

Approved Meeting Minutes
Fairfield Planning Commission
Public Hearing / Regular Meeting
December 4, 2024

Minutes

Date: Wednesday, December 4, 2024
Location: Fairfield Town Office 103 East Main Street Fairfield, Utah
Time: 7:00 P.M.
Minutes By: Recorder: Stephanie Shelley

Call to Order

1) Roll Call

Commissioner Taylor opened the meeting at 7:04 pm

David Riet, Jane Lancaster, Wayne Taylor, Kyler Fisher, Excused Commissioners: Heather Strong

Staff Present:

Recorder: Stephanie Shelley, Town Attorney: Todd Sheeran (via Zoom), Mayor: Hollie McKinney,
Councilman: RL Panek

Others Present: Tal Adair, Brent Ault, Alina Pringle

Via-Zoom: Vanessa, cql4, Caden Hazard, iPhone (158), Devin's iPhone, Sherie's Iphone (2), iPhone 8017034506,

Public Hearing

The Commissioners will accept public comment, limited to no more than 15 minutes total, on the following items:

Commissioner Taylor opened the public hearing and noted that the old soil ordinance was mistakenly posted on the website instead of the new one. He invited public comments on any of the topics.

1) Amending the Accessory Dwelling Units Regulations

No public comment

2) Amending the Subdivision Ordinance

Part of the comment was also about the soil ordinance. Brent Ault's comment is below.

3) Amending the Soil Ordinance

Brent Ault inquired about when the soil ordinance would apply, specifically regarding subdivision applications or building permit applications. Commissioner Lancaster clarified that if soil testing had not been conducted on a property prior to the ordinance, such testing would be required before site plan approval, building permits for structures, or if a project disturbs more than 5,000 square feet of soil.

4) Prepare a Comprehensive General Plan Amendment

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Alina Pringle commented on the general plan open house, praising the format and the opportunity for public input. However, Commissioner Taylor expressed disappointment that many attendees were not residents or landowners, which he felt skewed the results.

There was a discussion about the participation of air park members in the open house. A member of the public argued that the airpark has been part of the community since Fairfield's incorporation and that hangar owners contribute through property taxes. Commissioner Taylor questioned how this differed from the town collecting property taxes directly.

Commissioner Lancaster noted that only about 25% of attendees were landowners and residents. There was further discussion about the value of input from various stakeholders in the community.

Brent Ault, a property owner, expressed concerns about a proposed trail on the general plan map that appeared to go through his property. He suggested alternative routes along property boundaries or the highway. Commissioners assured him that the trails on the map were conceptual and not intended to go through private property without consent.

Via Zoom, 7:12 pm 'Sheries, The proposed trail is not next to the road.'

The commissioners discussed the need to clarify the nature of proposed trails in future communications and to ensure that property owners' rights are respected. They also talked about the potential benefits and challenges of having designated trails.

Commissioner Lancaster motioned to close the Public Hearing. Commissioner Riet seconded the motion. The motion passed unanimously.

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Lancaster - Yes

Commissioner Fisher - Yes

The Public Hearing was closed at 7:23 pm.

Consent Items

The Commissioners may approve these items without discussion or public comment and may remove an item to the Business Items for discussion and consideration.

- 1) Regular Session minutes on November 6, 2024.**
- 2) Planning Commission 2025 meeting scheduled.**

Commissioner Lancaster motioned to approve the consent items. Commissioner Riet seconded the motion. Unanimously approved.

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Commissioner Taylor - Yes
Commissioner Riet - Yes
Commissioner Lancaster - Yes
Commissioner Fisher - Yes

Business Items

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

- 1) Vote to approve sending 'An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 10.15 Relating To The Town's Subdivision Ordinance.' to the Town Council.**

The commissioners discussed the amendment to the Town Subdivision Ordinance. Commissioner Lancaster suggested that minor subdivisions should come to the planning commission for approval instead of just the town administrator. The commission agreed that this would provide more oversight and transparency.

Commissioner Lancaster motion to approve sending 'An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 10.15 Relating To The Town's Subdivision Ordinance.' to the Town Council
Commissioner Taylor seconded the motion. Unanimously approved.

Commissioner Taylor - Yes
Commissioner Riet - Yes
Commissioner Lancaster - Yes
Commissioner Fisher - Yes

- 2) Vote to approve sending 'An Ordinance of the Fairfield Town Council of the Town of Fairfield, Utah, Amending Chapter 10.11 (Permitting Accessory Dwelling Units in Certain Zones) and Title 12 (Adding and Amending Certain Definitions), and Enacting Section 10.7.255 (Accessory Dwelling Units Regulations).' to the Town Council.**

The commissioners briefly discussed the accessory dwelling units ordinance, noting that they had previously reviewed and were satisfied with the changes.

Commissioner Lancaster motion to approve sending 'An Ordinance of the Fairfield Town Council of the Town of Fairfield, Utah, Amending Chapter 10.11 (Permitting Accessory Dwelling Units in Certain Zones) and Title 12 (Adding and Amending Certain Definitions), and Enacting Section 10.7.255 (Accessory Dwelling Units Regulations).' to the Town Council. Commissioner Riet seconded the motion.
Unanimously approved

Commissioner Taylor - Yes
Commissioner Riet - Yes
Commissioner Lancaster - Yes
Commissioner Fisher - Yes

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3) Vote to approve sending 'An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 5.3 Relating To The Town's Soil Ordinance.' to the Town Council.

Todd Sheeran presented the changes made to the soil ordinance. He highlighted two main changes:

In section 5.3.20, soil testing requirements were clarified for subdivision approval and for cases where testing was not done at the time of subdivision.

In section 5.3.30, the number of sample sites required for properties over 5 acres was clarified.

The commissioners discussed the need for a full report versus a synopsis of soil testing results. They agreed that a full report with specific data and findings would be necessary.

Commissioner Riet asked about the capping requirements for different soil contamination levels. Sheeran explained that these were based on EPA recommendations and comparable ordinances.

Commissioner Lancaster motion to approve sending 'An Ordinance Of Fairfield Town, Utah, Amending Fairfield Town Code § 5.3 Relating To The Town's Soil Ordinance.' to the Town Council. Commissioner Riet seconded the motion. Unanimously approved

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Lancaster - Yes

Commissioner Fisher - Yes

4) CUP approval process presentation from Todd Sheran

Todd Sheeran gave a presentation on the Conditional Use Permit (CUP) approval process. Key points included:

1. The importance of tying concerns to specific standards in applicable ordinances.
2. The requirement to approve a CUP if reasonable conditions can mitigate anticipated detrimental effects.
3. The planning commission's discretion in weighing evidence.
4. The appeal process goes to the town council in Fairfield.
5. There is a need for substantial evidence and correct interpretation of land use regulations.

Sheeran used a case study (McKinney v. Moab) to illustrate the complexities of CUP decisions and the importance of basing decisions on substantial evidence rather than speculation.

He emphasized that detrimental effects must be based on substantial evidence and not merely public clamor. Common detrimental effects discussed included traffic, safety, property values, and views.

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Sheeran advised the commissioners to consider three questions when reviewing CUPs:

1. What is the applicable standard for the detrimental effect?
2. What conditions can be imposed to mitigate the detrimental effect?
3. Does the imposed condition achieve compliance with the standards?

He stressed the importance of clear, written decisions supported by substantial evidence.

5) Discuss Enyo's CUP and address concerns.

The commission discussed Enyo- Quicksilver Solar IV's Conditional Use Permit (CUP). Todd Sheeran reported on a meeting with W.C. 3 to review the CUP conditions. He mentioned that 14 conditions were reviewed, and some revisions were made to address duplications and clarify requirements.

Key points discussed included:

1. Considering their potential toxicity, solar panels need to be properly disposed of.
2. A spec sheet or Material Safety Data Sheet (MSDS) is required to be provided to the landfill at the time of building permit application.
3. Concerns about tracking changes in solar panel types throughout the project's lifespan.
4. There is a need for a decommissioning plan and escrow or bond to ensure proper closure and remediation.
5. The importance of having a power purchase agreement in place.

The commissioners also discussed the need for periodic reviews of the escrow amount to ensure it remains adequate over time.

6) Vote to approve the Public Hearing date for the CUP for Enyo - Quicksilver Solar IV.

Commissioner Lancaster motioned to approve the scheduled Public Hearing on January 7, 2025, for the CUP for Enyo - Quicksilver Solar IV. Commissioner Taylor seconded the motion. Unanimously approved

Commissioner Taylor - Yes

Commissioner Riet - Yes

Commissioner Lancaster - Yes

Commissioner Fisher - Yes

7) Update and discuss the General Plan

Mayor McKinney suggested focusing on the general plan for the next few months. The Commissioners discussed several points regarding the general plan:

1. There is a need for a more accurate representation of trails in the plan's visuals.

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2. It is important to clarify that proposed trails would not go through private property without consent.
3. More public input is needed, possibly through a letter to all residents and landowners.
4. Discussion about potential historical districts and their implications.
5. The desire to maintain the town's character while planning for future growth.
6. The possibility of standardizing the look of commercial areas while avoiding strict regulations on residential properties.

The commissioners agreed to review the proposed map more closely and provide feedback. They also discussed the need for additional open houses and detailed questions to gather public input.

Adjournment

Commissioner Lancaster made a motion to end the meeting. Commissioner Fisher seconded the motion—meeting end time 8:44 pm.

January 7, 2025

Stephanie Shelley

Minutes Approval Date

Stephanie Shelley Recorder/Clerk