



FOR IMMEDIATE RELEASE

West Desert Airpark Looks Forward After Independent Review Reverses Business License Denial

Fairfield, Utah — West Desert Airpark (UT9) today confirmed that an independent hearing officer has reversed the Town of Fairfield's denial of the airport's business license renewal, finding that the Town lacked legal justification for the denial.

The decision follows a formal appeal process and review of the full record. The hearing officer concluded that the Town had not demonstrated a lawful basis for denying the license and that the airport's runway construction and operations were consistent with the permits and ordinances previously approved by the Town.

Fairfield Town Ruling (final)

The ruling provides important clarity for pilots, aviation businesses, and the broader community that relies on the airpark.

West Desert Airpark was founded in 2002 by veterans with a vision of creating a grassroots aviation community in Utah's west desert. Over the years, the airport has grown into a hub for flight training, aircraft building, aviation services, and recreational flying. It supports local jobs, aviation education, and provides valuable capacity for pilots seeking access outside of congested urban airports.

While the legal process has clarified the issues surrounding the business license, the focus of West Desert Airpark is now firmly on the future.

"Our energy is shifting toward building the aviation community that this airport was always meant to serve," said airport leadership. "We want UT9 to be a place where pilots gather, students learn, families visit, and aviation thrives in a safe and responsible environment."

To support that goal, West Desert Airpark will soon host a regional aviation community meeting, inviting flight schools, instructors, aircraft owners, aviation influencers, and aviation businesses to participate. The discussion will focus on coordination among flight schools, structured traffic patterns, voluntary noise-awareness practices, and the long-term stewardship of the airport as a responsible aviation destination.

West Desert Airpark leadership emphasized that collaboration with the broader aviation community will play a central role in the airport's next chapter.

“We believe the best path forward is one that brings pilots together,” the statement continued. “By working collaboratively with flight schools and aviation partners, we can ensure disciplined operations, strong safety practices, and a welcoming environment for both aviators and neighbors.”

In addition, the airpark is reviewing recent operational decisions and its response to the town’s petition to ensure that all future actions support the long-term growth and safety of aviators, the airpark and the surrounding community. As part of that review, West Desert Airpark intends to revisit its landing fee structure with the goal of reducing barriers and encouraging greater participation through membership, voluntary support, and shared stewardship. Self-governance works when pilots act like the professionals they are. If that standard is upheld, UT9 will remain open and welcoming. If it is not, we will adjust accordingly.

West Desert Airpark remains committed to operating professionally, strengthening aviation in Utah, and building a place where pilots and the public can experience the spirit of flight.

More information about the upcoming aviation community meeting will be shared through the airport’s communication channels.

Press Release Provided By:

West Desert Airpark Staff and Board of Volunteers

Reference:

<https://www.aopa.org/news-and-media/all-news/2026/february/19/landfill-expansion-threatens-utah-airport>

<https://www.fox13now.com/news/local-news/northern-utah/fairfield-airports-future-may-be-grounded-after-business-license-renewal-was-denied>

<https://www.ksl.com/article/51453164/desperately-needed-or-a-nuisance-utah-county-airport-facing-pushback-from-town-residents>

Attached: Fairfield Town Ruling (Pages 3-16)

FAIRFIELD TOWN BUSINESS LICENSE DENIAL APPEAL

In re Business License Denial for West
Desert Airpark, LLC

DECISION OF HEARING OFFICER

A hearing was held on this matter at the Fairfield Town Hall on the 10th day of February, 2026 before Hearing Officer David B. Stevenson. Fairfield Town was represented by attorneys Jayme Blakesley and Brad Christopherson, and West Desert Airpark was represented by attorney Amy Walker. The proceedings were recorded by the Town via audio and video. Each party presented a five (5) minute opening statement and then each party was accorded thirty (30) minutes to present evidence. Prior to the hearing, the parties stipulated that all of the exhibits provided by the parties before the hearing would be admitted into the record, along with an additional document marked Hearing Exhibit No. 1, an email proffered by Fairfield Town. That stipulation, the briefs of the parties, the exhibits stipulated to by the parties, the testimony of witnesses, and the Town's audio record and transcript constitute the entire record.

INTRODUCTION

This matter concerns the appeal by West Desert Airpark, LLC ("Airpark"), of a denial of its business license renewal by Fairfield Town ("Town"). The denial was effected by an official letter dated 23 December 2025 ("Denial Letter"). The Denial Letter

Decision of Hearing Officer

was addressed to Mark Pringle, and signed by Stephanie Shelley, Licensing Official for the Town.

In the Denial Letter, Fairfield Town cited Ordinance No. 2025-09, stating that

“a business license may be denied where the Licensing Official determines that:

- **the business is not in compliance with town code,**
- **required land-use approvals are absent or invalid, or**
- **the applicant has made materially inaccurate representations in the application.**

Each of those conditions is present here.

a. *Noncompliance with Land-Use Regulations*

The runway expansion constitutes a material modification requiring land-use approval. No such approval exists.

b. *Failure to Obtain Necessary Property Rights*

FAA land-use compatibility guidance recognizes that airport operators must obtain adequate property interests to protect surrounding land uses and the public. The absence of aviation easements or equivalent property rights prevents lawful operation of the airpark at its current configuration.

c. *Inaccurate Application Certifications*

The Application certifies zoning and land-use compliance that does not exist. This alone provides sufficient grounds for denial under the Business License Regulations.

d. *Unlawful Prior Operation*

Because the expanded runway has been constructed and operated without required approvals, the business has not been conducted in a lawful manner as required for license renewal.”

SCOPE OF PROCEEDINGS, STANDARD OF REVIEW, AND BURDEN OF PROOF

The scope and purpose of these proceedings is to determine whether the Town acted lawfully in its denial of Airpark's application for a renewal of its business license. It is the task of the Hearing Officer to determine whether the Town's above-cited reasons for denial of that license application are legally correct. Notably, by the parties' stipulation the scope of these proceedings does not include making any land-use decision. See Town of Fairfield Hearing Procedures and Instructions for Review of Business License Denial. These proceedings are conducted *de novo*, without deference to any factual or legal findings of the Licensing Official. The Town bears the burden of proving, by a preponderance of the evidence, that the Denial complies with applicable law and is supported by the established facts. The Parties have stipulated to the above criteria. The parties also have stipulated that formal rules of evidence do not apply, that the Hearing Officer may consider evidence commonly relied upon by reasonably prudent persons, and that the Hearing Officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

GOVERNING LAW

The Parties have agreed throughout their briefing and argument that Fairfield Town Code 3.1.140 governs the issuance of a business license, and that Town Code 10.11.260 governs permitted land uses in the Airpark Overlay Zone, within which Airpark is situated.

ANALYSIS

Each of Fairfield Town's bases for denial of West Desert Airpark's business license application will be discussed in order of its appearance in the Denial Letter

1. ALLEGED NONCOMPLIANCE WITH LAND-USE REGULATIONS

In the Denial Letter, Fairfield Town states that "*The runway expansion constitutes a material modification requiring land-use approval. No such approval exists.*" In its briefing and argument, the Town asserts that land-use approval is required based on the Airpark's status as public versus private, and based upon the Town Code's runway protection zone requirement.

Fairfield Town repeatedly cites to Town Code 10.11.260 as the ordinance governing land use for an "Aviation Airpark". The Parties have each conceded in their briefing and in the hearing that this ordinance is the applicable body of law governing land use by West Desert Airpark. Section 10.11.260 cites its purpose as to "Allow for a compatible mixture of aviation-related recreational activities with aviation-related commercial and light industrial uses and areas for residential that will enhance and encourage tourism and recreational opportunities as well as to provide business services, public safety platforms for Life Flight, firefighting, wildlife protections and employment opportunities to Town residents".

Conspicuously absent from Town Code 10.11.260 is any requirement for the Airpark to obtain additional land-use approval from the Town as a result of modifying its runway. The Town seems to expand its argument on this point in its briefing by

extrapolating on the notion of “private use” versus “public use”, explicitly arguing that the former is permitted, but the latter requires additional approval. Town Code section 10.11.260 lists broad categories of permitted uses for the Airpark. These include, but are not limited to:

1. Aircraft Construction, Manufacturing, Service, and Sales.
2. Aircraft Parking.
3. Aircraft Repair and Paint.
4. Accessory Structure, unoccupied.
5. Condominium (non-residential) Facilities: i.e., Billeting Quarters.
6. “Condominium (non-residential) Facilities”, for purposes of this section, shall be defined as “Separate spaces within a condominium project owned by separate entities for the purposes of conducting business or providing apartment space for short-term stays for persons while temporarily working or attending school in the vicinity”.
7. Engine Repair.
8. Fueling Facilities for Aircraft.
9. Fuel Tanks.
10. Gated Areas.
11. Hangars for Aircraft.
12. Helipads.
13. Landing Strip.
14. Office/Business Parks.
15. Single Family Residential Hangar Home Dwellings.
16. Restaurants, Cafes, Diners.
17. Security Gates.
18. Storage Containers.
19. Tavern, Bar.
20. Taxiways and Taxi Lanes.

Notably, Town Code 10.11.260 contains no mention of categories of public or private use, and certainly does not define either.

While the Town advocates for a rule that would bar the Airpark from operating as a “public” airport without explicit and additional zoning approval, Town has cited to no applicable legal authority supporting such a rule. On the contrary, the ordinance which both Parties agree constitutes the governing law on the matter seems to explicitly permit

the existing uses of the Airpark, including those which the Town has categorized as “public” rather than “private”. Town offers no persuasive explanation nor cites to any legal authority as to how Airpark’s runway expansion—which was explicitly approved by Town—constitutes a triggering event to a new land-use determination by the Town.

Town’s briefing points to no explicit definition of the terms “public” or “private” in this context. In the hearing, Town attempted to further define those terms as follows:

“. . . And although the regulation doesn’t use the FAA language of public use private use, when you read what’s permitted, it clearly relates to activities conducted by a fixed universe of people that own property and operate a private Airpark that is not open to the general public”.

Hearing Transcript 43:02.

The Town goes on at 44:34 to state:

“And so we know that those impacts are substantially different. The other difference is that the things that are permitted, having an airstrip, having takeoffs and landings, having hangars, all relate to those things being privately owned, privately operated, meaning those hangars are used by privately operated flight schools only for the patrons of those flight schools, not the patrons of other flight schools”.

Hearing Transcript 44:34

The Hearing Officer finds no support for these assertions within the language of Town Code 10.11.260, or any other legal authority cited by Town. Again, section 10.11.260 explicitly and broadly permits aviation and related activities to occur within the Airpark Zone, without making any distinction between “public” and “private” uses. It appears that those categories are contained within FAA regulations, which are not part of the city’s land-use requirements, and therefore not at issue in the analysis of the legality of a Fairfield Town business license denial.

Even if the ordinance drew a distinction between “private” and “public” uses, which it does not, the Town explicitly approved certain public uses. The West Desert Airpark Master Site Plan submitted by Airpark was approved by Town in July 2024. See Airpark Exh. E. That heading states that the West Desert Airpark Master Site Plan is for a “Public Use Airport” and supports “Mixed Use Development.” Id. Heading. At paragraph 2 it states,

The West Desert Airpark Master Site plan, shows proposed development areas for hangar storage, commercial development and residential. The site plan also includes the existing and proposed runway, tiedown, fuel station, taxiways, aircraft movement areas and open areas that will be open for public recreational use as appropriate to public recreational airport uses.

Id. At ¶2.

At paragraph 16 the Plan states,

The design and regulations of the aircraft movement areas and the airspace are governed by the Utah Department of Transportation, Division of Aeronautics and the Federal Aviation Administration. It is open for public use as appropriate for recreational aircraft operations.

Id. At ¶16.

At the hearing, Airpark stated that the Master Site Plan was signed off by Town and that the signatures were those of Town officials. Town did not refute this. The Town received the proposed Master Site Plan and approved it.

Additionally, Town argues that Airpark is out of compliance with the requirement for a “runway protection zone” found in section 10.11.260 of the Town Code. The Hearing Officer finds that, for purposes of the business license denial,

Town waived this requirement when it issued a permit to Airpark to construct the runway in question. See Town Exh. 5, Airpark Exh. K.

The Town's body of law governing the required physical characteristics of a runway is exceedingly brief, and in the process of approving or denying the permit to build the runway—which also involved significant state-provided funds—it was incumbent upon Town to identify any noncompliance and to deny the permit if necessary. Town failed to do so, and permitted construction of the runway. The Town may not now deny Airpark a business license on the basis of physical characteristics that it reviewed and approved in August 2025.

While Town repeatedly argues that renewal of the Airpark's business license is an attempt to "bypass" land use requirements, the renewal of a business license is simply a periodic requirement placed on Airpark by Town, and Airpark's having applied for said business license implicates no attempt by Airpark to "bypass" any land-use process.

Based on Town's failure to articulate any factual or legal basis supporting its position that Airpark is in a state of noncompliance with Town's land-use requirements, Town's denial of the business license on that basis was not legally justified.

2. ALLEGED FAILURE TO OBTAIN NECESSARY PROPERTY RIGHTS

Town also denied Airpark's business license renewal based on failure to obtain property rights required by the FAA. The Town asserts that certain FAA guidelines,

including those that require aviation easements and “runway protection zones”, mandate that Airpark must acquire additional property rights to continue operations with its new expanded runway. This position lacks support in the applicable ordinances.

First, Town has cited to no legal authority supporting the notion that it may predicate the issuance or denial of a business license on any FAA regulation or guideline. While Town is correct that Town Code 10.11.260 indeed references “runway protection zones”, Town had a full and fair opportunity to review Airpark’s application for the building permit associated with the runway, which included its location on the ground. Town was on notice of whether the absence of any runway protection zone might be a problem before approving the runway’s construction. Oddly, Town seems to claim that the runway was expanded without Town authorization:

*“As discussed above, the Permit—issued following the stop-work order—did not authorize public-use operations, zoning approval, or runway expansion. The Permit was mistakenly labelled as a “Runway Permit”, despite there being no such permit under Town law. **Consequently the expansion of the runway without Town authorization violates Town Code.** And even if the expansion were permitted under local and state law, Town land-use authorities never gave Appellant or the Airpark explicit permission to operate outside the above rules, including in the Permit.”*

Town’s Hearing Brief, p. 7-8.

Town has conceded that it issued the permit for the building (or “expansion”) of the runway according to the specifications provided by the Airpark. Regardless of the semantics of what the permit was called, there is no dispute as to the substance of the permit: it constituted authorization for Airpark to build the runway. See Town Exh. 11, Airpark Exh. K. This expansion was also explicitly reviewed and approved

by UDOT and FAA. The Town does not contend that the runway, as constructed, deviates from what the Runway Permit authorized. Accordingly, Town's claim that the runway was expanded "without Town authorization" is puzzling.

Town's argument that the runway's building permit did not approve any particular land use is inapposite. As discussed earlier, Town has not identified any categories of land use which are in violation of section 10.11.260. Town may not approve the building of the runway, while being on notice of all its physical characteristics, then prevent Airpark from using same because of its noncompliance with runway protection zones. Notably, the present configuration appears to have passed muster with FAA, the cited source for the runway protection zone requirement. Airpark argues that Town is equitably estopped from denying the business license on the grounds provided.

Equitable estoppel has three elements:

first, a statement, admission, act, or failure to act by one party inconsistent with a claim later asserted; next, reasonable action or inaction by the other party taken or not taken on the basis of the first party's statement, admission, act[,] or failure to act; and, third, injury to the second party that would result from allowing the first party to contradict or repudiate such statement, admission, act, or failure to act.

R.O.A. Gen. Inc. v. Salt Lake City Corp., 2022 UT App 141, ¶ 28, 525 P.3d 100 (cleaned up). This doctrine "is usually reserved for extreme cases." *Id.* (cleaned up). Moreover, our supreme court has explained that "the usual rules of estoppel do not apply against the government ... and courts must be cautious in applying equitable estoppel against the State." *Monarrez v. Utah Dep't of Transp.*, 2016 UT

10, ¶ 35, 368 P.3d 846 (cleaned up). “Accordingly, estoppel is applied against the [S]tate only if necessary to prevent manifest injustice, and the exercise of governmental powers will not be impaired as a result.” *Id.* (cleaned up).

R.O.A. Gen. Inc. v. Salt Lake City Corp., 2025 UT App 122, ¶ 40, 577 P.3d 1247, 1258–59, cert. denied sub nom. *ROA Gen. v. Salt Lake City*, 581 P.3d 557 (Utah 2025).

Based on the record evidence, Hearing Officer adopts the Airpark’s reasoning that equitable estoppel bars Town from denying Airpark’s business license. The approval of the runway’s construction by Town may have indeed been a mistake on the part of Town, but fairness and justice dictate that the consequences of that mistake must be borne by Town, rather than Airpark.

Accordingly, Hearing Officer finds that Town’s denial of the business license on the basis of Airpark’s alleged failure to obtain necessary property rights was without legal merit.

3. ALLEGED INACCURATE APPLICATION CERTIFICATIONS

Town argues that Airpark has provided false information on the business license application by certifying that the Airpark “fully complies with all applicable zoning standards and land use regulation in effect at the time of application and throughout the duration of operation” and that the business is “allowed in the zone it’s located in”.

The Hearing Officer finds that Airpark’s representations on the business license application are in the nature of a disputed legal conclusion, rather than false or

incomplete factual information. The issue of whether Airpark’s various actions or inactions constitute compliance or noncompliance with Town’s zoning requirements is a question of law which is in dispute between the Parties.

As Airpark has pointed out in its brief, Utah law does not support actions in fraud against an actor who makes “misrepresentations of law and opinions about the legal effect of [disputed language]”. (“[O]nly facts, not opinions, can be actionably false.”) England Logistics, Inc. v. Kelle's Transp. Serv., LLC, 2024 UT App 137, ¶ 46, 559 P.3d 45, 57, reh'g denied (Nov. 5, 2024). Town’s allegations of Airpark giving “false information” are in the nature of a fraud allegation, and the penalty sought—outright denial of the application—is consistent with typical treatment of fraudulent representations. This dispute over legal conclusions does not constitute grounds to hold Airpark liable for providing “false information”, and is accordingly not a justifiable basis to deny Airpark’s business license.

4. ALLEGED UNLAWFUL PRIOR OPERATION

This category is being addressed in the spirit of being thorough, but has been extensively treated above. The runway expansion was explicitly authorized by Town after full disclosure by Airpark, and Airpark’s uses of the land are explicitly permitted in the applicable land-use ordinance. Town has not substantiated its assertion that Airpark has operated unlawfully. Accordingly, Town’s reliance on this basis for denial of the business license was not legally justified.

CONCLUSION

Town has the burden to prove by a preponderance of evidence that its denial of Airpark's business license was lawful. Hearing Officer finds that Town has failed to do so. Accordingly, Hearing Officer finds that Town lacked legal justification to deny Airpark's business license, and the denial of said license is reversed.

Dated this 5th day of March, 2026.

Stevenson Smith Hood Knudson, P.C.

/s/ David B. Stevenson
David Stevenson, Hearing Officer
Samuel Hood
Elizabeth Knudson