

Unapproved Meeting Minutes
Fairfield Planning Commission
Public Hearing/Regular Meeting
August 7, 2024

Public Hearing Minutes

Date: Wednesday, August 7, 2024

Location: Fairfield Town Office 103 East Main Street Fairfield, Utah

Time: 7:00 P.M.

Minutes By: Recorder: Stephanie Shelley

Agenda Item #1- Open the Planning Commission Public Hearing and Roll Call

Commissioner Taylor opened the meeting at 7:02 pm.

David Riet, Jane Lancaster, Wayne Taylor, Kyler Fisher, Heather Strong (7:04 pm)

Staff Present:

Recorder: Stephanie Shelley, Mayor Hollie McKinney, Todd Sheeran (attorney),

Others Present: Bryce Thomas, Tyler Thomas, Tal Adair, Dan Saunders (Eagle Mountain), Andrew Eton (Santaquin), Paula Pulver, Marine & LuAnne Coon, Brent Ault, Vern Carson, Virginia Winegar, Brent Lundberg, Tiffany Lundberg, Tiffany Lundberg, Krista Black, Michael Weber.

Zoom: Steve & Lisa, Vanessa Coleman, iPhone, Christine's iPad, Mike, phung

Agenda Item #2- Planning Commission Chair opening introduction

Chairman Taylor addresses the Planning Commission and the public at a hearing. Taylor emphasizes Fairfield's small-town nature and the challenges it faces due to increased interest and development pressures. He discusses the town's need to create a general plan, which the state requires, to guide future decisions, including potential developments like an athletic complex. However, funding for such projects is uncertain. Taylor also touches on the town's efforts to prepare for future growth by establishing a technical overlay zone and an annexation policy plan. Taylor clarifies that while Fairfield has no immediate plans to annex land, he wants to be prepared to manage the town's future, especially in response to developers' increasing interest.

Mayor McKinney expands on the challenges Fairfield faces, particularly the lack of control over developments on the town's outskirts. She mentions that without an annexation policy, neighboring areas like Eagle Mountain could potentially surround Fairfield, leaving the town with limited control over its future. She stresses the importance of having a plan in place to manage these pressures. She asserts that while the town isn't actively pursuing annexation, it needs to consider all options to protect its interests. She highlights the need for proactive planning to avoid future complications.

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Agenda Item #3 - Ordinance No. 2024-09 - Enacting Fairfield Town Code § 10.11.280 relating to the adoption of a Tech Overlay Zone (TOZ).

Martin Kuhn (Cresthill Development) is a property owner discussing their frustrations with the town of Fairfield regarding the management and valuation of their 344-acre property. Years ago, Fairfield invited the family to annex their land into the town, promising potential benefits. However, once the land was annexed, the town rezoned the property, significantly devaluing it by changing the zoning from AR5 (5-acre lots) to AR10 (10-acre lots). The speaker expressed dissatisfaction with Fairfield's repeated refusal to allow any development on their land, whether it be homes, solar panels, or other uses. Despite being willing to sell the property, Fairfield declined to purchase it, leaving the owners in a difficult position. The speaker highlights the ongoing conflict with the town and the desire to explore other options, such as annexation into Eagle Mountain, due to Fairfield's unwillingness to take actions that would enhance the property's value.

Sherie Warner asked if the town could automatically annex their property under the annexation plan. They are concerned about whether they have any say in the matter or if the town can annex their property without their consent. They seek clarification on whether the annexation process allows for property to be annexed automatically. Chairman Taylor answered saying that there are specific rules governing annexation, including factors like the amount of property involved. While property owners can vocalize their opinions, he is uncertain about the full legal details of whether the town can automatically annex property without consent. Taylor admits to being relatively new to their position as chairman and doesn't have a definitive answer. Todd Sheeran answered that the town itself could not annex property into the town. It has to be on the consent of the property owners, and depending on how many property owners want to annex into Fairfield will depend on the answer to that question. So, if it's under 1000 acres, most property owners have to consent to it. If it's over 1000 acres, they just make changes. So I'm not super familiar with it, but 100% of the property owners, or something like that, have to consent to it. So yeah, the town itself, though, cannot just incorporate the property that's currently unincorporated,

Vern Carson is asking about the intended size and scope of the overlay zone being discussed at the meeting. They want clarification on the proposed overlay zone's dimensions and extent. Commissioner Lancaster explained that the technical overlay zone being discussed is currently just an ordinance with no specific zone or location attached to it. Adopting this overlay zone is a preliminary step, and no particular areas are being designated. Once those decisions are made, a future public hearing will be held to discuss the details, such as the location and scope

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of the overlay zone. The current meeting is only about adopting the ordinance to allow for the possibility of creating the zone later.

Chairman Taylor questioned whether Fairfield should allow developers to de-annex from Fairfield and join neighboring Eagle Mountain to build data centers or if the town should encourage them to stay within Fairfield. Keeping the data centers in Fairfield could generate tax revenue for the town. This decision is central to the discussion about the technical overlay zone.

Tyler Thomas, the data center will be built; either way, the decision is simply whether you benefit from it.

Tiffany Lundberg (Cresthill Development) expresses frustration over years of trying to work with the town regarding their property, feeling that despite their efforts, she has had no influence or vote in decisions affecting their land. They mention that their family has owned the property for over 75 years, longer than many current residents have lived there. The speaker feels that the town has consistently prevented them from developing or using their property due to its lack of water. She believes the town is more interested in controlling the land than collaborating with landowners to benefit the community. The speaker stresses their desire to contribute positively but feels blocked by the town's decisions.

Martin Kuhn (Cresthill Development) is upset that despite opposing zoning changes, the town proceeded without considering their input. They feel that property owners with larger landholdings, like their 300 acres, should have more influence or voting power, especially since they feel disregarded in decisions that affect their land.

The Commissioners asked them what they wanted to do. They have never approached the Commissioners since any of them have been serving. Cresthill Development has yet to respond.

Michael Weber stated that he is new to town and supports your views. Although I've been here for over three years and have attended around 80-90% of the meetings, including planning commissions and town councils, I haven't seen or heard from you before. The information is on the town and public websites. The main point is that you need to be present and communicate your needs and desires. Let's focus on moving forward instead of dwelling on the past.

Cresthill development (unknown) If I were still in the county, I'd push for the changes I wanted, but since we're now part of the city, I feel the city hasn't done much for us. For example, the

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property evaluation has already passed. You ask us to come and share our ideas, but you can't provide essential services like gas, sewer, or water.

Sherie Warner has 40 acres, with part designated for RFI in Utah County. If she gets annexed, will this make her current zoning illegal, and will she need to adhere to new regulations, such as a 10-acre minimum? Would this prevent her from building on her property? Todd Sheeran typically assigns a zoning designation when the property is annexed in consultation with the owner to determine the details. Sherie said, "Our concern is that if we're annexed, we might face zoning issues that could devalue our property and render it unusable. We worry about being forced into an annexation against our will, which could leave us with essentially worthless property. We understand the need to move forward, but in the past, Fairfield hasn't cooperated with landowners, leading people to move to Eagle Mountain for better property value. We need to know if this situation will change or remain the same."

Chairman Taylor stated that if the Town does not do something, the Town will be overrun.

Agenda Item #4 - Resolution No. 2024-17 Adopting the Fairfield Town Annexation Policy Plan.

The discussion was mentioned in the previous agenda item.

Via Zoom -(7:26 pm), Vanessa Coleman said, "Under Utah Code, the "expansion area" of an annexation plan is defined as "the area that the municipality anticipates annexing in the future." Are you willing to remove parcels of landowners who object to being included in your planned annex area from your plan?"

Agenda Item #5 - Close the Public Hearing.

Commissioner Lancaster moved to close the meeting, and Commissioner Strong seconded the motion. The motion passed unanimously, and the meeting adjourned at 7:27 p.m.

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Regular Minutes

Agenda Item #1 - Open the Planning Commission regular session.

The meeting was called to order by a member, Commissioner Taylor, at 7:28 PM.

Agenda Item #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.

No one present had a comment.

Agenda Item #3 - Discussion and vote to approve the Black Site Plan.

Commissioner Taylor made a motion to approve the Kole and Krista Black site plan with the caveat that, at the time of building, they are in possession of an acre and a quarter foot of water in their well. Commissioner Riet seconded the motion. Unanimously approved

Commissioner Taylor - Yes

Commissioner Strong - Yes

Commissioner Riet - Yes

Commissioner Lancaster - Yes

Commissioner Fisher - Yes

Agenda Item #4 - Discussion with Bryce and Tyler Thomas on the process of rezoning their property.

Bryce and Tyler Thomas discussed their interest in rezoning a part of their property. They sought clarification on the subdivision process and the town's requirements if they decide to split it.

The commissioners provided input on adhering to local zoning ordinances. They also discussed the future use of the land and potential zoning changes to match their plans. Commissioners expressed the importance of matching development with the town's general plan and the possible impact of state road developments on the property.

Agenda Item #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).

The discussion centered around Ordinance No. 2024-09, which entailed adopting a Technology Overlay Zone. Amendments were highlighted, and the necessary changes were reviewed to ensure no properties were excluded from the ordinance. Adjustments suggested from previous

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meetings, such as defining the technology overlay requirements and inclusivity of properties, were incorporated.

Commissioner Riet motioned to recommend approval 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). Commissioner Strong seconded the motion. Unanimously approved.

Commissioner Taylor - Yes

Commissioner Strong - Yes

Commissioner Riet - Yes

Commissioner Lancaster - Yes

Commissioner Fisher - Yes

Agenda Item #6 - Discussion and vote to recommend approval/denial of Resolution 2024-17, A Resolution of Fairfield Town, Utah, Adopting the Fairfield Annexation Policy Plan.

The Planning Commission reviewed two maps for the Fairfield Annexation Policy Plan, deciding on a smaller map to ensure proper notification to property owners. They agreed on projecting an annexation plan that would be easier to manage and notify accordingly.

Commissioner Lancaster motion to recommend approval of Resolution 2024-17, A Resolution of Fairfield Town, Utah, Adopting the Fairfield Annexation Policy Plan. Exhibit Map 1. Commissioner Strong seconded the motion. Unanimously approved

Commissioner Taylor - Yes

Commissioner Strong - Yes

Commissioner Riet - Yes

Commissioner Lancaster - Yes

Commissioner Fisher - Yes

Agenda Item #7 - Motion to approve the minutes of the Regular Session minutes on July 22, 2024.

Commissioner Riet motioned to approve the minutes of the Regular Session on July 22, 2024. Commissioner Lancaster seconded the motion, which was unanimously approved.

Commissioner Taylor - Yes

Commissioner Strong - Yes

Commissioner Riet - Yes

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Commissioner Lancaster - Yes

Commissioner Fisher - Yes

Agenda Item #8 - Discussion and vote to recommend approval/denial to send the ADU ordinance to the Town Council for review.

Commissioners discussed the Accessory Dwelling Unit (ADU) ordinance at length. They debated various amendments and considerations regarding utilities, lot size, setback requirements, and the definition of temporary occupancy. Motor homes, fifth wheels, and similar types of temporary dwellings were given particular attention regarding their suitability and compliance issues. Proposed penalties and conditions for rental use of ADUs were also discussed.

It was decided that further advice from the town's attorney regarding fines, fees, and other legal matters was necessary before giving final approval.

Agenda Item #9 - Discussion on updating the Airpark Zone and Airpark Overlay Zone

It was noted that the standards and allowances within the Airpark Zone and Airpark Overlay Zone needed refinement. The current guidelines needed to be more specific, and the commission agreed to tighten the standards for types of schools and compliant uses within the zone. The aim was to ensure that any development in the Airpark Zone met specific criteria consistent with the town's overall planning objectives, including managing noise complaints and other community concerns.

Agenda Item #10 - Discuss New Business and Old Business

Updates were provided on several ongoing initiatives:

- Subdivision talks revived but remained unresolved.
- Pursuing state funding for water and sewage system planning through DEQ.
- Discussions with Eagle Mountain regarding potential collaborations on sewer systems.
- Upcoming master planning sessions with the Inland Port Authority were scheduled.

Commissioner Taylor aims to enhance the productivity of the meetings. He requests that Commissioners review items and provide document recommendations before the meetings. To ensure accuracy and prevent any confusion with the Town Code and State Code, the Commissioners would like Todd, along with others with the necessary skill set, to draft the materials for their review, as they lack the necessary writing code.

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Agenda Item #11- Adjourn the Planning Commission Regular Session.

*Commissioner Riet motioned to adjourn the meeting, which Commissioner Strong seconded.
The meeting was adjourned at 9:25 p.m.*

September 5, 2024

Stephanie Shelley

Minutes Approval Date

Stephanie Shelley Recorder/Clerk