



PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, October 21, 2025

Council Chambers (Room 100)

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

The in-person meeting will be held in the **Council Chambers**. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocouncil](https://www.facebook.com/provocouncil). If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

TO MAKE A VIRTUAL PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

October 21 Council Meeting: Dial **346 248 7799**. Enter Meeting ID **872 3156 0306** and press **#**. When asked for a participant ID, press **#**. To join via computer, visit zoom.us and enter the meeting ID and passcode: **185104**.

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

1 Provo City Employee of the Month - October 2025 (25-007)

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

- 2 A resolution consenting to board and commission appointments. (25-031)
- 3 A resolution approving the petition to annex approximately 16.67 acres of property located at approximately 4505 North Canyon Road. North Timpview neighborhood. (PLANEX20240291)
- 4 An ordinance amending Provo City Code 14.06.020 regarding the definition of owner occupant. (PLOTA20250503)

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.gov or using their contact information listed at: provo.gov/434/City-Council

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil

To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Council Meeting will be held on Tuesday, November 11, 2025. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email kmartins@provo.gov at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: KNEVES
Presenter: Mayor Kaufusi and Chief Headman
Department: Mayor Office
Requested Meeting Date: 01-01-2018
Requested Presentation Duration: 5 Minutes
CityView or Issue File Number: 25-007

SUBJECT: 1 Provo City Employee of the Month - October 2025 (25-007)

RECOMMENDATION: The Provo City Fire Department has selected an employee who exemplifies our city's standard of Exceptional Care for an Exceptional Community. This outstanding individual will be recognized at the upcoming meeting in October.

BACKGROUND: Each month, a department director within the city nominates an employee who has demonstrated exceptional care for our community. This recognition highlights and celebrates the dedication and commitment of individuals who go above and beyond in their service to Provo.

FISCAL IMPACT: Employee appreciation and retention.

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

Mayor Kaufusi values employees' contributions to building an exceptional community and seeks to honor them publicly.

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: HWALSTAD
Presenter: Mayor Kaufusi
Department: Mayor Office
Requested Meeting Date: 10-21-2025
Requested Presentation Duration: 5 minutes
CityView or Issue File Number: 25-031

SUBJECT: 2 A resolution consenting to board and commission appointments. (25-031)

RECOMMENDATION: A resolution consenting to the reappointment and/or appointment of individuals to various boards and commissions

BACKGROUND: The Mayor will appoint individuals to fill current vacancies on various boards and commissions. These appointments will be presented to the Council for approval.

FISCAL IMPACT: None

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Per Provo City Code, the Mayor will make appointments to vacant seats on various boards and commissions to ensure that they meet the requirements.

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION CONSENTING TO BOARD AND COMMISSION
4 APPOINTMENTS. (25-031)

5
6 RECITALS:

7
8 The Mayor desires to appoint or reappoint the individual or individuals named below to
9 the listed Provo City boards and commissions and requests the advice and consent of the
10 Municipal Council;

11
12 On October 21, 2025, the Municipal Council met to consider the facts regarding this
13 matter, which facts are found in the public record of the Council's consideration; and

14
15 After considering the facts presented to the Municipal Council, the Council finds that (i)
16 the proposed action should be approved as described herein, and (ii) such action furthers the
17 health, safety, and general welfare of the citizens of Provo City.

18
19 THEREFORE, the Provo Municipal Council resolves as follows:

20
21 PART I:

22
23 The Municipal Council consents to the following appointment:

24
25

<u>Board/Commission</u>	<u>Appointee</u>
Landmarks Commission	Florence Hawkinson
Transportation and Mobility Advisory Committee	Noah Gordon

26
27
28
29 For a list of the current members of each board/commission following this appointment,
30 including information about the particular seat filled by the appointee and the expiration date of
31 their term, see the attached exhibit(s).

32
33
34 PART II:

35
36 This resolution takes effect immediately

EXHIBIT A¹

LANDMARKS COMMISSION²

Seat	Status	Name	Term Expiration	Appointing Resolution
1	Filled	David Amott	6/30/2028	2024-37
2	Filled	Jessie Embry	6/30/2026	2022-48
3	Filled	Jeff Ringer	6/30/2027	2023-21
4	Filled	Scott Bingham	6/30/2027	2023-21
5	Filled	Susan Krueger-Barber	6/30/2029	2022-48,
6	Filled	Eric Carter	6/30/2026	2022-42
7	Filled	Florence Hawkinson	6/30/2029	Attached
Alternate	Filled	Marci LeMonnier	6/30/2026	2022-57
Alternate	Filled	Wendy Ahlman	6/30/2028	2024-37

¹ This Exhibit includes those appointed in the attached resolution. Any nominee not appointed should be removed from the Exhibit.

² Governed by PCC 16.02. At least three (3) members must be professionals from the disciplines of history, archaeology, planning, law, architecture, or architectural history. Alternate seats are required by city code. Four-year (staggered) terms. For vacancies, appointment fills the unexpired term and represents the same membership category as the seat vacated.

EXHIBIT B³

TRANSPORTATION MOBILITY ADVISORY COMMITTEE (TMAC)⁴

Seat	Status	Name	Term Expiration	Appointing Resolution
District 1	Filled	David Hurtado	6/30/2028	2025-36
District 2	Filled	Kendall Thurston	6/30/2028	2025-36
District 3	Filled	Beth Provence	6/30/2028	2023-07, 2025-36
District 4	Filled	Noah Gordon	6/30/2028	2023-38, Attached
District 5	Filled	David Keller	6/30/2027	2024-44
Member of Transportation Academia	Filled	Gregory McFarlane	6/30/2027	2022-03, 2025-10
Member of Planning Commission	Filled	Lisa Jensen	N/A	2022-42
Alternate	Vacant			
Alternate	Vacant			

³ This Exhibit includes those appointed in the attached resolution. Any nominee not appointed should be removed from the Exhibit.

⁴ Governed by PCC 14.04B. Alternate seats are required under city code. No more than two consecutive terms. Three-year (staggered) terms. Vacancies filled for the duration of unexpired term.

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: JDAHNEKE
Presenter: Jessica Dahneke, City Planner
Department: Development Services
Requested Meeting Date: 01-01-2018
Requested Presentation Duration: 5 minutes
CityView or Issue File Number: PLANEX20240291

SUBJECT: 3 A resolution approving the petition to annex approximately 16.67 acres of property located at approximately 4505 North Canyon Road. North Timpview neighborhood. (PLANEX20240291)

RECOMMENDATION: Approve an ordinance to annex in the proposed land.

BACKGROUND: On August 19, 2025, the Municipal Council passed the resolution to accept the petition of annexation and open the protest period.

FISCAL IMPACT: N/A

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

The proposed annexation area is within area 7 of the General Plan Annexation Policy Map.

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION APPROVING THE PETITION TO ANNEX
4 APPROXIMATELY 16.67 ACRES OF PROPERTY LOCATED AT
5 APPROXIMATELY 4505 NORTH CANYON ROAD. NORTH TIMPVIE
6 NEIGHBORHOOD. (PLANEX20240291)

7
8 RECITALS:

9
10 On August 19, 2025, the Municipal Council approved a resolution accepting an
11 annexation petition for further consideration with regard to annexing approximately 16.67 acres
12 of property generally located at 4505 North Canyon Road as shown in the attached Exhibit A;

13
14 Pursuant to Utah Code 10-2-407(6), if no timely protests against the proposed annexation
15 have been filed, the Municipal Council may approve the annexation;

16
17 No timely protests were filed against the proposed annexation;

18
19 On September 24, 2025, the Planning Commission held a duly noticed public hearing to
20 consider the proposal and after such hearing the Planning Commission recommended approval to
21 the Municipal Council in a 8:0 vote;

22
23 On October 21, 2025, the Municipal Council met to ascertain the facts regarding this
24 matter and receive public comment, which facts and comments are found in the public record of
25 the Council's consideration; and

26
27 After considering the facts presented to the Municipal Council, the Council finds that (i)
28 the proposed action should be approved, and (ii) such action furthers the health, safety, and
29 general welfare of the citizens of Provo City.

30
31 THEREFORE, the Provo Municipal Council resolves as follows:

32
33 PART I:

34
35 The annexation of approximately 16.67 acres of property generally located at 4505 North
36 Canyon Road, as shown in the attached Exhibit A, is approved.

37
38 PART II:

40 In accordance with the Annexation Map and Policies (Provo City General Plan,
41 Appendix C), the designation on the Provo City Zoning Map for the annexed property is the
42 Agricultural (A1.40) Zone.

43
44 PART III:

45
46 This resolution takes effect immediately.

47 END OF RESOLUTION

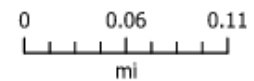
Exhibit A

Provo City



Date: 9/11/2025

This map is for graphical representation only and not for construction or defining feature locations.



Foothills Annexation



Foothills Annexation

- Area 7 of Annexation Policy Plan



Next Steps

- The Applicant has no development plans and stated the intent is to maintain the uses that exist on the property.
- When the property owner wants to develop the property will need to be rezoned. This application will follow the standard approval process include.

Provo City Planning Commission

Report of Action

September 24, 2025

***ITEM 3** Gardner & Associates request annexation of approximately 16.67 acres of land located at approximately 4505 N Canyon Road. North Timpview Neighborhood. Jessica Dahneke (801) 852-6413
jdahneke@provo.org PLANEX20240291

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 24, 2025:

RECOMMENDED APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application

Motion By: Lisa Jensen

Second By: Joel Temple

Votes in Favor of Motion: John Lyons, Joel Temple, Daniel Gonzales, Lisa Jensen, Jonathan Hill, Melissa Kendall, Barbara DeSoto, Matt Wheelwright

Jonathon Hill was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE ANNEXED

The property to be annexed is attached Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Leon Moon, Provo resident, asked about plans for development at the property and where a road would be.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant was not present at the meeting. Staff, on behalf of the applicant, explained that there are no future development plans for the area at this time, they are just seeking to annex into the city.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Wheelwright verified that the City has the capacity to provide utilities to the area. Staff stated that the area was reviewed by the CRC committee, and the CRC committee felt the City would be able to provide utilities.

- Commissioner Lyons asked about the zoning this property would have once annexed into the City. Staff explained that land annexed into the City comes in as Open Space Preservation and Recreation (OSPR) Zoning, but when the use is agricultural, the property can come in zoned as agricultural.
- Commissioner Jensen stated that it is important to keep in mind that at this step the commission is only making a recommendation to the council about the annexation itself, and any development will happen at a later point. She stated that with that view in mind it made sense to have an area surrounded by Provo to be annexed into Provo.
- Commissioner Hill agreed with the statement saying that with such a small island like this it makes sense to bring it into Provo.
- Commissioner Wheelwright also agreed stating that bringing the land in is in line with the city annexation map and helps reduce the size of the unannexed island in the middle of the city.
- Commissioner Temple asked staff if there was a reason why the rest of the area did not annex in at this time. Staff stated that these were the only signatures on the petition.
- Commissioner Jensen made a motion to recommend approval, stating the applicant should clarify which zoning they would intend to Annex in with.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

[illegible]

***ITEM 3** Gardner & Associates request annexation of approximately 16.67 acres of land located at approximately 4505 N Canyon Road. North Timpview Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.org PLANEX20240291

Applicant: 4500 CANYON PROPERTIES LLC GARDNER & ASSOCIATES (George Bills) 4500 CANYON PROPERTIES LLC PROVO CITY OF THE GROW, ALEXANDER JAMES SPENCER & ANNE STEWART

Staff Coordinator: Jessica Dahneke

Property Owner: 4500 CANYON PROPERTIES LLC 4500 CANYON PROPERTIES LLC PROVO CITY OF THE GROW, ALEXANDER JAMES SPENCER & ANNE STEWART

Parcel ID#: 20:025:0015, 20:025:0017, 20:025:0022, 20:025:0052, 20:025:0054, 20:025:0065, 20:025:0066, 20:025:0094, 20:025:0166

Acreage: 16.67

Number of Lots: 10

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 8, 2025, at 6:00 P.M.*
2. **Deny** the requested ordinance text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: On August 19, 2025, the Municipal Council passed the resolution to accept the petition of annexation and open the protest period.

Neighborhood Issues: This item is scheduled to go to a neighborhood meeting; no concerns have been raised to staff at this time.

Summary of Key Issues:

- The proposed area to be annexed is in area 7 of the Annexation Policy Map

Staff Recommendation: Recommend approval to the Municipal Council for an ordinance annexing 16.67 acres, located at approximately 4505 N Canyon Road, into the city.

OVERVIEW

Gardner & Associates, as representatives of the property owners, are petitioning to annex nine parcels, 20:025:0015, 20:025:0017, 20:025:0022, 20:025:0052, 20:025:0054, 20:025:0065, 20:025:0066, 20:025:0094, 20:025:0166 located along Foothill Drive and Canyon Road. This annexation area includes a portion of Foothill Drive.

The proposed annexation area is located within Area Seven of the Annexation Policy Map. A portion of Appendix C" Annexation Map and Policies set for the following regarding Area Seven:

"Area Seven is located between 4400 North and 4600 North from University Avenue to Canyon Road. The General Plan Map calls for agricultural uses in this area. Most of these properties receive Provo City municipal services."

STAFF ANALYSIS

The proposed annexation area is located entirely within Area Seven of the Annexation Policy Map, keeping in line with the General Plan Policy for Annexation. The Future Land Use Plan Map lists this area to be zoned as agricultural, which is in line with how the majority of the property has historically been used. The incorporation of this area into the city's boundaries reduces a long-standing island of unincorporated land. This annexation has been reviewed by the CRC committee with none of the reviews expressing concerns regarding this land being incorporated into the City. Staff analysis of the annexation did not find any concerns or contradictions with the General Plan.

FINDINGS OF FACT

1. The proposed annexation area falls within area seven of the Provo City Annexation Policy Map.
2. The General Plan Future Land Use Map shows the area as agricultural.

CONCLUSIONS

Staff believe the proposed annexation is consistent with the adopted Annexation Plan and will be a benefit to the city.

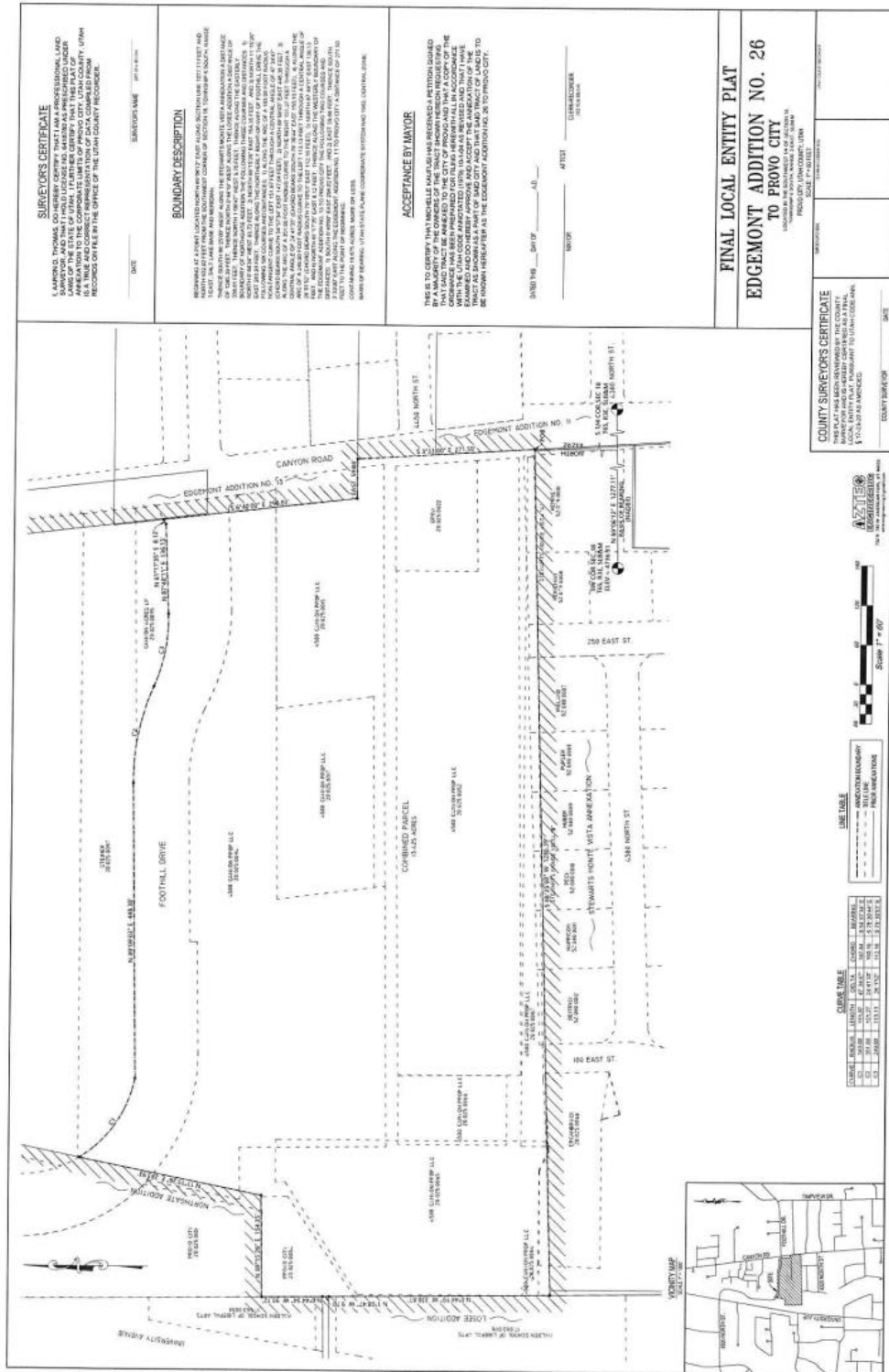
ATTACHMENTS

1. Aerial Image of the Property
2. Annexation Plat Map
3. General Plan Annexation Policy Map
4. General Plan Future Land Use Map

ATTACHMENT 1 – AERIAL IMAGE OF THE PROEPRTY



ATTACHMENT 2 – ANNEXATION PLAT MAP



ATTACHMENT 3 – GENERAL PLAN ANNEXATION POLICY MAP



ATTACHMENT 4 – GENERAL PLAN FUTURE LAND USE MAP



ORDINANCE -

AN ORDINANCE AMENDING PROVO CITY CODE 14.06.020 REGARDING
THE DEFINITION OF OWNER OCCUPANT. (PLOT20250503)

RECITALS:

It is proposed that the Provo City Code be amended to remove 14.06.020(d)(ii) and make subsequent changes to clarify circumstances in which a property owner can be classified an owner-occupant;

On September 24, 2025, the Planning Commission held a public hearing to consider the proposed amendment, and after the hearing, the Planning Commission recommended denial to the Municipal Council by a vote of 7:1;

On October 21, 2025, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

Provo City Code Section 14.06.020 is amended as shown in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

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D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

Exhibit A

14.06.020 Definitions.

For the purposes of this Title, certain words and phrases have the following meanings:

...

“Owner occupant” means, except as set forth in Subsection (d) of this definition:

- (a) an individual who:
 - (i) possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and
 - (ii) occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
- (b) an individual who:
 - (i) is a trustor of a family trust which:
 - (A) possesses fee title ownership to a dwelling unit;
 - (B) was created for estate planning purposes by one (1) or more trustors of the trust; and
 - (ii) occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust must so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit must nevertheless be the domicile of the trustor during the trustor's temporary absence.
- (c) an LLC which:
 - (i) is currently registered with the state; and
 - (ii) each member of the LLC occupies the dwelling unit with a bonafide intent to make it his or her primary residence.
- (d) A person who meets the requirements of Subsections (a), (b), or (c) of this definition may not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - (i) A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Development Services Department, showing that the

person who occupies the dwelling unit has a bona fide intent to make the dwelling unit one's primary residence as indicated by the following documents which show such person:

- (A) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
- (B) has claimed all income, deductions, and depreciation from the property on one's tax returns for the previous year;
- (C) is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
- (D) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
- (E) is a full-time resident of Utah for Utah State income tax purposes.

~~(ii) Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Development Services Department which shows such person:~~

- ~~(A) has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;~~
- ~~(B) is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and~~
- ~~(C) is not listed as an owner on any insurance, utility, appraisal, or an agreement related to the property.~~

~~(iii)~~ (ii) Any person, or group of persons, who fails, upon request of the Development Services Department, to provide any of the documents set forth in Subsections ~~(e)~~(i) or ~~(e)~~(ii) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.

(e) The provisions of Subsection (d) of this definition shall apply to any person who began a period of owner occupancy after March 1, 2009, regardless of when the person purchased the property where such person resides.

...

Provo City Planning Commission

Report of Action

September 24, 2025

-
- *ITEM 1** Provo City Council requests an Ordinance Text Amendment to Provo City Code 14.06.020 to clarify the "owner occupant" definition. Citywide application. Melia Dayley (801) 852-6136 mdayley@provo.gov PLOTA20250503
-

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 24, 2025:

RECOMMENDED DENIAL

On a vote of 7:1, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Matt Wheelwright

Second By: Joel Temple

Votes in Favor of Motion: Matt Wheelwright, Joel Temple, Jonathon Hill, Barbara DeSoto, Lisa Jensen, Daniel Gonzales, Jon Lyons

Votes Against the Motion: Melissa Kendall

Jonathon Hill was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- Citywide Application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was Citywide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Housing affordability and the need for parents to help their children financially when buying a house.
- Couples who buy a house together, but then separate or divorce, leaving one individual in the house while both hold ownership.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Interpretation by Legal Department that Provo City Code 14.06.020 “Owner Occupant” (d)(ii) does not explicitly grant an exemption to the owner occupant definition, and is unclear in purpose.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Housing affordability and the need for parents to help their children financially when buying a house.
- The effect which ADUs have on housing affordability, and the need to encourage them throughout the city.
- The language in Subsection (a) of the owner occupant definition, and its conflict with other subsections.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- Several subsections of the owner occupant definition found in Provo City Code 14.06.020 conflict and cause confusion for ADU applicants.
- Further amendments, or a rewrite of the section, would further clarify the owner occupant definition and avoid future confusion.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

14.06.020

Definitions.

For the purposes of this Title, certain words and phrases have the following meanings:

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“Owner occupant” means, except as set forth in Subsection (d) of this definition:

- (a) an individual who:
 - (i) possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and
 - (ii) occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
- (b) an individual who:
 - (i) is a trustor of a family trust which:
 - (A) possesses fee title ownership to a dwelling unit;
 - (B) was created for estate planning purposes by one (1) or more trustors of the trust; and
 - (ii) occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust must so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit must nevertheless be the domicile of the trustor during the trustor’s temporary absence.
- (c) an LLC which:
 - (i) is currently registered with the state; and
 - (ii) each member of the LLC occupies the dwelling unit with a bonafide intent to make it his or her primary residence.
- (d) A person who meets the requirements of Subsections (a), (b), or (c) of this definition may not be

deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

(i) A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Development Services Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit one's primary residence as indicated by the following documents which show such person:

(A) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;

(B) has claimed all income, deductions, and depreciation from the property on one's tax returns for the previous year;

(C) is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;

(D) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and

(E) is a full-time resident of Utah for Utah State income tax purposes.

~~(ii) Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Development Services Department which shows such person:~~

~~(A) has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;~~

~~(B) is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and~~

~~(C) is not listed as an owner on any insurance, utility, appraisal, or an agreement related to the property.~~

~~(iii)~~ (ii) Any person, or group of persons, who fails, upon request of the Development Services Department, to provide any of the documents set forth in Subsections ~~(e)~~(i) ~~or (e)(iii)~~ of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.

(e) The provisions of Subsection (d) of this definition shall apply to any person who began a period of owner occupancy after March 1, 2009, regardless of when the person purchased the property where such person resides.

***ITEM 1** Provo City Council requests an Ordinance Text Amendment to Provo City Code 14.06.020 to clarify the "owner occupant" definition. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.gov PLOTA20250503

Applicant: Provo Municipal Council

Council Staff Coordinator: Melia Dayley

Neighborhood Issues: There has not been a neighborhood meeting on this citywide item.

Relevant History: Council staff and the city attorney drafted the proposed text amendment after confusion arose regarding the requirements for deeming an applicant/property owner an "owner occupant."

In their September 9th Work Meeting, the City Council supported the text amendment by a vote of 7:0.

Summary of Key Issues:

- Language in Provo City Code 14.06.020 "Owner Occupant" (d)ii caused confusion as it pertains to the ADU licensing process.
- The Provo City Council seeks to clarify owner occupancy requirements for ADU licensing.

Staff Recommendation: That the Planning Commission **recommend approval** of the proposed text amendments to the Provo City Council.

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 8th, 6:00 P.M.*
2. **Recommend Denial** of the requested Ordinance Text Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

OVERVIEW

The City Council motioned to go forward with an amendment to remove 14.06.020 “Owner Occupant” (d)ii to clarify the definition owner occupancy.

Council staff brought the recommended text amendment in an attempt to avoid future confusion around interpretation and intent of owner occupancy requirements and standards for ADUs.

STAFF ANALYSIS

Staff supports the proposal to remove 14.06.020 “Owner Occupant” (d)ii to alleviate confusion around the qualification requirements for owner occupants.

Removing the language would make it clear that the property owner(s)/applicant(s) must all live at the property to be deemed an “owner occupant.”

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

Staff response: Clarifying intent and standards for owner occupancy related issues.

(b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: Staff believe that the proposed amendment serves the public by clarifying the definition of owner occupant and thereby removing some confusion surrounding ADUs.

(c) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing issues related to this proposal.

(d) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

Staff response: This proposal does not hinder or obstruct attainment of the General Plan’s articulated policies.

(e) Adverse impacts on adjacent landowners.

Staff response: Staff do not foresee any adverse impacts on adjacent landowners.

(f) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: Does not apply.

(g) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: There is not a conflict.

FINDINGS OF FACT

1. Provo City Council determined removing the aforementioned clause will decrease confusion for applicants and city staff as part of the ADU land use and permitting processes.

CONCLUSIONS

The Provo City Council voted unanimously to move forward with the proposed text amendment in their effort to make ADU licensing clearer for staff, residents, and applicants.

ATTACHMENTS

1. Proposed Text Amendment

ATTACHMENT 1 – PROPOSED TEXT AMENDMENT

14.06.020

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(c) an LLC which:

(i) is currently registered with the state; and

(ii) each member of the LLC occupies the dwelling unit with a bonafide intent to make it his or her primary residence.

(d) A person who meets the requirements of Subsections (a), (b), or (c) of this definition may not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

(i) A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Development Services Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit one's primary residence as indicated by the following documents which show such person:

(A) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;

(B) has claimed all income, deductions, and depreciation from the property on one's tax returns for the previous year;

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(D) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and

(E) is a full-time resident of Utah for Utah State income tax purposes.

~~(ii) Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Development Services Department which shows such person:~~

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~~(B) is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and~~

~~(C) is not listed as an owner on any insurance, utility, appraisal, or an agreement related to the property.~~

~~(iii)~~ (ii) Any person, or group of persons, who fails, upon request of the Development Services Department, to provide any of the documents set forth in Subsections ~~(c)~~(d)(i) ~~or (c)(ii)~~ of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.

(e) The provisions of Subsection (d) of this definition shall apply to any person who began a period of owner occupancy after March 1, 2009, regardless of when the person purchased the property where such person resides.

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*ITEM 1

Provo City Council requests an Ordinance Text Amendment to Provo City Code 14.06.020 to clarify the "owner occupant" definition.

Citywide Application

PLOTA20250503

Context for proposed text amendment

Bannock Drive ADU Application

Applying to join Chapter 14.30
map of parcels that allow for
ADUs

Review of 14.06.020 “Owner Occupancy”(d)(ii)

Council & Legal staff reviewed the code &
found clauses that are confusing, if not in
word, in purpose

No exemption exists in code as written

August 13, 2025 Planning Commission

Staff recommended denial based on
owner occupancy requirements for ADUs

Commission recommended approval
unanimously based on 14.06.020“Owner
Occupancy” (d)(ii)(A)

September 9, 2025 Council Work Meeting

7:0 motion to remove section
14.06.020 “Owner Occupant”
(d)(ii)

(d) A person who meets the requirements of Subsections (a), (b), or (c) of this definition may not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

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*ITEM 1

Provo City Council requests an Ordinance Text Amendment to Provo City Code 14.06.020 to clarify the "owner occupant" definition.

Citywide Application

PLOTA20250503

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: MDAYLEY
Presenter: Melia Dayley, Council Policy Analyst
Department: Recorder
Requested Meeting Date:
Requested Presentation Duration: 10 minutes
CityView or Issue File Number: PLOTA20250503

SUBJECT: 4 An ordinance amending Provo City Code 14.06.020 regarding the definition of owner occupant. (PLOTA20250503)

RECOMMENDATION: Approve the proposed text amendment

BACKGROUND: The Provo Municipal Council moved the proposed amendment for clarification regarding the definition of "owner occupant" in city code.

FISCAL IMPACT: N/A

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Addressing Council housing goals