

**PUBLIC NOTICE IS HEREBY GIVEN THAT THE
Planning Commission of Fairfield, Utah
Shall hold a Public Hearing & Regular Session on**

August 7, 2024 @ 7:00 P.M.

At the Fairfield Town Office

103 East Main Street Fairfield, Utah

Public Hearing

- 1) Open the Planning Commission Public Hearing, and Roll Call
- 2) Planning Commission Chair opening introduction.
- 3) Ordinance No. 2024-09 - Enacting Fairfield Town Code § 10.11.280 relating to the adoption of a Tech Overlay Zone (TOZ).
- 4) Resolution No. 2024-17 Adopting the Fairfield Town Annexation Policy Plan.
- 5) Close the Public Hearing.

Agenda

- 1) Open the Planning Commission regular session.
- 2) Public Comment Period (2-minute limit per person). Public comment is for any matter not on the Agenda and not the subject of a pending land use application.
- 3) Discussion and vote to approve the Black Site Plan.
- 4) Discussion with Bryce and Tyler Thomas on the process of rezoning their property.
- 5) Discussion and vote to recommend approval/denial of Ordinance No. 2024-09, An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 10.11.280 Relating To The Adoption Of A Technology Overlay Zone (TOZ).
- 6) Discussion and vote to recommend approval/denial of Resolution 2024-17, A Resolution of Fairfield Town, Utah, Adopting the Fairfield Annexation Policy Plan.
- 7) Motion to approve the minutes of the Regular Session minutes on July 22, 2024.

- 8) Discussion and vote to recommend approval/denial to send the ADU ordinance to the Town Council for review.
- 9) Discussion on updating the Airpark Zone and Airpark Overlay Zone.
- 10) Discuss Old Business and New Business.
- 11) Adjourn the Planning Commission Regular meeting.

Zoom Meeting

<https://us06web.zoom.us/j/84420082790?pwd=U0ZYKzdZMEQ0Zklib3hRZjNnUEIOUT09>

Meeting ID: 844 2008 2790 **Passcode:** 846291

Certificate Of Posting

The above agenda notice was posted on or before the 6th day of August 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 City Offices At 801-766-3509.

Date

Stephanie Shelley Town Recorder/Clerk

Ordinance No. 2024-09, An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 10.11.280 Relating To The Adoption Of A Technology Overlay Zone (TOZ).

Dated _____, 2024

Whereas, There are several technology companies, districts, and campuses in Utah County, but the Town of Fairfield ("Town") does not currently allow for large technology centers in its zoning code.

Whereas, To attract potential technology centers, the Town sought to create the tools and mechanisms for such a business to come to this community. The solution, the attached text enactment, reflects the relationship between the perceived needs of a technology center while mitigating the impacts on the community.

Whereas, Utah Code § 10-9a-102 grants the Town authority to enact ordinances that the Town Council considers necessary or appropriate for the use and development of land within the Town.

Whereas, The Planning Commission conducted a public hearing on the proposed text enactment and made recommendations to the Town Council.

Whereas, The Town Council finds that adopting the proposed text enactment will enhance the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD, UTAH:

Section 1. Text Enactment. The Town Council hereby enacts Fairfield Town Code § 10.11.280, as shown in **Exhibit A**.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

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

**APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD, UTAH, ON
THIS _____ DAY OF _____, 2024 BY THE FOLLOWING VOTE:**

Mayor: _____
Hollie McKinney

RL Panek	yes_____no_____
Tyler Thomas	yes_____no_____
Michael Weber	yes_____no_____
Richard Cameron	yes_____no_____

ATTEST: _____
Stephanie Shelley, Town Recorder/Clerk

EXHIBIT A

(Technology Overlay Zone (TOZ))

DRAFT June 20, 2024

Section 10.11.280. Technology Overlay Zone (TOZ).

A. **Purpose.** The Technology Overlay Zone (TOZ) is intended to provide for the development and operation of large-scale technological, clean industrial, and high-tech manufacturing uses that will increase the tax base and/or provide jobs for the town's residents.

B. Establishing a TOZ.

1. **Size and Location.** Lands in the TOZ shall encompass a minimum of eighty (80) contiguous acres as part of the TOZ campus. The acreage requirement may be joined with a campus located in another municipality. Additionally, parcels in the TOZ shall be located on lands that can be served by adequate infrastructure, including power, water and sewer (or other suitable ground water and septic systems), and a road network with acceptable capacity that can serve the TOZ's intended uses.
2. **TOZ Adoption.** The TOZ may only be approved with a development agreement.
3. **Base Zone.** The TOZ shall only be permitted in the following zone: light industrial (east). The standards and processes of the base zone shall be applicable unless modified by this Section or by development agreement.
4. **Right to Farm.** The town values its rich agricultural heritage and considers agricultural uses as a component of the town's community fabric, quality of life amenities, and contributions to the town's economic base. An application for the TOZ shall provide an analysis of how the development will protect and preserve the agricultural land and agricultural activities within the town in accordance with Title 9, Chapter 7.

C. TOZ Design Standards.

1. **Principal Building Façade.**
 - a. The principal building façade shall include all the building facades substantially visible to adjacent public roads and streets. When a building has more than one principal façade, such principal building facades shall be consistent in terms of design, materials, details, and treatments. Principal building facades shall meet the following standards:

- i. Avoid the use of undifferentiated surfaces by including at least two (2) of the following design elements: (1) change in building height, (2) building step-back or recesses, (3) fenestration, (4) change in building material, pattern, texture, or color, or (5) use of accent materials.
- ii. Buildings not visible from adjacent roads or properties due to buffering shall not be required to have differentiated design elements.
- iii. Building façade material.
 - a. Materials used for building façade may only include tinted textured masonry block, precast concrete, tilt-up concrete panels with brick finish or stone facing, glass, stucco and external insulation finish system that simulates a stucco appearance, fiber-cement siding, metal panel systems, structural metal siding, wood siding, or smooth-faced concrete blocks.
 - b. Precast concrete must contain other materials embedded within and articulated with design detailing or have application of other building materials to create design interest.
 - c. Materials shall be non-reflective and earth-tone in color.
 - d. Examples of compliant building facades are shown in Addendum A.
- b. Screening of Accessory Equipment.
 - i. To minimize visibility from adjacent public roads and adjacent properties, ground level and rooftop accessory equipment shall be screened from public roads and streets abutting residentially zoned or planned properties. This screening may be provided by a principal building or existing vegetation that will remain on or is within a landscaping/buffer easement on an adjacent property. Accessory equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the

exterior construction of the principal building. Notwithstanding the requirements of this section, accessory equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Planning Commission, shall not be required to be screened.

- ii. Notwithstanding anything to the contrary herein, this section shall not apply to permitted accessory uses, including, without limitation, electric substations, transmission, and distribution facilities.
- c. Landscaping.
 - i. A minimum of twenty (20) percent open space shall be maintained for each group of contiguous parcels within the TOZ, inclusive of undeveloped land wetlands, steep slopes, stormwater areas, or water left in undisturbed, open condition or developed as a landscaped or buffer area for buildings, streets or parking lots, areas used primarily for resource protection or recreational purposes.
 - ii. If created, individual parcels within the TOZ are required to submit a landscaping plan with a site plan.
 - iii. All landscaping shall comply with Title 10, Chapter 19.
 - iv. Required landscaping shall be maintained in perpetuity.
- d. Perimeter Buffers.
 - i. All buffers shall be inclusive of required setbacks.
 - ii. All roads and utility rights-of-ways and easements are permitted to cross all TOZ buffered areas. Stormwater management features are prohibited in the buffered areas, except by a waiver approved by the Planning Commission.
 - iii. Buffer yard plantings shall be designed to minimize visual impacts from adjacent public roads and streets and properties. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid

fence, may be substituted for the above requirements when found by the Planning Commission to provide minimal visual screening from adjacent land uses.

- iv. Buffers shall be shown on the TOZ campus buffer and landscape plan and on any individual site plans when the buffer area is part of an individual lot or multiple lots for which the site plan was submitted.
- v. Minimum buffering requirements shall include the following: (1) When adjacent to residential zones, the minimum buffer area shall be two hundred (200) feet; (2) when adjacent to commercial or industrial zones, the minimum buffer area shall be one hundred (100) feet; (3) when adjacent to primary public roads, the minimum buffer area shall be one hundred and fifty (150) feet; (4) when adjacent to secondary public roads, the minimum buffer area shall be one hundred (100) feet; (5) where multiple parcels within the TOZ are included in a development master plan, buffer requirements shall not apply to internal parcel lines; and (6) where internal parcel lines intersect with perimeter parcel lines, the TOZ perimeter buffer regulations shall apply.
- e. Noise. Unless in an emergency situation, the decibel levels shall not exceed 75dB between 8:00 am to 5:00 pm, or 60dB between 5:00 pm to 8:00 am.
- f. Minimum Lot Sizes. Any division of land within the TOZ shall be a minimum of one (1) acre.
- g. Fencing. Fencing of the property shall be located inside the buffer area.
- h. Setback Requirements.

Adjacent to Primary Public Roads (more than 50 feet ROW)	150 feet
Adjacent to Secondary Public Roads (less than 50 feet ROW)	100 feet
Adjacent to Residential and Agricultural Zones	200 feet
Adjacent to Commercial or Industrial Zones	100 feet
Setbacks between buildings (may be reduced by the Planning Commission)	50 feet

- i. Building Height. No building shall exceed fifty (50) feet in height. The Planning Commission may, in its discretion, approve a building height up to eighty (80) feet. Height shall be measured from the average elevation of the finished grade at the front line of the building to the highest point of the roof.
- j. Lighting Requirements. Lighting, including during construction, shall comply with the base zoning regulations and Title 9, Chapter 3.

D. Uses. Any uses not expressly listed below as a permitted, conditional, or accessory use shall be prohibited.

Legend:

P = Permitted use

C = Conditional Use

A = Accessory Use

T = Temporary Use

Blank = Not permitted

Technology college, university, or technical school	P
Conference or training center	P
Data centers	P
Technology research and development facility	P
Aerospace manufacturing, sales, assembly, and associated services	P
Automotive manufacturing, sales, assembly, and associated services	P
Food processing, packaging, and manufacturing	P
Laboratory and testing services	P
Clean advanced materials manufacturing or advanced manufacturing businesses	P
Research and development	P
Concrete batch plants, materials processing equipment, and other similar uses	T
Water treatment plant	A
Sewage treatment plant	A
Elevated water storage tank or tower	A
Telecommunications tower	A
Central heating or cooling facility	A
Energy generating facility	A

Security building	A
General storage and maintenance facility	A
Structured parking	A
General office	A

E. **Definitions.**

Aerospace manufacturing, sales, assembly, and associated services. Means a company involved in the various aspects of designing, building, testing, selling, and maintaining aircraft, aircraft parts, missiles, rockets, or spacecraft. Aerospace is a high technology industry

Automotive manufacturing, sales, assembly, and associated services. Means a company engaged in manufacturing or assembling of passenger cars, trucks, or station wagons, including any person, partnership or corporation which acts for or is under the control of such manufacturer or assembler in connection with the distribution of said motor vehicles.

Central heating or cooling facility. Means chillers and cooling towers, Computer Room Air Conditioner (CRAC), Computer Room Air Handler (CRAH), air distribution system, and redundancy and backup systems needed for a data center.

Clean advanced materials manufacturing or advanced manufacturing businesses. Means a company that accelerates the adoption of innovative materials and manufacturing technologies in support of a clean, decarbonized economy.

Concrete batch plants, materials processing equipment, and other similar uses. The Planning Commission, as part of the site plan approval, may approve a concrete batch plant, materials processing equipment, or other similar temporary uses if the processing is located at least one-half mile (2,640 feet) from any existing residence or residential lot.

Conference or training center. Means a facility that accommodates groups of persons for short periods for the purposes of seminars, workshops, training, and other related activities. No overnight accommodations are provided.

Data centers. Means a building, a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems.

Elevated water storage tank or tower. Means a structurally enclosed tank that is raised above the ground to store water.

Energy generating facility. Means a facility that generates electricity for the primary use or facility by means of solar, wind, or water.

Food processing, packaging, and manufacturing. Means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a customer. This definition does not include on-site slaughter, killing, or harvesting of animals.

General office. Means office space that is no larger than 5,000 square feet.

General storage and maintenance facility. Means storage or facilities that support the main use of the property or building. General storage and maintenance facilities may not take up more than twenty five percent (25%) of the total building area.

Laboratory and testing services. Means the testing of products made at the main facility. The use of animal testing and experimentation is prohibited.

Research and development. Means the research and development of life sciences, medical, electronic assembly, or other similar uses.

Security building. Means a building containing eating and sleeping facilities for security personnel no larger than one thousand (1,000) square feet in size and may not be used as a dwelling.

Sewage treatment plant. Means the collection, treatment, and discharge of wastewater within the development.

Structured parking. Means a portion of a building that is used for parking of equipment and motor vehicles.

Technology college, university, or technical school. Means an institution authorized by the State to award associate, baccalaureate or higher degrees, and

facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college or university use.

Technology research and development facility. Means a building in which scientific research, investigation, testing, or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.

Telecommunications tower. Has the same meaning as “Telecommunication System” found in Fairfield Town Code § 12.1.140.T.

Water treatment plant. Means a facility that uses technology to treat raw or contaminated water to make it safe for use.

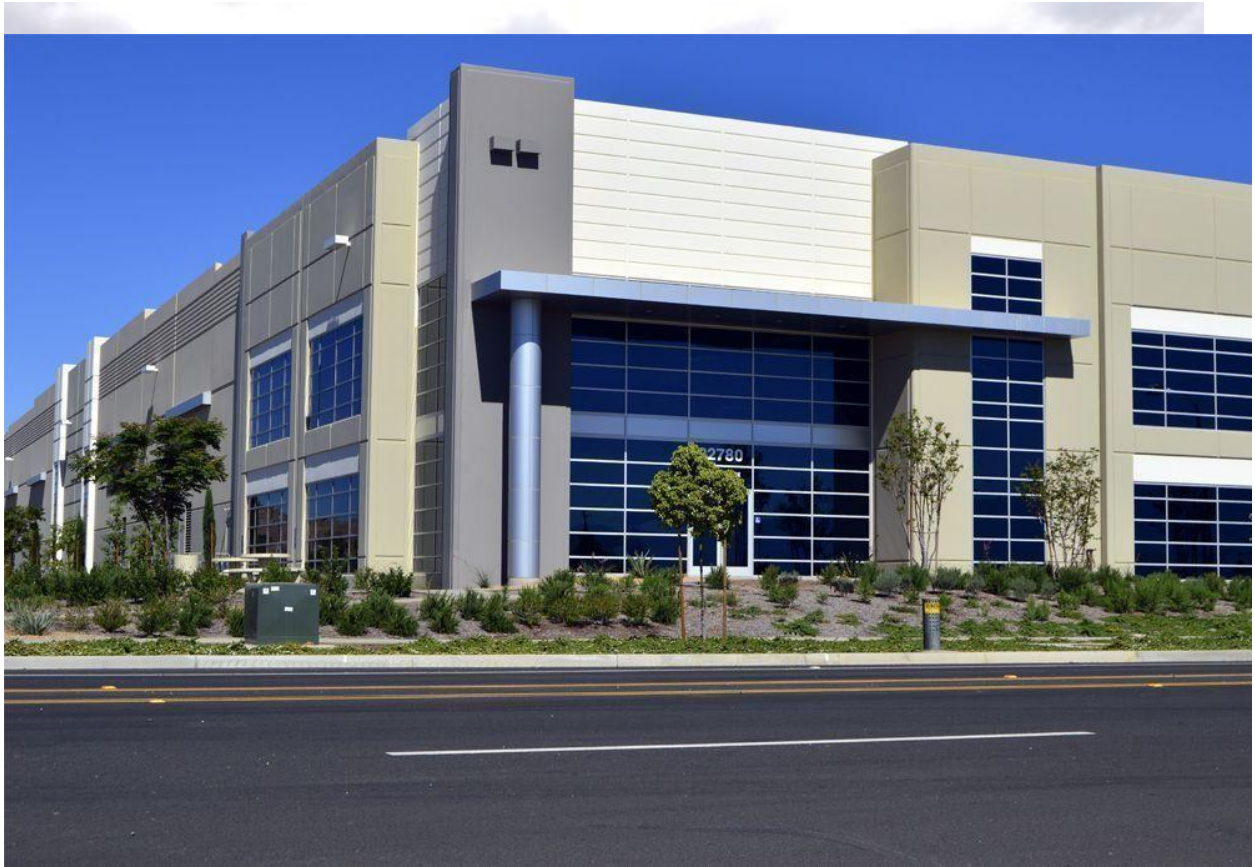
- F. **Prohibitions.** Any use that produces gas, smoke, odor, dust, vibration of earth, or soot that, in the opinion of the town council, will negatively impact commercial or residential areas that are currently existing or that are proposed in the Town’s general plan. Solar farms, as a primary use, shall not be permitted in the TOZ, and no solar farm, as an accessory use, shall exceed more than two (2) acres.

ADDENDUM A

(Examples of Compliant Building Facades)







DRAFT June 20, 2024

Resolution No. 2024-17, A Resolution Of The Fairfield Town, Utah, Adopting The Fairfield Annexation Policy Plan.

Dated _____, 2024

Whereas, Utah Code § 10-2-401.5 requires all municipalities to adopt an annexation policy before annexing an unincorporated area; and

Whereas, The Town of Fairfield (“Town”) generally borders unincorporated areas on the Town’s east, south, and west sides; and

Whereas, The attached Annexation Policy Plan (“Plan”) provides a geographical boundary to define long-term, comprehensive planning and growth for the Town; and

Whereas, Adopting the Plan provides a baseline of data for the next general plan update; and

Whereas, The Planning Commission conducted a public hearing on the Plan and made recommendations to the Town Council; and

Whereas, The Town Council finds it in the public interest to approve the Annexation Policy Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFIELD TOWN COUNCIL:

Section 1. **Adoption of the Annexation Policy Plan.** The Town Council hereby adopts the Annexation Policy Plan attached hereto as **Exhibit A**.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon passage.

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD, UTAH, ON THIS _____ DAY OF _____, 2024 BY THE FOLLOWING VOTE:

Mayor: _____
Hollie McKinney

RL Panek	yes_____no_____
Tyler Thomas	yes_____no_____
Michael Weber	yes_____no_____
Richard Cameron	yes_____no_____

Attest: _____
Stephanie Shelley, Town Recorder/Cleark

EXHIBIT A

(Annexation Policy Plan)

TOWN OF FAIRFIELD ANNEXATION POLICY PLAN

Purpose

The intent of this policy is to guide decisions regarding future annexations and ensure alignment with objectives in the Town's General Plan or future General Plan. It will identify potential annexation areas and establish specific standards and criteria that will guide the Town's decision on whether to grant future annexation petitions in those areas. It would also help the Town to prepare for any financial and operational impacts of annexation while striving to protect the public health, safety, and welfare of the Town's existing and future residents.

Policy

This Annexation Policy Plan was prepared in accordance with the requirements of Utah Code § 10-2-401.5, which requires all municipalities to adopt an annexation policy plan before annexing an unincorporated area into the Town.

1. Expansion Area Map

The Town Annexation Area Map, attached as Exhibit 1, illustrates the Town's proposed future expansion areas. This map represents the Town's growth boundaries and includes areas outside, but adjacent to, its incorporated borders, which may be annexed into the Town. Proposed annexation areas must fall within the approved Annexation Declaration Area for Town consideration. However, although property or properties may be within a designated expansion area, compliance with this Plan does not guarantee approval.

2. Annexation Criteria

The following list will guide the Town's decision on whether to grant future annexation requests. All future requests for annexation will be evaluated against the following criteria required by Utah Code §10-2-402:

2.1. General Criteria

- 2.1.1.** Any annexed area must be a contiguous area.
- 2.1.2.** The Town will attempt to avoid gaps between or overlaps with expansion areas of other municipalities.
- 2.1.3.** If the annexation is by petition, the proposed annexation area cannot create an unincorporated island or peninsula unless Town and Utah County agree to such creation.

- 2.1.4. Annexation requests cannot propose the annexation of all or part of an area proposed for annexation in a previously filed petition that is still pending approval, denial, or rejection.

3. Character of the Community

Fairfield is located in the west side of Utah County, near the foothills of the Oquirrh Mountains. Fairfield shares borders with Eagle Mountain to the north, and the remaining borders are of unincorporated Utah County.

Some of the early residents of the area, the Ute Indians, first used the valley for their hunting grounds, then, in 1859, Latter Day Saint pioneers began grazing cattle and sheep in the valley. In 1854 a group of men arrived in what is now Fairfield Town, laying out a townsite and building a rock fort. By 1855, many families, including the Carson, Beardshall and Clegg families had answered the call to help settle Fairfield. In 1858, Johnston's Army arrived in Fairfield and by November 1858, the encampment known as "Camp Floyd" had over 7,000 occupants. After the Civil War broke out, the soldiers were recalled, reducing Fairfield's population to less than 50 families. In the early days, Fairfield was a major stopping point for the Pony Express, the Overland Stage and the Union Pacific Railroad. The Stagecoach Inn was also used as a telegraph station for a period of time. Mining and raising sheep were two of the major industries in the area for many years. The raising of cattle and sheep, along with farming are still prevalent in the area today but on a smaller scale.

Fairfield became an incorporated town in 2004. Today, Fairfield is a quiet town with a rich history that residents have so far managed to retain and would like to preserve. Rural living and the historical significance of the town are key components that the town leaders and residents of Fairfield have worked hard to maintain as record breaking growth in the area threatens their way of life. Fairfield residents realize that growth is necessary but they would like future industry to work with them to preserve the small town atmosphere, the dark skies, wildlife corridors, and the historical sites within the town and the surrounding area. Fairfield wants to be good neighbors with neighboring businesses and industry and they feel that this can be accomplished with open communication and cooperation on both sides.

4. Municipal Services

All areas included in the Plan will need municipal services. Annexation will allow residents and developers of annexed property access to culinary water,

sewer systems, and electric power services, provided they meet all Town specifications and comply with all applicable development ordinances.

5. Extension of Municipal Services

Where municipal services are not presently extended, services will be extended on an as-needed basis at the cost of the developer. All extensions of municipal services must comply with all ordinance and policy criteria, and the individual developer or property owner will pay for necessary extensions. The plan and time frame for the extension of municipal services will be determined by the interest of the property owners to subdivide and develop their ground and the interest and ability of the Town to provide such services. It is in the interest of Town residents to foster orderly sequential development.

6. Service Financing

Municipal services in newly annexed areas will be financed and constructed by the developer in addition to the Town's collection and investment of impact fees. Through increases in property valuations and subsequent increases in the collection of property and sales taxes, inherent increases to the general fund will help defray added expenses that the Town may incur by annexing new properties.

7. Estimate of Tax Consequences

The annexation area within Fairfield's area is limited to unincorporated Utah County properties. Other taxing entities, including but not limited to schools, county, library, sewer, water conservancy, and mosquito abatement, already cover the potential annexation area.

Fairfield's combined property tax rate for tax year 2023 is 0.007501 Utah County's unincorporated areas' combined tax rate is 0.0078530. which includes the same taxing entities listed above, except for the Town, but includes:

- SA-6 SERVICE AREA 6-LAW, ZONING
- SA-8 SERVICE AREA 8-PLANNING
- SA-9 SERVICE AREA 9-AGRI FIRE

If annexed into Town, residents in an expansion area would recognize a tax rate decrease of .000352. This information is based on the current tax rate of all applicable taxing entities and recognizes that any of the respective taxing entities may adjust tax rates as necessary.

8. Interests of Affected Entities

In evaluating a proposed annexation, the interests of all affected entities should be considered. The annexation does not extend beyond the limits of the adopted annexation policy plan. Other services needed for the annexation, e.g., electrical power, internet, and communications, are available or reasonably available for the proposed annexation. The petitioners of annexation have entered into agreement(s) with affected entities, as applicable, for the provision of required infrastructure and services. The annexation does not create boundary alignment issues with any public or charter schools, or affected entities, unless interlocal agreements have been created to address the alignment issues.

9. Other Considerations

9.1. Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities.

Eagle Mountain shows an expansion area on their south border in an attempt to surround Fairfield's borders. But Eagle Mountains proposed expansion attempts to expand beyond a pinch point in their current boundaries. Thus, Fairfield's proposed expansion area simply seeks to extend Fairfield's to allow for natural expansion of the Town's borders. Multiple property owners are within the expansion area.

9.2. Consider population growth projections for the Town and adjoining areas for the next 20 years.

Due to the vacant land in the west corner of Utah County, population projections are as follows:

Town	2020 Census	2030	2040	2050
Fairfield	152	300	600	900
Eagle Mountain	39,885	65,038	99,064	141,252
Saratoga Springs	39,085	79,815	117,641	138,600
Cedar Fort	671	773	1,855	11,845

9.3. Consider current and projected costs of infrastructure, urban services, and public facilities necessary to facilitate full development of the area within the Town; and to expand infrastructure, services, and facilities into the area being considered for inclusion in the expansion area.

The projected backbone infrastructure costs are estimated to be millions of dollars to service the area identified in the annexation declaration map for potential annexation with water, roads, and storm drainage being installed.

9.4. Consider, in conjunction with the General Plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development.

Fairfield has anticipated annexation petitions to facilitate desired residential, agricultural, and some commercial and industrial development. Upon receipt of each annexation petition, the Town will review each request for (1) compliance with the Annexation Policy Plan and (2) opportunities to implement the adopted goals and objectives of the General Plan.

9.5. Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the Town.

The proposed annexation areas include existing agricultural, forest, recreational, or wildlife management lands. Fairfield anticipates future annexations of land that preserve open space and facilitate access to recreational opportunities will benefit residents.

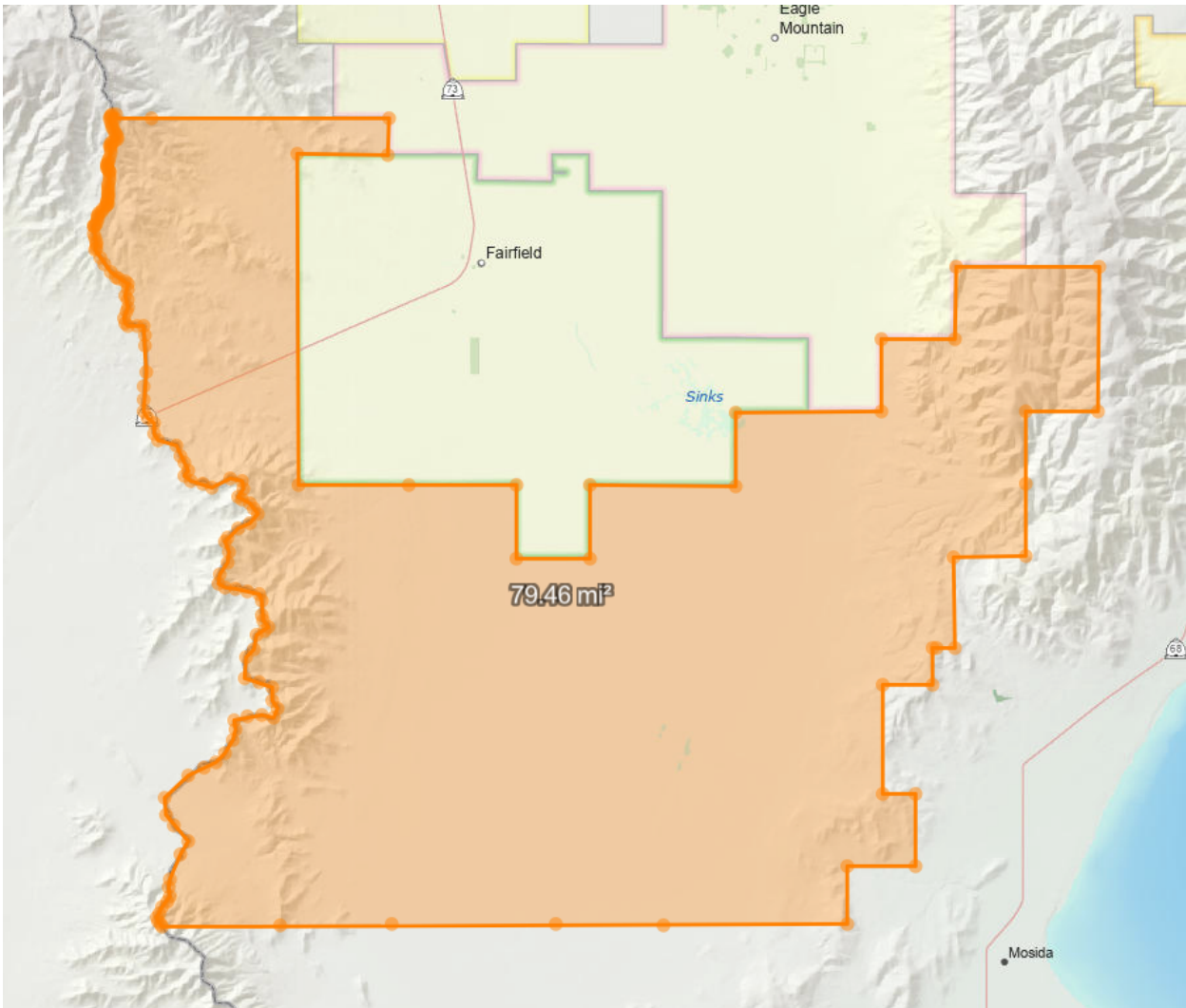
10. Justification for Excluding Lands from Potential Expansion Area

No developed lands within one-half mile of Fairfield's existing boundary are excluded from the potential expansion area, except those lands already incorporated in other municipalities.

EXHIBIT 1

(Annexation Declaration Area Map)

Annexation Declaration Area Map



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.~~ An Ordinance Amending Title 10.11.00., Adding ADU’S as Permitted Uses in Certain Zones, and Adding Title 10.7.255. Accessory Dwelling Units.

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 #15 ADU’s to the list of permitted uses in zone AR-1, and adding #14, ADUs. to the lists of permitted uses in zones 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.15. 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. See FF Title 12. 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, **in certain permitted zones**, 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 thirty five (35) feet. Stand alone units may not exceed two (2) stories and thirty five (35) feet in height;
 - ii. Size. The living space of a detached accessory dwelling unit must be a minimum of two hundred (200) square feet. A detached ADU shall not be larger than seventy five percent (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 (6) feet from the primary dwelling and shall not be located more than two hundred (200) feet from the primary dwelling; and

iv. Street Frontage. The lot must have a minimum street frontage of seventy (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 seventy (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 space 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____