

Fairfield Town

Utah County, Utah

PUBLIC NOTICE IS HEREBY GIVEN THAT THE

Planning Commission of Fairfield, Utah, shall hold a Regular Session on April 1, 2026, @ 7:00 P.M., At the Fairfield Town Office, 121 West Main Street, Fairfield, Utah.

Agenda

Call to Order

- 1) Roll Call

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) Approve the March 19, 2026, minutes.
- 2) Discussion with Shawn Lancaster for a potential meat shop.
- 3) Discussion on the Landscape Ordinance.

Adjournment

Join Zoom Meeting:

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

Meeting ID: 846 9057 1210

Passcode: 806234

Certificate Of Posting

The above agenda notice was posted on or before the 31st day of March 2026 at the location of the meeting, Fairfield town office, 121 West Main Street, Fairfield, UT, and at the Fairfield town website <https://fairfieldtown-ut.gov/meetings/>, and on the Utah State public notice website at <https://www.utah.gov/pmn/index.html>.

In Compliance With The Americans With Disabilities Act, Individuals Needing Special Accommodations (Including Auxiliary Communicative Aids And Services) During This Meeting Should Notify Town Offices At (801) 766-3509.

Date

Stephanie Shelley Town Recorder/Clerk

Unapproved Meeting Minutes

Fairfield Planning Commission
Public Hearing and Session
March 19, 2026

Minutes

Date: Wednesday, March 19, 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 7:02 pm

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

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney, Treasurer: Codi Butterfield (Zoom and in person), Attorney: Brad Christopherson, Sergeant Dutson.

Others Present: Michael Weber, Tal Adair (Kamas), Brent Ault, Vern Carson, Garth Jacklin, Colleen Wilson, B Mascaro, Alina Pringle, Mark Pringle, Holly Panek, Neil Schwendiman (North Pointe), Cherie Anderson (IRL), Dan Dansie (LDS Church representative), Dan Nelson, Tavis Ramlir, Daymon Stephens.

Via - Zoom: Jared, Mat, Troy Rindlisbacher, Peggy Fisher, ron, Sherie' Iphone (2), Daniel Van Woerkem, Jake, Chans, Matthew Kalm, Travis McKinney, Samantha, Fairfield Ward, Justin Sisson - SLC, J&H Densley, Joann, Mike Burch, Tim, Christian Durney, Stenve Shafer, Dagan's iPhone, Mike, rj, TL, Mak_gar, Jess 17 Pro Max, Scott Brooky, Kristen, me, Mike DePalma, Drew Seagul.

Action Items

- 1) Discuss and vote to approve the Lovendahl Site Plan.

Chairman Taylor stated that the Lovendhals were not present.

Chairman Taylor stated that he had reviewed the site plan and identified a concern regarding a ten-foot setback that included a ditch between the fence and the proposed building area. He questioned whether approval from the irrigation company would be required. Attorney Brad Christopherson advised that irrigation company approval should be obtained prior to approval of the site plan, explaining that if construction occurred over a ditch and access was later required, it could result in significant issues, including the need to remove structures. He noted that requiring this approval would protect the applicant and ensure proper access to the ditch.

Discussion followed regarding whether to approve the site plan with conditions or table the item. Brad advised that approval with conditions would be more complicated and recommended tabling the item.

Chairman Taylor made a motion to table the Lovendhals site plan. Commissioner Masacro seconded the motion. The motion passed unanimously.

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Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

Public Hearings

Prior to each public hearing, staff may have a brief introduction to the proposed land use amendment(s). The Planning Commission will accept public comment and may make a recommendation to the Town Council for the following items:

Chairman Taylor read the following statement:

Good evening. I'd like to call this meeting of the Fairfield Planning Commission to order.

The Planning Commission's role is to review land use applications and proposed land-use regulations, make decisions or recommendations based on our ordinances, plans, and state law. For tonight's items, our main purpose is to hear from you. We appreciate everyone who has taken the time to come and share their thoughts.

Depending on time, the Commission may have some discussion either before or after we take public comment. To make sure everyone has a chance to speak, we'll be limiting each person to two minutes.

We also ask that, if someone before you has already made the point you were planning to make, there is no need to have it repeated. All comments will be given the same consideration by the Commission.

Just so everyone is aware, this isn't a question-and-answer portion of the meeting. Staff and the Commission won't be responding to questions during public comment. We're here to listen and take in your input.

Please direct your comments to the Commission as a whole and keep things respectful so we can have a productive meeting.

We ask that you refrain from donating your time to someone else.

Thank you again for being here—we appreciate your participation.

There was some confusion about the order of agenda items. A motion was made to table the landscape ordinance until later in the meeting. Brad clarified that because this is a public hearing, items should not be tabled without opportunity for public comment.

Chairman Taylor moved Agenda Item #1 to the end. He then asked Brad Christopherson to provide the overview.

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Brad Christopherson provided an overview of the proposed Airpark Mixed-Use Zone (AMUZ) ordinance. He explained that the ordinance has undergone multiple revisions over approximately ten to eleven days and that while redlines and additions have been made based on public comment, nothing has been removed from the original draft. He emphasized that the current version remains the original ordinance with additional input incorporated.

Brad stated that the purpose of the ordinance is to address ongoing challenges related to the airport and to balance property rights between the airport and surrounding landowners. He noted that the Town has received accusations from multiple parties claiming favoritism toward one side or the other, and that the intent of the ordinance is to create a balanced approach between existing approvals, existing uses, and property rights.

He explained that the proposed approach is to repeal the existing Airpark Zone in the Town Code and adopt a new zone, which would result in the airpark becoming a legal nonconforming use, with the option to apply under the new zoning if desired.

Brad clarified that the ordinance is a draft and not final, and that changes are expected before it is considered by the Town Council. He explained that this process is intended to gather public input, which will then be reviewed by staff, the Planning Commission, and the Town Council. Some comments may be incorporated, while others may not, as part of the normal legislative process.

He further noted that multiple written comments and redlined versions of the ordinance had been submitted by interested and affected parties, including some received the same day, and that these would be included in the public record, though not necessarily in the meeting packet. He stated that these materials would be available through a GRAMA request.

Brad advised that the Planning Commission's role during the public hearing is to receive public comment only and not to engage in discussion, debate, or provide responses. He stated that while questions may be asked as part of public comment, the hearing is not intended to be a back-and-forth discussion.

He explained that if the Commission feels overwhelmed by the volume of public input, they are not required to make a recommendation that evening and may continue the public hearing or schedule an additional meeting with proper notice. He noted that the Town Council meeting was currently scheduled for March 24, but that timeline could be adjusted if needed to allow for further review.

Brad also outlined the procedure for the hearings, stating that each ordinance item should be opened and closed as a separate public hearing, after which the Commission may choose to discuss the item, continue the hearing, or postpone a recommendation depending on the information received.

He concluded by noting that it is not uncommon in situations with significant public interest for the final version of an ordinance to differ substantially from the initial draft, and that the purpose of the public hearing process is to allow for that input and refinement.

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2) 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).

Commissioner Masacro motion to open the public hearing for item # 2, an Ordinance Repealing Airpark Zone and Adopting Fairfield Town Code § 10.11.260. Airpark Mixed-Use Zone and Amending Town Code § 10.16. Special Use Regulations, adding additional special uses and conditional uses within the AMUZ. Commissioner Riet seconded the motion. The motion passed unanimously

Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

Brent Ault (353 North 825 East, American Fork), representing his family's significant landholdings both within and bordering Fairfield. He stated they do not oppose historic private airport operations but oppose any unauthorized current use and unauthorized expansions that might impact surrounding landowners' property rights. He spoke emotionally about his father, Howard Ault, who worked one or two full-time jobs and spent spare time working the farm with the family, confident it would support and provide for them. Brent emphasized that his father taught them "property rights are precious and treasured" and asked the commission to protect the rights of property owners in the community.

Alina Pringle stated that there are multiple statements in the ordinance that are "factually false, misleading, and legally incorrect." She emphasized that the recitals are not harmless preamble, but legislative findings upon which the ordinance relies, and stated that false findings would result in an invalid ordinance and cause concrete harm by placing false and damaging statements into the permanent public record of Fairfield Town.

She stated that the ordinance claims the airport has operated as a privately owned, privately used small airport for "almost 20 years," and asserted that this statement is false in two respects. She stated that the airpark received FAA public-use designation in 2018, that the Town Council was aware of this designation as reflected in its own minutes and made no objection, and that since that time the airport has operated as a public-use airport legally and operationally under federal record. She further stated that the airport has operated continuously since 2002, which is over 24 years, not "almost 20."

She further stated that the ordinance includes a recital indicating that UDOT awarded funding without verifying whether the Town had approved necessary permits or authorized runway

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expansion, and characterized that statement as factually unsupported, legally misleading, and potentially defamatory. She stated that it falsely insinuates that the airport received approximately \$2.5 million in state or federal funding through an improper or irregular process or by circumventing required local approvals, and asserted that this insinuation is false.

She questioned a statement that neither the FAA nor UDOT conducts flight pattern analysis prior to funding approval, asking whether that claim has been substantiated. She also stated that the ordinance incorrectly states that the runway was extended from approximately 2,650 feet to 5,300 feet, and asserted that those figures are inaccurate. She further stated that a longer runway does not automatically result in increased flight activity, and that they have data showing that flights over and north of Main Street have decreased since the runway relocation. She stated that this data had been submitted to the Town Council but had not received a response. She concluded by stating that there were additional concerns of a similar nature not covered due to time constraints.

Mark Pringle (89 West Aviators Way) stated that Commissioner Riet had said that they had “bought a lot of property and just put it together,” and questioned where that statement originated, stating that it was not accurate. He explained that they have property within the light industrial zone and that the only land added to the zone was done at the request of Tyler Thomas to adjust the coordinates to reach one acre rather than being smaller.

He further stated that Chairman Taylor had made statements in multiple meetings indicating that larger aircraft were landing at the airpark and that there were more and larger operations than originally represented. He stated that those claims were not true and questioned the source of that information.

He stated that they are willing to provide all available data, noting that aircraft activity has been tracked through their Virtower system, and that they would present that information to the Planning and Zoning Commission.

Neil Schwendiman (North Pointe Salt Lake) stated that he had two points regarding the AMUZ ordinance. He stated that the ordinance identifies a “significant airport” as a prohibited use, and therefore any language that leaves open the possibility of designation as a significant airport should be removed.

He further stated that in Section 10.11.260.11(t)(1)(a), conditions i through ix, which may be imposed under the conditional use permit (CUP) process, should be made mandatory rather than optional. He explained that this would still allow the Town Council to impose additional conditions as necessary to mitigate reasonably anticipated detrimental effects of the proposed use, and emphasized that acknowledgment of preexisting uses, including landfill uses, should not be optional.

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Dan Dansie, attorney representing The Church of Jesus Christ of Latter-day Saints, noted the church is a large property owner with significant acreage both east and north of the airport property. He indicated their comments would primarily concern the third agenda item (overlay zone)

He stated that the Church has reviewed the ordinance and discussed it with legal counsel, and that they believe the existing ordinance is insufficient to protect the property rights of landowners who may not be located within the proposed zone. He stated that, based on that concern, they encourage the Planning Commission to recommend repeal and replacement of the Airport Zone. He concluded by stating that he would reserve additional comments for the third agenda item.

Dan McDonald (Zoom), attorney for Intermountain Regional Landfill, thanked the Mayor and Planning Commission for their work and dedication in drafting the ordinance. He clarified his representation and stated that his client is Intermountain Regional Landfill. He stated that he agreed with the comments made by North Pointe and The Church of Jesus Christ of Latter-day Saints.

He stated that while the ordinance is a good starting point, his client has provided detailed comments and redlined versions to legal counsel, noting that they have spent substantial time, investment, and resources preparing those materials. He urged that those comments be taken seriously and given significant weight in the Commission's consideration.

He stated that the ordinance needs a clear definition of "public use." He further stated that the table of uses must ensure protection of landfill operations by preventing the airport from expanding into a type of facility that would be prohibited within six miles of a landfill under federal law, and noted that he has provided supporting legal references to counsel.

He stated that the table of uses should prohibit instrument-guided aircraft, jet aircraft, turbojet aircraft, and similar types of operations. He emphasized that the airport is currently a visual flight rules (VFR) airport and stated that it should remain that way, including prohibiting instrument-guided approaches.

He further stated that with respect to wildlife hazard management notifications and plans, there needs to be greater input from affected stakeholders and appropriate notice provided.

Dagan McKinney (Zoom) (6755 South 1560 East, Cottonwood Heights) stated that he owns property directly in line with the northern flight path and that airport operations do affect his property. He expressed concern about impacts to historic trees and eagle nesting areas, including both golden and bald eagles, and stated that he does not believe the area is viable for expansion, particularly for larger jet aircraft.

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He further stated that he does not want larger planes flying at low altitude over his property and expressed opposition to expansion. He also stated that he does not agree with the flight path being located directly over his property.

Travis McKinney (Zoom) (1730 North 600 East, Lehi) stated that he owns property along Main Street that is within the flight path. He stated that he does not want the airport expanded and indicated that this was the extent of his comment.

Daymon Stephens, a Fairfield resident and former planning commission member, stated that he had not had the opportunity to fully review the ordinance due to being out of town but wanted to ensure that the airpark has the option to comply with requirements if it chooses to do so. He stated that property owners have the choice to purchase property and accept associated impacts, but expressed concern regarding the public use of the airpark and the increase in aircraft activity, particularly helicopters, which he stated are significantly louder than airplanes.

He stated that the original intent of the airpark zoning was to protect the existing use and allow Mark and Anita to continue their operations, noting that the use did not fit within the existing light or heavy industrial zones at the time. He stated that the airport was originally intended to remain more limited in scope and that he opposed the original ordinance adopted in 2022, noting that he left the Planning Commission in part because of it.

He further stated that while he has personal respect for the airpark owners, only one resident in Fairfield owns an airplane, and that the majority of residents are impacted by the ongoing use of the property and aircraft activity, including planes flying in and out over surrounding areas.

Travis Ramiler (242 East 200 North) stated that, based on his experience living in Fairfield over the past ten years, he believes there has been an increase in airplane traffic. He stated that he would like to see data comparing past and current operations, including where aircraft are flying, how many there are, the types of aircraft, and hours of operation, including when flights occur and when operations are closed.

Mat Perkins (Zoom) (2937 West 750 South, West Jordan) is a pilot and public use advocate, airport operator in Wyoming, stated that he believes the Town is overlooking the value of the airport and that it would be beneficial to consider the public benefits it provides. He explained that airports can serve important functions such as supporting firefighting and medical operations, and that individuals do not need to own an airplane to benefit from those services.

He stated that in his experience, communities often spend significant resources to develop and maintain airports, whereas Fairfield has an airport being funded privately that could serve as a resource to the Town. He acknowledged that airports can bring impacts, including increased visibility and activity of aircraft, but stated that this should be weighed against the benefits.

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He further stated that he had heard concerns from property owners about infringement on their rights, but suggested that restricting the airport could also infringe on the rights of other landowners. He expressed the opinion that there may be a solution that allows both the Town and the airpark to coexist and function compatibly.

He also stated that the current airpark operators appear to be attempting to work cooperatively rather than pursuing litigation, and expressed appreciation for that approach. He concluded by stating that the Town should consider ways to allow the airport to function as a beneficial use and avoid unnecessary restrictions, and expressed concern that some actions taken by the Town may be shortsighted.

Heidi Densley (Email read by Commissioner Masacro) Mayor, Council Members, and Town Officials: Tonight, we demand accountability for West Desert Airpark's ongoing operations and the town's complicit role in enabling them.

The Airpark has never held a required public hearing for its transition to public use or runway expansion—a clear violation of both state law (Utah Code Title 72, Chapter 10) and federal FAA requirements for public-use airports, which mandate transparent public processes for such changes.

No proper notification was ever provided to surrounding landowners about the illegally drafted Airport Overlay Zone or its implications, which impose severe restrictions on property use without due process or compensation. This constitutes an unconstitutional taking of private property rights under both state and federal law, as it effectively seizes aviation easements and diminishes land values without fair market compensation.

An overwhelming 85-90% of town residents signed a petition explicitly opposing the Airpark, citing intolerable noise, dangerous low overflights, invasion of privacy, and inherent safety risks. This is not a fringe position – it is the clear will of the community you are sworn to represent.

The town has a solemn duty to prioritize the health, safety, peace, and property rights of these residents over the interests of a private airpark. Continuing to ignore this majority. *Two minute time limit.*

Jayson Densley (Read by Commissioner Masacro) exposes the town to significant liability.

Let us be clear: If these illegal actions persist whether by the town maintaining the flawed overlay and inadequate oversight, or by West Desert Airpark knowingly pursuing and operating public-use status without required processes, while illegally burdening neighboring private property rights without easements or compensation we will pursue legal remedies without hesitation against both the Town of Fairfield and West Desert Airpark jointly.

We will reach out to every affected resident and pursue a class action lawsuit to enforce constitutional protections, secure full compensation including substantial damages for property

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value loss and devaluation caused by these violations—hold both parties accountable for knowing infringements, and obtain injunctive relief as needed. The airpark should understand the severe financial consequences it faces if it fails to rein in unlawful operations and confine activities to its own property within legal and FAA-compliant boundaries.

Residents have a fundamental right to the quiet enjoyment and full use of their land, privacy, safety from overflight hazards, and general peace—rights the town must protect, not undermine, and rights the airpark has no authority to violate.

We therefore demand the town immediately:

- Impose stringent regulations on the Airpark to minimize noise, overflights, and risks;
- Fully repeal the illegal overlay zone, which functions as an uncompensated land taking;
- Require an independent, thorough environmental impact study under applicable federal obligations (including NEPA considerations where relevant), specifically addressing risks to the local Bald and Golden Eagle populations and broader avian hazards resulting from the airpark's proximity to two landfills.

Jared Westoff (Email read by Chairman Taylor), representing Oakwood Ranch LLC and Eugene Gordon Inc.

Town of Fairfield,

We are concerned with the airport requiring an overlay zone that may not allow building or may affect building heights on properties in Fairfield that the airport does not own. We will protect our property rights and would respectfully request that the Town also look out for and protect those rights.

We would assume that any limitations placed on our property would need to be negotiated and mutually acceptable between us and the airport owner. Otherwise, we would consider it a taking if our property rights are affected without our express consent.

Commissioner Masacro made a motion to close the public hearing for item number 2.

Commissioner Fisher seconded the motion. The motion passed unanimously

Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Masacro - Yes

Commissioner Butterfield - Yes

- 3) 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).**

Commissioner Masacro made a motion to open the public hearing for item # 3. Commissioner Riet seconded the motion. The motion passed unanimously

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Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

Dan Dansie, representing The Church of Jesus Christ of Latter-day Saints, explained that the church is "perhaps the most impacted landowner when it comes to the overlay zone," particularly on the east side of the airport property. He stated the church opposes "any regulations on its property based on the activities or actions of landowners of adjacent properties."

Dansie characterized the current overlay zone as "an overreach and goes significantly farther than it is either allowed by law or necessary to protect property rights and, in fact, infringes on the property rights of not only the church but of a number of other property rights as well."

He noted the church has had "positive discussions with both the air park owners and their legal counsel" and hopes to continue cooperative discussions despite disagreements. One key issue he addressed was navigation easements, explaining these are requirements that an airpark user "purchased the right to affect a neighboring owner's property." He noted state statute allows towns to require navigation easements in connection with an overlay.

The church's request was for the planning commission to "recommend a repeal of the current overlay ordinance" and that they "don't believe that the replacement ordinance is necessary at this time." Before any replacement ordinance, they requested the town "require navigation easements for all affected properties."

Alina Pringle (89 West Aviators Way) stated that she believes it is "a horrible idea" to repeal the overlay and that doing so would result in the airport being grandfathered in and continuing to operate as it currently is, which she stated is effectively the same situation that exists now. She stated that if the airport is grandfathered, "we're doing the same thing we're doing right now," and that if the Town is fine with that, then they are as well.

She stated that they have attempted to work cooperatively with the Town, including trying to set up meetings with the Town Council, but stated that those efforts were refused and that attempts to reach an amicable solution had been denied.

She stated that the airport has been a public-use airport since 2018, that the Town Council knew, was involved, and was aware, and that this is reflected in Town Council minutes. She further stated that a public hearing was held by the Planning Commission in 2022 for the runway relocation project and for the airpark residential, and that the process was conducted openly.

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She noted that development occurred over time and included a \$2.5 million state-funded runway that provides infrastructure and economic benefits to Fairfield and the surrounding valley.

She stated that if the overlay is repealed and current operations continue, air traffic is likely to increase, emphasizing that the airport is a federally designated public-use runway. She stated, "That is not a Fairfield designation. That's a federal designation. That's not something that can be taken away."

She also referenced statements in the ordinance and prior comments, stating that landfill truck noise has been described as acceptable because landfills contribute financially to the Town, and questioned why airport operations are treated differently. She stated that the airport also contributes through property taxes and questioned why aircraft activity is singled out when other impacts, such as truck traffic, are not similarly limited.

She concluded by thanking the Commission for their time.

Tal Adair, representing Fairfield Industrial Park, stated that they value the Fairfield community and its residents, but wanted to make it clear that they do not support navigation easements over their property unless those easements are compensated. He specified that any such easements should be addressed at the time of airport development, not at the time of building permits.

He explained that because the industrial park contains individual lots, requiring easements at the time a property owner seeks a building permit could create situations where a purchaser is unable to obtain a permit due to an unexpected easement requirement, which he described as "backwards." He stated that they wanted the Commission to be aware of that concern and thanked the Commission for their time and effort.

Dan McDonald, attorney representing Intermountain Regional Landfill, reiterated that the current overlay zone should be repealed. He stated that, in his opinion, the overlay is "most likely illegal," explaining that it extends too broadly, impacts too many landowners, and presents significant legal and enforceability concerns.

He stated that the state minimum for an airport influence area is 5,000 feet and that any new overlay should not exceed what is necessary, as a larger area would unnecessarily impact additional property owners. He further stated that any new overlay must not infringe upon existing conditional use permits granted to Intermountain Regional Landfill, North Pointe, and other nearby uses.

He emphasized that the Town should consider not only adjacent landowners, but also nearby landowners within a reasonable vicinity who may be impacted. He reiterated that the current overlay draws the area too large and, for that and other reasons previously provided to legal counsel, should be repealed. He concluded by urging the Commission to recommend repeal of the overlay.

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Daymon Stephens (Fairfield resident and former Planning Commission member) stated that he disagreed with statements that the airport has operated as a public airport since 2018 or 2019, and stated that during his time on the Planning Commission there was no vote to change the airport from private to public use. He stated that, in his view, the airport was originally private and that the transition to public use is the primary issue.

He stated that the public-use designation has increased the number of aircraft operations and changed how the airport functions, resulting in more frequent air traffic affecting the community. He described that prior operations were more limited and did not result in the same level of ongoing impact to residents.

He further stated that he does not see a benefit to the Town from the airport, particularly in terms of tax revenue. He stated that Fairfield is already financially stable and operates in the black due to existing revenue sources, including the landfill, and that additional expansion or business activity is not necessary.

He also questioned the accuracy of financial representations made in applications related to the airport, stating that he would like to see actual figures regarding tax revenue generated, and indicated that the numbers he has reviewed do not align with what was previously presented.

Travis McKinney (1730 North 600 East, Lehi) stated that he had read a KSL article regarding the airport and described the information presented as “lies and distortions.” He stated that he was unsure where the information originated, suggesting it may have come from those involved in developing the airport, and concluded that this was the extent of his comment.

Heidi Densley (Zoom) asked how much the airpark owners had paid in property taxes since claiming to have transitioned to public use in 2018. She was advised that the public comment period was not a back-and-forth discussion. She then stated that she would like the Planning Commission to investigate and determine how much property tax revenue has been paid to the Town by West Desert Airpark since 2018, or prior.

Jake (125 North Mill Road, Vineyard), a pilot who learned to fly at West Desert Airpark, stated that his primary concern is the proposed limitation of 10,000 operations per year. He stated that based on FAA records and studies conducted by Embry-Riddle Aeronautical University, airports of similar size typically have significantly higher annual operations, and that 10,000 operations is an unrealistic limit.

He further stated that the proposed \$500 fine for exceeding that limit is excessive. He expressed concern that portions of the ordinance may conflict with FAA authority, particularly with respect to regulation of overflight.

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He also stated that he opposes limiting the airport to daytime visual flight rules (VFR) operations only, and that night operations and instrument operations should remain possible in the future. He reiterated that the 10,000 operations limit is not appropriate for an airport of that size.

Michael Weber (Fairfield) stated that he would prefer typical outdoor noise, even if it requires closing windows to hear inside, rather than the impacts of aircraft noise.

He stated that one of his main concerns is that it is unclear what repercussions exist when an aircraft flies lower than 500 feet over his home. He stated that the current solution he has been given is to submit a form, but expressed frustration that those complaints appear to result in no action.

He stated that he understands the FAA has authority over flight operations, but that it is frustrating when aircraft continue to fly low over his home and the only recourse provided is to send a text message or submit an online form, after which the aircraft may continue flying in the same manner.

He stated that he is not trying to control where aircraft fly, but wants them to maintain an altitude of at least 500 feet over his property.

Amy Taylor (Zoom me) (299 North 200 East) stated that, contrary to earlier statements, there has been a noticeable increase in flights, and that residents see and hear more aircraft and experience more overflights of their homes. She stated that some aircraft do not appear on radar despite being observed and recorded landing, while others are visible and circle repeatedly, which she described as disruptive and annoying.

She compared the situation to differing recreational interests, stating that while pilots enjoy flying, residents do not necessarily share that interest, and that what may be recreation or business for some is negatively impacting others. She stated that the airport operators have turned their recreation into a business, but that the impacts of that activity affect surrounding residents.

She further stated that airport operations should not infringe on the property rights of others, including limiting the ability of nearby property owners to build on their land. She stated that while pilots may support the airport, it does not affect their daily lives in the same way it affects nearby residents.

She stated that she does not support expansion, does not find sufficient benefit to the community to outweigh the impacts, and expressed opposition to increased noise, continued growth in operations, and the possibility of additional or nighttime flights in close proximity to residential areas.

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Commissioner Fisher made a motion to close the public hearing for item #3. Commissioner Mascaro seconded the motion. The motion passed unanimously

Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

1) An Ordinance Amending Title 10.19.00. Landscape Requirements, Adding Definitions and Amending Requirements to the Landscape Requirements.

Commissioner Fisher made a motion to open the public hearing for item number 1, Ordinance Amending Title 10.19.00. Landscape Requirements. Commissioner Riet seconded the motion. The motion passed unanimously

Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

Alina Pringle (89 West Aviators Way) stated that the proposed landscape ordinance specifies airpark properties as nonresidential, even though the airpark was designated as a residential airpark, and stated that this is a confusing provision. She asked that the Commission review that language.

She further stated that the ordinance would subject hangar homeowners to commercial-grade landscaping requirements, while residents in every other Fairfield zone are subject to residential landscaping standards. She stated that a family building a hangar home on a one-acre lot is, for all practical purposes, a residential property owner, and that treating them as a commercial operator for landscaping purposes is not consistent.

Attorney Brad Christopherson responded that if the ordinance language specifies commercial landscaping requirements for residential hangar homes, that was not the intent. He stated that there is no intent to require commercial landscaping beyond what would apply to regular residential uses, and that if such language exists, it would need to be reviewed and addressed. He noted that he had not spent significant time reviewing that specific section.

Mayor McKinney asked whether the ordinance specifically identifies the airpark as nonresidential.

Alina Pringle responded that the ordinance refers to airpark uses as nonresidential and includes associated provisions.

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Brad Christopherson stated that his interpretation would be that residential portions would follow residential landscaping standards, while different standards may apply to hangars or operational portions of the airpark. He stated that if the language creates confusion or concern, it can be clarified. He further noted that the landscape ordinance has not yet undergone full legal review and had only been briefly reviewed, and therefore may not yet be finalized.

During discussion of the landscape ordinance, there was brief discussion among multiple speakers regarding prior public hearing materials and website content. It was suggested that clarification may be needed regarding what information had been publicly noticed.

Attorney Brad Christopherson directed that the Commission proceed with the current item and address additional concerns afterward. He then asked whether there were additional comments on the landscape ordinance and stated that the ordinance is still a work in progress and was included in the public hearing to begin gathering input, acknowledging that it is not yet complete.

Discussion followed regarding whether an additional public hearing would be required. Brad explained that if substantial changes are made, the Commission could continue the public hearing to a future meeting rather than issuing a new notice. He stated that continuing the public hearing to a subsequent meeting would satisfy the notice requirements, as it would remain the same hearing continued on a future agenda.

Brad further advised that, after completing discussion on the landscape ordinance, the Commission could reopen the public hearing for the Airpark Mixed-Use Zone (AMUZ) and related items to receive any additional public comment, including on exhibits and other provisions. He stated that it would be preferable to receive more public comment rather than less, even if that required restarting the two-minute comment period.

Commissioner Masacro made a motion to continue the Public Hearing to a future date on item #1. Commissioner Riet seconded the motion. The motion passed unanimously.

Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

The Commission briefly reopened the public hearing to receive additional comments on documents and materials related to the Airpark ordinances.

Commissioner Fisher motioned to open the public hearing to receive any other additional comments on items 2 or 3 with additional documents that were also noticed. Commissioner Butterfield seconded the motion. The motion passed unanimously.

Chairman Taylor - Yes

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Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

Mike DePalma (1677 East Harrison Avenue, Salt Lake City, Utah 84106) stated that he joined the meeting late and apologized, noting that he had been at dinner. He stated that he had the opportunity to meet Mr. and Mrs. Pringle and hear about the challenges they have been facing.

He stated that airports serve a public good, including for training and emergency response. He acknowledged that some individuals may find airport activity annoying, but stated that many things may be considered annoying and that this does not justify shutting down operations of a business that has the right to operate and expand.

He stated that it would be fair to allow the airpark to continue its operations and expressed that he does not believe the Town should limit its ability to expand.

Alina Pringle (89 West Aviators Way) responded regarding the overlay zone, stating that it is a powerful tool provided by the State to municipalities to protect rural agricultural character, which she noted the Town has expressed as a goal. She stated that the overlay has been “misinterpreted... horribly wrong.” She stated that there is nothing in the State overlay requirements that specifies the size of the overlay area, and nothing that requires aggregation easements unless the Town chooses to adopt those provisions, noting that the State gives municipalities the authority to impose such restrictions if they decide to do so. She stated, “That’s your decision.”

She further stated that she agrees the existing overlay should be repealed and redesigned, and that if the Town chooses not to adopt a replacement, “so be it—get rid of it, it’s fine,” as the State requirements still apply. She noted that Fairfield is a subdivision of the State.

She stated that the airpark has heard residents’ concerns and has been responsive, including providing weekly comparisons from 2024 to 2026 showing that airport users have voluntarily shifted traffic further north and away from Main Street. She acknowledged that there are occasional exceptions, comparing them to other types of violations such as speeding, and stated that they respond to complaints and will continue to do so.

She further stated that the airpark is part of the community, providing internships, field trips, education, and employment within the Town and surrounding area. She stated that they are contributing positively to the community.

She acknowledged that there is additional noise associated with growth, and compared it to other sources of noise in the area, stating that she has taken decibel readings along State Road 73 and described the noise levels as significant. She noted that growth has changed the area, stating that there were previously two homes south of Main Street and now there are approximately twelve.

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Drew Siegel (4298 Westlake Drive, Roy, Utah), with the Cleared Podcast, stated that as an aviator, he believes West Desert Airpark serves an important role in aviation. He stated that the airpark has helped support individuals entering aviation at a time when the industry has struggled, including providing opportunities for more affordable access through building and training.

He stated that his primary question is where the cooperation is between the Town and the airpark. He noted that the airpark has responded to requests and petitions and asked at what point the conflict between parties would shift toward working together.

He stated that airports can serve as important infrastructure and economic assets, referencing other airports such as Ogden, Spanish Fork, and Heber, and noting that aviation can bring revenue to a community. He concluded by asking when both the Town and the airpark would work together to create a more cohesive relationship where both interests can succeed.

Daymon Stephens (Fairfield resident and former Planning Commission member) spoke regarding operational guidelines and the proposed limit of 10,000 operations per year. He referenced prior documentation that classified airports by size (small, medium, etc.) and stated that he would like to see Fairfield utilize the recommendations from that document for a small airport.

He stated that 10,000 operations per year, or approximately 27 or more flights per day, is an appropriate standard. He stated that based on his observations, there are times when aircraft are circling repeatedly, though he acknowledged he is not always in town to observe activity consistently.

He further stated that while aviators may support increased operations, residents did not have this level of activity when they originally moved to Fairfield. He stated that the airport was not present in its current form at that time and expressed that it was approved at the county level rather than by Fairfield residents.

He concluded by stating that the referenced guideline document provides a strong framework and recommended that the Town utilize it in developing its ordinances.

Chairman Taylor confirmed they have this document and will utilize it in their review process.

Commissioner Riet motioned to close the hearing for all things Airpark. Commissioner Butterfield seconded the motion. The motion passed unanimously.

Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

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Chairman Taylor asked whether the Commissioners preferred to continue discussing the landscape ordinance or move forward. Attorney Brad Christopherson noted that the Commission could continue the public hearing or proceed with discussion and potential action.

Brad explained that if the Commission makes a recommendation on either of the remaining agenda items, those items would move forward to the Town Council, which was scheduled to meet on March 24. He noted that the timeline is shortened due to a pending ordinance notice previously adopted, placing the Town under a deadline.

He advised that the Commission has the option to make a recommendation that evening or to continue discussion and schedule an additional meeting to allow more time for review. He suggested that additional time may be beneficial given the volume of public comment and complexity of the issues.

Discussion followed among the Commissioners regarding whether to proceed or hold an additional meeting. It was suggested that an additional meeting would allow time to work through outstanding issues and review comments to streamline further discussion.

Brad clarified that scheduling an additional meeting would allow staff, including himself, the Recorder, and the Mayor, to review all public comments received, including written submissions, and incorporate them into the draft. He emphasized the importance of ensuring that all affected parties, including the airpark, the Church, landfill operators, and nearby property owners, have an opportunity to review updates. He stated that given the volume and nature of the comments, it is important to "get this right" and balance competing property rights.

Brad further advised that Item #3, regarding the overlay zone, would be more straightforward, as his recommendation was to repeal the overlay without replacement, which would default regulation to state code until such time as navigation easements or other agreements are established. He stated that based on public comment and discussions with legal representatives of affected property owners, there did not appear to be opposition to full repeal.

He explained that for Item #2, the Commission could choose to forward a recommendation to the Town Council with conditions, including that all public comments be reviewed and incorporated by staff prior to final consideration.

A Commissioner asked whether removing the overlay would result in defaulting to state regulations, and Brad confirmed that an overlay is not required under state law. He explained that under state code, in the absence of an overlay, property owners seeking building permits in affected areas would be required to coordinate with the airpark, including obtaining navigation easements or compensation at fair market value as a condition of permit approval.

Following the discussion, a motion was made to move Item #3 forward to the Town Council with a positive recommendation to repeal the current overlay zone and not replace it.

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Commissioner Riet made a motion to forward item # 3 to the town council with a positive recommendation to repeal the current overlay zone and not replace it. Commissioner Masacro seconded the motion. The motion passed unanimously.

Chairman Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Masacro - Yes

Commissioner Butterfield - Yes

During the discussion of Item #2, the Commission considered whether to forward the item to the Town Council with a recommendation.

A proposed motion was discussed to forward the ordinance to the Town Council with a positive recommendation, on the condition that all verbal and written public comments received since the public hearing notice be reviewed and taken into account by legal counsel prior to the Town Council meeting.

Discussion among Commissioners followed regarding whether the Commission should conduct additional review before forwarding the item. Some Commissioners expressed that the Commission should review and incorporate comments themselves rather than relying solely on staff review, while others expressed comfort in forwarding the item with the condition that all comments be addressed.

Attorney Brad Christopherson clarified that the Commission has the option to either forward the item with conditions or take additional time to review a revised draft. He stated that staff could review and incorporate all public comments, including those received during the hearing and in writing, and provide an updated version for further Commission review. He also noted that additional comments had recently been received and had not yet been fully reviewed.

Further discussion included new concerns raised during the meeting, including comments on wildlife and eagles that had not yet been researched or incorporated into the ordinance. Brad noted that additional legal review may be needed to determine whether the Town has any obligation to address such issues in the ordinance.

Commissioner Riet made a motion to move it on to the Town Council with a positive recommendation under the condition that all public comments get equal weight in review, both from this public hearing and those offered in writing to the city. Commissioner Masacro seconded the motion. The motion failed with a vote of 2–3.

Chairman Taylor - No

Commissioner Riet - Yes

Commissioner Fisher - No

Commissioner Masacro - No

Commissioner Butterfield - Yes

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The commissioners then scheduled a follow-up meeting for Monday, March 23rd, at 7:30 PM to review the revised ordinance after Brad had time to review all public comments by Saturday.

*Commissioner Fisher motioned to hold another meeting on Monday, the 23rd, at 7:30 pm.
Commissioner Mascaro seconded the motion. The motion passed unanimously.*

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

Adjournment

*Motion made by Commissioner Mascaro to end the meeting. Commissioner Riet seconded the motion.
Meeting end time 8:41 pm.*

Minutes Approval Date

Stephanie Shelley Recorder/Clerk



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Public Comment - March 19th Public Hearing

1 message

Steve Shafer

Thu, Mar 19, 2026 at 3:14 PM

To: "sshelley@fairfieldtown-ut.gov" <sshelley@fairfieldtown-ut.gov>

Thank you for the opportunity to comment.

I want to voice my position: these proposed ordinances are not simply administrative updates. They materially expand local control over aviation operations in ways that conflict with federal authority, create internal inconsistencies, and risk undermining both the public-use status of the airport and the State's investment in it.

Aviation is governed by a well-established federal framework. Under **49 U.S.C. § 40103**, the United States Government has exclusive sovereignty over navigable airspace, and the FAA is responsible for regulating the use of that airspace in the interest of safety and efficiency. Courts have consistently upheld federal preemption over local attempts to regulate aircraft operations, including flight paths, operational limits, and aircraft types.

Additionally, public-use airports that receive federal or state funding are expected to be made available for public use on reasonable terms and without unjust discrimination.

At the federal level, FAA Grant Assurances require this, and state aviation programs are similarly structured around those same principles. Restrictions that categorically prohibit classes of aircraft, such as rotorcraft or gyrocopters, or limit access to a single operator raise serious concerns about compliance with those expectations.

The proposed AMUZ ordinance includes several examples of this overreach:

- It **prohibits rotorcraft and gyrocopter operations**, as well as broader categories such as commercial operations and multiple flight schools. This is a significant narrowing of aviation access that conflicts with the requirement for nondiscriminatory public use.
- It imposes operational limits including **a cap of 20 based aircraft, a 12,500 lb aircraft weight limit, daytime and VFR-only restrictions, a prohibition on runway lighting, and an annual cap of fewer than 10,000 operations**, enforced through monitoring and penalties. These are not traditional land-use controls - they are direct regulations of airport operations, which fall under FAA jurisdiction.
- It includes provisions requiring aircraft to **avoid overflight of residential property** and defines nuisance based on overflight behavior. This is particularly problematic, as **aircraft in navigable airspace are under exclusive federal authority**, and local governments may not regulate flight paths or impose operational restrictions in that domain.

The ordinance also introduces enforcement mechanisms, including **per-operation fines and potential suspension of public-use status**, which further extend local authority into areas governed at the federal level.

On infrastructure and land control, the ordinance requires the airport sponsor to obtain **fee ownership or restrictive easements for RPZs and aviation easements protecting Part 77 surfaces**, with the consequence that failure to do so may require **runway reduction or operational limitations**. While protection of safety surfaces is important, using land control requirements as a mechanism to force

operational reduction raises concerns about whether the intent is safety, or restriction. This creates a pathway where, if the airport can't control surrounding land it doesn't own, the solution becomes reducing the airport itself.

The Special Use standards introduce additional inconsistencies and constraints:

- The **flight school provisions** limit operations to small aircraft, daytime, VFR-only use, and allow the Town to restrict touch-and-go operations - again stepping into operational regulation.
- There is a clear **internal inconsistency**, where one section limits the airport to **20 based aircraft**, while another allows for **29 hangars and 29 based aircraft**. Ordinances should not contradict themselves in ways that create ambiguity or selective enforcement.

I also want to address the restricted and conditional use table in the proposed text amendment. When viewed as a whole, it significantly narrows what activities are allowed at the airport.

Uses that are typically standard at a public-use airport - such as multiple flight training operations, certain commercial aviation activities, and broader aviation services - are either prohibited or heavily conditioned.

The issue is not any single restriction. It is the cumulative effect. When taken together, these limitations reduce the airport's functionality and create a framework where normal aviation activity becomes the exception rather than the expectation.

A public-use airport should be structured to support aviation activity, not restrict it to a minimal, tightly controlled set of uses. Otherwise, it no longer functions as a true public-use facility in practice.

The landscaping ordinance, while seemingly unrelated to aviation, also has a direct impact on airport viability. Requirements for **licensed landscape plans, live vegetation mandates, limitations on ground cover, and fencing up to 8 feet** introduce additional cost and discretionary approval layers that can affect aviation development. These requirements must be carefully balanced with **FAA safety standards**, including visibility, wildlife hazard mitigation, and obstruction considerations.

Finally, I want to address the broader context.

This airport has received **state investment**, with the expectation that it will function as a public-use facility contributing to transportation access, economic activity, and community value. That includes generating revenue, supporting local business, and contributing to the tax base.

The cumulative effect of these ordinances is to **limit access, restrict operations, and introduce uncertainty**. Over time, that undermines the very purpose of that investment.

If the Town's goal is safety and compatibility, those goals are already addressed through FAA regulations, including **14 CFR Part 77 (Objects Affecting Navigable Airspace)** and established airport design and operational standards. Local regulation should focus on traditional land-use compatibility, not on aircraft operations, airspace, or federally governed activity.

I would strongly encourage the Town to:

1. Remove provisions that regulate aircraft operations, including flight paths, operational limits, and aircraft-type restrictions
2. Ensure compliance with federal obligations related to public-use access and nondiscrimination
3. Resolve internal inconsistencies within the ordinance
4. Align local regulations with FAA and state frameworks rather than duplicating or conflicting with them

I also want to acknowledge that the airpark community has made efforts to work constructively with the Town on concerns such as noise abatement, traffic patterns, and overall compatibility. Those conversations matter, and they should continue.

This does not need to be a continued fight between the Town and the airpark. It can, and should be a coordinated effort to build something that benefits both the aviation community and Fairfield as a whole.

I would also strongly encourage the Town to work collaboratively with stakeholders to address concerns through practical, targeted solutions, rather than broad restrictions that risk limiting the long-term viability of the airport.

The goal should be a shared future; One where the airpark remains a safe, accessible, and economically valuable asset to the community.

Thank you,

Steven Shafer



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Airport Overlay Concerns

2 messages

Jacob Toombs

Thu, Mar 19, 2026 at 2:19 PM

To: "sshelley@fairfieldtown-ut.gov" <sshelley@fairfieldtown-ut.gov>

March 19, 2026

To the Fairfield Planning Commission,

I would like the opportunity to comment on tonight's proposed ordinances as they pertain to the Airport overlay zone and CUP. I hope the comments from myself and other concerned citizens are taken seriously. This is not only a commentary on the airport in particular, but government in general and property rights as it relates to how land use is regulated and how government entities frequently overstep their authority whether knowingly or not. I believe there are dangerous precedents you are attempting to set; which are altogether illegal and open the city to major lawsuits and damage those involved at the airport. I have seen this play out in other cities and governmental agencies and we all end up on one side of the coin or the other as we go through life, so this affects us all. Here are my concerns:

1. Looking back at the record, West Desert Airpark has been operating for many years (long before the town was incorporated) and qualifies as a lawful existing (perhaps non-conforming or vested rights) use. Under Utah law, those types of uses are generally protected from being restricted or reduced in a way that would materially impact how they function. By trying to restrict the number of based planes to 20, you are trying to restrict uses that are already in place. From what research I have done, West Desert already has 44 based planes, and the approved airpark itself will have 27. As I understand it there are also an additional 30 hangars already approved as well.

Because of that, I have concerns with requiring a Conditional Use Permit (CUP) for the airport to continue operating. The proposed ordinances are attempting to diminish the rights that the airport already has, and ones that the city has no right to regulate. There should be no requirement for another CUP for the current operations.

A CUP is typically used for new or expanded uses, not existing ones (and you could argue that future site plan approvals fall under existing use, pending zoning and code compliance). Therefore, requiring one for an already operating airport- or trying to restrict already approved uses, effectively turns a vested right into something that can be denied or limited at the Town's discretion.

When the airport came into being it was contemplated that it would have certain uses, which were approved. There have never been any hard caps on the amount of hangars or homes anywhere at any time. The only caps that apply would be those limited by the zoning and density requirements. You cannot render a property unusable if there is land that can be legally built on-- you cannot "cap" the building. If a parcel of land is zoned in a particular way and the site plans and proposals meet the zoning and other code requirements it cannot be arbitrarily denied because someone doesn't want more airplanes or homes etc, or because they personally feel things would be "too busy" or for some other motivating factor. This airport demands equal protections just like any other landowner is entitled to. This applies to the ADU proposal, short-term rentals, removal of the tavern, and the landscaping proposal within the proposed ordinances. Restrictions or uses within the same zone cannot change from one parcel to the other for arbitrary reasons. Application of standards must be consistent throughout the town, you cannot apply de facto prohibition.

2. I also want to address the sections of the ordinance that relate to aircraft operations.

From a federal standpoint, the FAA has authority over airspace and how aircraft operate. This includes:

- How many flights can occur
- When flights can occur
- Flight paths and patterns
- Safety-related features like runway lighting

-Significant Airport designation (regardless of designation this is not town regulated in any way shape or form, The FAA classifies airport designations not only on based planes and operations, but on plane sizes etc).

If a regulation affects how planes fly, when they fly, or how often they fly—that is within FAA authority, not local zoning. Because of that, local governments typically cannot regulate: the number of aircraft operations, flight timing, overflight patterns or frequency, and operational safety elements (runway lighting).

While the Town absolutely has the ability to regulate land use —through legal means- including buildings, density, setbacks, and site planning — there is an important distinction between land use regulation and aircraft operations. Several of the proposed provisions, such as caps on operations, limits on based aircraft, restrictions to daylight-only flying, and prohibition of runway lighting, cross into areas that are typically handled at the federal level. The town has no authority whatsoever to regulate this.

3. The timing of the ordinance updates also throws up red flags. All three ordinance documents were confirmed updated on March 18, 2026 — the day before the hearing (today). The original public notice was issued on March 7. Utah Code § 10-9a-205 requires at least 10 calendar days notice based on the actual documents being considered. Why is this being done last minute instead of rescheduling the meeting with the appropriate notice? Are the changes notated so they are easily discernable?

4. The other questions that bear consideration are: have there been any wildlife hazard assessments made by the landfill, and how are those being treated, what are they doing to mitigate impact on the airport; why are the insurance requirements not in line with other airports with similar or higher operations;

It is my hope that the town comes to the realization that the proposed AMUZ zone is not legal in practice and that it must be dropped.

Thank you for your time and consideration.

Respectfully,

Jake Toombs

alina rmkplanes.com

To: Jacob Toombs

<sshelley@fairfieldtown-ut.gov>

Thu, Mar 19, 2026 at 3:55 PM

"sshelley@fairfieldtown-ut.gov"

Thank you

Get [Outlook for iOS](#)

From: Jacob Toombs

Sent: Thursday, March 19, 2026 2:19:42 PM

To: sshelley@fairfieldtown-ut.gov <sshelley@fairfieldtown-ut.gov>

Subject: Airport Overlay Concerns

[Quoted text hidden]



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Fairfield - Planning Commission Session & Public Hearing

Jane Lancaster

Thu, Mar 19, 2026 at 4:11 PM

To: Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Stephanie,

I was reminded of another meeting I had tonight so I won't be able to make it to the meeting tonight. Will you please include my attached public comment for the landscape section of the public hearing tonight?

Thanks,

Jane

[Quoted text hidden]

--

Thanks,

Jane Lancaster



Planning commission letter landscape code 3-19-2026.docx

18K

March 19, 2026

Commissioners,

Thank you for all the time and effort you put into our community by serving on the Planning Commission. I had something come up last minute tonight so I am submitting my public comments in a letter.

In regards to the Title 10 Chapter 19 Landscape requirements public hearing, I would like to voice a few of my concerns.

I agree with supporting attractive, well-designed, and context-sensitive development but I disagree on making regulations that don't apply to our area. We are an agricultural area living in a desert and some requirements don't always seem feasible. Below are my concerns

1. Trees. It is almost impossible to grow trees here and cities that have trees have eventually removed the trees because of the damage that they create to sidewalks and roads and other underground concerns. I'm not against trees but I hope you take this into consideration as you make requirements for trees.
2. The last sentence in the definition of Decorative Rock doesn't make sense to me. Most gravel is used as decorative rock AND for vehicular access or utility coverage. I'm not sure what material the code is referring to that is used solely for that purpose and I'm afraid it leaves it open for a difference of opinion on what type of gravel can be decorative or not.
3. In Section 10.19.30 Landscape Requirements-Residential C. The area of required, improved landscaping shall be at least equal to the square footage of the primary dwelling unit on the lot. Is that just the footprint square footage or the whole house square footage? If you have a 2,500 sq ft house with a basement that would equal 5,000 sq ft of landscaping. Is that too much?
4. In G. Pasture and Agricultural Use 2. What is considered excessive bare soil? When you have animals in pastures in a desert environment at different times of the year there will be bare soil due to the lack of water.
5. In Section 10.19.50 Planting Standards for Residential and Non-Residential 9. Road Frontage. All areas of screening along public roads must have three quarters (3/4) inch gravel to a depth of three (3) inches, installed over a minimum of two (2) inch road base.
 - a. Does this belong here? OR should it be in Section 10.19.50 that addresses park strips and public right of ways.
 - b. OR is this the town's responsibility since it is along their road, in their right of way or easement?
 - c. If so, how wide does this need to be? It doesn't specify a width.
6. In Section 10.19.40 Landscape Requirements-Non Residential F.3 Berming. Required around parking areas to buffer between non-residential and residential areas. Is this really needed or are the acceptable screening methods in section 10.19.70 C (2) enough? Do we want berms everywhere? I really can't picture it.

I know while I was serving on planning commission that it was sometimes stated that the new requirements would not apply to us since we were "grandfathered" in BUT I would like to point out that according to this code when you want to expand or make improvements to your property you are no longer grandfathered in and these landscape requirements apply to you. If these are not requirements that you already meet or are not feasible to you I would recommend you take that into account each time that you recommend new requirements to town council.

Thanks again for all you do,

Jane Lancaster



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Fairfield city meeting comments

1 message

Sherie Warner

Thu, Mar 19, 2026 at 4:13 PM

To: sshelley@fairfieldtown-ut.gov

This email is from the Howard and Lurae Ault Family. Specifically Peggy Fisher, Steve Ault, Sherie A. Warner, Trustee of the HRLS Alaska Trust, Janice A. Pace and Brent Ault and their decedents. The HRLS Alaska Trust is owner of a significant acreage in and bordering Fairfield, which property is impacted by the current and/or proposed airport zoning. The family currently owns over 1,500 acres in Fairfield City limits and over 1,700 acres bordering Fairfield City. In addition to those acres the extended Ault family (Howard's family) also own over 1,000 acres in Fairfield and bordering Fairfield.

The Ault family and the HRLS Trust does not oppose historical private airpark operations by WDAP insofar as they were legally operating and had no impact on the surrounding land owner's property rights, but does oppose any unauthorized current use and any proposed expansion that does or may impact the surrounding land owner's property rights in any manner or to any degree.

Sincerely,

The Ault Family

Public Hearing letter

1 message

alina rmkplanes.com

Thu, Mar 19, 2026 at 5:48 PM

To: Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Cc: RL Panek <rpanek@fairfieldtown-ut.gov>, Amy Walker <amy@millerharrisonlaw.com>, Tyler Thomas <tthomas@fairfieldtown-ut.gov>, Brad Christopherson <bchris@hgblaw.net>, Michael Weber <mweber@fairfieldtown-ut.gov>, Richard Cameron <rcameron@fairfieldtown-ut.gov>, Jami Mascaro <jmascaro@fairfieldtown-ut.gov>, Kelton Butterfield <kbutterfield@fairfieldtown-ut.gov>, Kyler Fisher <kfisher@fairfieldtown-ut.gov>, Wayne Taylor <wtaylor@fairfieldtown-ut.gov>, David Riet <driet@fairfieldtown-ut.gov>

Ms. Shelley,

Attached is a letter to present to the Fairfield Planning Commission and Town Council regarding the public hearing being held tonight, March 19, 2026.

Thank you for entering it into the public record.

Sincerely,

Alina Pringle

West Desert Airpark

Rocky Mountain Kitplanes

West Desert Flight

 **WDAP_Opposition_Letter_March19_2026 (1).docx**
99K

West Desert Airpark LLC

Rocky Mountain Kitplanes | West Desert Flight School

FAA Identifier: UT9 | Fairfield, Utah 84013



March 19, 2026

Fairfield Town Planning Commission

121 West Main Street

Fairfield, Utah 84013

CC: Fairfield Town Council

Mayor Hollie McKinney

Councilmembers RL Panek, Tyler Thomas, Michael Weber, Richard Cameron

RE: Formal Opposition to Proposed Ordinance Nos. 2026-01, 2026-02, 10.11.260.1 Exhibit A, Exhibit B, and Title 10.19 Landscape Amendment — Public Hearing March 19, 2026

Dear Chair and Members of the Fairfield Town Planning Commission:

West Desert Airpark LLC, operator of West Desert Airpark (FAA Identifier: UT9), Rocky Mountain Kitplanes, and West Desert Flight School, hereby submits this formal written opposition to the three proposed ordinances scheduled for public hearing this evening. We respectfully request that this letter be entered into the public record in its entirety.

We come to this hearing not as adversaries, but as members of this community who have invested more than two decades of our lives, our resources, and our family heritage into building something of genuine value for Cedar Valley and the State of Utah.

We have been transparent in every action we have taken. We have operated in good faith. We have welcomed the community, hosted events, educated young people, trained pilots, and built businesses that serve the public interest.

We have also been willing — repeatedly and sincerely — to negotiate, to compromise, and to find an amicable path forward with Fairfield Town. That willingness remains. What saddens us deeply is that despite our good faith, the Town Council has been unwilling to meet us halfway. Instead, we find ourselves the target of what can only be described as a sustained and coordinated regulatory campaign designed not to protect public safety or promote responsible

land use, but to burden, restrict, and ultimately eliminate a lawfully operating aviation facility that has existed and served this community for over twenty years. That campaign must stop.

I. OBJECTION TO FALSE, MISLEADING, AND DEFAMATORY RECITALS IN ORDINANCE 2026-01

Before addressing the substantive provisions of the proposed ordinances, we must address a matter of immediate concern: the 'Whereas' recitals of Ordinance 2026-01 contain multiple statements that are factually false, misleading, legally incorrect, and in several instances, defamatory. These recitals are not harmless preamble. They are the stated legislative findings upon which the entire ordinance rests. False findings produce an infirm ordinance — and they also cause direct, concrete harm to West Desert Airpark LLC and its owners by embedding false and damaging statements of purported fact into the permanent public record of Fairfield Town.

We object to each of the following recitals and demand they be corrected or removed before any version of this ordinance proceeds further.

A. "The WDA has operated as a *privately owned, privately used* small airport for almost 20 years."

This statement is false in two distinct respects. First, West Desert Airpark received FAA public-use designation in 2018. In the town council minutes, the town council was made fully aware and made no objection. Since that date, it has been a **public-use** airport — legally, operationally, and as a matter of federal record. Describing it as 'privately used' after 2018 is not a matter of interpretation; it is a factual error that directly contradicts the airport's FAA designation. This characterization appears designed to minimize the legal status of the airpark and to undermine its federal standing in the eyes of the public and future decision-makers who rely on this ordinance.

Second, West Desert Airpark has operated continuously since **2002** — that is over **24 years**, not 'almost 20.' This is not a rounding error; it is a material misstatement of the airpark's established operational history, which directly affects the analysis of nonconforming use protections, vested rights, and the scope of lawfully established operations. We request this recital be corrected to accurately reflect both the public-use designation and the actual operational history.

B. "When UDOT awarded funding to WDA, it did not verify whether the Town had approved the necessary permits or authorized the runway expansion."

This recital is factually unsupported, legally misleading, and potentially defamatory. It insinuates — without evidence — that West Desert Airpark received approximately \$2.5 million in state and federal funding through a process that was somehow irregular or that the airpark circumvented a required local approval process. That insinuation is false.

UDOT's award of funding for runway improvements was made pursuant to the state aeronautics program, which operates under its own statutory and regulatory framework. More importantly, a UDOT internal audit has directly contradicted statements made by Mayor McKinney to state officials regarding the town's position on the runway project. The town cannot now embed into a legislative ordinance the false premise that UDOT acted improperly in awarding funds — particularly when the town's own Mayor made representations to UDOT that have since been found to be inconsistent with the factual record.

Embedding this allegation in the Whereas recitals of a municipal ordinance — without evidence, without adjudication, and without giving the airpark an opportunity to respond — constitutes a defamatory statement of purported fact in a public legislative document. We demand its removal.

C. "Neither the FAA nor UDOT conducted a flight hazard analysis before approving the funding."

This statement is presented as established fact in a legislative recital, but the town has provided no basis for it. Whether the FAA or UDOT conducted any particular internal review as part of their funding determination is a matter within those agencies' knowledge — not Fairfield Town's. The town is asserting as legislative fact a claim about the internal processes of federal and state agencies that it has no basis to make. If the town believes this to be true, the appropriate course is to seek documentation from UDOT and the FAA through proper channels — not to embed the allegation in a municipal ordinance. In addition, official town minutes show that the town council considered flight hazards, considered them and approved the runway relocation after the acknowledgement.

Moreover, this recital is clearly designed to cast doubt on the legitimacy of the runway project and to imply that the airpark's infrastructure was built without proper safety oversight. That implication is damaging to the airpark's reputation and to the safety confidence of its tenants, users, and the public. We demand its removal.

D. "WDA...extended the landing strip from 2,650 feet to 5,300 feet which *also resulted in a substantial increase in flights over the town.*"

The characterization that the runway extension 'resulted in a substantial increase in flights over the town' is presented as an established fact. It is not. The town has produced no traffic count data, no operational records, no FAA Form 5010 comparison, and no expert analysis supporting this claim. It is an assertion — and a damaging one — embedded in legislative findings without evidentiary support. Additionally, West Desert Airpark has data supporting the exact opposite finding. Air traffic operating from West Desert Airpark north of Main Street has **substantially decreased** since prior to the runway relocation.

A longer runway does not automatically generate more flights. Operations are a function of demand, based aircraft, weather, training activity, and many other factors. The town's conflation of runway length with flight volume is not supported by aviation science or data. If the town

believes operations have increased substantially, it should document that claim with actual operational records before enshrining it in an ordinance.

E. Deficiency Item 5: The Overlay Zone was written to minimize exposure to "*crash hazards*" and "high noise levels" generated by West Desert Airpark operations.

The use of the phrase 'crash hazards' in the legislative findings of a municipal ordinance — applied specifically and by name to West Desert Airpark — is inflammatory, prejudicial, and inappropriate in a governing document. *Every airport in the United States, including Salt Lake City International Airport, operates under the same regulatory framework that acknowledges the inherent risks of aviation.* Singling out West Desert Airpark by name in connection with the phrase 'crash hazards,' in a legislative document that will remain part of the public record indefinitely, is not a neutral regulatory statement. It is language calculated to alarm the public and to damage the airpark's reputation.

FAA advisory circulars and state aeronautics guidance use precise, neutral terminology — 'runway protection zones,' 'approach surfaces,' 'land use compatibility' — for exactly this reason. The town's choice to use emotionally charged language like 'crash hazards' in a named ordinance targeting a specific, identified business is not consistent with responsible legislative drafting. We request this language be replaced with standard FAA terminology.

F. The Recitals Characterize the Town's Own Code Deficiencies as the Airpark's Fault.

Items 1 through 4 and Item 7 of the 'deficiencies' listed in the recitals are, in fact, deficiencies in **Fairfield Town's own prior zoning code** — not in the airpark's operations. The town acknowledges that its prior Airpark Zone lacked basic definitions, had ambiguous master plan requirements, and contained an overlay zone with maps based on an old runway configuration. These are failures of municipal draftsmanship, not failures of the airpark operator.

Framing the town's own code failures as justification for imposing sweeping new restrictions on a lawfully operating airport is not a legitimate regulatory basis. The town could have updated its definitions and maps at any time in the past several years without imposing operational caps, insurance mandates, or Conditional Use Permit requirements on an existing facility. The choice to use code cleanup as the vehicle for operational restriction reveals the true purpose of these ordinances.

G. The Recitals Mischaracterize the Airpark's Legal Challenge.

The recital states that 'the WDA contested the passage of the notice of pending ordinances and filed suit against Fairfield.' This framing presents the airpark's exercise of its legal rights as though it were an act of aggression or bad faith. In fact, the airpark filed suit in response to a municipal moratorium that was itself of questionable legal validity — and subsequently **agreed to stay that suit and participate in the Utah Property Rights Ombudsman process,**

demonstrating exactly the kind of good-faith engagement that the Town has repeatedly failed to reciprocate. An ordinance's recitals should not be used to editorialize about pending litigation in a manner that prejudices one party.

II. PROCEDURAL OBJECTION: INADEQUATE NOTICE UNDER UTAH CODE § 10-9a-205

As a threshold matter, we object to the procedural validity of tonight's hearing. Utah Code § 10-9a-205 requires that notice of a public hearing on a land use regulation be provided to affected entities and posted publicly for at least **10 calendar days** before the hearing, based on the actual documents being considered.

The original public notice for this hearing was posted on March 7, 2026 — twelve days before tonight. However, **all three proposed ordinances were materially updated on March 18, 2026 — the day before this hearing.** The documents now posted on the town's website are different from those available when notice was given. Affected property owners and the public received statutory notice of one set of documents but are being asked to comment on another.

This is a violation of Utah Code § 10-9a-205.

III. FEDERAL PREEMPTION: THE FAA'S EXCLUSIVE JURISDICTION OVER AIRSPACE AND AIRPORT OPERATIONS

Multiple provisions of the proposed AMUZ ordinance (Ordinance 2026-01) are preempted by federal law and therefore void as a matter of law.

Under **49 U.S.C. § 40103**, the United States Government has exclusive sovereignty over the airspace of the United States. The FAA has authority to regulate the use of that airspace. Local municipalities may engage in compatible land-use planning around airports, but they may not use zoning power to directly regulate aviation operations, aircraft activity levels, or the operational character of an FAA-recognized public-use airport. The following provisions of the proposed ordinance cross that line:

- The cap of fewer than 10,000 annual aircraft operations purports to limit the number of takeoffs and landings at a federally recognized public-use airport. The FAA — not Fairfield Town — has authority over aircraft operations. The town has offered no evidence that 10,000 operations per year poses any specific safety or land-use risk that would justify this restriction. Exceeding the town's locally invented cap would expose the airport operator to civil fines of \$500 per operation. This is a direct attempt to regulate aviation activity that falls within exclusive federal jurisdiction.
- The cap of 20 based aircraft is likewise a locally invented classification with no basis in FAA advisory circulars, federal regulation, or state law. There is no established or peer-reviewed causal relationship between the number of aircraft based at an airport and

the number of aircraft operations generated. The town has provided no data, no study, and no expert opinion establishing such a relationship. This provision is arbitrary.

- The prohibition on all runway lighting of any type — including safety lighting — creates a direct conflict with FAA safety guidance and UDOT Division of Aeronautics standards for public-use airports. Runway lighting is a safety feature, not a zoning matter. This restriction appears designed to operationally degrade the airport under the guise of local regulation.

IV. STATE LAW VIOLATIONS: NONCONFORMING USE PROTECTIONS AND RETROACTIVITY

The proposed ordinances, if applied to West Desert Airpark's existing operations, would violate Utah Code § **10-9a-511**, which protects lawfully established nonconforming uses from being eliminated by subsequent zoning changes. West Desert Airpark has operated continuously since 2002 and has held a public-use designation since 2018. Its current operations — including its based aircraft count, operational intensity, and physical infrastructure — are lawfully established.

Our legal counsel has reviewed the proposed ordinances and advised that **these ordinances are not retroactive in effect** and cannot legally be applied to curtail, limit, or condition the airpark's existing, established operations. Provisions such as the based aircraft cap, the operations cap, the insurance mandate, the Conditional Use Permit requirement for an already-operating public-use airport, and the master plan requirement — if applied retroactively — would constitute an unlawful extinguishment of vested property rights without compensation, in violation of both the Utah Constitution and the Fifth Amendment to the United States Constitution.

V. THE AIRPORT OVERLAY ZONE: A TOOL THE TOWN HAS REFUSED TO USE CORRECTLY

Fairfield Town has had well over two years to study, understand, and properly implement an Airport Overlay Zone consistent with Utah law. Two years. The resources exist. The statutory framework is clear. The FAA advisory circulars are publicly available. The Utah Airport Operators Association, UDOT Division of Aeronautics, and the FAA stand ready to assist any municipality seeking to implement a lawful, effective overlay zone. Despite all of this, the overlay zone before this Commission tonight reflects not an effort to understand and apply the law — but an effort to weaponize it against a single property owner.

This is particularly frustrating because a properly implemented Airport Overlay Zone is **one of the most powerful tools available to Fairfield Town to protect the very rural and agricultural character that its residents and leaders claim to value**. That is what overlay zones are designed to do. Under Utah Code Title 72, Chapter 10 — the Airport Zoning Act — an airport overlay zone establishes land use compatibility standards around an airport that protect both the airport's operations and the surrounding community from incompatible development. When used correctly, it:

- Informs prospective developers and homebuyers that they are purchasing land near an active airport — before they build, before they buy, before they invest — so that they can make informed decisions and cannot later claim they were unaware of aircraft operations;
- Protects agricultural and rural land uses by restricting the types of development that are incompatible with airport operations — such as dense residential subdivisions, tall structures, or uses that attract wildlife — thereby preserving the rural character of Cedar Valley;
- Shields the town from liability by ensuring that incompatible development does not occur near the airport without appropriate disclosure, aviation easements, and height restrictions; and
- Protects property owners near the airport by giving them legally enforceable rights regarding overflight, noise, and height encroachments — rights they would not have without the overlay.

We ask every member of this Planning Commission to consider a simple question: **Why would anyone oppose informing a developer or a potential homeowner that their land is near an active airport?** What possible objection could there be to disclosure? To transparency? To informed decision-making? The Airport Overlay Zone, properly applied, does not harm anyone. It protects everyone — the airport, the neighbors, the town, and future property owners who deserve to know what they are buying.

Instead of using the overlay zone as this protective tool, the Town has attempted to use it as a mechanism to impose operational restrictions on an existing, lawfully operating airport — restrictions that are preempted by federal law and inconsistent with the purpose the Legislature established in Utah Code Title 72. The proposed Airpark Overlay Zone ordinance (2026-02) and the AMUZ ordinance (2026-01) as currently drafted do not protect the community. They attempt to regulate the airport out of existence by layering requirements that no small general aviation facility could realistically satisfy.

A legitimate Airport Overlay Zone would focus on: height restrictions consistent with 14 C.F.R. Part 77 surfaces; disclosure requirements for properties within the airport influence area; land use compatibility standards that prevent incompatible uses from encroaching on the airport; and wildlife hazard avoidance measures that protect both the airport and surrounding agricultural operations. These are the proper subjects of an overlay zone. None of them require capping aircraft operations, prohibiting runway lighting, mandating \$10,000,000 in insurance, or inventing classification thresholds unsupported by any federal or state standard.

The Town has had two years to get this right. We urge the Planning Commission to send these ordinances back for a complete rewrite — one informed by the actual purpose and requirements of Utah's Airport Zoning Act, FAA Advisory Circular 150/5190-4B on land use compatibility, and genuine consultation with UDOT Division of Aeronautics and the airport's operators.

VI. DISCRIMINATORY AND INCONSISTENT TREATMENT COMPARED TO OTHER FAIRFIELD BUSINESSES AND ZONES

The proposed ordinances impose burdens on West Desert Airpark and its tenants and residents that are not imposed on comparable businesses and property owners in Fairfield. This disparate treatment is not justified by any legitimate land-use purpose and appears designed to single out the airpark.

- **Accessory Dwelling Units (ADUs):** ADUs are permitted in Fairfield's AR-1, AR-5, AR-10, and AR-40 residential zones. The proposed AMUZ expressly prohibits both internal and external ADUs — even for hangar home owners, who are residential property owners by any measure. No explanation is provided for why a family living in a hangar home should have fewer residential rights than any other Fairfield homeowner.
- **Tavern:** Under the prior Airpark Zone, a tavern was a permitted use. The proposed AMUZ removes it entirely with no path to approval. No justification is provided. Other commercial zones in Fairfield do not prohibit taverns. This appears to be a targeted removal of a previously vested right.
- **Landscaping Standards:** The proposed landscape ordinance classifies airpark properties as 'non-residential,' subjecting hangar home owners to commercial-grade landscaping requirements. Residents in every other Fairfield zone are subject to residential landscaping standards. A family living in a hangar home on a one-acre lot is, for every practical purpose, a residential property owner. Treating them as commercial operators for landscaping purposes is arbitrary and inconsistent.
- **Hangar Content Restrictions:** The ordinance proposes to restrict what may be stored or kept inside privately owned hangars, apparently excluding personal vehicles such as automobiles. Fairfield does not regulate the contents of self-storage units, private garages, commercial warehouses, or agricultural buildings to this degree. A hangar is a private structure. If an aircraft owner wishes to also store a personal vehicle — particularly during periods when the hangar space is available — there is no legitimate land-use basis for prohibiting it. The question must be asked: is this control for the sake of control?
- **Insurance Requirements:** The \$5,000,000 per-occurrence and \$10,000,000 aggregate insurance requirements imposed as a condition of public-use status are extraordinary for a small, rural general aviation facility. No comparable insurance mandate appears in the regulations governing Fairfield's other industrial or commercial zones. No analysis or comparison to peer municipalities has been provided to justify these figures.

VII. PROVISIONS THAT ARE INTERNALLY INCONSISTENT OR WITHOUT LOGICAL BASIS

The proposed AMUZ ordinance contains a number of provisions that are internally contradictory, unsupported by evidence, or that simply do not make logical sense.

- **The Based Aircraft Cap and Hangar Content Restrictions Are Contradictory:** The ordinance caps based aircraft at 20. It also proposes to restrict what may be stored inside

hangars — apparently limiting storage to aircraft. If the number of based aircraft is already capped by ordinance, why does the town also need to regulate hangar contents? These two provisions are in direct tension with each other and suggest the real goal is control rather than any coherent regulatory purpose.

- **No Evidence Linking Based Aircraft to Operations:** The ordinance treats exceeding 20 based aircraft as triggering 'Significant Airport' status with dramatically increased requirements. The town has produced no study, data, citation, or expert opinion demonstrating that the number of aircraft based at an airport has any direct or proportional relationship to the number of aircraft operations generated. An airport with 20 based aircraft could have very high or very low operations depending on how actively those aircraft are used. The premise of the cap is unsupported.
- **The 'Significant Airport' Definition Is Locally Invented and Unsupported:** The ordinance's definition of 'Significant Airport' — more than 20 based aircraft — is not drawn from any FAA advisory circular, federal regulation, or Utah state aeronautics standard. It is an invention of Fairfield Town. Applying locally invented classification thresholds to a federally recognized airport creates significant confusion and potential conflict with federal grant assurances. Put simply, this ordinance does not reflect even the basic understanding of the state's designation of 'Significant Airport'.
- **CUP Required for an Already-Operating Public-Use Airport:** The ordinance requires the airport sponsor to obtain and maintain a Conditional Use Permit as a condition of continued public-use operation — for an airport that has been continuously operating as a public-use facility since 2018 and as an aviation facility since 2002. The ordinance simultaneously acknowledges that FAA approvals do not constitute town approval, yet it was the FAA — not Fairfield Town — that recognized and designated this airport. Requiring a CUP for an existing, federally recognized facility raises serious legal questions the town has not addressed.

VIII. FINANCIAL HARM AND IRRESPONSIBLE USE OF TAXPAYER RESOURCES

The regulatory actions taken by Fairfield Town against West Desert Airpark since Mayor McKinney took office have caused substantial and documented financial harm to the airpark, its tenants, its employees, and the aviation businesses operating on the property. This harm is ongoing.

We call on the Planning Commission and Town Council to consider the cost to Fairfield's taxpayers of this prolonged conflict. Every council meeting consumed by airpark litigation, every legal fee paid to defend actions that courts and hearing officers have found to be without merit, every hour of staff time devoted to ordinance drafting aimed at a single property owner — these are costs borne by every resident of Fairfield. The hearing officer who reviewed the town's business license denial found in our favor. Media coverage from Fox 13, KSL, and the Deseret News has brought scrutiny to Fairfield's conduct. These outcomes are not accidents; they reflect a record that does not support the town's position.

The responsible path — for the airpark, for the community, and for Fairfield's taxpayers — is negotiation, not escalation.

IX. OUR RECORD: TRANSPARENCY, GOOD FAITH, AND COMMUNITY SERVICE

We wish to state plainly, for the public record and for the community: every action we have taken at West Desert Airpark has been open, transparent, and conducted in good faith.

We have hosted community events, airshows, and fly-ins that bring visitors and economic activity to Cedar Valley. We have partnered with Cedar Valley High School, local elementaries and Utah Valley University to provide aviation education and internship opportunities to young people. We have trained pilots, maintained aircraft, and supported general aviation in a state that has consistently recognized the importance of its general aviation infrastructure. We have participated in the Utah Airport Operators Association and contributed to aviation policy at the state level. West Desert Airpark has been, and continues to be, a community asset.

We are not asking for special treatment. We are asking to be treated the same as any other lawfully operating business in Fairfield — with fairness, consistency, and respect for established law. The continuous, multi-front regulatory campaign directed at this airpark and its owners is not consistent with those values, and it must stop.

X. REQUESTED RELIEF

For the reasons stated above, we respectfully request that the Planning Commission:

- Decline to recommend adoption of the proposed Airpark Mixed-Use Zone ordinance (2026-01) and Airpark Overlay Zone ordinance (2026-02) in their current form, as they contain provisions preempted by federal aviation law, inconsistent with Utah state law protections for nonconforming uses, unsupported by evidence, internally contradictory, and discriminatory in their application;
- Decline to recommend adoption of the landscape ordinance (Title 10.19) as it applies to residential airpark properties without a clear and justified basis for treating hangar home owners differently from other residential property owners in Fairfield;
- Recommend to the Town Council that the town engage in good-faith negotiation with West Desert Airpark LLC to reach a mutually acceptable regulatory framework that respects federal authority, state law, established property rights, and the long-term interests of the Cedar Valley community; and
- Enter this letter, in its entirety, into the public record for tonight's hearing.

We remain willing to meet, to talk, and to find common ground. We have always been willing. We hope the Town will choose that path.

Respectfully submitted,



Alina Pringle

Airport Manager

West Desert Airpark LLC

Managing Director, Rocky Mountain Kitplanes

West Desert Flight School Director

Fairfield, Utah

March 19, 2026

cc: Amy Walker, Esq. (Legal Counsel)

cc: Utah Airport Operators Association (UAOA)

cc: UDOT Division of Aeronautics

cc: Brad Christopherson (Fairfield Legal Counsel)



Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Fwd: Regarding tonights Airport Public Hearing

Hollie McKinney <hmckinney@fairfieldtown-ut.gov>
To: Stephanie Shelley <sshelley@fairfieldtown-ut.gov>

Thu, Mar 19, 2026 at 6:42 PM

----- Forwarded message -----

From: **Jared Westhoff**
Date: Thu, Mar 19, 2026 at 4:05 PM
Subject: Regarding tonights Airport Public Hearing
To: Codi Butterfield <cbutterfield@fairfieldtown-ut.gov>, <mayor@fairfieldtown.org>
Cc: Amberly Judy

Town of Fairfield,

We are concerned with the airport requiring an overlay zone that may not allow building or may affect building heights on properties in Fairfield that the airport does not own. We will protect our property rights and would respectfully request that the Town also look out for and protect those rights.

We would assume that any limitations placed on our property would need to be negotiated and mutually acceptable between us and the airport owner. Otherwise, we would consider it a taking if our property rights are affected without our express consent.

Sincerely,

Jared Westhoff
Authorized Signer
Oquirrh Wood Ranch, LLC
Eugene Gordon, Inc (EGI)
435.313.6527 D

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Heidi Densley – Resident – 2 minutes

Jayson Densley – Resident – 2 minutes

Mayor, Council Members, and Town Officials:

Tonight, we demand accountability for West Desert Airpark's ongoing operations and the town's complicit role in enabling them.

The Airpark has never held a required public hearing for its transition to public use or runway expansion—a **clear violation** of both state law (Utah Code Title 72, Chapter 10) and federal FAA requirements for public-use airports, which mandate transparent public processes for such changes.

No proper notification was ever provided to surrounding landowners about the illegally drafted Airport Overlay Zone or its implications, which impose severe restrictions on property use without due process or compensation. This constitutes an **unconstitutional taking** of private property rights under both state and federal law, as it effectively seizes avigation easements and diminishes land values without fair market compensation.

An overwhelming **85-90%** of town residents signed a petition explicitly opposing the Airpark, citing intolerable noise, dangerous low overflights, invasion of privacy, and inherent safety risks. This is not a fringe position – it is the clear will of the community you are sworn to represent.

The town has a solemn duty to prioritize the health, safety, peace, and property rights of these residents over the interests of a private airpark. Continuing to ignore this majority through lax regulation or an invalid overlay is a dereliction of duty and exposes the town to significant liability.

Let us be clear: If these illegal actions persist—whether by the town maintaining the flawed overlay and inadequate oversight, or by West Desert Airpark knowingly pursuing and operating public-use status without required processes while illegally burdening neighboring private property rights without easements or compensation—we **will pursue legal remedies without hesitation against both the Town of Fairfield and West Desert Airpark jointly.**

We will reach out to every affected resident and pursue a **class action lawsuit** to enforce constitutional protections, secure full compensation—including substantial damages for property value loss and devaluation caused by these violations—hold both parties accountable for knowing infringements, and obtain injunctive relief as needed. The airpark should understand the severe financial consequences it faces if it fails to rein in unlawful operations and confine activities to its own property within legal and FAA-compliant boundaries.

Residents have a fundamental right to the quiet enjoyment and full use of their land, privacy, safety from overflight hazards, and general peace—rights the town must protect, not undermine, and rights the airpark has no authority to violate.

We therefore demand the town immediately:

- Impose stringent regulations on the Airpark to minimize noise, overflights, and risks;
- Fully repeal the illegal overlay zone, which functions as an uncompensated land taking;
- Require an independent, thorough environmental impact study under applicable federal obligations (including NEPA considerations where relevant), specifically addressing risks to the local Bald and Golden Eagle populations and broader avian hazards resulting from the airpark's proximity to two landfills.

The overwhelming majority has spoken. The town must represent its residents—not special interests—or face the consequences in court alongside the airpark. We urge you to do the right thing tonight and protect your constituents. Thank you.

Ordinance #2026-xx. An Ordinance Amending Title 10.19.00. Landscape Requirements, Adding Definitions and Amending Requirements to the Landscape Requirements.

Dated 2026

Document Control Changes: Created Jan. 10, 2023, revised 2026

WHEREAS, Fairfield Town recognizes the importance of effectively regulating improvements such as landscaping; and

WHEREAS, the Planning Commission held a public hearing on , regarding proposed amendments to Title 10.19.00., after which the Planning Commission made a recommendation on the proposed ordinance to the Town Council; and

WHEREAS, the Town Council considered the Planning Commission's recommendation; and

WHEREAS, the Town Council finds that the proposed ordinance will further the public health, safety, and general welfare of Fairfield residents by adding specific definitions and creating clear and concise language regarding landscaping.

NOW, THEREFORE, be it ordained by the Town Council of Fairfield, State of Utah as follows:

Section 1. Amendment of Municipal Code.

The Fairfield Town Code is hereby amended as shown in "Exhibit A", attached hereto and incorporated herein, to amend Title 10.19.00.

Section 2. 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.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage or posting as required by law.

Adopted and passed on this day of 2026.

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)

Exhibit A.

Title 10. Chapter 19.00.

Landscape Requirements.

Section 10.19.10.	Purpose.
Section 10.19.20.	Definitions.
Section 10.19.30.	Landscape Requirements - Residential.
Section 10.19.40.	Landscape Requirements - Non-Residential.
Section 10.19.50.	Water Wise Landscaping Standard for Residential and Non-Residential.
Section 10.19.60.	Planting Standards for Residential and Non-Residential.
Section 10.19.70.	Fencing Standards for Residential and Non-Residential.
Section 10.19.80.	Waiver.
Section 10.19.90.	Enforcement.
Section 10.19.100.	Judicial Review.
Section 10.19.110.	Severability.
Section 10.19.120.	Conflict with Other Land Use Ordinances/Code.

Section 10.19.10. Purpose.

A. The purpose of this chapter is to establish minimum standards and requirements for the installation of landscaping and screening walls in connection with all new development and expansions of existing development within Fairfield Town.

B. These standards are intended to promote the health, safety, and general welfare of the community by:

1. Supporting attractive, well-designed, and context-sensitive development;
2. Enhancing property values and promoting visual harmony across properties;
3. Creating a more aesthetically pleasing appearance along public streets and rights-of-way;
4. Complementing the architectural character of buildings and existing environments;
5. Providing buffers between incompatible land uses and protecting adjacent properties from visual, noise, or other negative impacts associated with high-intensity uses; and
6. Encouraging water conservation by promoting the use of drought-tolerant, or native plant species suitable for the arid regional climate.

C. The provisions of this chapter shall be interpreted and applied as the minimum requirements necessary to achieve these objectives and to ensure responsible and sustainable landscape practices throughout the Town.

Section 10.19.20. Definitions.

For the purposes of this ordinance, the following terms shall have the meanings that are specific to this ordinance. Terms not defined herein shall have the meanings assigned in Chapter 12 of the Fairfield Town Code, and if not defined there, shall be interpreted in accordance with their commonly accepted meaning.

Active Recreation Area. Means an outdoor area designed for organized or high-intensity recreational activities, such as playgrounds, sports courts, or play fields.

Artificial Turf. Artificial Turf means a synthetic ground covering designed to mimic natural grass, installed as a substitute for natural turf grass, and not considered live vegetation.

Berm. Means a landscaped mound of earth used to screen, buffer, or separate land uses and improve site appearance.

Built Environment. Means all human made surroundings that provide the setting for daily life, encompassing buildings, parks, roads, infrastructure (water, energy, transport), and public spaces, essentially everything man-made where we live, work, and play, distinguishing it from the natural world.

Caliper. Means the diameter of a tree trunk measured at a height of six (6) inches above the ground for trees up to four (4) inches in diameter, and at a height of twelve (12) inches for trees larger than four (4) inches in diameter.

Clear Vision Triangle. Means an area at street intersections or driveways required to remain unobstructed to preserve adequate sight distance for vehicles and pedestrians, as defined by the Town's street and access standards.

Deciduous Tree. Means a tree that loses its leaves seasonally, typically during the fall or dormant period.

Decorative Rock. Means naturally colored stone or gravel used for landscaping purposes, with a minimum aggregate size of three-quarters ($\frac{3}{4}$) to one (1) inch. Decorative rock shall not include decomposed granite, construction debris, or gravel used solely for vehicular access or utility coverage.

Drip Irrigation. Means a high-efficiency irrigation system that delivers water directly to the base of plants through emitters, tubes, or hoses, reducing water waste from evaporation or runoff.

Drought-Tolerant Plant. Means a plant species adapted to arid or semi-arid climates that can thrive with minimal irrigation after establishment. Includes many native plants and xeriscape species.

Evergreen. Means a plant or tree that retains green leaves throughout the year and does not go dormant or lose its foliage seasonally.

Groundcover. Means low-growing plants or vegetative materials that spread to cover the ground surface, used to reduce erosion, suppress weeds, and provide aesthetic landscape coverage.

Hardscape. Means non-living landscape elements such as paved surfaces, walkways, patios, retaining walls, fences, and decorative structures that are integrated into the landscape design. It also includes durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.

Irrigation System. Means a system of pipes, emitters, sprinklers, valves, or other devices designed to supply water to landscaped areas.

Landscaping. Means the combination of plant materials, groundcover, mulch, decorative rock, fencing, irrigation systems, and site design features that are intended to improve the aesthetic and environmental quality of a site.

Landscape Professional. Means an individual with demonstrated training or experience in landscape design, installation, or irrigation, including licensed or certified landscape architects, landscape contractors, or irrigation specialists.

Landscape Plan. Means a detailed drawing or set of documents prepared by a licensed landscape professional showing existing and proposed landscaping, irrigation systems, grading contours, plant materials, hardscape, and site features as required by this chapter.

Lawn. Means ground that is covered with grass that is regularly mowed.

Live Vegetation. Means any living plant material, including trees, shrubs, groundcover, turf, or perennial plantings, used as part of a landscape design. Artificial turf or synthetic plants do not qualify as live vegetation.

Mulch. Means a material such as bark, wood chips, compost, or rock placed on soil surfaces to retain moisture, suppress weeds, and enhance visual appearance.

Native Plant. Means a plant species that is indigenous to Utah or the Intermountain West region and is well-adapted to local soil, climate, and water conditions.

Natural Turf Grass. Means living grass grown in soil, maintained through irrigation and mowing, and excluding artificial or synthetic turf.

Non-Residential. Means contractor/developer installed residential, commercial, airport, industrial, and institutional construction as applicable.

Ornamental Tree. Means a small tree, often with distinctive flowers, foliage, bark, or branching, used for decorative purposes in landscaping.

Parking Lot Landscape Area. Means a landscaped area located within or adjacent to a parking lot intended to provide visual relief, shade, and stormwater management.

Park Strip. Means a typically narrow landscaped area located between the back of the curb and the sidewalk. The park strip must be some type of hardscaping.

Residential. Means Single Family Dwellings.

Screening. Means a visual barrier created through fencing, walls, landscaping, berms, or a combination thereof, used to block undesirable views, provide privacy, or reduce environmental impacts.

Screening Fence or Wall. Means a fence or wall intended to provide visual separation, privacy, or buffering between land uses, typically constructed of solid or semi-solid materials.

Single family Residential Dwellings. Means the property is a standalone dwelling and includes ownership of both structure and land with street access and no shared utilities. Does not include contractor/developer installed residential.

Total Landscaped Area. Means Improved areas of the property that incorporate all the completed features of the landscape. For single-family residential, this only includes the front and side-yard areas. The landscape area does not include footprints of buildings or structures, sidewalks along the street (but does include internal walking paths), driveways, and other non-irrigated areas intentionally left undeveloped.

Turf. Means a surface layer of soil thickly covered with a mat of grass and its roots, whether natural or synthetic.

Very Low Water Landscaping. Means a form of water wise landscaping in which decorative rock, mulch, and hardscape are the predominant surface treatments and live vegetation is limited in number but selected from drought-tolerant, low-water-use species. Very low water landscapes shall still comply with minimum live vegetation requirements established in this chapter.

Water Wise Landscaping. Means landscaping practices that reduce water consumption through the use of drought tolerant plants, efficient irrigation systems, and design techniques that minimize water loss and runoff.

Xeriscaping. Means a water conserving landscaping approach that uses drought tolerant plants, mulch, and efficient irrigation to create attractive landscapes suited to dry climates. Xeriscaping does not mean leaving areas as bare soil or weeds without intentional planting or design.

Section 10.19.30. Landscape Requirements – Residential.

A. Residential standards/requirements shall apply to single family residential dwellings. It must be a stand alone dwelling and includes ownership of both structure and land with street access and no shared utilities. Does not include contractor/developer installed residential.

B. Single family dwellings shall provide and maintain landscaping in all parts of the yards visible from a public street or right-of-way.

C. The area of required, improved landscaping shall be at least equal to the square footage of the ground floor of the primary dwelling unit on the lot.

D. Acceptable landscaping improvements include, but are not limited to:

1. Xeriscaping using drought-tolerant or native plant species;
2. Driveways, sidewalks, or hardscape features that integrate with the site's overall

aesthetic;

3. Vegetative ground cover, including low water turf alternatives, shrubs, and groundcover plantings; and

4. Trees, which are strongly encouraged to provide shade, enhance curb appeal, and contribute to Fairfield's desert-compatible character.

E. All landscaping shall be:

1. Groomed, neatly maintained, and kept free of debris and invasive weeds;

2. Installed in a manner that prevents soil erosion and promotes water efficiency; and

3. Designed to complement the architecture of the home and preserve the natural visual character of the area.

F. Accessory Dwelling Units (ADUs).

1. Applicability.

All properties containing an Accessory Dwelling Unit (ADU), including both internal (I-ADU) and detached (D-ADU), shall comply with the landscaping requirements of this Section.

2. Landscape Compatibility.

Landscaping associated with an ADU shall be designed and maintained in a manner that preserves the appearance and character of a single-family residential property and neighborhood.

3. Additional Landscaping Area.

Where a detached ADU (D-ADU) is constructed, any disturbed or newly developed area associated with the ADU, including access paths, parking areas, or utility installations, shall be landscaped in accordance with this Chapter.

4. Parking Area Landscaping.

Any additional off-street parking required for an ADU shall be integrated into the site design and shall not create a predominance of hardscape. Landscaping shall be provided to soften visual impacts and maintain neighborhood character.

5. Water Wise Compliance.

All landscaping installed in association with an ADU shall comply with the Water Wise Landscaping Standards set forth in Section 10.19.50.

G.Pasture and Agricultural Use.

Pasture, grazing land, or agricultural use may be permitted within required landscaped areas, including front and side yards, provided that:

1. The area is maintained in a healthy and managed condition and is not left in a neglected or overgrown state;
2. The area is kept free of noxious weeds and excessive bare soil;
3. The use does not create dust, erosion, or nuisance conditions impacting adjacent properties or public rights-of-way;
4. Any fencing associated with the pasture complies with applicable Town fencing standards; and
5. The use is consistent with the underlying zoning district and all other applicable provisions of the Fairfield Town Code.

Section 10.19.40. Landscape Requirements – Non-Residential.

A. Non-residential standards/requirements shall apply to contractor/developer installed residential, commercial, airpark, industrial, and institutional construction as applicable.

B. Landscaping Plan Required:

1. All applicants are required to submit a landscaping plan prepared by a licensed landscape professional;
2. The Fairfield Building Department shall review the plan for compliance with this chapter; and
3. The landscaping plan shall include, at a minimum:
 - a. Location and dimensions of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, signage, refuse areas, and lighting;
 - b. Plant names (botanical and common), locations, quantities, and sizes at planting and maturity. Existing vegetation to be retained or removed shall be clearly marked;
 - c. Existing and proposed grading with contour intervals - two (2) foot intervals for grades five percent (5% or greater); one (1) foot intervals for grades under five percent (5%);
 - d. Irrigation system plan;
 - e. Existing and proposed fences with material specifications;
 - f. Summary data showing percentages of landscaped areas, domestic turf grasses,

deciduous and evergreen species, and xeriscaping;

g. For institutional (churches, schools, etc.), airparks, and multi-family landscapes and common areas, lawn shall not exceed twenty percent (20%) of the Total Landscape Area. (as defined in this chapter); and

h. For commercial, industrial, and airpark landscapes, lawn areas shall not be allowed outside of active recreation areas.

C. All applicants proposing development for contractor/developer installed residential, commercial, airpark, industrial, and institutional construction purposes are required to submit a landscaping plan as part of their development application.

D. The landscaping plan shall be designed to fulfill the following objectives:

1. Preserve and complement the desert character of the natural landscape, mitigate the visual impact of buildings and parking areas, and promote aesthetic character while supporting water conservation;

2. Provide visual interest and variety throughout the site using appropriate plant materials, textures, and seasonal changes;

3. Incorporate screening elements to buffer incompatible uses, shield service areas, and protect adjacent properties from visual and environmental impacts;

4. Enhance year-round site beautification through the use of evergreen vegetation, seasonal color, and complementary hardscape features;

5. Blend with the existing topography and native vegetation to create a natural, cohesive visual experience;

6. Highlight architectural design features of buildings and improve curb appeal; and

7. Support sustainable landscape practices by emphasizing the use of drought-tolerant, low water use, and native plants suited to Fairfield's arid climate.

E. Completion of Landscape Improvements.

1. Landscaping improvements shall be completed in accordance with the approved site and landscaping plans prior to issuance of a Certificate of Occupancy; and

2. If weather conditions prevent timely installation, the Town may grant a temporary extension of up to six (6) months, provided that the applicant posts a bond of at least one hundred ten percent (110%) of the estimated landscaping cost.

F. Design Applications. The Building Department shall evaluate landscape plans based on the following:

1. Plant Selection. Consideration for texture, form, color, and growth habits; native species

preferred;

2. Water Conservation. Use of drip irrigation systems for low-flow water whenever possible; and
3. Berming. Required around parking areas to buffer between non-residential and residential areas.

G. Required Landscaping Elements.

1. Minimum five percent (5%) of the total parking lot area shall be landscaped;
2. All public-facing and residential facing sides of buildings must be landscaped;
3. One (1) tree is required for every ten (10) parking spaces;
4. One (1) tree is required for every one thousand (1,000) square feet of required landscaped area;
5. Trees must be kept alive and replaced by the owner in a timely manner if the tree dies; and
6. All stormwater retention areas must be landscaped.

Section 10.19.50. Water Wise Landscaping Standards For Residential and Non-Residential.

A. The following apply to park strips, medians, and landscaped areas in public rights-of-way, Commercial, Airpark Contractor/Developer installed residential, and Industrial and Institutional Developments:

1. At least twenty percent (20%) of the landscaped area must consist of live vegetation;
2. Vegetation must be evenly distributed, not segregated into clusters;
3. Decorative rock must be at least three-quarters ($\frac{3}{4}$) to one (1) inch aggregate, applied three (3) inches deep over a permeable weed barrier, and may not exceed the elevation of sidewalks, curbs, or trails;
4. **Road Frontage.** All areas in front of screening or along public roads must have three quarters ($\frac{3}{4}$) inch gravel to a depth of three (3) inches, installed over a minimum two (2) inch road base.
4. Drip irrigation systems are required where possible; and
5. Maintenance Liability. Property owners are responsible for any damage caused by landscaping materials that migrate into public facilities (e.g., streets, sidewalks, storm drains).

Section 10.19.60. Planting Standards for Residential and Non-Residential.

A. All planting shall meet the following minimums:

1. Trees (Deciduous). Minimum one and one-half (1.5) inch caliper measured six (6) inches above the soil line;
2. Trees (Evergreen). Minimum height of six (6) feet at planting;
3. Ornamental Trees. Minimum one and one-half (1.5) inch caliper;
4. Shrubs. Minimum one (1) gallon container stock that will attain at least two (2) feet in height;
5. Turf Limit. No more than thirty percent (30%) of landscaped areas shall consist of turf;
6. Drought Tolerant Plants. At least fifty (50%) of all trees and shrubs shall be drought tolerant species;
7. Weed Barrier shall be required beneath all planting beds, topped with mulch, wood chips, or rock to reduce evaporation;
8. Parking areas shall be kept weed-free; and
9. ~~Road Frontage. All areas in front of screening or along public roads must have three quarters (¾) inch gravel to a depth of three (3) inches, installed over a minimum two (2) inch road base~~

B. Additional recommended water wise landscaping practices:

1. Hydrozoning. Group plants with similar water needs together;
2. Use drip irrigation for planting beds;
3. Limit turf areas (example: no more than 20–30% of landscaped area); and
4. Use of drought-tolerant plants.

Section 10.19.70. Fencing Standards for Residential and Non Residential.

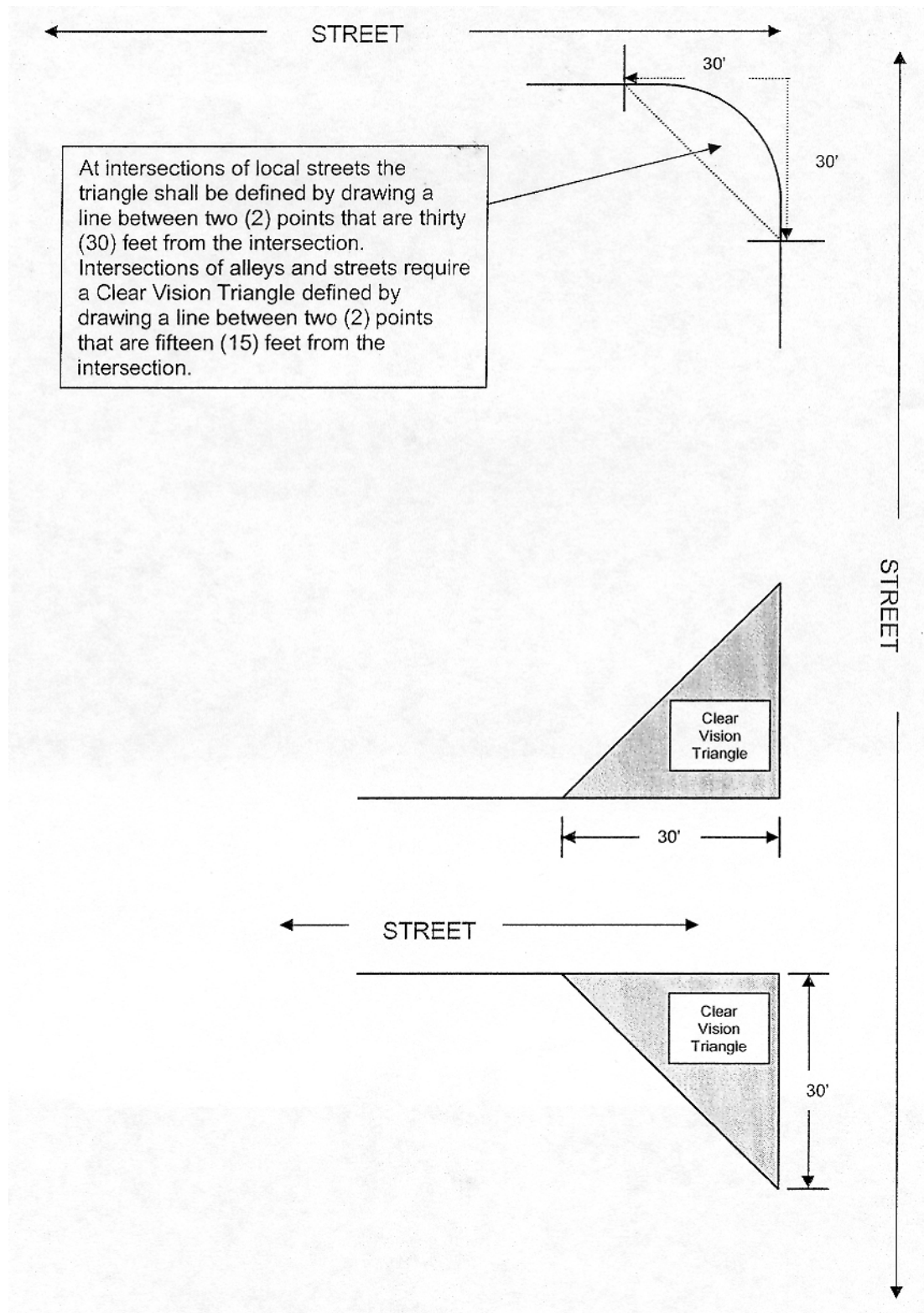
A. Applicability. These standards apply to all fences, walls, and similar screening structures erected within the Town, unless otherwise exempted by this Code.

B. Residential Fencing. Fences within residential zoning areas shall have:

1. Maximum Height. Shall not exceed six (6) feet. in height
2. Front Yard and Corner Visibility. Within any required clear vision triangle at street intersections or driveways, fences, walls, or hedges shall not exceed three (3) feet in height.

C. Corner Lots. On corner lots, fencing shall comply with front yard setback and **clear vision triangle** requirements on both street frontages. No fence or wall may obstruct sight distance for vehicles or pedestrians. Clear vision triangles shall be measured and enforced in accordance with the Town's street and access standards.

Diagram A – Clear Vision Triangle



D. Residential – Non Residential Interface:

1. Screening Required. Where a commercial or non-residential use abuts a zone allowing

residential, a screening buffer shall be provided along the shared property line. Required screening shall be installed and maintained by the non-residential property owner;

2. Acceptable Screening Methods. Screening may consist of:

- a. Solid fencing or walls;
- b. Landscaping or berms; or
- c. A combination thereof, as approved by the Town;

3. Minimum Fence Height. Where fencing is used as part of required screening, the fence shall be a minimum of six (6) feet in height; and

4. Increased Height for Intensive Uses. The Town may require fencing up to eight (8) feet in height where necessary to mitigate impacts from higher intensity commercial, industrial, institution, or airpark zones, or developer/contractor installed residential, including but not limited to outdoor storage, loading areas, or service functions.

D. Materials and Maintenance. Fences shall be:

1. Constructed of durable materials commonly used for residential or commercial screening, including wood, vinyl, masonry, decorative metal with slats, or similar materials approved by the Town;
2. Maintained in good repair by the property owner; and
3. Chain-link fencing shall not be permitted for required screening unless fully slatted or otherwise approved by the Town.

E. Administrative Flexibility. The Town may approve alternative fencing designs or materials where the intent of this section is met and where public safety, visibility, and neighborhood compatibility are maintained.

Section 10.19.80. Waivers.

The Town Council has the authority to waive or modify the standards in this chapter as circumstances dictate.

Section 10.19.90. Enforcement.

A. Penalty. Any person, firm or corporation violating or permitting the violation of any provision of this Section shall be guilty of a Class B. misdemeanor and the Town Attorney may institute, in addition to other remedies provided by law, injunction, mandamus, abatement or other appropriate action to obtain compliance.

B. Disclaimer of Liability. Whether by reason of the issuance of a permit, the performance of inspections, the approval of any work authorized hereunder, or any other act or omission, the provisions of this Section shall not be construed as imposing upon Fairfield Town or any official or employee thereof, any liability or responsibility for damages to any property or person harmed

by the performance of work, or the utilization of any structure or location, or otherwise, for which an access permit is issued hereunder.

Section 10.19.100. Judicial Review.

Legal Action. Any legal action challenging any decision of the Town Council, or other governmental body performing a function under this ordinance shall be filed in a court of competent jurisdiction within 30 days of the action challenged.

10.19.110. Severability.

Severability of Section, Phrase, Sentence or Portion. If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10.19.120. Conflict with Other Land Use Ordinances/Code.

Governing Ordinance/Code. If any provision of this ordinance/code is in conflict with a provision of another ordinance/code of the Town, then the most stringent requirement shall govern.

PC Working Draft

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 day of 2026.

Ordinance #2026-xx. An Ordinance Amending Title 10.19.00. Landscape Requirements, Adding Definitions and Amending Requirements to the Landscape Requirements.

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

Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
)
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 ____ day of _____, 2026 and herein referred to as:

Ordinance #2026-xx. An Ordinance Amending Title 10.19.00. Landscape Requirements, Adding Definitions and Amending Requirements to the Landscape Requirements.

SUMMARY.

Amending Title 10.19.00 Landscape requirements, and adding definitions.

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