility Runway classification under FAA Advisory Circular 150/5320-6G.

The airport sponsor shall submit an annual written certification to the Town identifying the number of based aircraft. The Town may request supporting documentation reasonably necessary to verify the certification.

~~Failure to submit the required annual certification or E~~ exceeding twenty (20) based aircraft shall constitute Significant Airport classification under this Title and shall require compliance with the Airport Overlay Zone and all associated land and airspace control requirements prior to continuation of operations at that level. a violation for the Airpark Mixed-Use Zone.

~~Failure to submit the required annual certification shall constitute a violation of this ordinance.~~

c. All runway, taxiway, and aircraft movement areas shall be designed and constructed in compliance with FAA Advisory Circular 150/530013B [Airport Design] – Change 1 (August 16, 2024), including all data current as of April 3, 2025.”and 14 CFR Part 77; and FAA Advisory Circular 150/5320-6G (Airport Pavement Design and Evaluation), including all data current as of April 3, 2025, and 14 CFR Part 77;

d. Allowed Runway weight limit. The runway shall be constructed and maintained to operate as a utility runway to serve aircraft not to exceed a total gross weight of twelve

thousand five hundred (12,500) pounds, appropriate for a Utility Runway, as defined by FAA Advisory Circular 150/5320-6G. Utility Runways are intended to serve small propeller driven aircraft and are not designed for use by heavier aircraft or those with dual-wheel or tandem gear configurations;

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

f. Runway lights of any type are prohibited;

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

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

## 2. Flight operations.

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

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

c. Operational Limits.

The airport sponsor may permit, schedule, or accommodate:

i. Fewer than ten thousand (10,000) aircraft operations per calendar year.

For purposes of this section, an "operation" means a takeoff or landing. A touch-and-go maneuver constitutes two (2) operations.

The airport sponsor shall maintain accurate records of daily and annual operations and shall provide such records to the Town upon request.

The Town may verify operations through reasonable monitoring methods, including but not limited to visual observation, automated counting systems, or video documentation.

Exceeding the ~~daily or~~ annual operation limit shall constitute a violation of this ordinance.

d. Excess Operations.

Each aircraft operation in excess of ~~the daily or annual limit~~ shall constitute a separate violation.

The Town may assess a civil fine of not less than \$500 per excess operation. Repeated violations may constitute grounds for suspension or revocation of a business license and/or public-use approval.

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

f. No airpark, airport, or airfield within the AMUZ shall allow the use or land of instrument-guided aircraft, jet aircraft, turbojet aircraft, or similar types of aircraft, all of which are prohibited in the AMUZ. Public airports receiving grants under 49 U.S.C., Subtitle VII, Chapter 471, Part B- Airport Development or that have “regularly scheduled flights of aircraft” within the meaning of 49 U.S.C. § 44718(d)(1) are prohibited in the AMUZ.

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

D. Residential Standards. Single family Residential hangar homes are allowed in a portion of the airpark/airport. This zone must be outside the Limited Safety Zone of the runway and not used for light industrial use. The following requirement shall apply:

1. One (1) acre lots minimum not including the roadway;
2. Each lot s~~hall~~ have no more than one hangar with private access to taxi way;
3. There shall be a 250 foot no development zone on either side of the runway measured from the center line of the runway to the closest property line of any residential lot.
4. Shall not exceed twenty seven (27), one (1) acre lots plus one (1) lot for a clubhouse; and
5. All residential development must meet the requirements, standards and building requirements of the AR-1 Zone with exterior roads meeting adjacent zone road requirements.

**Section 10.11.260.98. Air Traffic Pattern & Noise Abatement.**

A. Flight Pattern Standards. Air traffic patterns shall avoid overflight of residential dwellings, yards, pastures, or other private property within Fairfield, except in the event of an in-flight

emergency. Flight patterns shall be consistent with FAA AC 90-66B (Non-Towered Airport Flight Operations) and FAA AC 150/5300-13B (Airport Design) and must be:

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

B. Operational Requirements:

1. Runway Use. Runway 17 shall be the preferred runway for takeoff and landing;
2. Northbound Departures. Departing aircraft shall turn to avoid residential areas of Fairfield as soon as safely practicable;
3. No-Overflight Rule. Aircraft shall not overfly residential properties within Fairfield except during an emergency;
4. A violation of the No-Overflight Rule constitutes a nuisance when:
  - a. The same property is overflown more than three (3) times in any thirty-minute period;
  - b. Overflights are repetitive or consecutive in a manner reasonably perceived as circling or loitering; or
  - c. Overflights occur at such altitude or proximity that they substantially interfere with the quiet enjoyment of the property; and
5. Pre-Flight Responsibility. All aircraft operators shall check applicable NOTAMs and published chart supplements before operating in the airpark traffic pattern.

**Section 10.11.260.109. Hazard Notifications and Wildlife Hazard Management.**

A. General Hazard Notification.

Any public-use airport ~~or Significant Airport~~ operating within Fairfield Town shall identify, disclose, and evaluate known hazards affecting aircraft operations, including but not limited to nearby landfills, wastewater treatment facilities, agricultural operations, wildlife attractants, terrain, obstructions, and incompatible land uses.

The airport sponsor shall notify the Federal Aviation Administration (FAA), UDOT Division of Aeronautics, and AirNav of such hazards as required by applicable federal and state regulations.

B. Wildlife Hazard Assessment (WHA).

Prior to approval or continuation of public-use status, ~~and upon classification as a Significant Airport,~~ the airport sponsor shall conduct a Wildlife Hazard Assessment (WHA) consistent with FAA Advisory Circular 150/5200-33C (Hazardous Wildlife Attractants on or Near Airports), or its successor guidance.

The WHA shall specifically evaluate:

1. The municipal landfill located within Fairfield Town limits;
2. The C&D/North Pointe landfill located adjacent to the runway alignment;
3. The proximity of such facilities to runway ends, centerlines, and traffic patterns;
4. Bird species presence, migration patterns, and strike history;
5. The movement of seagulls and other wildlife between landfill sites;
6. The nesting locations of eagles (golden & bald) and any other migratory birds protected by Federal law in and around the creek running through Fairfield; and
67. Any other wildlife attractants within the Airport Influence Area.

A copy of the completed WHA shall be submitted to the Town and to any landowners mentioned or discussed in the WHA. The sponsor shall give any such landowners a reasonable opportunity to comment on the WHA and the sponsor's proposed Wildlife Hazard Management Plan/WHMP.

C. Wildlife Hazard Management Plan (WHMP).

If the WHA identifies conditions consistent with a significant wildlife strike risk as described in FAA AC 150/5200-33C, the airport sponsor shall prepare and implement a Wildlife Hazard Management Plan (WHMP).

The WHMP shall:

1. Identify mitigation measures to reduce wildlife hazards;
2. Include proof of the sponsor/operator delivery of the WHA to any landowners mentioned or discussed in the WHA with a summary of the sponsor/operator coordination efforts with ~~landfill operators~~ any such landowners and other attractant sources;
3. Establish monitoring and reporting procedures;
4. Include operational practices designed to reduce aircraft-wildlife conflict;

5. Be reviewed annually and updated as conditions change.

A copy of the completed WHMP shall be submitted to the Town and to any landowners mentioned or discussed in the WHMP. The Town shall give any such landowners a reasonable opportunity to comment on the WHMP prior to the Town's approval of public-use status or continuation of public-use status of the airport.

Implementation of the WHMP shall be a condition of continued public-use approval.

Nothing in this section shall be construed as creating a duty upon Fairfield Town or surrounding landowners to ensure aviation safety, conduct wildlife management, or guarantee compatibility between airport operations and surrounding land uses.

D. Coordination With Landfill Operators.

The airport sponsor shall document coordination efforts with operators of nearby landfill facilities regarding wildlife mitigation measures. Nothing in this section shall impose operational obligations upon landfill operators; responsibility for aviation safety mitigation rests with the airport sponsor. Nothing in this title shall be construed to require landfill operators to reduce, alter, adjust, modify, or cease existing operations to accommodate any airport, airpark, or significant airport, public-use status, or aviation activity.

E. FAA Notification and Documentation.

All required FAA Form 7460-1 obstruction evaluations, wildlife hazard documentation, and related safety filings shall be submitted to the Town within thirty (30) days of filing with the FAA.

Material omission or misrepresentation of known hazards shall constitute grounds for suspension or revocation of public-use approval.

**Section 10.11.260.10-11 - PUBLIC USE AIRPARK/AIRPORT - CONDITIONAL USE PERMIT REQUIRED**

A. Conditional Use Permit Required:

A Public-Use Airpark/Small Public-Use Airport may be established, ~~or~~ operated, or expanded only upon issuance of a Conditional Use Permit (CUP) approved by the Town Council following:

1. Review and recommendation by the Planning Commission; and
2. A duly noticed public hearing.

For purposes of this subsection “expanded” shall include any increase or modification to an approved runway, including its length or configuration; any increase or change in approved aircraft types or based aircraft; and any other material change to airport operations, including changes to hours of operation, lighting, or operational intensity., but not be limited to, any future increase or change in the size or length of an approved runway; a change in approved aircraft or based aircraft count; any material change such as a change in approved operations, hours, or lighting, etc.

B. Notice of the Planning Commission public hearing:on the CUP application shall be mailed to all adjoining property owners , any landowners mentioned or discussed in a WHA or WHMP, and any landfills located within the Town. Proof of notice shall be presented at the Planning Commission hearing.

C. Application Requirements:

Applications for a Public-Use Airpark or Public-Use Aiport Conditional Use Permit shall include:

1. ~~1.~~ A detailed master site plan identifying:
  - a. Runway configuration
  - b. Taxiways and taxi lanes
  - c.
  - d. Runway safety areas
  - e.
  - f. Hangar home lots
  - g.
  - h. Aircraft parking areas
2. ~~2.~~ A description of anticipated airpark or airport operations including:
  - a. Aircraft types expected
  - b.
  - c. Estimated annual aircraft operations
  - d. Whether airport operations will implicate 49 U.S.C. Section 44718
3. Documentation demonstrating property ownership or aviation/avigation easements required for safe airport operations.
4. An airspace safety evaluation demonstrating compliance with applicable federal aviation standards.
5. Identification of aviation hazards.
6. A septic feasibility study where sewer service is unavailable.

7. Any additional information reasonably necessary for evaluating the proposed use.

#### D. Approval Standards

1. The Town Council may approve a Public-Use Airpark or Public-Use Airport Conditional Use Permit if it determines that reasonably anticipated detrimental effects of the proposed use can be mitigated through reasonable conditions.

2. In evaluating the application, the Town Council may consider:

- Public safety
- Compatibility with surrounding land uses
- Airspace protection
- Noise and overflight impacts
- Environmental and infrastructure considerations

#### E. Conditions of Approval

1. The Town Council may impose conditions necessary to mitigate anticipated impacts of airpark or airport operations.

a. Conditions may must include the but are not limited to the following, but may also include other conditions necessary to mitigate reasonably anticipated detrimental effects:

i. FAA Airspace Evaluation: The airpark/airport operator shall obtain an airspace evaluation from the Federal Aviation Administration demonstrating compliance with federal aviation safety standards.

ii. Property Control: The airpark/airport operator shall demonstrate adequate property control through ownership or aviation easements over areas necessary for airport operations.

iii. Hazard Identification: Known aviation hazards shall be identified and reported where required.

iv. Airspace Protection: Airpark/Aairport development and surrounding structures shall comply with airspace protection standards established in 14 CFR Part 77.

v. Wildlife Hazard Mitigation: Airpark/aairport operations shall comply with applicable FAA wildlife hazard mitigation guidance.

vi. Recognition of Existing Development: Airpark/aairport planning shall acknowledge pre-existing conditional use permits and surrounding approved developments including:

- IRL Landfill
- North Pointe Landfill
- Fairfield Industrial Park

vii. Operational Limitations: Airpark/airport operations shall be limited to fewer than 10,000 aircraft operations annually, ~~unless modified through future Town approval.~~

viii. Liability Insurance: The airpark/airport operator shall maintain aviation liability insurance acceptable to the Town and shall name the Town as an additional insured.

A. Proof of insurance shall be provided annually.

ix. Septic Feasibility: Where sewer service is unavailable, development shall demonstrate adequate septic capacity through a feasibility study approved by the applicable health authority.

F. Residential Compatibility Standards: To protect surrounding residential neighborhoods while allowing aviation-oriented development within the airpark/airport, the following standards shall apply.

1. Residential Uses Outside the Airpark Zone: Residential dwellings located outside the ~~approved~~ Airpark Mixed-Use Zone shall not be located within 1,250 feet of the runway centerline, unless the Town Council determines through conditional use review that impacts to residential uses have been adequately mitigated.

a. This standard is intended to reduce potential conflicts relating to aircraft noise, safety concerns, and low-altitude overflight.

2. Hangar Homes Within the Airpark Zone: Hangar homes located within an approved Airpark Zone may be located closer to the runway centerline provided that:

a. The structure is located outside the Runway Object Free Area and Runway Safety Area.

b. The structure complies with all applicable airport design and safety standards.

c. Direct aircraft access to the runway is provided through approved taxiways.

3. Hangar homes shall be considered aviation-compatible residential uses due to their integration with airport operations.

G. Avigation Easements and Airpark/Airport Disclosure

1. Avigation Easements: The airpark/airport operator shall obtain and record avigation easements where necessary to protect airpark/airport operations.

a. Such easements may include rights related to:

- i. Aircraft overflight
- ii. Aviation noise and vibration
- iii. Height restrictions
- iv. Restrictions on hazardous land uses

2. Hangar Home Disclosure: All lots located within the Airpark Zone shall record an Airport Living Disclosure stating that:

- Aircraft operations are expected.
- Aviation noise and overflight will occur.
- Airport operations are integral to the use of the property.

3. Airport Influence Area Disclosure: Properties located within the Airport Influence Area outside the Airpark Mixed-Use Zone shall include a recorded notice informing purchasers of potential aircraft overflight and aviation noise.

4. Noise Mitigation and Operational Procedures: The airpark/airport operator shall encourage operational practices that minimize noise impacts to surrounding residential areas where practicable and consistent with aviation safety. Recommended operational procedures may be published through publicly accessible means.

Nothing in this ordinance shall regulate aircraft in flight in a manner inconsistent with federal aviation authority exercised by the Federal Aviation Administration.

H. Frontage Access to in the interior of the Airpark. All dwellings, hangars, commercial establishments, or other facilities occupied by humans shall gain access from an official public state, county, or town road which has been paved under the direction of the unit of government having jurisdiction.

I. Enforcement and Continuing Jurisdiction: The Town retains continuing jurisdiction to ensure compliance with the conditions of any Conditional Use Permit issued under this ordinance. Failure to comply with conditions may result in enforcement actions including suspension or revocation of the Conditional Use Permit.

**Section 10.11.260.1112. Easements and Property Control Requirements.**

A. Any public-use ~~airpark~~ or public-use airport located within Fairfield Town limits shall conform to the requirements of this chapter and 14 C.F.R. Part 77; and Utah Code 72-10- 403. (Airport Zoning Act) ~~and FAA AC 150/5300-13B.~~

B. Approvals. FAA airspace determinations or approvals do not constitute Town approval. Town review and approval are required for all runway extensions, configuration changes, and operational modifications; and

C. Accuracy of Submittals. FAA and Town submittals must reflect accurate, current on-the-ground conditions, including terrain, landfill heights and proximity to any other hazards, obstructions, and land uses. Any material misrepresentation shall be grounds for immediate denial, suspension, or revocation of Town permits and may trigger legal enforcement.

#### **10.11.260.12-13 Land and Airspace Control Requirements for ~~Significant or~~ Public-Use Airports**

A. Precondition to Public-Use Approval.

No airpark airport shall be approved or operated as a public-use airpark or airport within Fairfield Town unless the sponsor demonstrates legal control of all land and airspace necessary to safely accommodate the approved runway length, aircraft weight classification, and operational intensity.

B. Required Property Interests.

Prior to approval or continuation of public-use status, the airpark/airport sponsor shall obtain and record:

1. Fee ownership or recorded restrictive easements/avigation easements over all land within each Runway Protection Zone (RPZ);

2. Recorded avigation easements sufficient to protect all applicable 14 C.F.R. Part 77 surfaces;

3. Property interests sufficient to prevent incompatible land uses within required approach surfaces and safety areas associated with the approved runway length.

C. Containment Requirement.

All RPZs, safety areas, and required restricted-use areas shall be fully contained within property owned or legally controlled by the airpark/airport sponsor.

D. Runway Adjustment Requirement.

If required land control cannot be achieved, the runway length or operational classification shall be reduced to a configuration that allows full containment within controlled property.

E. No Municipal Acquisition Obligation.

Fairfield Town shall have no obligation to acquire land, purchase easements, regulate adjacent properties, or otherwise secure compatibility on behalf of the airpark/airport sponsor.

F. Ongoing Compliance.

Loss of required property control shall constitute grounds for suspension or revocation of public-use status.

**10.11.260.14. Severability.**

If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held to be invalid, unconstitutional, or preempted by federal or state law by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, and provision thereof, irrespective of the fact that any one or more portions may be declared invalid or unenforceable.

To the extent that any provision of this ordinance may be interpreted as regulating matters within the exclusive jurisdiction of the Federal Aviation Administration, including but not limited to the management of navigable airspace or aircraft in flight, such provision shall be interpreted and applied only to the maximum extent permitted under applicable law and consistent with the Town's land use authority under Utah Code Title 10 Chapter 20.

The provisions of this ordinance are intended to regulate land use, development, and ground-based facilities within the jurisdiction of Fairfield Town. If any portion of this ordinance is determined to exceed the Town's lawful authority, the remaining provisions shall remain in full force and effect.

**10.11.260.1315. Penalties.**

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

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

DRAFT

## Exhibit B

### Standards for Special and Conditional Uses within the AMUZ

Special Uses is a land use that is not permitted by right within a zoning district but may be allowed subject to review and approval by the Town, and only when specific conditions are met to ensure compatibility with surrounding uses and the intent of the zone. Special uses require the applicant to demonstrate that the use:

1. Will not create adverse impacts to public health, safety, or welfare;
2. Can be operated in harmony with the general character of the area; and
3. Complies with all condition of approval imposed by the Town to mitigate potential impacts
4. Complies with the currently adopted International Building Code (IBC), International Fire Code (IFC), International Mechanical code (IMC) and all other applicable state and federal regulations, as adopted and amended by the State of Utah and Fairfield Town.

#### **A. Aircraft Construction, Service, and Sales** (Special Use).

1. Spray finishing operations shall comply with IFC Chapter 24 (Flammable Finishes) and IBC Group S-1 construction requirements, including provisions for spray booths, ventilation, explosion protection, electrical classification, and fire suppression systems.
2. Operations limited to small aircraft with a maximum gross weight of 12,500 lbs. Electrical systems and wiring within spray areas shall comply with hazardous-location requirements of the IFC and National Electrical code.
3. Adequate ventilation, dust collection, and noise mitigation measures shall be installed.

#### **B. Airframe Repair/Painting.** (Special Use).

1. Comply with NFPA 33 for spray application and NFPA 409 for hangars;
2. Limit operations to small aircraft With a total gross weight limit of twelve thousand five hundred (12,500) pounds.
3. Hazardous location electrical compliance, and approved fire suppression systems.
4. Adequate ventilation, dust collection, and noise mitigation measures shall be installed.

#### **C. Engine Repair.** (Special Use)

Limited to repair and maintenance of small aircraft engines.

1. Hazardous materials storage in accordance with IFC.
2. Noise mitigation measures required to reduce impact on surrounding areas

#### **D. Fuel Storage (Fuel Farm) & Dispensing Facilities. (Special/Conditional Use)**

1. Purpose. To ensure that any fuel storage or dispensing facility within the WDAZ operates in compliance with FAA guidance, adopted fire codes, and environmental regulations without creating undue risk to surrounding properties, people, or aviation operations.

2. Code Compliance. Facilities shall comply with:

a. IFC Chapter 23 (Motor Fuel-Dispensing Facilities), Chapter 57 (Flammable and Combustible Liquids), and related chapters, as adopted by the State of Utah; and

b. FAA AC 150/5230-4B (Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports). All applicable federal and state environmental regulations, including spill prevention and secondary containment requirements.

3. Fuel Dispensers: Both fixed and mobile dispensers must meet IFC Chapter 23 requirements, grounding/bonding standards, and inspection/maintenance provisions.

4. Location & Separation:

a. Fuel farms and tanks must be sited in accordance with IFC separation tables and FAA AC 150/5230-4B; and

b. Minimum 150 ft setback from residential property lines or public roads, or greater if required by IFC/FAA standards.

5. Tank Standards:

a. Only aboveground storage tanks (ASTs) are permitted;

b. Tanks must be double-walled or provided with approved secondary containment; and

c. Emergency venting, overfill protection, and spill containment shall meet IFC and EPA requirements.

6. Security:

a. Fuel areas must be fenced with controlled access; and

b. Adequate lighting and surveillance must be provided for operational safety.

7. Operations & Training:

a. Fueling personnel must be trained and certified per FAA AC 150/5230-4B; and

b. Spill response kits must be present at all fueling points.

8. Inspections:

a. Annual inspections required by Utah County Fire Marshal or State Fire Marshal; and

b. Fairfield Town reserves the right to conduct inspections without prior notice.

9. Bonding Requirement. Operators must post performance/environmental bonds in an amount determined by the Town Council.

10. Permit Expiration: Special Use approval expires if construction does not commence within 1 year or if operations cease for more than 180 days.

11. Fuel Tax Reporting: All fuel sales subject to Town fuel tax must be reported as required by ordinance.

#### **E. Private Air School. (Special Use)**

##### 1. Certification & Standards:

a. The flight training program must operate under FAA Part 61 or Part 141 certification;

b. Training shall be limited to small aircraft with a maximum certificated takeoff weight of 12,500 lbs. or less; and

c. Training flights must be conducted under Visual Flight Rules (VFR) and in compliance with approved Airpark traffic patterns and altitudes.

##### 2. Ownership & Operation:

a. The flight school shall be operated by the Airpark owner, or a designated operator under written authorization from the Airpark entity;

b. Operation of the flight school shall remain under the direct control and supervision of the Airpark entity; and

c. Contracting with, leasing to, or otherwise allowing independent outside flight training organizations, commercial operators, or collegiate flight programs to conduct training at the facility is prohibited unless specifically approved as a separate Special Use by the Town.

##### 3. Scope of Operations:

a. Flight training shall remain incidental and subordinate to the Airpark's primary use as a private general aviation facility.

b. Touch-and-go operations may be limited, restricted to designated training periods, or prohibited by the Town to minimize noise and community impacts. Touch-and-go operations count toward daily operations limits.

##### 4. Hours of Operation:

a. Night training shall be limited to daytime hours unless otherwise authorized by Special Use approval; and

b. Night training is strictly prohibited.

##### 5. Noise & Community Impact Mitigation:

a. The operator shall implement noise-abatement procedures consistent with FAA guidance and Town policy; and

b. Training flights shall be conducted in designated practice areas to minimize overflight of residential neighborhoods.

6. Compliance & Enforcement:

a. The program shall comply with all applicable FAA regulations and Town ordinances; and

b. Violation of these provisions or conditions of approval shall constitute grounds for modification, suspension, or revocation of the Special Use Permit.

**F. Restaurant.** (Special Use)

Subject to IBC/IFC compliance, building permit, parking, and health department approvals.

**G. Service and Sales.** (Special Use)

1. Limited to small aircraft ≤ 12,500 lbs.;

2. Must comply with FAA AC 43.13-1B for inspection/repair standards.; and

3. Subject to state and local business licensing requirements.

**H. Shell Hangars.** (Special Use)

1. Occupancy Classification. Hangars shall be classified as IBC Group S-1 (Moderate-Hazard Storage) and must meet all IBC/IFC requirements for fire protection, ventilation, and construction standards.

2. Aircraft Type. Hangars are limited to the storage and protection of small aircraft with a maximum certificated takeoff weight of 12,500 lbs. or less.

3. Non-Aviation Use. Any non-aviation use or occupancy requires Special or Conditional Use approval and the appropriate building or tenant improvement permit.

Structure Requirements:

4. Hangars must remain fully enclosed structures intended solely for aircraft storage and protection. Residential occupancy and unrelated commercial uses are prohibited.

5. Permitted Uses. Hangars shall be used primarily for aeronautical purposes. Permitted uses include:

a. Aircraft Storage. Storage of active, airworthy aircraft. The maximum number of allowed aircraft based in a small airport is twenty nine (29) and the maximum number of hangars allowed is twenty nine( 29). The airpark currently has twenty nine (29) hangars.

b. Aircraft Construction & Maintenance. Non-commercial construction, maintenance, repair, or refurbishment of amateur-built or kit-built aircraft, provided activities are conducted safely and in compliance

with IBC/IFC requirements.

c. Aircraft Equipment Storage: Storage of tools, work benches, tow bars, glider equipment, and other materials used to service, maintain, or outfit aircraft.

d. Aeronautical Equipment: Storage of gear directly supporting aeronautical activity, including balloon or skydiving equipment, office equipment, and training materials.

e. Incidental Storage: Limited storage of personal or non-aeronautical items (e.g., furniture, televisions) provided such items do not interfere with aircraft movement, access, or the hangar's primary aeronautical use.

f. Aircraft Refurbishment: Maintenance, repair, or refurbishment of aircraft is permitted, but indefinite storage of non-operational aircraft is prohibited.

6. Shell hanger Prohibited Uses. The following are prohibited unless specifically approved as a Special or Conditional Use:

a. Residential Occupancy: Sleeping quarters, overnight lodging, or residential use.

b. Unrelated Commercial Activity: Industrial, retail, restaurant, entertainment, or assembly uses not directly supporting aviation.

c. Non-Aircraft Storage: Vehicles, boats, trailers, or equipment unrelated to aircraft operations, except for a vehicle temporarily parked while the owner is using the aircraft.

d. Hazardous Storage: Hazardous materials not directly related to aircraft maintenance or operation.

e. Interference: Any use or storage that impedes aircraft movement, blocks access, or displaces aircraft from the hangar's primary aeronautical purpose.

**I. Special Events.** (Special Use)

Must comply with AMUZ operational limitations, have Town approval at least sixty (60) days in advance, and submit a temporary safety/emergency operations plan for approval by the Town and Utah County Fire Marshal.

**J. Caretaker Dwellings.** (Conditional use)

Only one caretaker dwelling is permitted per airpark or non-residential development, subject to conditional use approval.

**K. Cafe.** (Conditional Use)

Subject to IBC/IFC compliance, health department approvals, and site plan review.

**L. Crew Rest Facilities in a Hangar.** (Conditional Use)

1. Purpose: A crew rest facility is a small, enclosed area within a hangar where pilots, mechanics, or other crew members may rest for short periods. It is not a residential unit.

2. Time Limits: Use is limited to a maximum of 12 hours per rest period with a minimum of 24 hours between uses.

3. Prohibited Uses: Crew rest facilities may not be used for permanent, semi-permanent, or temporary living quarters. Short-term rentals, subleasing, or other residential use is prohibited.

4. Design Standards:

a. Must be fully enclosed within the hangar.

b. Only one room may be designated for crew rest use.

c. The maximum size is 300 square feet.

5. Required Amenities: Must include basic kitchen, toilet, and washing facilities.

6. Approvals: Installation requires a TI Permit, approval from the Fairfield Fire Authority and Utah County Health Department prior to use.

**M. Aircraft Museum.** (Conditional Use)

**N. Public Use.** (Conditional Use Permit required). See standards in 10.11.260.10.

Working Draft 2026 SS

## Unapproved Meeting Minutes

Fairfield Planning Commission

Regular Session

March 9, 2026

### Minutes

**Date: Wednesday, March 9, 2026**

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

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

**Minutes By: Recorder: Stephanie Shelley**

#### Call to Order

##### 1) Roll Call

Chairman Taylor opened the meeting at 7:01 pm.

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

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney, Attorney: Brad Christopherson, Sargent Dutson.

Others Present: Vern Carson, Von Lovendhal, Brent Ault

Via Zoom: Tal Adair, Michael Weber, Fairfield Ward, Richard Cameron, Joe, Mark Ault, stevedoxey, Dan McDonald, Sherie's Iphone (2) Ddانسie, Mark Ault, A. Walker, Sherie's Iphone.

#### Consent Items

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

##### 1) Minutes for February 26, 2026

*Commissioner Riet motioned to approve the meeting minutes of February 26.*

*Commissioner Mascaro seconded the motion. Unanimously approved*

*Commissioner Taylor - Yes*

*Commissioner Riet - Yes*

*Commissioner Fisher - Yes*

*Commissioner Mascaro - Yes*

*Commissioner Butterfield - Yes*

#### Business Items

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

##### 1) Site Plan for Lovendahl Commercial Arena

The Planning Commission reviewed the site plan for the Lovendahl Arena. During the discussion, it became apparent that there were questions about whether this was a commercial or residential use, which would affect setback requirements and other regulations. Von Lovendahl's site plan showed a 15-foot setback, which typically requires 25 foot setback for accessory structures. Chairman Taylor asked Von whether there would be issues moving the setback back. He said he could do that.

## Unapproved Meeting Minutes

Fairfield Planning Commission

Regular Session

March 9, 2026

The Commissioners decided to table the Lovendahl site plan.

*Chairman Taylor motioned to table item 1, Site Plan for Lovendahl Commercial Arena. Commission Fisher seconded the motion. The motion passed unanimously.*

*Commissioner Taylor - Yes*

*Commissioner Riet - Yes*

*Commissioner Fisher - Yes*

*Commissioner Mascaro - Yes*

*Commissioner Butterfield - Yes*

### **2) Discussion on the An Ordinance Amending Title 10.19.00. Landscape Requirements, Adding Definitions and Amending Requirements to the Landscape Requirements.**

The Planning Commission reviewed the proposed amendments to the landscape requirements ordinance. Chairman Taylor noted that additional items had been added since the last review and suggested going through the document section by section.

**Recommended Plant Species:** The Commissioners agreed to strike the section requiring recommended water-wise plant species (Section 10.19.60), preferring to post such recommendations on the town website rather than in the ordinance. Commissioner Riet expressed concern about the town making specific plant recommendations that could create liability issues.

**Definitions:** The Commissioners reviewed new definitions for terms such as "caliper," "clear vision triangle," and "hardscape," and found them appropriate and necessary additions.

**Licensed Landscape Professional:** There was discussion about whether to require "licensed" landscape professionals for commercial projects. The Commissioners ultimately decided to retain the licensing requirement for commercial work while allowing homeowners to do their own residential landscaping.

**Residential Standards:** The Commissioners discussed language requiring "no shared utilities" and noted this could conflict with their accessory dwelling unit (ADU) ordinance, which requires shared water connections. They made a note to address this conflict later.

**Weeds Definition:** The Commissioners debated whether to define "weeds" in the ordinance, with some members noting the difficulty of defining what constitutes a weed. They ultimately decided to remove the phrase about weeds not being considered landscaping and instead rely on language about keeping areas free of "debris and invasive weeds."

**Turf Areas and Drought-Tolerant Plants:** The Commissioners clarified that references to "turf" meant natural grass and agreed to require drought-tolerant plants, without specifying a recommended species list.

## Unapproved Meeting Minutes

Fairfield Planning Commission

Regular Session

March 9, 2026

Fencing Standards: The Commissioners reviewed new clear-vision triangle requirements for corner lots and found the 30-foot-by-30-foot requirement appropriate for their community's lot sizes.

Administrative Flexibility: There was discussion about allowing the town to approve alternative designs or materials. Commissioner Riet expressed concern about potential legal issues if different standards were applied to different applicants, but the Commissioners ultimately agreed that the flexibility was necessary.

All Commissioners indicated they were comfortable with the proposed amendments as discussed, with the noted modifications to be incorporated.

### 3) **Discussion on the An Ordinance Repealing and Replacing Fairfield Town Code § 10.11.260. Airpark Zone (renamed Airpark Mixed Use Zone - AMUZ) and Amending Town Code § 10.16. Special Use Regulations, Adding Additional Special Uses and Conditional Uses within the AMUZ. (This action follows from the Notice of Pending Ordinance Change related to the Airpark Zone and Airpark Overlay Zone adopted by the Town Council on Sept. 25, 2025)**

Town Attorney Brad Christopherson provided an extensive overview of the proposed ordinance to replace the existing airpark zone with a new Airpark Mixed Use Zone (AMUZ). This rewrite builds on previous work by the mayor and prior council, seeking to incorporate clear guidelines for future development and current operational issues at the airpark.

He emphasized that the responsibility for impacts related to airport operations lies with the airpark, not the Town.

**Key Principles:** Brad explained that the Town should not be responsible for impacts from airpark operations. He stated that an overlay zone would only be considered if the airpark already controls the affected properties through ownership or secured easements. Referring to state statutes, Brad noted that they missed the December 31, 2025, deadline, which resulted in a requirement that property owners in areas potentially affected by airpark operations have to negotiate with the airpark for easements at fair market value. This ordinance is intended to clarify these requirements.

**Property Control and Zoning Map:** Commissioner Riet expressed concerns about the airpark's practice of expanding its zone by purchasing new land without formal rezoning. Brad acknowledged that this issue would be addressed with an updated zoning map that clearly identifies which properties are included in the airpark zone and prevents expansion without approval.

**Table of Uses:** The Commissioners reviewed the proposed table of uses, including permitted, conditional, and special uses. Accessory structures were discussed as conditional uses to allow

## Unapproved Meeting Minutes

Fairfield Planning Commission

Regular Session

March 9, 2026

for review of items such as fuel tanks and associated safety requirements. The Commissioners discussed prohibiting accessory dwelling units due to safety concerns related to increased residential density near aircraft operations. Public uses were reviewed, including allowing a private flight school while prohibiting public flight schools. The Commissioners also discussed prohibiting short-term rentals due to safety concerns with increased traffic and unfamiliar users in areas where aircraft operate.

**Development Standards:** The ordinance also includes clear development standards, including confirming water availability, soil testing, and septic system feasibility studies. These provisions aim to provide clear guidance for both staff and the planning commission, ensuring all requirements are met before approving development applications.

**Safety Focus:** Public safety was a major focus of the ordinance in both the use classifications and development standards. Provisions include required navigation easements over hangar homes to prevent future complaints about airplane proximity and requirements that buyers be informed of airpark operations before purchasing property in designated areas.

Brad requested feedback from commissioners prior to the public hearing. He also indicated there might be revisions to a revision numbering system to prevent confusion about updated versions and to streamline the review process, emphasizing that the goal of these changes is to balance the interests of the airpark, town residents, and developers while prioritizing safety and sustainability.

**4) Discussion on the An Ordinance Repealing and Replacing Fairfield Town Code § 10.11.275. Airpark Overlay Zone (This action follows from the Notice of Pending Ordinance Change related to the Airpark Zone and Airpark Overlay Zone adopted by the Town Council on Sept. 25, 2025).**

This item was addressed during the discussion of the airpark ordinances in the previous agenda item. Brad explained that the Town is concerned about regulatory takings and potential liability for damages to adjacent property owners. He stated that the Town would only adopt an overlay zone after the airpark had obtained ownership or easements over the affected properties. This approach is intended to protect property rights and ensure that property is not restricted without compensation.

**5) Set up Public Hearing Date for the Landscape, Airpark Mixed Use, and Airpark Overlay Zone Ordinances.**

The commissioners discussed the need to set a public hearing to address the landscape, airpark mixed-use, and airpark overlay zone ordinances. Chairman Taylor stated that the hearing would allow the public to provide input. The hearing date was set for March 19th.

Brad reassured the Commissioners that he would aim to complete revisions by the Friday before the public hearing, allowing members and the public time to review the material thoroughly.

**Unapproved Meeting Minutes**

Fairfield Planning Commission

Regular Session

March 9, 2026

*Commissioner Riet motioned to set a public Public Hearing Date for the Landscape, Airpark Mixed Use, and Airpark Overlay Zone Ordinances for March 19th, at 7 pm, to be held at Town Hall. Commissioner Mascaro seconded the motion. The motion passed unanimously.*

*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 Butterfield seconded the motion. Meeting end time 8:34 pm.*

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Minutes Approval Date

Stephanie Shelley Recorder/Clerk

Working draft 26-03-18 SS