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Planning & Zoning

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## August 27, 2025 Planning and Zoning Work Session Minutes

**Members Present:** Chair Dennis Gardner  
Commissioner Jack Boyd  
Commissioner Nate Ciezslak  
Commissioner Kevin Young

**Members Absent:** Commissioner Wayne Hellyer

**City Council Member Present:** none

**Others Present:** Secretary Lori Henrie, Mona City Attorney Nic Mills via Zoom Call, Kent Davis, Joshua Davis, Jobina Davis, Richard Hatfield, Troy Linton, Rob McAffe, Tiffanie McAffe

Planning and Zoning Chair Gardner called the Work Session to order at 7:01 p.m.

### **Minutes:**

The objective of the work session is to 1) discuss proposed changes to the East Hill Meadow Subdivision with the developer; 2) discuss MDD 9-3 sign regulations.

### **East Hill Meadow Subdivision Preliminary Application – 750 E 100 N to 50 S**

East Hill Meadow is proposed as a 5-lot subdivision located on 750 East between 100 North to 50 South. Chair Gardner began with several questions directed to Mr. Davis and Mr. Hatfield, starting with the sewer plans, including drainage and manholes. Mr. Hatfield referenced the grading shown in the site plans

Chair Gardner then asked about the extension of Center Street and whether a turnaround was included in the plans. Mr. Davis asked if paving the turnaround was necessary. Chair Gardner replied no that it needed to be something a firetruck could be turned around in. Chair Gardner stated that there was a fire hydrant at the end of the street which Mr. Hatfield stated that the hydrant was “optional”. He added that prior subdivisions were allowed to end one lot deep without a turnaround. Chair Gardner acknowledged the one lot deep and Secretary Henrie will verify in code.

Chair Gardner emphasized that the road needed to be extended to the end of the property along 750 East. Mr. Hatfield responded that while it was setup for that extension, they were not

able to acquire the adjacent property where the road extended. They will go to the current right of way line that exists. Chair Gardner asked if Lot 5 would be unoccupied. Mr. Hatfield replied that it would be occupied because it did have the frontage on 750 East.

Chair Gardner asked about access to the irrigation pond in the absence of frontage. Mr. Hatfield indicated an easement across the front of the property leading to the city right-of-way on the north side of the lot, where they are dedicating a 30-foot half-road width. Secretary Henrie asked whether the pond would be separated into its own lot. Mr. Hatfield stated it would be an easement on Lot 5. Chair Gardner asked what the size of the lot would be and what the size of the easement would be. Mr. Davis estimated the easement was roughly .25-acre, reducing the size of the lot from 1.5-acre to 1.25-acre.

Chair Gardner pointed out that an HOA agreement was missing as required by MCC 11-3-3-7, removing the city from all responsibility for the irrigation pond. Mr. Hatfield asked how the city would like to see that type of agreement. Mr. Mills interjected that the city would not be a party to the agreement but required assurance that the HOA would maintain the pond and provide city access in emergencies. He requested the agreement be submitted prior to final subdivision approval. Mr. Hatfield agreed to the condition. Chair Gardner reminded Mr. Hatfield that it was a requirement for the preliminary approval.

Commissioner Boyd raised the question of what would happen if the HOA dissolved. Mr. Hatfield explained that the only way the HOA could be dissolved was if the city were to acquire the pond. He continued that maintenance of the pond might be different but the actual pond itself remains with the HOA. Chair Gardner then asked who would manage the irrigation – who would turn it on/off, monitor metering, and handle shortages. Mr. Davis said that they had sufficient water shares to keep the pond full. Mr. Hatfield replied that it wouldn't be a responsibility of the city to handle, it would be the irrigation company. Chair Gardner expressed concern about drought conditions and the potential strain on the culinary system. He warned that future buyers should be made aware of these limitations. He referenced the neighboring subdivision where residents were misinformed and now face higher water costs.

Another issue raised by Chair Gardner involved water pressure. The irrigation company was concerned that connecting to their line could affect pressure to their fields. Hatfield explained that all lots would be served by a single lift station drawing water from the pond, designed to supply 25 gallons per minute

Chair Gardner continued over the subdivision checklist, asking about storm drain placement. Mr. Hatfield said the stormwater would flow from the bottom of Center Street northward via an underground retention system. and flows to the north in an underground retention system.

Chair Gardner asked Mr. Hatfield why the subdivision didn't require a UDOT access management plan? Mr. Hatfield explained that the subdivision wasn't near a UDOT accessed managed area, and UDOT doesn't operate any streets in the city. He said that traffic would only potentially be about 10 trips per day.

Chair Gardner reviewed the number of gallons of water/day requirements. Mr. Hatfield referred to the water study. Secretary Henrie asked to double check psi on culinary water.

Chair Gardner asked if there was a lighting plan on the street. Mr. Hatfield thought that the west side of the street already had street lighting. Chair Gardner stated that code does require street lighting and a plan would need to be provided. Secretary Henrie stated that they are required every 500 feet. Mr. Hatfield referred to the comments on the preliminary application checklist narrative 5-J that states the existing street light will remain undisturbed at Center Street. He stated that no other street lighting would be installed. Commissioner Cieslak confirmed that the street light was on the corner of Center Street.

Chair Gardner discussed 6-f on the preliminary application checklist narrative that they stated they are pursuing statements from the utility companies and that they are provided at the final plat application. He continued that per the application these statements were required at preliminary application.

Discussion turned to the HOA documentation. Secretary Henrie stated that the city would like the city attorney to review that document. She continued that they would need to propose their irrigation pond plans to the Irrigation Company and that they would need their approval of the plans. Chair Gardner mentioned that there is a 3-way agreement that would need to be signed with the Irrigation Company.

Secretary Henrie noted that an engineering firm is reviewing the plans and that she doesn't have their comments at this time but will provide them by the August 29<sup>th</sup> deadline.

Secretary Henrie asked the city attorney for his comments from what he had reviewed. Mr. Mills stated that he had reviewed the plans and felt that the Planning Commission had highlighted the important key issues.

Commissioner Boyd had further questions regarding the culinary water study, specifically that the study referenced the study Jones & DeMille had done for the city however was questioning where the engineer's numbers came from. Mr. Hatfield replied that he didn't have the complete information from the Jones & DeMille model. The city owns the model and needs to tell them if the model works. Since they didn't have access to the model, they modeled what they thought their portions were for a 5 Lot subdivision. Chair Gardner noted that the City Water Department will need to look this portion over since they would have access to the study. Chair Gardner asked if the city maintenance crew had looked over the plans. Secretary Henrie replied that Mr. Phillips had looked over everything initially. She noted that Nephi City Gas Department has looked everything over and has provided an invoice to Mr. Davis accordingly.

Turnaround times for application review were also discussed. The city has 30 business days to provide comments after receiving an application. Developers then have 180 days to respond with revisions, followed by another 30-day city review. If no further comments arise, the application proceeds to final approval via the Development review Committee (DRC).

Mr. Hatfield pushed for a preliminary approval despite some items left to be done. He expressed that the preliminary approval means a lot of things to them. It means they are able to get financing for the project. It gets their investors on board with the project. Secretary Henrie deferred to the city attorney regarding the legality of approving during a work session. Mr. Mills confirmed that other cities have issued such approvals and that it could proceed as long as missing documentation is submitted before final application. He verified that the work session was properly noticed on the state website and added that a public hearing would be required prior to final plat approval.

Chair Gardner called for a contingent vote to approve the East Hill Meadows Subdivision Preliminary Application noting they would need to get a letter from Irrigation Company signing off on their approval of the plans for the irrigation pond for secondary water, provide the city with their proposed HOA agreement signing off the city from all liabilities to the pond, and the results on the engineer study. Commissioner Boyd made motion to contingently approve the Preliminary Application for the East Hill Meadows Subdivision noting the contingencies. Commissioner Young second the motion. The roll call vote was as follows:

Commissioner Boyd: Aye  
Commissioner Cieslak: Aye  
Commissioner Young: Aye

Chair Gardner opened for public comment. Jobina Davis expressed concern that the attorney's feedback on the plans was not definitive, using terms like "comfortable" rather than giving a clear yes or no. She felt it was unsettling, especially given ongoing issues with a nearby subdivision that was not properly developed. She also raised concerns about HOAs, referencing a previous statement by Mayor Christensen that the city did not have any.

Secretary Henrie clarified that the mayor had misspoken and that HOAs are recognized in the city code. Mr. Mills also acknowledged the concern for HOA's and the potential for dissolution and noted that he plans to put language in the document to protect the city that the city will have the controlling interest in the HOA.

Joshua Davis asked who would ensure the HOA remains active. Chair Gardner replied that buyers will be informed up front of the HOA responsibilities and the water situation – emphasizing it as a buyer-beware issue. Secretary Henrie noted that this is why the city has legal counsel - to advocate for and protect the city.

### **MCC 9-3 Sign Regulation discussion**

Secretary Henrie asked Mr. Mills to lead the discussion regarding sign regulations. Mr. Mills explained that the proposed changes constitute a legislative amendment, giving the city broad discretion – provided the ordinance does not conflict with legal standards. He emphasized that while the Supreme Court allows cities to regulate sign size and placement, it prohibits regulation based on sign content, as signage is protected under free speech laws. He asked that this legal boundary be kept in mind during the discussion. He also noted a gray area concerning commercial signage in residential zones, but affirmed that the city can regulate sign size and quantity.

Secretary Henrie noted that Troy Linton, a current candidate for City Council, was in attendance and is the property owner of the site where a contested billboard is located. Two other primary election candidates, whose signs were displayed on the billboard, were also present. Henrie explained that the primary concern was that sign code appeared vague to the candidates.

Troy Linton spoke, admitting he hadn't applied for a sign permit initially because he wasn't aware one was required. He has since submitted a permit application. He explained that where he lives, his street is zoned for combined use, which is residential and commercial use and that he installed a commercial sign on his commercial property to promote local business. Mr. Mills acknowledged Mr. Linton's effort to rectify the issue and commended his cooperation.

Mr. Mills stated that, after reviewing the situation, the structure qualifies as a billboard. He admitted the code is currently ambiguous about what defines a billboard, which is why the city is working to clarify the ordinance. From a legal standpoint, Mr. Mills affirmed that Mr. Linton's structure meets the definition of a billboard.

Mr. Linton shared that City Council members had suggested improvements to the appearance of the sign, currently made of plywood. He expressed willingness to improve its appearance to make it more presentable. Chair Gardner interjected that appearance wasn't the only issue – size was also a concern. Mr. Linton stated that he's open to compromise. Mr. Mills offered to discuss the matter privately with Mr. Linton and perhaps draft a proposal. Mr. Linton agreed.

Chair Gardner then moved on to the proposed ordinance changes and asked Mr. Mills if he had reviewed them. Mr. Mills confirmed he had and found the revisions, and felt that they were appropriate changes. Chair Gardner explained that the proposed updates aim to address the vagueness in the current code to make it clearer. There were concerns from attendees that these changes were being done after the fact. Chair Gardner clarified that Mr. Linton's billboard

does not comply with the existing code, and even after the changes, it would still exceed the allowed size.

Discussion followed about the wording in MCC 9-3-5-3 as regarding the CU-2 zoning district and sign size, as well as MCC 9-3-7, concerning prohibited signage. Attendees questioned why other noncompliant structures in the city had been approved. Chair Gardner explained how those cases were handled but acknowledged ongoing frustration from the public. He then outlined the process for Mr. Linton to follow: 1) submit a permit application; 2) be placed on the Planning & Zoning agenda; 3) present the proposed sign at the meeting; if denied, 4) apply for a variance; 5) present to city council. Chair Gardner explained that City Council makes the final decision, not Planning & Zoning.

Chair Gardner emphasized that Planning & Zoning oversees the Land Use Ordinance, and their role is to identify vague or unclear language and propose clarifications, not to restrict residents, but to prevent misuse of loopholes. He noted past issues, such as unexpected subdivision development, cause by minor oversights in the code. He stressed that changes are made to prevent future problems, not to penalize individuals.

Chair Gardner assured attendees that there is full transparency in the process: public hearings will be held for any ordinance updates, and nothing will be passed without public notice and input. You will have the chance to review what is being proposed. It's not secretive. It will not get passed without the public knowing about it. Commissioner Boyd clarified that Planning & Zoning does not make final code changes; they draft recommendations for City Council approval. Chair Gardner continued that everything we do, the lawyer has looked at as well.

Mr. Mills concluded that this is a policy matter, and while both sides have valid concerns, the city is merely working to clarify existing rules. For those seeking to allow billboards, the correct path is to approach City Council with a strong case. Mr. Mills confirmed he would speak with Mr. Linton about the variance process and noted that it's Planning & Zoning's responsibility to shape the city's long-term vision

Chair Gardner wrapped up by stating that no action would be taken until the October 1, 2025 meeting. His recommendations were for the Commission to take the time to look over the proposed changes and submit any additional comments or suggestions to Secretary Henrie. Otherwise, a Public Hearing will be scheduled for the October meeting to consider formal adoption of the ordinance update. Mr. Mills also advised any other changes to have Secretary Henrie forward to him for review.

### **Adjournment:**

Chair Gardner called for a vote to adjourn the planning and zoning work session at 8:56 p.m. Commissioner Boyd made a motion to adjourn the work session. Commissioner Cieslak second the motion. The roll call vote to adjourn the work session at 8:56 p.m. was as follows:

Commissioner Boyd: Aye  
Commissioner Cieslak: Aye  
Commissioner Young: Aye

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Dennis Gardner  
Planning & Zoning Chair

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Lori Henrie  
Planning & Zoning Secretary