

**Effective 5/14/2019**

**17-41-402 Limitations on local regulations.**

- (1) A political subdivision within which an agriculture protection area, industrial protection area, or critical infrastructure materials protection area is created or with a mining protection area within its boundary shall encourage the continuity, development, and viability of agriculture use, industrial use, critical infrastructure materials operations, or mining use, within the relevant protection area by not enacting a local law, ordinance, or regulation that, unless the law, ordinance, or regulation bears a direct relationship to public health or safety, would unreasonably restrict:
  - (a) in the case of an agriculture protection area, a farm structure or farm practice;
  - (b) in the case of an industrial protection area, an industrial use of the land within the area;
  - (c) in the case of a critical infrastructure materials protection area, critical infrastructure materials operations; or
  - (d) in the case of a mining protection area, a mining use within the protection area.
- (2) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within an agriculture protection area unless the political subdivision receives written approval for the change from all the landowners within the agriculture protection area affected by the change.
- (3) Except as provided by Section 19-4-113, a political subdivision may not change the zoning designation of or a zoning regulation affecting land within an industrial protection area unless the political subdivision receives written approval for the change from all the landowners within the industrial protection area affected by the change.
- (4) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within a critical infrastructure materials protection area unless the political subdivision receives written approval for the change from each critical infrastructure materials operator within the relevant area.
- (5) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within a mining protection area unless the political subdivision receives written approval for the change from each mine operator within the area.
- (6) A county, city, or town may not:
  - (a) adopt, enact, or amend an existing land use regulation, ordinance, or regulation that would prohibit, restrict, regulate, or otherwise limit critical infrastructure materials operations, including vested critical infrastructure materials operations as defined in Section 10-9a-901 or 17-27a-1001; or
  - (b) initiate proceedings to amend the county's, city's, or town's land use ordinances as described in Subsection 10-9a-509(1)(a)(ii) or 17-27a-508(1)(a)(ii).

Amended by Chapter 227, 2019 General Session

## **Park City**

Mines and Mine Exploration are Conditional Uses in the Estate, Protected Open Space, and Recreation Zoning Districts.

In addition to a Conditional Use Permit, they would need to obtain a Building Permit and a Business License.

Land Management Code (LMC):

[https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15\\_Land\\_Management\\_Code](https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15_Land_Management_Code)

15-2.7 Recreation Open Space

15-2.8 Protected Open Space

15-2.10 Estate Zoning District

## **Santaquin City**

Here is our City Code for gravel pits...

[Santaquin City : Municipal Code \(municipalcodeonline.com\)](https://santaquin.municipalcodeonline.com)

# Fairfield Town

Established 1855    Incorporated 2004

103 East Center Street  
Fairfield Utah

## Final Plat Application/ Checklist for Developed Subdivision

### **Final Plat**

The Final Plat prepared by a Licensed Land surveyor in the State of Utah and prepared to scale with all dimensions shown in feet and decimals thereof will be required for final approval prior to recordation. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines, an index map with vicinity, and index maps appearing on the first of the serially numbered sheets. Final Plats must show trails, roads, sidewalks and other public facilities which will be deeded to the Town in accordance with the requirements of the Title.

The Final Plat submission must conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Planning Commission or Town Council as applicable unless processed simultaneously). Final Plat submissions shall include all information listed below, delineated in permanent ink on waterproof tracing cloth or Mylar for recordation (which can be submitted after the Town Council grants final approval) and submitted in an electronic format.

After Town Council approval, a final plat shall be prepared by a licensed land surveyor, conforming to current surveying practices and in a form acceptable to the Utah County Recorder for recordation and shall include the following:

- \_\_\_\_\_ All streets shall be numbered using the Town address grid.
- \_\_\_\_\_ All required certificates shall appear on a single sheet (along with the index and vicinity map).
- \_\_\_\_\_ A minimum of two (2), twenty-four inch by thirty-six (24 x 36) inch and five (5) eleven by seventeen (11 x 17) inch size paper copies, and a digital copy in a PDF format shall be presented to the Town, as a requirement of the final plat application.
- \_\_\_\_\_ The final plat shall contain the same information as required by Title 10.15.170. and shall

include any revisions or additions, as required by the Planning Commission, building heads, and/or Town Council, as part of the preliminary plat approval.

\_\_\_\_\_ Title Insurance required on all dedications signed by the owners as identified on the property assessment rolls of Utah County or authorized agent of the owner(s) of the land to be developed.

\_\_\_\_\_ Application shall be accompanied by the final development application fee, as established by a resolution of the Council.

\_\_\_\_\_ If the final plat is filed with the town more than ninety (90) days from the date the preliminary application is approved by the Town Council, a title report, no older than thirty(30) days, shall be provided as part of the final development application.

\_\_\_\_\_ Any other information required by the Planning Commission, Town Engineer, Building Department, Fire Department, or Town Council.

- \_\_\_\_\_An original copy of any proposed deed restrictions in final form and signed by all of the owners of any interest in the subdivision who signs the final subdivision map. This copy shall be acknowledged by a Notary Public and shall be recorded in the office of the County Recorder along with the final plat. (Note for Planning Commission consideration: The Town Attorney requires a copy of the CCRs and reviews them to ensure that they meet legal requirements).
- \_\_\_\_\_A title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state; The name, address, telephone number, stamp, signature and registration number of a land surveyor registered in the State of Utah who prepared or reviewed the final plat.
- \_\_\_\_\_A north point and both graphic and written scales.
- \_\_\_\_\_A high-quality vicinity map that locates the proposed subdivision within its Township and the section, shows major roads and watercourses adjacent to or near the subdivision and shows the boundaries and recorded names of adjacent or nearby subdivisions.
- \_\_\_\_\_The point of beginning for the survey, which shall be tied to a section or quarter-section corner, and the location and a description of all existing monuments found during the course of the survey.
- \_\_\_\_\_The location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements.
- \_\_\_\_\_The exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries.
- \_\_\_\_\_The location, exterior dimensions, and consecutive number of all lots and blocks or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries (with all curve dimensions for boundary lines shown outside any such boundaries);
- \_\_\_\_\_That the table of plat calculations include the following:
  1. Total acreage.
  2. Total acreage in lots.
  3. Total open space.
  4. Total improved open space.
  5. Average lot size (acreage & sq. footage).
  6. Largest lot size.
  7. Smallest lot size.
  8. Overall density.
  9. Total # of lots.
- \_\_\_\_\_Proposed name or designation of the subdivision that is distinct from any other plat already recorded in the Office of the Utah County Recorder.
- \_\_\_\_\_The location and a description of all monuments set during the course of the survey; The location of all monuments, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second, lengths to the nearest hundredth of a foot, and areas to the nearest hundredth of an acre.
- \_\_\_\_\_A signed and dated owner's dedication in the form approved by the Town, which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all open space, public ways, utilities, and other public spaces to public use;

- \_\_\_\_\_ A public notary's acknowledgment of the owner's certificate.
- \_\_\_\_\_ A signed and dated certificate of consent in which all mortgagors, lien holders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision.
- \_\_\_\_\_ A public notary's acknowledgment of the certificate of consent.
- \_\_\_\_\_ Signature blocks prepared for the dated signatures of the Mayor, Town Recorder, Planning Commission Chair, and Town Engineer/Surveyor and/or Town attorney.
- \_\_\_\_\_ Signature Block Required Showing:

1. Surveyor's certificate.
2. Owner's property dedication.
3. Acknowledgments by the owner to include corporate, partnership, limited liability company,

or

trust acknowledgment, as applicable.

4. Agreements, as applicable.
5. Mayor's approval and acceptance.
6. Planning chairperson's approval and acceptance.
7. Town recorder.
8. Town engineer/surveyor.
9. Town attorney.
10. Fairfield Irrigation Company.
11. Utility providers, if applicable.

\_\_\_\_\_ An owner's dedication certificate, notary public acknowledgment for each signature on the plat, a correct metes and bounds description of all property included within the subdivision, other affidavits, certificates, acknowledgments, endorsements and notarial seals as required by law, this Title or by the Town Recorder or Town Attorney.

\_\_\_\_\_ Required setback lines,

\_\_\_\_\_ Water rights conforming to the Town's requirements shall be submitted to the Town Attorney for approval.

\_\_\_\_\_ All dedications to Fairfield must be clear of all liens and encumbrances.

\_\_\_\_\_ The Town Council is identified and authorized as the approval authority for the final plat application, ensuring compliance with all applicable requirements. The Mayor may approve the Final Plat or deny the Final Plat, accompanied by findings of Title 10.15.240.

\_\_\_\_\_ The Town attorney will review all legally binding documents, including but not limited to deed restrictions, developer agreements, and/or any other binding documents.

\_\_\_\_\_ To ensure that all improvements to the subdivision are made, the Town shall ask for one of the following:

1. Bond;
2. Guaranteed Letter of Credit; or
3. Other means approved by the Town Council.

## **Construction Plans**

Construction drawings for required public improvements will include the following and are required to be submitted with all final plat applications:

- \_\_\_\_\_ Plan profile and construction detail drawings prepared by a licensed professional engineer with his/her signature and seal.
- \_\_\_\_\_ Control data shall be referenced to information contained on county area reference plats.
- \_\_\_\_\_ Elevations shall be tied to an existing Utah County benchmark. Drawings shall show an elevation benchmark for the project.
- \_\_\_\_\_ The drawing scale shall be one (1) inch equals twenty (20) feet horizontal and one (1) inch equals two (2) feet vertical. The vertical scale may be smaller if warranted by unusual circumstances.
- \_\_\_\_\_ Stationing shall increase from left to right.
- \_\_\_\_\_ Centerline data and property line data shall be shown, including details of all curves.
- \_\_\_\_\_ Existing ground profiles shall be shown a minimum of three hundred (300) feet each way from the ends of subdivision streets.
- \_\_\_\_\_ All existing and proposed improvements within the project or within one hundred (100) feet of the project or adjoining the subdivision shall be shown. This includes curbs, gutters, sidewalk and underground pipes and utilities, ditches, canals, fire hydrants, street lights, water valves, etc. That existing fire hydrants in surrounding properties are shown.
- \_\_\_\_\_ All proposed structures, such as manholes, catch basins, cleanouts, etc, shall be shown. If Town standard structure details exist, they may be referenced in lieu of detail.
- \_\_\_\_\_ All proposed drainage facilities, including pipe and boxes, shall be shown. This includes a plan and profile of the system showing the method of drainage water disposal.
- \_\_\_\_\_ All vertical curves and horizontal distances shall be constructed in accordance with AASHTO requirements and standards.
- \_\_\_\_\_ Elevations shall be shown on all horizontal and vertical curves at approximately twenty-five (25) foot intervals and at the points of curvature and points of tangency.
- \_\_\_\_\_ The minimum grade for curb and gutter shall be one-half (0.5) percent identified on all curb returns and cross gutters. Percent of grade shall also be shown on straight grades with elevations at approximately fifty (50) foot intervals with flow arrows to indicate the direction of drainage.
- \_\_\_\_\_ All street names shall be shown.
- \_\_\_\_\_ Show typical roadway cross sections.
- \_\_\_\_\_ The existing grade elevations shall be shown in the profile.
- \_\_\_\_\_ Construction standards and specifications shall be referenced.
- \_\_\_\_\_ Road signs and stop signs shall be shown.
- \_\_\_\_\_ Mailboxes and gang boxes shall be shown.

## **Landscaping & Irrigation Plans**

A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types, and sizes of landscaping elements, sprinkler system plans, existing trees, if any, and showing compliance with the landscaping or buffering requirements of the appropriate zoning district. The landscaping plan shall include, at a minimum, the following information:

- \_\_\_\_\_The location and dimension of all existing and proposed structures (when feasible), property lines, easements, parking lots, power lines, rights of way, ground signs, refuse area and lighting.
- \_\_\_\_\_The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the plant material at maturation.
- \_\_\_\_\_The landscaping plan should also exhibit the existing landscaping twenty (20) feet beyond the property lines.
- \_\_\_\_\_Existing and proposed grading of the site indicating contours at two (2) feet intervals.
- \_\_\_\_\_Plans showing the irrigation system shall also be included in the landscaping plan submittal.
- \_\_\_\_\_Proposed and existing fences and identification of the fencing materials.
- \_\_\_\_\_A summary of the total percentage of landscaped areas, domestic turf grasses, and drought-tolerant plant species, along with the estimated cost of all the improvements.

**Final Utility Plan**

Utility plans in color showing all the utilities, including, but not limited to water, sewer, and storm drain. The location and size of existing and proposed utility lines and facilities in or adjacent to the proposed development shall also be shown.

**Lighting Plan**

A lighting plan includes locations of all street lights that comply with Fairfield Town Municipal Code Title 9.3.00.

**Grading, Drainage, and Erosion Plan**

A grading, drainage, and erosion plan prepared and stamped by a licensed engineer shall be submitted.

The report shall contain the drainage basin map and a plan view of the overall stormwater system. The

grading, drainage, and erosion plan shall address the following issues: description of features and

hydrological conditions, drainage basin and sub-basin, drainage facility design criteria, infrastructure

design criteria, grading plan, and erosion control. Specifically, the report shall contain, at a minimum, the

following information:

- \_\_\_\_\_The existing roadways, drainage ways, vegetation, and hydrological conditions of a ten (10) year, twenty-four (24) hour event and a one hundred (100) year, twenty-four (24) hour event.
- \_\_\_\_\_The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports or flood insurance maps and the basin characteristics and planned land uses.
- \_\_\_\_\_The sub basin description showing the historical drainage pattern and off site drainage patterns both upstream and downstream of the property.

- \_\_\_\_\_ A general discussion of how the proposed system conforms to existing drainage patterns and how offsite upstream drainage will be collected to protect development.
- \_\_\_\_\_ The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils and greases are separated from stormwater.
- \_\_\_\_\_ Maintenance plan and procedure for storm water system; thorough narrative of all charts, graphs, tables or other information included in the report describing how it affects the proposed development.
- \_\_\_\_\_ Infrastructure design criteria showing the piping is sized to handle the peak intensity of the ten (10) year storm event; all detention basins are sized to handle one hundred (100) year storm while discharging at a maximum ten (10) year, twenty-four (24) hour historical rate; a ten (10) year foot traffic lane in both directions is maintained at all locations within the storm event without flooding homes or damaging public property.
- \_\_\_\_\_ Grading plan showing a soil map depicting unique soil features such as collapsible soil, rock features, etc.; a grading plan showing all cut and fill areas within development, including the identification of slopes, fill, and depths; and rock features within ten (10) feet of post grade soil surface.
- \_\_\_\_\_ The grading plan shall also show how the grades will allow water to run off of lot areas without ponding and creating flooding problems for homes. Erosion control shall show how erosion will be controlled during construction, explain and design such that construction debris and silts will not be collected by the stormwater system, show and design for all cut and fill slopes will not be eroded, and how these areas will be revegetated.

**Us Postal Service Letter & Plan**

- \_\_\_\_\_ An acknowledgment letter from the US Postal Service stating that they were involved with the mail delivery design and are satisfied with the proposed project, and a plan showing the location of proposed neighborhood delivery & collection box units. (Contact Cedar Valley Post Office, 103 S. 200 E. Cedar Valley, Utah 84013. Phone (801) 768-8379.

**Environmental Hazards/Soils Report**

- \_\_\_\_\_ One copy prepared and stamped by a licensed engineer. A soil plan that complies with the Fairfield Soil Code, Chapter 5.3.00., including testing, reports, and remediation if required.

**Water Rights**

- \_\_\_\_\_ Water right document showing the availability of water rights sufficient to serve the development.

**Roads And Transportation Patterns And Connectivity Standards For Final Plat**

See Fairfield Code, Title 6.3.00.

**Easements**

The proposed grants of easement to be imposed on any land within the development.

**Fees**

- \_\_\_\_\_ See Fairfield Town Fee Schedule for a complete list of fees.



**Recordation Of Plats**

See Fairfield Code, Section 10.15.190.

I have read and agree to comply with all of the above information.

Owners Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Fairfield Town Planning Commission  
Site Plan Checklist for Building Permit  
Title 9. Building Regulations Chapter 1 Building

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the Building Code, or to cause any such work to be performed, shall first make application to the Fairfield Building Department and obtain the required permit.

- Application submitted to Fairfield Building Department with the Following:
  - Engineered Stamped Site Plan
    - Location of a propane tank (if applicable);
    - Location of the septic system including the tank and drain field;
    - Location of power lines and meter;
    - Location, in feet, of the nearest fire hydrant (if over 700 feet an estimate may be used);
    - Location and distance, measured in feet, from the property line to the nearest Fairfield Town water line. If the distance is more than twelve hundred (1200) feet, an estimate may be used. Contact water Fairfield Water Department.
    - Location of all wells whether they are in use or not;
    - An appropriate descriptive legend, including north arrow, scale, and legal description;
    - Name and contact information of the architect or engineer responsible for the preparation of the site plan;
    - The existing (or proposed) zoning;
    - Dimensions, setbacks, and height of all existing structures located on the property;
    - Measured dimensions of all recorded lot lines;
    - Location of all existing and proposed drives and parking areas including types of surfacing, parking layout, and dimensions;
    - Show existing and proposed access roads, drives, turnout locations, parking road width, rights-of-way and dedications. (see Road Ordinance);
    - Show all existing easements, vacated easements and rights-of-way. A ten (10) foot utility easement along all roads must be shown;
    - Meets all required minimum setbacks;
    - Locations, sizes, and types of existing trees over six (6) inches in diameter (before and after proposed development);
    - All proposed fences, screens and freestanding architectural walls, including typical cross-sections and the heights above ground;
    - Stormwater engineering (upon request) including existing and proposed grading of the site, the location of existing and proposed utilities, stormwater calculations for a one hundred (100) year storm, the detention area on site that will detain the one hundred (100) year storm; and

- Any other information required by the Planning Commission, Building Officials, Fire Department, or Town Council.
- Documents Required:
  - Warranty Deed of Trust for property;
  - Copy of the Record of Survey filed with the Utah County Surveyor's office;
  - Boundary line agreement, if applicable;
  - Any other documents require by the Planning Commission, Building Heads, Fire Department or Town Council pertinent to the proposed development or building.

Planning Commissioners,

Recently, questions have arisen regarding when a landowner subdividing land should be required to improve the area with utilities and infrastructure, including water, for the subdivision. We are different than other municipalities because we don't want growth and more residents. And we definitely don't want more growth quickly.

Our General Plan's goal is to "Preserve Fairfield's small town rural character". The preference of the town is to allow growth to occur slowly and naturally.

To help slow growth and remain different than other municipalities, Fairfield Town Council adopted some unique subdivision ordinances that have created some confusion mainly regarding an Undeveloped Subdivision.

Since it is the Planning Commission's responsibility to interpret land use ordinances. We need to decide how we interpret the current subdivision code. And since Town Council is working to amend the subdivision code, we need to decide what changes are best for the town, growth and the future.

Fairfield Town defines an Undeveloped Subdivision and a Developed Subdivision:

- "Subdivision, Improved. Means subdivided lots that meet all zoning and building permit requirements.
- Subdivision, Unimproved. Means an undeveloped lot that has no or little improvements."

An undeveloped subdivision plat, to be approved by Fairfield Town, should be required to plat future roads with required frontage for each lot that is in compliance with ordinances and the zone in which it lies. No subdivision should be approved that is landlocked. The plat and information should include what the subdivider plans to do for infrastructure. How will future landowners access the lot, and what is the plan to make the lot buildable in the future: plans for water, power, roads, sewer, and gas should be included in the application. **These requirements are in our currently adopted ordinance.**

If a landowner divides his/her land before investing money for roads, water and power, he/she is allowed to subdivide as an undeveloped subdivision. Our code requires that when the subdivider wants to develop, that the development must follow town code (thereby making it a developed subdivision).

Our code requires that the subdivider of an undeveloped subdivision file deed restrictions on the lots that state that "building permits will not be issued for any lot until improvements, as specified in Title 9.1.30 are complete". This is an effective way to protect the town.

Additional thoughts for consideration:

- Requiring water rights, and implemented infrastructure at time of all subdivisions encourages fast growth.
  - A developer transferring water rights will want to gain return on investment quickly.
- A landowner subdividing land for a future undeveloped subdivision has the ability to slowly develop which is in line with the town's goals to grow slowly.
- A developer required to pay for all infrastructure prior to subdividing will challenge our moratorium on residential building permits. (And they will most likely win).
- There is no risk to a municipality to require water rights to be transferred at time of building permit application as opposed to time of subdivision of land.
  - I have asked the League of Cities and Town's, Fairfield Town Council, Fairfield Town Mayor, Fairfield's engineer and nobody can tell me any risks. The risk to a town of not requiring improvements at time of subdivision is that it slows development down.
- Requiring water rights at time of building permit allows for a more accurate quantity to be transferred. (If applicant will have cows, a house, an ADU, and a farm, he will need to transfer more water than an applicant with only a house).
- If we require all subdivisions to bring and dedicate water rights to the town, then the only development we will get is large scale and fast developments.
- Not requiring each subdivision to have water will not turn lots into unsightly collections of garbage that the town does not want. A drive through Fairfield where water is required attests to the that. Water availability does not stop the collection of junk, the growth of weeds, and does not instill pride in land ownership.

During our PC meeting on April 10th, I would like to discuss this matter and form a consensus to send to Town Council regarding what direction in our subdivision ordinance is best for the town, its goals and its future.

Thank you for your time and consideration.

Sincerely,

Alina Pringle  
Fairfield Town Planning Commission Chair  
Cc: Fairfield Town Council

**PUBLIC NOTICE IS HEREBY GIVEN THAT THE**  
**Planning Commission of Fairfield, Utah**  
**Shall hold a Regular Session on**  
**April 10, 2024 @ 7:00 P.M.**  
**At the Fairfield Town Office**  
**103 East Main Street Fairfield, Utah**

**Agenda**

1. Open the Planning Commission Regular Meeting
2. Roll Call
3. Public Comment Period (2-minute limit per person) Time has been set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the Agenda. Those wishing to speak are encouraged to show respect for those who serve the Town. Comments should focus on issues concerning the Town. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 2 minutes or less.)
4. Motion to approve the Planning Commission regular meeting minutes on March 6, 2024.
5. Discussion with Steve Clement for a business license.
6. Conversation with Colton McCubbins from Boosted Holdings regarding the proposal for a Commercial Overlay Zone amendment to allow for auto or RV sales.
7. Discussions with Mayor McKinney on Caretaker Dwellings, Subdivisions, and Accessory Dwelling Units.
8. Town Council Update -Jane Lancaster - Alina Pringle
9. Discussion on mining uses. State Code [17-41-402 Limitations on local regulations](#)
10. Discussion on planning for water and Subdivisions
11. Discussion on the Final Plat for Blue Skies at West Desert Airpark.
12. Motion to send the Final Plat for Blue Skies at West Desert Airpark to the Town Council.
13. Review and Edit the Accessory Dwelling Unit Ordinance.
14. Motion to recommend adopting the Accessory Dwelling Unit Ordinance to the Town Council.
15. Planning Commission Basic Training [Top Ten Things Every Planning Commissioner Needs to Know | Utah League of Cities and Towns.](#)
16. Review and motion on the adoption of procedures and checklists for land use applications.
17. Discussion and motion to forward to the Town Council revisions to the General Plan, including updates to language pertaining to minimum lot size across all zones and adjustments to rural density zoning regulations.
18. Discussion and adopt the Updated Priority List.
19. Discuss Old & New Business.
20. Action Items.

21. Adjourn the Planning Commission Regular meeting.

Certificate Of Posting

The above agenda notice was posted on or before the 9th day of April 2024 at the location of the meeting, Fairfield town office 103 East Main Street Fairfield, UT, and at the Fairfield town website <https://fairfieldtown.org/agendas-minutes/>, 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.

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**Date**

**Stephanie Shelley Town Recorder/Clerk**

**Title 10. Ordinance # \_\_\_\_\_ 2024. An Ordinance Amending Title 10.11.00., by Adding Accessory Dwelling Units., to the List of Permitted Uses in Sections 10.11.100., Zone AR-1, 10.11.125., Zone RA-5, 10.11.50., Zone RA-10, and 10.11.175., Zone RA-40 and Also Amending Title 10.7.00 by Adding Section 10.7.255. Accessory Dwelling Units., to the Fairfield Town Code.**

Document Control Changes: Created: January 18, 2024.

Whereas, the Fairfield Town Planning Commission, on \_\_\_\_\_ held a public meeting on Accessory Dwelling Units; and

WHEREAS, the Fairfield Town Council deems it to be in the best interest of Fairfield Town to amend the Fairfield Town Code by amending Title 10.11.00, adding #14, ADUs, to the lists of permitted uses in zones AR-1-, AR-5. AR-10, and AR-40 and amending Title 10.7.00. by adding 10.7.255. Accessory Dwelling Unit.,s as a permitted use.

WHEREAS, the Fairfield Town Council has reviewed the proposed amendments to the Fairfield Town Code;

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, that Title 10. of the Town Code be amended as follows:

Add:

Section 10.11.100.C.14. Accessory Dwelling Units., to Permitted Uses list., in Zone AR-1 - Agricultural Residential Zone.

Add:

Section 10.11.125.C.14. Accessory Dwelling Units. to Permitted Uses list., in Zone AR-5 - Agricultural Residential Zone.

Add:

Section. 10.11.150.C.14. Accessory Dwelling Units., to Permitted Uses list in Zone AR-10 - Agricultural Residential Zone.

Add:

Section. 10.11.175.C.13. Accessory Dwelling Units., to Permitted Uses list in Zone AR-40 - Agricultural Residential Zone.

Add:

Section 10.7.255. Accessory Dwelling Units - definition, standards, and permitting standards as written below:

Section 10.7.255. Accessory Dwelling Units.

A. Definitions.

Accessory Dwelling Unit. See Section 12.1.10.A. ~~An accessory dwelling unit is an independent habitable living unit, with a kitchen, bath facilities, and its own entryway, which is: (1) within or attached to an owner occupied single family residential dwelling, or (2) within a separate detached accessory structure, or above a detached garage, on a single family lot.~~



B. Purpose and Intent. This chapter provides a process to allow affordable housing within the Town through accessory dwelling units within single-family detached dwellings or in separate detached structures. The standards in this chapter include reasonable limitations to minimize impact on neighboring properties.

C. Accessory Dwelling Unit Standards. Proposed accessory dwelling units must be in compliance with the following criteria to ensure that health and safety considerations are addressed and that the residential characteristics of neighborhoods are preserved. Accessory dwelling units are to be clearly incidental and secondary to the primary residential use of the property. The approval criteria include:

1. Number of Accessory Dwelling Units. A maximum of one accessory dwelling unit is allowed on a residential lot, whether it is in an owner-occupied single-family dwelling, or in a detached accessory structure associated with a single-family dwelling;
2. Occupancy and Owner Occupation. The owner(s) of the residence shall live in the dwelling in which the ADU was created (either in the primary unit or in the ADU), except for bona fide temporary absences. The occupants of the ADU shall not sublease a portion of the unit to other individuals.
3. Code Compliance. The accessory dwelling unit shall conform to all applicable standards in the International Fire Code and International Residential Code. It shall be approved by the Fire Marshall;
4. Location and Type. Accessory dwelling units may be allowed within or attached to the main single-family residential dwelling (basement or addition), over the garage (attached or detached), or in a detached accessory structure (cottage home, casita, guest house), where permitted.
  - a. ADU – Basement. An accessory dwelling unit in a basement may have a separate exterior entrance located on either the side, front or the rear of the building.;
  - b. ADU – Attached. Accessory dwelling units attached to the primary dwelling as an addition shall meet all minimum setback standards required for the primary dwelling; attached ADUs must have a separate entrance;
  - c. ADU – Detached:
    - i. Maximum Height. Maximum height of the total of the accessory dwelling units together with the structure below is 35 feet. Stand alone units may not exceed two stories and 35 feet in height;
    - ii. Size. The living space of a detached accessory dwelling unit must be a minimum of 200 square feet. A detached ADU shall not be larger than 75% of the total footprint of the primary dwelling. Detached accessory dwelling units must be permanently connected to utilities, attached to a site-built permanent foundation which complies with building code, and must comply with all other applicable standards of this chapter. A building permit and inspections are required for construction of the foundation and installation of the structure and connection to utilities;

iii. Setbacks. Detached accessory dwelling units must meet the same front, side, and rear yard setbacks as the primary dwelling and be located at least six feet from the primary dwelling and shall not be located more than two hundred feet (200') from the primary dwelling; and

iv. Street Frontage. The lot must have a minimum street frontage of 70 feet to receive approval for a detached accessory dwelling unit. A smaller-frontage lot may be approved if, at the discretion of the approval authority, the lot configuration is unique and/or the primary dwelling unit is unique in size or location on the lot, and the impacts to neighbors and the street are substantially similar to those on a 70-foot-wide lot.

5. Exterior Appearance. The accessory dwelling unit shall be incorporated into the residence so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. All entrances to accessory dwelling units shall be located on the side or in the rear of the building. The architectural style, building materials, and colors of detached ADUs shall be compatible and consistent with the architectural style, materials, and color of the primary dwelling unit. If the ADU is above a detached garage, the architectural style, building materials, and colors of the ADU must match those of the garage;
6. Utilities. Detached accessory dwelling units may have separate utility meters, and all municipal utilities shall be in the property owner's name and the property owner shall be responsible for payment of all municipal utilities;
7. Parking. A minimum of one additional dedicated parking spaces on the property for the ADU shall be included. Driveway (tandem) parking in front of a garage does not qualify. All parking shall be on improved surfaces. Occupants may not park on the street;
8. Address. The principal dwelling and the accessory dwelling unit shall have the same address number but shall refer to the accessory dwelling unit as unit "B." The address must be located in a visible location on the street frontage side of the home;
9. Motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels may be used as an accessory dwelling unit under the following conditions:
  - a. Shall not be rented, leased etc.;
  - b. Shall be connected to the primary dwelling's septic tank and have approval from Utah County Health Department;
  - c. Shall be utilized only as a temporary dwelling;
  - d. Mobile homes will not be allowed as an ADU;
  - e. Shall only be occupied by the lot owner's family members;
  - f. Shall be currently registered and licensed with the Department of Motor Vehicles;
  - g. Shall obtain an annual permit from the Fairfield Town Building Department. The

annual permit shall expire the first day of August each year; and

- h. Shall be subject to fire, building and health inspections at any time to assure compliance and safety.

10. Short-Term Rental Prohibited. Accessory dwelling units may not be rented for a period of less than 30 consecutive days.

D. Accessory dwelling unit permit.

1. Applications. Applicants for an accessory dwelling unit shall submit a complete application and the supporting materials listed in this section to the Fairfield Town Building Department:

- a. Owner Signature. The owner shall sign the application, agreeing to occupy the dwelling (either the primary unit or the ADU), except for bona fide temporary absences, and agreeing to comply with the standards in this chapter;
- b. Site Plan. A site plan shall be provided that shows property lines, dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings to property lines, the location of required off-street parking, and utility meters;
- c. Floor Plan. A detailed floor plan, to scale, showing the floor in which the accessory dwelling unit will be located, including labels on rooms indicating uses or proposed uses, shall be provided;
- d. Evidence of Building Permit. Evidence shall be provided that a building permit was obtained for the building and/or area containing the accessory dwelling unit; and
- e. Fee. The processing fee required by the current consolidated fee schedule approved by the Town Council shall be paid in full.

2. Planning Director or Designee Approval. The Building Department shall approve an accessory dwelling unit application if it is in complete compliance with all the approval criteria standards identified in this chapter. As part of the review, inspections may be required by the building and/or fire departments;

3. Exceptions to Standards. Accessory dwelling unit applications that deviate from the approval criteria may be considered by the planning commission in a public meeting. After conducting a public hearing and reviewing the application, the planning commission may approve, approve with conditions, or deny the application. Applicants requesting exceptions are not guaranteed approval and must provide evidence that the exceptions will not create negative impacts on neighboring properties. Conditions must be connected to the exceptions being requested, and may include increased setbacks, limitations on windows and doors adjacent to abutting property lines, privacy fencing, and additional parking; and

4. Transfer of Ownership. Upon sale of the home or transfer of ownership, accessory dwelling unit permits shall remain valid so long as the accessory dwelling unit is in compliance with the town's ordinances and conditions of approval.

E. Noncompliance. Owners of the single-family dwelling where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the town's ordinances and conditions of approval. Property owners who fail to maintain or violate the town's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the accessory dwelling unit permit revoked by the Fairfield Town Building Department and may be subject to fines.

F. Enforcement. Any violation of this Section regulating Accessory Dwelling Units shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the Town's zoning or land use regulations.

G. Application to Successors and Assigns. The terms of any conditional use permit issued pursuant to this Code shall run with the land and be binding on any successor or assignee of an applicant, owner or operator and any party that purchases and/or operates a project.

H. Savings Clause. If any part of this ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

I Penalties. Any person or entity who violates any of the provisions of these chapters or who fails to comply therewith, or who violates or fails to comply with any order or directive made thereunder, shall severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor, subject to penalty as provided in section 10.1.25 of this code. Furthermore, the imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons or entities shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

Effective Date: This Ordinance shall become effective immediately upon passage and adoption.

Passed and Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FAIRFIELD TOWN

\_\_\_\_\_  
Hollie McKinney

RL Panek                    yes \_\_\_\_\_ no \_\_\_\_\_

Tyler Thomas              yes \_\_\_\_\_ no \_\_\_\_\_

Michael Weber            yes \_\_\_\_\_ no \_\_\_\_\_

Richard Cameron        yes \_\_\_\_\_ no \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Stephanie Shelley, Town Recorder/Clerk

FAIRFIELD TOWN

STATE OF UTAH     )  
  ) ss.  
COUNTY OF UTAH    )

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Ordinance # \_\_\_\_\_ Title 10.00. An Ordinance Amending Title 10.11., by Adding Accessory Dwelling Units., to the List of Permitted Uses in Sections 10.11.100., Zone AR-1, 10.11.125., Zone RA-5, 10.11.50., Zone RA-10, and 10.11.175., Zone RA-40., and Also Amending Title 10.7.00 by Adding Section 10.7.255. Accessory Dwelling Units., to the Fairfield Town Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_,  
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 \_\_\_\_\_, 20\_\_\_\_.and herein referred to as:

SUMMARY.

An Ordinance amending the Fairfield Town Code by amending Title 10.11.00,by adding, #14. ADUs, to the lists of permitted uses in zones AR-1-, AR-5. AR-10, and AR-40 respectively and amending Title 10.7.00. by adding 10.7.255. Accessory Dwelling Units as a permitted use.

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 \_\_\_\_\_, 20\_\_\_\_