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February 3, 2026

Fairfield Town Attorney  
ATTN: Brad Christopherson  
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Fairfield, Utah 84013

**TRANSMITTED VIA ELECTRONIC MAIL TO:** [bchris@hgbaw.net](mailto:bchris@hgbaw.net)

**Re: Letter of Support for West Desert Airpark (WDAP) RE: Business License Appeal**

To the Appointed Hearing Officer,

On behalf of the Aircraft Owners and Pilots Association (AOPA) and our more than 3,000 members in Utah, I am writing to formally support West Desert Airpark's (WDAP) appeal regarding the denial of its June 27, 2025, business license renewal. AOPA also fully supports the rationale offered by WDAP attorneys in their letter of appeal dated December 29, 2025.

Our concern, previously expressed on May 20, 2025, remains: Fairfield Town appears to be engaged in a pattern of "regulatory drifting"—imposing evolving and retroactive land-use standards that did not exist at various points during the Airpark's evolution.

**Key Arguments for Appeal**

**1. Misapplication of Runway Protection Zones (RPZs)** The Town's reliance on RPZ control as a licensing condition is fundamentally flawed. FAA Advisory Circular 150/5300-13B defines RPZs as planning tools designed to guide land-use compatibility, not as mandatory jurisdictional requirements for the continued operation of a private-use or public-use airport. The FAA does not require an airport sponsor to own or control all property within an RPZ as a prerequisite for legal operation. Using these safety recommendations as a "veto" mechanism for a business license is both a misinterpretation and misapplication of federal guidance.

**2. Limits of Municipal Authority and Federal Preemption** While municipalities maintain land-use authority, that power is not absolute when it intersects with aviation. Under the principle of federal preemption, local regulations cannot be used to effectively "zone out" or terminate established aviation operations. Courts have consistently found that when local ordinances conflict with the federal interest in a safe and functional national airspace, the local requirements must yield.

**3. Compliance with Utah Code § 72-10-404** Utah law is designed to protect airports from encroaching development, not to provide municipalities with tools to dismantle them. Utah Code § 72-10-404 mandates that airport overlay zones protect aviation facilities from incompatible

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neighboring uses. The Town's current stance flips this statute on its head—treating the airport as the "incompatible use" rather than protecting the airport from the surrounding development.

### **Conclusion**

For over 86 years, AOPA has worked tirelessly to protect airports and the national aviation ecosystem. WDAP is a critical part of that ecosystem, particularly given the ever-increasing presence of aviation activities in the south Cedar Valley region. According to the [Utah Airport Economic Impact Study](#), WDAP generates approximately \$3.6 million in annual economic activity and contributes over \$120,000 in state and local tax revenue. Beyond the balance sheet, it serves as a vital link for emergency services and pilot training.

Requiring WDAP to secure aviation easements from third-party landowners is an unattainable and unprecedented condition for a business license. If upheld, this would set a dangerous precedent, granting private neighbors de facto veto power over critical public-use infrastructure.

We respectfully urge the Hearing Officer to overturn the denial of WDAP's business license application. WDAP's continued operation is a matter of documented public interest, economic necessity, and a legal right.

Sincerely,



**Brad Schuster, C.M.**  
**Northwest Mountain Region Manager**  
Aircraft Owners and Pilots Association

Cc:

Fairfield Town Council  
Fairfield Town Planning Commission  
Fairfield Town Recorder  
Federal Aviation Administration, Airports District Office, Denver  
Director, Utah Department of Transportation Aeronautics Division  
President, Utah Airport Operators Association