

Approved Meeting Minutes
Fairfield Planning Commission
Regular Session
August 26, 2026

Minutes

Date: Wednesday, August 26, 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

Commissioner Taylor called the meeting to order at 7:00 pm

David Riet, Wayne Taylor, Kyler Fisher, Jamie Mascaro

Delayed/stuck in traffic: Kelton Butterfield

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney, Treasurer: Codi Butterfield,
Planner: Jim Spung (via online). Sergeant Dutson

Others Present: Lori & Von Howell, Mitch & Natalie Howell.

Online: Jared Westhoff, Michael Weber.

Business Items

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

1) Consider Approval of the July 29, 2026, Planning Commission Meeting Minutes.

Commissioner Mascaro motioned to approve the July 29, 2026, Planning Commission meeting minutes. Commissioner Fisher seconded the motion. The motion carried unanimously.

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Absent

2) Receive an Update from Oquirrh Wood Ranch.

Jared Westhoff provided a remote update on the Oquirrh Wood Ranch development proposal. He stated that the development team was continuing to refine the packet based on previous discussions with the Planning Commission and was seeking input from potential industrial users to ensure the proposed standards would work for future development. He anticipated returning with an updated packet within approximately 30 days.

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The Commissioners discussed several areas of the draft that needed additional clarification. Commissioner Riet asked about energy facilities being listed as an allowed use and what types of facilities were anticipated. Mr. Westhoff stated that potential energy uses could include a natural gas facility and possibly an advanced fission or fusion energy facility. He noted that he did not recall the specific terminology but described the technology as liquid-cooled. He said the revised packet would provide more detail on the types of energy facilities proposed, rather than leaving the allowed use broadly defined.

Chairman Taylor raised concerns about the amount of water a large-scale industrial facility could require and noted that the Town has limited water available for high-water-use development. He also asked about water rights held by Oquirrh Wood Ranch. Mr. Westhoff confirmed that the development holds water rights acquired from former agricultural use and stated that he would provide the water right numbers to the Town for review and possible banking.

Commissioner Riet asked whether data centers, which were listed as an allowed use, would be restricted to closed-loop cooling systems to avoid significant water consumption. Mr. Westhoff confirmed that the intent was for data centers to use air-cooled, closed-loop systems rather than high-water-use cooling systems. Chairman Taylor emphasized that the Town does not have sufficient water available to support high-water-use cooling operations. Mr. Westhoff agreed and stated that the restriction could be written into the proposed code.

The Commissioners also discussed the proposed number of animals permitted on the one- and three-acre residential lots. Chairman Taylor stated that the proposed numbers appeared high for the lot sizes. The discussion included how animal density and management could affect smaller lots, particularly where animals would need to be housed or confined rather than supported by pasture. Mr. Westhoff agreed to reconsider the proposed numbers as the packet was refined.

Mr. Westhoff thanked the Commissioners for identifying areas that needed additional clarification and stated that the development team would continue working with the Town as the proposal was revised.

3) Presentation by Jim Spung Regarding the Conditional Use Permit Ordinance.

Planner Jim Spung provided an overview of conditional use permits and the legal framework the Planning Commission must follow when reviewing CUP applications. He explained that the Town Council had previously adopted a temporary moratorium on new conditional use permit applications to allow the Town time to review and update its existing ordinances. He said the presentation was meant to prepare the Commissioners for the upcoming review of Fairfield's proposed conditional use ordinance. His presentation was based primarily on guidance from the Utah Land Use Institute's publication, *The Law and Practices of Conditional Uses*, by Craig Call.

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Planner Spung explained the distinction between permitted, special, conditional, and prohibited uses. He emphasized that a conditional use is already an allowed use under the Town's adopted code and that consideration of a CUP is an administrative decision rather than a legislative decision or rezoning. Therefore, when reviewing an application, the question before the Planning Commission is not whether the Commissioners want the particular use at that location. Instead, the Commissioners must determine whether reasonably anticipated detrimental effects associated with the application can be substantially mitigated in accordance with standards contained in the Town Code.

Planner Spung reviewed the Utah Code standard requiring approval of a conditional use when reasonable conditions can be imposed to substantially mitigate reasonably anticipated detrimental effects under applicable standards. He emphasized that conditions do not have to completely eliminate an impact, but they must be tied to standards authorized by the Town's adopted ordinances. The Commissioners cannot create new approval criteria during the application process, impose conditions based on personal preferences or unrelated concerns, or disregard requirements contained in the Town Code.

Planner Spung further explained that decisions regarding CUP applications must be supported by substantial evidence. Evidence may include application materials, site plans, traffic or parking information, photographs, professional studies, staff analysis, credible testimony, and other relevant documentation. He cautioned the Commissioners against relying on speculation or assumptions about what an applicant might do in the future. Any detrimental effect relied upon in making a decision must be supported by evidence related to the application being considered.

Public comments may identify legitimate issues that staff or the Commissioners had not previously considered; however, Planner Spung emphasized that general public opposition, or "public clamor," does not by itself constitute substantial evidence and cannot serve as the sole basis for denying a CUP. Public comments may provide substantial evidence when they include relevant factual information, such as photographs, measurements, specific observations, or expert testimony. Staff, the Commissioners, and legal counsel must then determine whether the concern is relevant to an applicable Town standard and supported by evidence.

Planner Spung also discussed the importance of imposing clear and enforceable conditions. Conditions must be appropriate, relevant, reasonable, proportionate to the identified impact, and specific enough to measure and enforce. For example, rather than requiring an applicant to generally "minimize impacts on neighbors," a noise condition could specify a time by which outdoor amplified music must end. He said Town staff would help the Commissioners develop clear, legally defensible conditions.

Planner Spung explained that a CUP may only be denied when there are detrimental effects that cannot be reasonably addressed through conditions. If reasonable conditions can substantially mitigate those effects, the CUP must be approved.

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To illustrate these principles, Planner Spung reviewed the 2023 Kilgore Companies case involving an asphalt batch plant in Benjamin, Utah. The existing plant and structures up to 40 feet tall were already permitted, while the CUP application sought additional height for two proposed 65-foot silos. During the review, residents raised concerns regarding dust, traffic, road safety, light, odors, health impacts, and property values. The reviewing board denied the application; however, the district court overturned the denial, and the decision was upheld on appeal. Planner Spung explained that the concerns relied upon in the denial related primarily to the existing asphalt plant and its operations rather than the specific additional silo height being considered under the CUP. The case demonstrated the importance of connecting identified detrimental effects and supporting evidence directly to the specific application before the Planning Commission.

Planner Spung concluded that when reviewing a CUP, the Commissioners should begin with the standards contained in the Town Code, identify any reasonably anticipated detrimental effects, determine what substantial evidence supports those effects, consider whether reasonable conditions can substantially mitigate them, and clearly state the findings, evidence, and conditions supporting the Commissioners' decision. He emphasized that these principles should also guide the Commissioners as they review the proposed ordinance so that Fairfield's code contains objective standards that can be consistently applied to future CUP applications.

Chairman Taylor thanked Planner Spung for the presentation and said that, as Fairfield has grown, some of the Town's existing ordinances have faced greater scrutiny and have not always been as strong as originally believed. He expressed appreciation for having professional guidance from someone with experience in these matters.

Planner Spung advised the Commissioners to keep in mind the legal framework discussed during the presentation when reviewing the proposed ordinance. He stated that the goal was to strengthen the Town Code by establishing objective criteria and identifying the information or studies that may be required to support future CUP decisions. He stated that he would continue working with Attorney Brad Christopherson and the Town Council as the ordinance was refined.

4) Consider and Set Dates for a Planning Commission Work Session During the First Week of September and a Public Hearing on September 8, 2026, Regarding the Conditional Use Permit Ordinance.

The Commissioners discussed scheduling a work session and public hearing for the Conditional Use Permit Ordinance. Chairman Taylor explained that the ordinance was time-sensitive and that the Commissioners should complete its review early enough to allow the Town Council additional time to address any issues before the moratorium deadline.

The Commissioners agreed to hold a work session on September 2, 2026, at 7:00 p.m. to review the proposed ordinance before the public hearing. Chairman Taylor stated that the Commissioners would hopefully receive the draft ordinance one to two days before the work

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session. The Commissioners also agreed to hold the public hearing on September 8, 2026, at 7:00 p.m., allowing time for the matter to proceed to the Town Council.

Commissioner Mascaro motioned to hold a Planning Commission work session on September 2, 2026, at 7:00 p.m., and a public hearing regarding the Conditional Use Permit Ordinance on September 8, 2026, at 7:00 p.m. Commissioner Fisher seconded the motion. The motion carried unanimously.

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Absent

5) Discussion Regarding Wildlife Protection Zone and Agricultural Protection Area.

Chairman Taylor stated that the Commissioners had previously discussed a wildlife protection zone and an agricultural protection area but had not yet developed a specific plan or direction. He noted that the Town Code already contains some agricultural right-to-farm provisions that he intended to review further.

Chairman Taylor discussed the importance of protecting wildlife in the area, particularly eagles, hawks, and owls. He recalled observing 54 eagles in the area during one winter and noted that those numbers have since declined.

Planner Spung stated that he would research case studies and examples from other communities that have adopted similar wildlife or agricultural protection easements or standards. He would bring that information back to the Commissioners so they could consider what may be appropriate for Fairfield. Chairman Taylor stated that he was willing to assist with the research and asked Planner Spung to let him know if there were specific items he could look into.

Adjournment

Motion made by Commissioner Mascaro to end the meeting. Commissioner Riet seconded the motion. Meeting end time: 7:49 pm.

September 8, 2026

Minutes Approval Date

Stephanie Shelley

Stephanie Shelley Recorder/Clerk



Fairfield

Utah County, Utah

Sign-In Sheet

Date: **August 26, 2026**

Event: **Planning Commission**

<u>Name</u>	<u>Town / City</u>	<u>Would you like to volunteer</u>
Howells	Fair field	

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Regular Session / Public Hearing
July 29, 2026

Minutes

Date: Wednesday, July 29, 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

Commissioner Taylor opened the meeting at 7:00 pm

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

Staff Present:

Recorder: Stephanie Shelley, Mayor: Hollie McKinney, Treasurer: Codi Butterfield, Attorney: Brad Christopherson, Planner: Jim Spung (via Zoom).

Others Present: Grant Peterson (Grantsville), Michael Weber, Vern Carson, Krista Black, Glade Nielson (Nephi - Sunrise), Darwin & Lesa Bundy.

Via Zoom: Brenda, Kandice Johnson, Samsung SM-S938U

Public Hearing

The Planning Commission will conduct separate public hearings for each of the following legislative items. Public comment will be accepted during each public hearing. Following each hearing, the Planning Commission may deliberate and make a recommendation to the Town Council.

Text Amendment on Setbacks

1) Staff report and presentation, discussion on the Text Amendment 154.105(E) Agricultural Residential Zones. Setbacks, building height, lot size, frontage, parking.

Planner Jim Spung presented the proposed text amendment to Section 154.105(E), Agricultural Residential Zones, regarding corner lot setbacks. He explained that the current ordinance establishes front-yard setbacks but does not specify how those setbacks apply to corner lots. The proposed amendment clarifies that the required front setback applies to both street frontages of a corner lot.

Jim stated that the amendment does not change the existing setback requirements but clarifies how they apply to corner lots. He noted that the amendment is consistent with the way most communities regulate corner lots and would apply to both principal buildings and accessory structures. After the presentation, the Commissioners had no questions or comments.

2) Open public hearing on the Text Amendment 154.105(E) Agricultural Residential Zones. Setbacks, building height, lot size, frontage, parking.

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Chairman Taylor confirmed with Attorney Brad Christopherson that a formal motion was required to open the public hearing. Following that confirmation, Chairman Taylor opened the public hearing on the proposed text amendment to Section 154.105(E), Agricultural Residential Zones, regarding corner lot setbacks.

3) Receive Public Comment (two minutes per person).

No public comments were received.

4) Close Public Hearing.

Chairman Taylor closed the public hearing.

5) Planning Commission Discussion and Deliberation: Text Amendment 154.105(E) Agricultural Residential Zones. Setbacks, building height, lot size, frontage, parking.

After the public hearing closed, the Commissioners had no additional discussion. A Commissioner noted that the suggested motion language was included in the staff report, and the Commissioners proceeded to consider a recommendation to the Town Council.

6) Consider a recommendation to the Town Council regarding the proposed Text Amendment to section 154.105(E) Agricultural Residential Zones. Setbacks, building height, lot size, frontage, parking.

Commissioner Mascaro moved to forward a positive recommendation to the Town Council for a zoning text amendment to the Fairfield Code of Ordinances related to corner lot setbacks in Agricultural Residential Zones, based on the findings and recommendations of this Staff Report. Commissioner Butterfield seconded the motion. The motion passed unanimously.

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

Roads Regulations Title 6 Chapter 3 has been renumbered to Title 15, Chapter 152, Roads, Highways and Rights-of- Way Ordinance

1) Staff report and presentation, discussion on the Roads Regulations Title 6 Chapter 3 has been renumbered to Title 15, Chapter 152, Roads, Highways and Rights-of- Way Ordinance

Chairman Taylor introduced the next agenda item regarding the Roads Regulations, formerly codified as Title 6, Chapter 3, which had been renumbered to Title 15, Chapter 152, Roads, Highways, and Rights-of-Way.

Attorney Brad Christopherson explained that the Roads Ordinance had already been incorporated into the Town Code during codification. During that process, the codifier relocated

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the Roads Ordinance into the Town's land use regulations. Staff later determined that a public hearing was necessary to ensure the ordinance had been properly adopted within the land use regulations before recommending it to the Town Council.

Mayor Hollie McKinney added that the Roads Ordinance had been rewritten to incorporate the American Public Works Association (APWA) standards and that the ordinance had been placed in the land use section during codification, making the public hearing necessary.

2) Open public hearing on the Roads Regulations, Title 6, Chapter 3, has been renumbered to Title 15, Chapter 152, Roads, Highways and Rights-of- Way Ordinance

Chairman Taylor opened the public hearing on the proposed Roads Regulations, Title 15, Chapter 152, Roads, Highways, and Rights-of-Way Ordinance.

3) Receive Public Comment (two minutes per person).

Chairman Taylor invited comments from those present in the meeting room and those attending via Zoom. After receiving no comments, he stated that one written public comment had been submitted by email and read the comment into the record.

In the proposed road ordinance, cul-de-sacs are prohibited. I support street connectivity as a planning goal. But a complete ban on cul-de-sacs — with no exception process — doesn't account for situations where connectivity is physically impossible: terrain, floodplains, or parcels bordered by land that will never develop, like airport runway protection zones, landfills, and water features like the sinks. Most jurisdictions that discourage cul-de-sacs still allow them through a variance or hardship exception for exactly these cases. I'd ask the commission to add an exception process rather than an absolute ban, so the ordinance can achieve its connectivity goal without creating undevelopable parcels where a through-street simply isn't feasible.

4) Close Public Hearing.

Chairman Taylor closed the public hearing.

5) Planning Commission Discussion and Deliberation: Roads Regulations Title 6 Chapter 3 has been renumbered to Title 15, Chapter 152, Roads, Highways and Rights-of- Way Ordinance

Chairman Taylor stated that he viewed the concern as one that could be addressed through the proposed Site-Specific Development (SSD) process. He noted that an SSD could allow a cul-de-sac when warranted by the circumstances and did not believe the Roads Ordinance needed to be amended at this time. He added that if changes became necessary in the future, the ordinance could be amended.

Commissioner Riet stated that he believed the proposed Site-Specific Development (SSD) ordinance addressed the concern regarding cul-de-sacs. He noted that the SSD process would allow a cul-de-sac to be considered when appropriate for a specific development and, therefore, did not believe the issue required changes to the Roads Ordinance at that time.

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Jim Spung explained that many communities allow cul-de-sacs only under extenuating circumstances when connectivity cannot reasonably be achieved. He stated that the proposed SSD process would provide flexibility for projects meeting the SSD criteria and noted that allowing exceptions was ultimately a policy decision for the Town.

- 6) Consider a recommendation to the Town Council to adopt the Roads Regulations, Title 6, Chapter 3, has been renumbered to Title 15, Chapter 152, Roads, Highways and Rights-of-Way Ordinance.**

Commissioner Mascaro moved to forward the Roads Regulations, Title 6, Chapter 3, which has been renumbered to Title 15, Chapter 152, Roads, Highways, and Rights-of-Way Ordinance, to the Town Council with a positive recommendation. Commissioner Butterfield seconded the motion. The motion passed unanimously.

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

Site-Specific Development Zone (SSD)

- 1) Staff report and presentation, discussion on the Site-Specific Development Zone (SSD)**

Chairman Taylor introduced the agenda item and invited Planner Jim Spung to present the proposed Site-Specific Development (SSD) zoning district.

Jim explained that the Commissioners had previously reviewed the proposal and that only a few revisions had been made since the last meeting based on comments received from the Planning Commission, the Mayor, and Attorney Brad Christopherson.

Jim reviewed the purpose of the proposed SSD district, explaining that the General Plan establishes the Town's vision, the zoning ordinance provides the regulations to implement that vision, and the zoning map identifies where those regulations apply. He stated that the Town's existing zoning districts do not fully implement the vision outlined in the General Plan adopted the previous year. The SSD district is intended to provide a tool for projects with unique characteristics that cannot be appropriately addressed through the Town's existing zoning districts.

Jim explained that the proposed SSD district would apply only to projects meeting specific qualifying criteria, including a minimum project size. He noted that the proposed minimum acreage had been increased from 10 acres to 50 acres since the previous Planning Commission

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meeting to reserve the SSD process for larger, unique developments requiring customized development standards.

Jim described the proposed two-step review process. The preliminary review would allow the Planning Commission and Town Council to evaluate a conceptual development proposal before significant resources were invested. If supported, the applicant would proceed with a final review, during which the Town would prepare the site-specific zoning ordinance, development agreement, and zoning map amendment for the project.

Jim explained that approving an SSD district would establish zoning regulations specific to the project but would not eliminate the requirement for future subdivision approval, site plan review, building permits, or other applicable development approvals.

2) Open public hearing on the Site-Specific Development Zone (SSD)

Before opening the public hearing, Chairman Taylor invited additional discussion regarding the proposed minimum acreage requirement for the Site-Specific Development (SSD) district and asked Planner Jim Spung and Attorney Brad Christopherson for their perspectives.

Jim explained that the minimum acreage requirement was intended to provide guardrails so the SSD process would be reserved for larger, unique developments rather than being available to every property owner seeking exceptions to the Town's zoning regulations. He stated that other provisions of the Town Code already provide mechanisms for addressing smaller-scale requests, such as setbacks or building heights.

Attorney Brad Christopherson agreed that Fairfield's rural character supported a larger minimum acreage requirement for the proposed Site-Specific Development (SSD) Zone. He explained that while a 10-acre threshold might be appropriate in a suburban community, a single residence in Fairfield could occupy a 10-acre parcel. Although he did not recommend a specific acreage requirement, he said the minimum should be greater than 10 acres and expressed support for the Planning Commission and Town Council in determining the appropriate threshold.

The Planning Commission discussed whether the minimum acreage should be 40, 50, or 100 acres. Commissioners noted that multiple property owners could combine property into a single development if necessary. Following discussion, the Commissioners reached a general consensus to recommend a minimum project size of 50 acres, recognizing that the Town Council could modify the requirement during its review.

Chairman Taylor then opened the public hearing on the proposed Site-Specific Development Zone.

3) Receive Public Comment (two minutes per person).

Chairman Taylor invited public comment.

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Vern Carson addressed the Commissioners and referred to the previous discussion regarding the difficulty of administering multiple SSD districts, each with different development standards. He suggested that, in addition to establishing a minimum acreage requirement, the Commissioners consider the number and configuration of SSD districts and the need for consistency among them.

Mr. Carson also asked whether developments approved through the SSD process would be required to comply with the Town's roadway standards, including the 66-foot right-of-way and APWA standards. He then asked about the process for establishing an Agricultural Protection Area, expressing concern about future development adjacent to his property and the potential for conflicts with his existing agricultural operations.

Jim Spung responded that the Town would have discretion to determine which development standards it was willing to modify through the SSD process. He explained that the Town's baseline standards would apply unless an applicant demonstrated that a proposed deviation would benefit the Town and the Town approved the change through the rezoning process. Regarding the Agricultural Protection Area, Jim stated that he would need to research whether the Town or Utah County administers the process and would follow up with additional information.

Brenda Tanner commented remotely that a 50-acre minimum initially seemed small to her. After hearing Jim's explanation of the Town's discretion in approving SSD applications, she said she was less concerned about the proposed acreage. However, she remained concerned about the possibility of a larger property being divided into multiple 50-acre SSD districts with different development standards.

No additional public comments were received.

4) Close Public Hearing.

Chairman Taylor closed the public hearing on the proposed Site-Specific Development (SSD) Zone.

5) Planning Commission Discussion and Deliberation on Site-Specific Development Zone (SSD)

Following the close of the public hearing, Chairman Taylor asked if there were any additional comments or discussion. No further discussion was offered.

Planner Jim Spung informed the Commissioners that, since the meeting packet had been distributed, Attorney Brad Christopherson and Mayor Hollie McKinney had reviewed the draft ordinance and recommended three additional revisions:

1. Replace references to the Airpark with the Airpark Mixed-Use Zone on lines 23 through 25 and renumber the section accordingly.

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2. Update the minimum project size from 10 acres to 50 acres.
3. Replace references to Town Staff with Planning Director or the Mayor's Designee throughout the ordinance.

Mayor McKinney also suggested using Google Docs for future draft reviews to make it easier for Planning Commissioners to provide comments. The Commissioners indicated they were comfortable using that format.

6) Consider a recommendation to the Town Council to adopt Site-Specific Development Zone (SSD)

Commissioner Mascaro motioned that we forward a positive recommendation to the Town Council for a zoning text amendment to the Fairfield Code of Ordinances, establishing a new Site-Specific Development (SSD) zoning district and corresponding review procedures, based on the findings and recommendations of this Staff Report. With the following, replace references to the Airpark with the Airpark Mixed-Use Zone on lines 23 through 25 and renumber the section accordingly. Update the minimum project size from 10 acres to 50 acres. Replace references to Town Staff with Planning Director or the Mayor's Designee throughout the ordinance. Commissioner Riet seconded the motion. The motion passed unanimously.

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Fisher - Yes

Commissioner Mascaro - Yes

Commissioner Butterfield - Yes

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 July 16, 2026 minutes.

Chairman Taylor presented the July 16, 2026 Planning Commission meeting minutes for approval.

Chairman Taylor presented the July 16, 2026, Planning Commission meeting minutes for approval. After confirming that a comment in the draft had been addressed, the Commissioners proceeded with consideration of the minutes.

Commissioner Mascaro stated that she would abstain from voting because she had not been present at the July 16 meeting.

Commissioner Riet made a motion to approve the minutes of the July 16 meeting.

Commissioner Butterfield seconded the motion. The motion passed with 4 yes and 1 abstention.

Commissioner Taylor - Yes

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Commissioner Riet - Yes
Commissioner Fisher - Yes
Commissioner Butterfield - Yes
Commissioner Mascaro - Abstained

2) Review and may approve Darwin Bundy's site plan.

Chairman Taylor introduced the agenda item and explained that when the site plan was previously reviewed, two items remained outstanding: the fire protection requirements and approval of the septic system by the Utah County Health Department.

Chairman Taylor reported that since the previous meeting, Mr. Bundy had elected to install a fire sprinkler system, which would be addressed during the Fire Marshal's review of the building permit. He also noted that the required approval from the Utah County Health Department for the septic system had been received. Chairman Taylor commended Darwin Bundy and Grant Peterson for completing the remaining requirements sooner than anticipated and stated that he was satisfied the outstanding items had been resolved.

Chairman Taylor invited any additional comments.

Grant Peterson acknowledged that the project presented unique circumstances because of the water protection zone and thanked Mr. Bundy for his cooperation throughout the review process and his willingness to address the Town's requirements. Mr. Peterson also complimented Mayor McKinney for including suggested motion language in the staff reports, noting that it made the Commissioners' work easier.

Commissioner Riet made a motion to approve the site plan for the Darwin Bundy property.
Commissioner Mascaro seconded the motion. The motion passed unanimously.

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

3) Update from Oquirrh Wood Ranch.

Jared Westhoff provided an update on the Oquirrh Wood Ranch project. He explained that, based on the direction received from the Planning Commission at the previous meeting, the proposed development had been reorganized using the Site-Specific Development (SSD) framework. The project had been divided into three primary components: the business park, ranch units, and commercial area. Mr. Westhoff stated that restructuring the project in this manner had simplified the drafting process and made it easier to develop project-specific standards. He expressed appreciation for the Commissioners' guidance and said the project team found the direction helpful.

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For the business park, Mr. Westhoff explained that the Town's Technology Overlay Zone served as the foundation for the proposed standards. The project team then incorporated project-specific provisions where appropriate. He presented a draft summary identifying the modifications, additions, and revisions made to the Technology Overlay Zone, noting that portions of the draft remained highlighted where the project team was still evaluating options and refining language.

Mr. Westhoff stated that the project team was continuing to evaluate water use, transportation, and roadway design. He explained that while the Town's standard 66-foot right-of-way was appropriate for many roadways, the draft plans proposed wider rights-of-way in certain locations to accommodate anticipated traffic and industrial uses. He stated that some industrial roads were proposed to have 70- or 76-foot rights-of-way, and that 900 North was proposed with a 94-foot right-of-way because the project team believed additional width would be necessary. He noted that these roadway sections remained in draft form and would continue to be evaluated.

Chairman Taylor suggested that the project's water rights be submitted to the Town's water engineer for verification early in the development process so their validity and transferability could be confirmed before significant time and expense were invested in project review.

Mr. Westhoff responded that the project team had already begun gathering that information and would follow up with the Town. He stated that the business park standards had also been simplified by limiting the list of permitted uses to those already contained within the Technology Overlay Zone, with only project-specific modifications where necessary.

Mr. Westhoff reported that the project team hoped to return by the end of August with near-final drafts for the business park and ranch unit portions of the project, as well as an initial draft for the commercial area. The goal was to refine the documents sufficiently for Planning Commission consideration in September, while recognizing that additional revisions could still be made if needed.

The Commissioners then discussed the proposed transition between commercial and business park uses. Chairman Taylor noted that previous discussions had emphasized creating a gradual transition from lighter commercial uses to more intensive commercial and industrial uses rather than an abrupt change in land use. Mr. Westhoff responded that the project had been revised to reflect that concept. He explained that an area of approximately 30 acres along the Pony Express (trail), previously identified as part of the business park, was now proposed as commercial property to provide a transition between commercial development and the business park. The Commissioners agreed that the layered approach was appropriate.

The Commissioners also discussed proposed building heights. Chairman Taylor asked how the proposed building heights compared with those permitted in Eagle Mountain. Mr. Westhoff explained that the proposed ordinance retained the Town's existing 50-foot maximum building

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height for principal buildings. However, the project team was requesting that the conditional maximum height be increased from 80 feet to 90 feet to accommodate a prospective industrial user that anticipated needing a 90-foot air-cooling tower rather than a taller building. He stated that the project team was still confirming whether the additional height would actually be necessary and emphasized that the proposal remained in draft form.

Commissioners discussed potential impacts associated with taller structures, including whether a 90-foot tower might require aviation marker lights and whether taller structures could affect fire protection requirements, including the possible need for ladder truck access. Mr. Westhoff agreed to compare the proposed standards with Eagle Mountain's regulations, verify the height requirements with prospective users, and consult with Unified Fire Authority regarding any fire protection considerations before returning with the next draft.

The discussion concluded with additional comments regarding water rights. Mr. Westhoff explained that the project team held a block of water rights that had already been converted to municipal use but would require a change in the point of diversion. He stated that their goal was to drill wells on the east side of the project to move the point of diversion as far as possible from potential interference with the Fairfield Spring. Chairman Taylor explained that the Town's objective was to verify that sufficient transferable water rights existed before investing significant time in the development review process. Mayor McKinney added that the Town's water engineer could review the water rights to verify the certificates and confirm they were transferable.

Mr. Westhoff then asked about the Town's water banking ordinance and discussed the possibility of transferring a portion of the water rights into the Town's water bank and adding additional water rights as development progressed. The Commissioners indicated that this approach could be helpful.

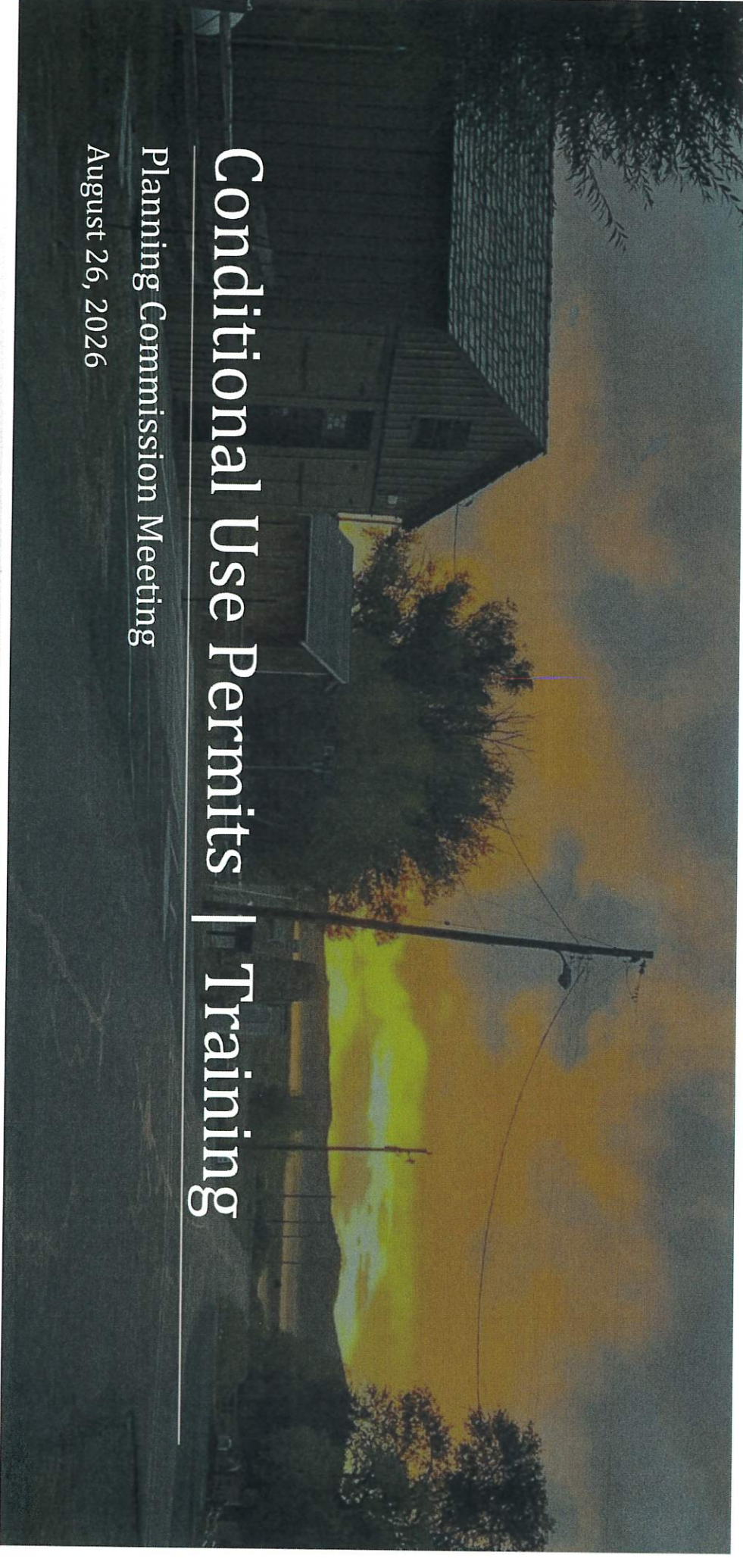
Mr. Westhoff thanked the Commissioners for their guidance and stated that the revised approach had significantly improved the project. The Commissioners expressed appreciation for the update and looked forward to reviewing the next draft as the project continued to progress.

Adjournment

Motion made by Commissioner Mascaro to end the meeting. Commissioner Butterfield seconded the motion. Meeting end time: 7:52 pm.

Minutes Approval Date

Stephanie Shelley Recorder/Clerk



Conditional Use Permits | Training

Planning Commission Meeting

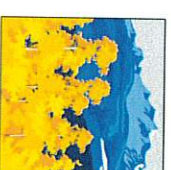
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Fairfield
Utah County, Utah

Making Consistent & Defensible Decisions

- What makes a conditional use different?
- What is the Planning Commission's role?
- What constitutes substantial evidence?
- When are conditions appropriate?
- When can a CUP be denied?

Utah Land Use Institute — The Law and Practices of Conditional Uses, June 2026



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The Law and Practices
of Conditional Uses
Utah Land Use Regulation Topical Series

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Three Basic Types of Uses

Permitted Use

- Allowed as a matter of right
- Must comply with applicable ordinance requirements (special uses are similar)

Conditional Use

- Allowed, but may have characteristics or impacts requiring mitigation
- May require reasonable conditions

Prohibited Use

- Not allowed under the existing ordinance

A conditional use is an allowed use—not a request to change the zoning.

The legislative body has already determined that the use may be appropriate within the zoning district.

CUP Review is an Administrative Decision

The Commission is **applying** adopted law to a specific application, not making new land use policy.

The question is NOT:

“Do we want this use here?”

The questions ARE:

What reasonably anticipated detrimental effects are relevant under the ordinance?

Can reasonable conditions substantially mitigate those effects?

Think: Apply the Code, Don't Rewrite It

The CUP process focuses primarily on determining appropriate conditions—not reconsidering whether the use should generally be allowed in the zone.

Under Utah Code, the Presumption is Approval

Utah Code §10-20-506: A conditional use **shall be approved** when reasonable conditions are proposed or can be imposed to mitigate reasonably anticipated detrimental effects in accordance with applicable standards.

Important Distinction

MITIGATE ≠ ELIMINATE

The Commission does not need to eliminate every impact.

The legislative body already recognized that the use may have impacts when it designated the activity as a conditional use.

Practical Rule: If reasonable conditions can substantially mitigate the relevant detrimental effects → APPROVE.

Start with the Ordinance

The Ordinance Is Your Rulebook - The Commission must apply the adopted standards.

Do:

- Identify applicable CUP standards
- Address required criteria
- Connect findings to those standards
- Apply the ordinance consistently

Don't:

- Invent new approval criteria
- Impose personal preferences
- Use unrelated concerns as a basis for conditions
- Ignore mandatory ordinance requirements

The Basic Framework

STANDARD → **EFFECT** → **EVIDENCE** → **CONDITION**

The Commission's authority comes from the ordinance—not from what seems desirable during the hearing.

What Is Substantial Evidence?

Evidence of sufficient quantity and quality to convince a reasonable mind to support a conclusion.

Potential sources may include:

- Application materials
- Site plans
- Traffic or parking information
- Photographs
- Technical studies
- Staff analysis
- Credible testimony
- Specific, documented observations

Avoid Speculation

A detrimental effect and the condition intended to mitigate it should be supported by substantial evidence—not assumptions or unfounded apprehension.

Public Comment vs. Substantial Evidence

Public Opposition ≠ Basis for Denial

Not enough by itself:

- “We don’t want this here.”
- “This will ruin the neighborhood.”
- A petition opposing the project
- A show of hands
- General fear or speculation

Public comment can identify an issue.

The Commission must determine whether the concern is relevant under the ordinance and supported by evidence.

Courts have rejected CUP decisions based solely on neighborhood opposition or public clamor.

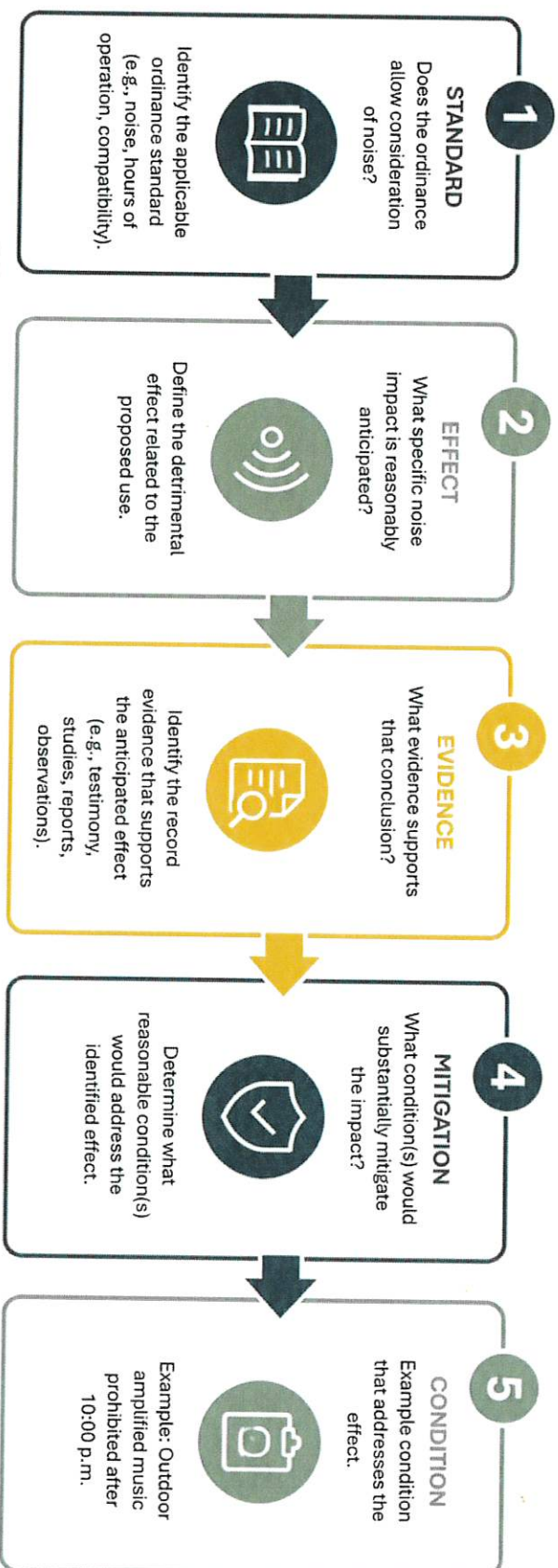
Potentially useful evidence:

- Photographs documenting an existing condition
- Specific observations about site conditions
- Measured traffic or parking information
- Expert testimony
- Other factual information relevant to an ordinance standard

From Concern to Condition

Example: "The Restaurant Will Be Too Noisy"

Don't stop with the concern. Work through the analysis:



Make the Connection Explicit: Standard → Effect → Evidence → Mitigation → Condition

What Makes a Good Condition?

Conditions Should Be:

Appropriate

Within the Town's authority to regulate.

Relevant

Connected to an applicable ordinance standard and the proposed use.

Proportionate

The requirement should be proportional to the impact being addressed.

Reasonable

It should reasonably mitigate the identified effect without unnecessarily frustrating the allowed use.

Avoid Vague Conditions

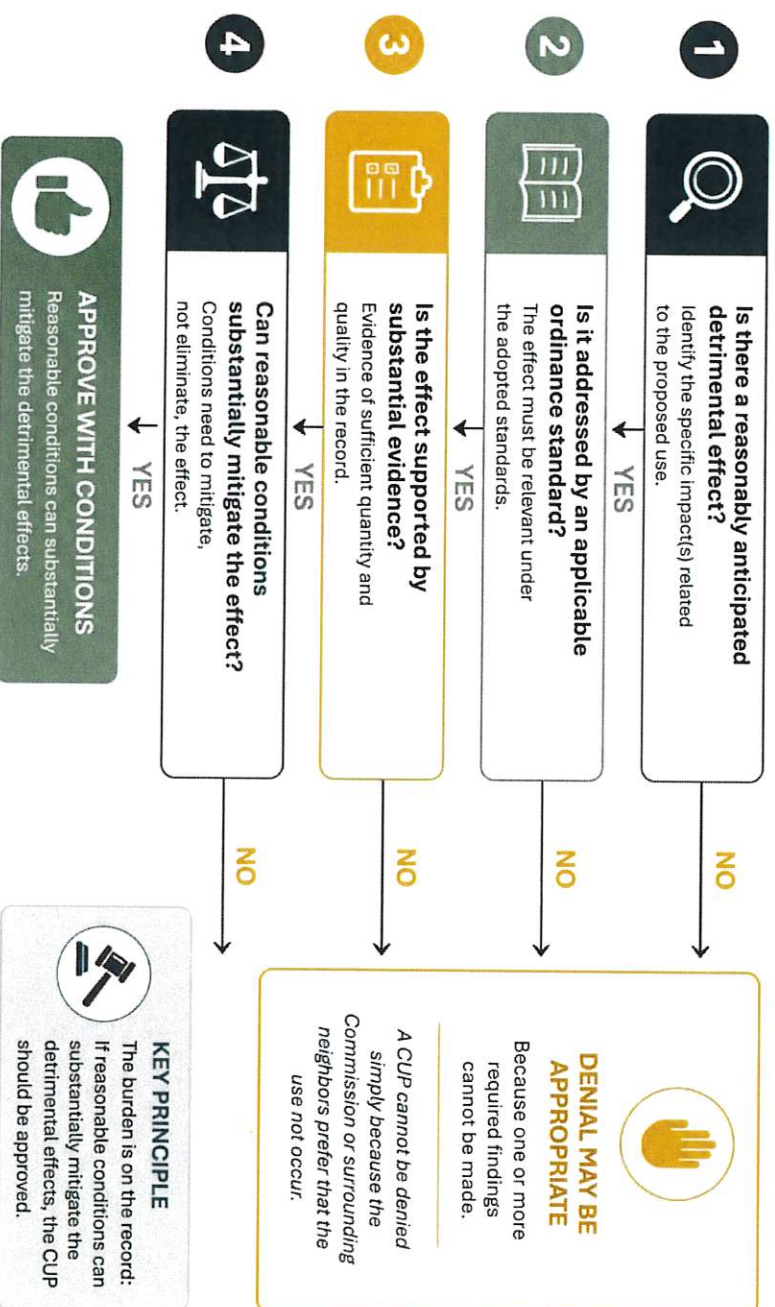
Instead of: "Applicant shall minimize impacts on neighbors."

Use measurable or enforceable requirements whenever reasonably possible.

When Can a CUP Be Denied?

Denial is possible—but requires the right findings.

Follow this analysis to reach a legally supportable decision.



Case Study: Kilgore Companies v. Utah County

Kilgore Companies operated an asphalt batch plant near Benjamin, Utah.

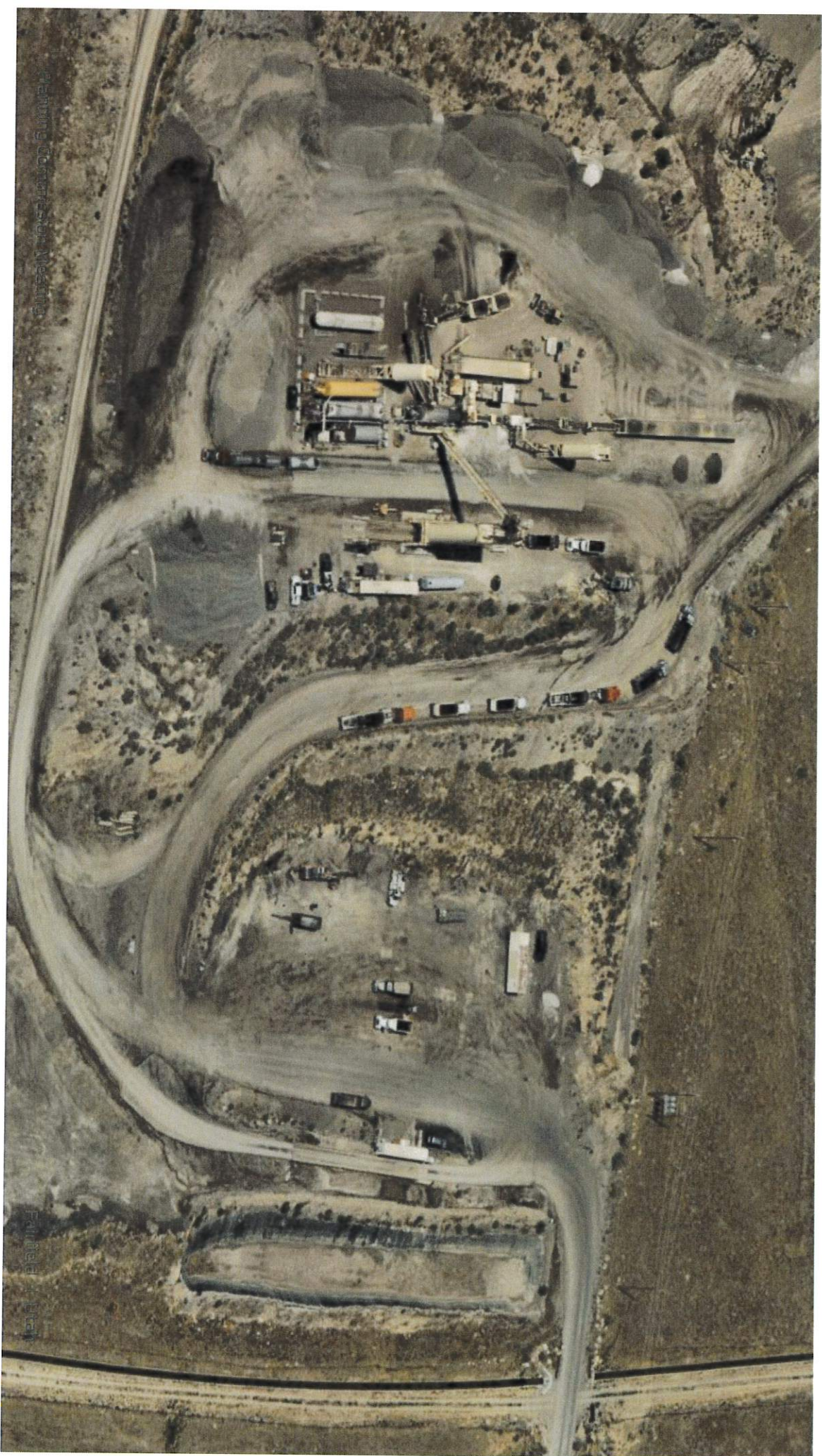
- The asphalt plant was a permitted use in the Mining and Grazing Zone.
- Structures up to 40 feet tall were permitted outright.
- Taller unoccupied structures could be approved as a conditional use.
- Kilgore had previously received unanimous approval for:
 - Three 100-foot silos
 - Two 65-foot silos
- Kilgore then sought approval for two additional 65-foot silos.

What Was Actually Being Reviewed?

Because Kilgore could construct 40-foot silos without a CUP, the Board was reviewing only the additional 25 feet of height—not whether the asphalt plant itself was appropriate.

KEY QUESTION

What detrimental effects, if any, would result from allowing the silos to be 65 feet rather than 40 feet?



Planning Commission Meeting

February 1, 2011

What Happened at the Public Hearing?

Residents Raised Significant Concerns

Neighbors testified about:

- Dust and air emissions
- Truck traffic
- Road safety
- Light pollution
- Smoke and odors
- Health impacts
- Declining property values

One homeowner testified that a realtor told him his property value was: “probably going to be cut in half.”

Others stated they would not have purchased their homes had they known how the plant

would operate.

What Happened at the Public Hearing?

The Board's Concern

The Board considered testimony regarding asphalt-production emissions and their potential health effects.

But Ask the CUP Question: Were these impacts caused by...

THE ASPHALT PLANT GENERALLY or THE ADDITIONAL 25 FEET OF SILO HEIGHT?

That distinction matters because the plant itself was already permitted. The Board repeatedly acknowledged that the application before it concerned only the additional height.

What Evidence Did Kilgore Provide?

Planning Staff

The County Zoning Administrator recommended **APPROVAL**.

Staff concluded that the application complied with the ordinance and that the analysis should focus on the height of the silos—not impacts associated with the already-permitted operation of the plant.

Property Values

Kilgore submitted a **professional appraisal** concluding that the additional silos would have an inconsequential visual impact because the site already contained three 100-foot silos.

What Evidence Did Kilgore Provide?

Plant Operations - Kilgore's representatives testified that:

- Taller silos would not increase plant production capacity.
- They would not increase traffic, noise, or emissions.
- Kilgore could achieve essentially the same capacity by constructing more 40-foot silos.
- Taller silos could actually reduce material movement and outside storage.

The Court characterized testimony from qualified company representatives as:

“competent, credible, and uncontradicted testimony”

Air Quality - Kilgore also presented evidence that the Division of Air Quality had inspected the facility and said it was **“doing really well.”**

The Board Denied the CUP

The Board's Findings

After considering the evidence and public testimony, the Board denied the application. It concluded:

1. The additional height degraded adjacent property values.
2. Additional taller silos would continue that degradation.
3. Kilgore had not shown that the application would not degrade public health, safety, or welfare.

Kilgore Appealed

- The District Court overturned the denial.
- Utah County then appealed to the Utah Court of Appeals.

Why Did the Denial Fail?

The Evidence Didn't Match the Application

1. WRONG FOCUS

The CUP was for **25 additional feet of silo height**—not the existing asphalt plant or its overall operations.

2. NO CAUSAL CONNECTION

Concerns included traffic, dust, emissions, odors, health, and property values, but the record did not show that **taller silos caused or increased those impacts**.

3. COMPETENT EVIDENCE SUPPORTED KILGORE

- Planning staff recommended approval.
- Professional appraisal found no meaningful additional impact.
- Company experts explained the operational effects of taller silos.

4. PUBLIC CONCERN ≠ SUBSTANTIAL EVIDENCE

Residents could identify legitimate concerns, but opposition and generalized testimony did not establish the required connection to the **specific CUP request**.

Planning Commission Meeting

Why Did the Denial Fail?

KEY TAKEAWAY

A detrimental effect must be tied to the specific application before the Commission—not simply to the existing use or operation.

Five Rules to Remember

1. START WITH THE ORDINANCE

Apply the standards that have actually been adopted.

2. IDENTIFY THE EFFECT

What specific detrimental effect is reasonably anticipated?

3. FIND THE EVIDENCE

What in the record supports that conclusion?

4. MITIGATE THE EFFECT

Can a reasonable condition substantially address it?

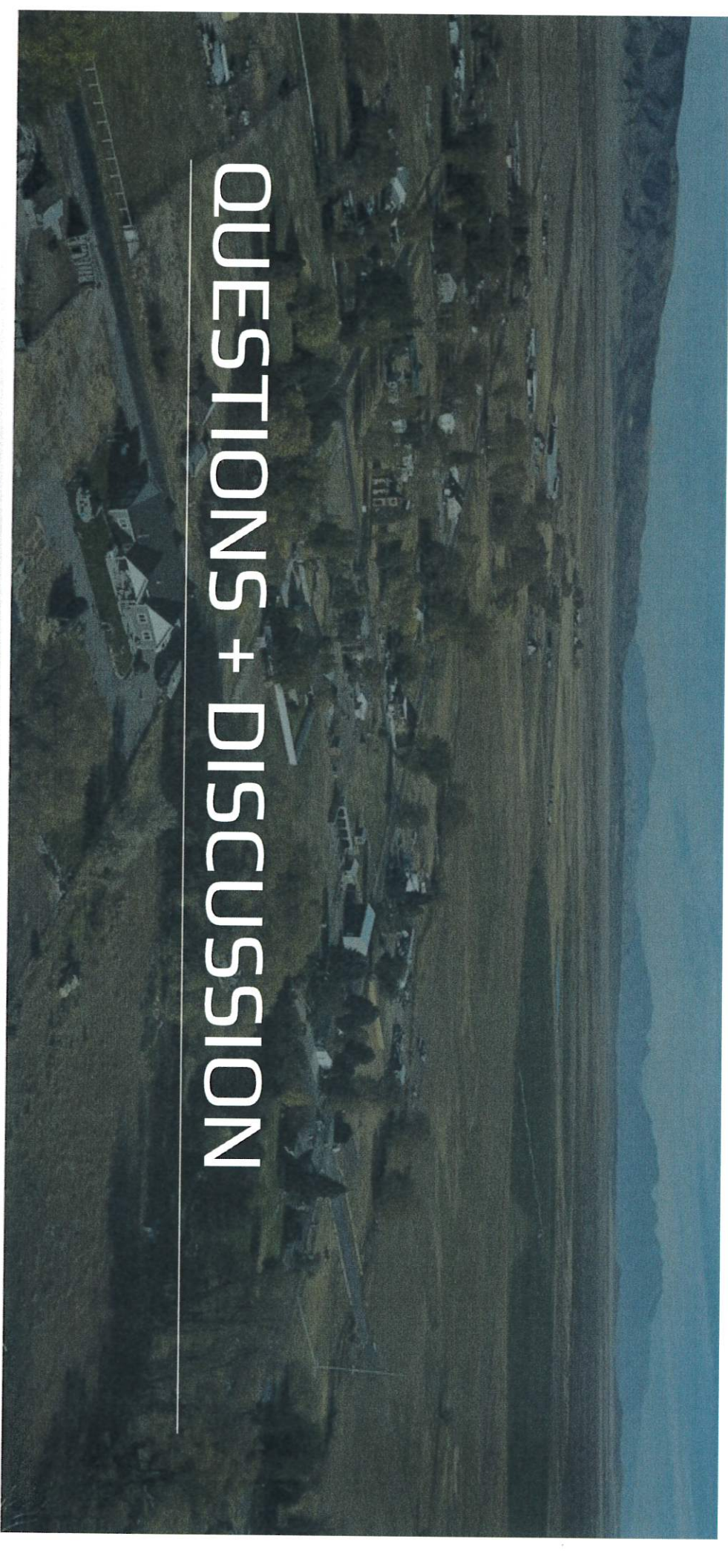
5. EXPLAIN THE DECISION

Connect the ordinance, evidence, findings, and conditions on the record.

The Commission should be able to explain:

“Here is the standard → here is the evidence → here is the impact → here is how our condition addresses it.”

Clear findings are important because the record must allow a reviewing body or court to understand the factual and legal basis for the Commission's decision.

An aerial photograph of a rural landscape. In the foreground, there is a small settlement with several buildings, including a prominent white house with a dark roof. The surrounding area is mostly open fields with some scattered trees. In the background, a range of mountains is visible under a clear sky. The overall tone of the image is somewhat muted, with a focus on natural and built environments.

QUESTIONS + DISCUSSION

Photo Credit: Rick Egan | The Salt Lake Tribune (<https://www.sltrib.com/news/environment/2020/10/19/big-solar-farms-could/>)