

Provo City Planning Commission

# Report of Action

May 13, 2026

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**\*ITEM 5** Reza Fakhrieh requests a Zone Map Amendment from the A1.5CH (Agricultural with Critical Hillside Overlay) and OSPR (Open Space Preservation and Recreation) Zones to the A1.1CH, RA (Residential Agricultural), and RACH Zones for a residential development with 75 lots and 50 townhomes, located approximately at 5450 N Canyon Rd. North Timpview Neighborhood. Jessica Dahneke (801) 852-6413 [jdahneke@provo.gov](mailto:jdahneke@provo.gov) PLRZ20260115

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The following action was taken by the Planning Commission on the above described item at its regular meeting of May 13, 2026:

## RECOMMENDED APPROVAL

On a vote of 5:3, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jon Lyons

Second By: Anne Allen

Votes in Favor of Motion: Anne Allen, Jon Lyons, Matt Wheelwright, Melissa Kendall

Votes Against the Motion: Daniel Gonzales, Joel Temple, Jonathon Hill

*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 REZONED

The property to be rezoned to the A1.1, RA, R1.20, PD, and CH Zone is described in the attached Exhibit A.

### DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

### 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.

- Staff highlighted that approximately 3 acres of land has been withdrawn from the rezone and concept plan proposal.

### CITY DEPARTMENTAL ISSUES

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

### NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 04/1/2026.

### NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was present /addressed the Planning Commission during the public hearing.
- Bonnie Marrow, North Timpview Representative summarized the discussion of the April first district meeting including concerns about traffic along canyon road, construction impacts, conservation and public access, fire protection, and maintaining open space. She stated that this proposal is far superior to previous proposals, especially in regard to maintaining public access.

### 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:

- Bryan Gilesie, Provo Resident, stated that over the years there have been lots of proposals, this is the best one they've seen. This is a great opportunity for trail development and access to trails.
- Kyle Gilesie, Provo Resident, stated that he owns property directly adjacent to the development and his only concern is that he does not want his land to be isolated by this development.
- Ginny Smith, Provo Resident, stated that while being on the committee for the Northeast Neighborhood Plan, they had discussed what would be ideal to be in this land and mentioned that this proposal fits the larger lot, single-family homes.
- Bonnie Marrow, Provo Resident, also stated how this plan hits the closest to hitting what the Northeast Neighborhood Plan proposes and that it is a good plan.
- Scott Smith, Provo Resident, feels that the applicant is respecting the agriculture that is existing in the area. He also brought up that the proposed water tank allows other people to develop.
- Steve Turly, Provo Resident, pointed out that one of the proposed roads goes through his property. He highlights that having two points of ingress and egress this area can't be developed and asked that this project should not be pushed forward until the plan reflects a road that has been agreed to by both property owners.
- Additional residents stated that they think it is a good plan but are concerned about the traffic impact, especially with the changes to University Avenue.

#### **APPLICANT RESPONSE**

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

- The applicant explained that they have been developing these plans with the history of the area and feedback from the neighbors and guidelines of the neighborhood plan.
- The applicant highlighted how the proposed zones match with how the surrounding area is currently zoned.
- The applicant highlighted the changes between the original concept plans and the current concept plan including a reduction in density and maintaining public access to the area.
- The applicant explained that they have been working with Public Works and are expanding the water capacity to meet the needs of the project and support the needs of the city.
- The applicant explained that all homes would be deed restricted to being owner occupied.

#### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- Commissioner Temple asked if this area interacted with the wildfire urban interface. Staff explained that it has been reviewed by the fire Marshall and he is okay with the concept plan going forward.
- Commissioner Gonzales confirmed that this area was part of a recent annexation.
- Commissioner Lyons asked if there were areas of over 30% slope. Staff showed the concept plan that was included in the presentation that highlighted the areas of 30% slope.
- Commissioner Jensen asked about agricultural use in the area, staff explained that the property owners who asked to be removed from the rezone are using their property as agricultural and have decided to maintain that zoning.
- Commissioner Jensen asked for clarification regarding lot sizes. Staff explained that the PD and the CH allow for lots to be smaller than the base zone; however, the density of the project needs to stay within the allowed number of units unless it meets the requirements for density bonuses as mentioned in the PD and CH zones.
- Commissioner Jensen asked about concerns with areas that do not currently comply with code. Staff explained that areas of the concept plan that do not comply with the code will have to be changed for the final project plan.
- Commissioner Wheelwright asked about the road section at the north end of the project. The applicant explained that there would be a turnaround for fire.
- Commissioner Jensen asked for more information regarding the trail network in the area and how this project would connect with that. The applicant explained that they are working with Parks and Recreation as well as Conserve Utah Valley to create a well-connected trail system.
- Commissioner Wheelwright asked for more information regarding the townhome layout and how the surrounding neighborhood felt about them. The applicant explained that they have been working with the neighborhood to respect the existing uses and highlighted that this keeps density off the foothills and closer to the road.

- Commissioner Lyons asked about the impact on traffic, the applicant explained they haven't looked at them in detail yet as they have not been sure of what zones they will be developing with.
- In response to the public comment made by Steve Turley, the Planning Commission invited the applicant and the City to address the access point shown. The applicant explained that the proposed road on the concept plan and highlighted that this is just a concept plan for a rezone, if it does not work at project plan level they will redraw the road. He also pointed out that the City has easement access there. Public Works staff explained that they have shown that there are other ways to configure the road that can address the concern.
- Commissioner Wheelwright and Hill highlighted that their decision has to be focused on the appropriateness of the zone based on the ideas in the concept plan since there are so many details still need to be worked out.
- Commissioner Lyon asked if they could approve the rezone but not the concept plan, staff explained that the Council will vote on the rezone but that would make continuing the concept plan void.
- Commissioner Jensen stated that she was not concerned about the concept plan meeting all the details since it will have to come back for a project plan approval; however, she is concerned about how visible the development will be on the hillside and how that will detract from the foothills. Staff did point out that there are some areas that will be hidden.
- Commissioner Temple stated that it strikes him as agricultural sprawl that increases traffic and strain on city infrastructure instead of agricultural uses and open space.
- Commissioner Gonzales agreed with Commissioner Temple, stating that he did not feel this met the goals of the General Plan.
- Commissioner Allen stated that preserving single-family dwellings is also a goal of the General Plan.
- Commissioner Hill stated that he does not generally like hillside development, but this feels like they have done the best they could with the circumstances.
- Commissioner Kendall stated that she liked that there is some density lower down with larger lots higher up.
- Commissioner Lyons stated his concern about the realignment of Canyon Road and how long it will take for that to happen. Public Works staff explained the different expenses behind the projects and that they are working to address the concern as funding is available to them.
- Commissioner Wheelwright highlighted that the other areas that are not a part of this rezone and development are satisfied with the concept plan and this development would open opportunities for those property owners to better utilize their land.
- Commissioner Jensen listed the pros and cons of the project in her opinion pros included the large lots up in the foothills that keep an open agricultural feel and the increased trail access. The con is visual impact of the development on the foothills.




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Planning Commission Chair




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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

### LEGAL DESCRIPTION:

#### PROPOSED ZONE A1.1 PORTION WITH PD AND CH OVERLAY

PART OF THE SOUTH HALF OF SECTION 7 AND THE NORTH HALF OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING 728.75 FEET SOUTH 89°49'06" WEST ALONG THE SECTION LINE AND 154.73 FEET NORTH 00°10'54" WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 7 (SAID SOUTH QUARTER CORNER BEING NORTH 89°49'06" EAST 2676.39 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 7); THENCE NORTH 16°15'59" WEST 200.97 FEET; THENCE SOUTH 84°32'02" EAST 175.58 FEET; THENCE NORTH 60°11'12" EAST 159.96 FEET; THENCE NORTH 00°00'38" WEST 174.50 FEET; THENCE NORTH 40°43'25" WEST 44.64 FEET; THENCE NORTH 88°43'47" WEST 358.81 FEET; THENCE NORTH 09°00'56" EAST 116.44 FEET; THENCE SOUTH 89°56'14" EAST 94.32 FEET; THENCE NORTH 60°52'43" EAST 94.68 FEET; THENCE SOUTH 45°25'12" EAST 178.57 FEET; THENCE NORTH 89°59'22" EAST 262.31 FEET; THENCE NORTH 07°35'49" EAST 288.55 FEET; THENCE NORTH 45°43'30" WEST 45.40 FEET; THENCE SOUTH 83°30'25" WEST 321.99 FEET; THENCE NORTH 00°05'37" EAST 374.05 FEET; THENCE NORTH 89°59'56" WEST 584.92 FEET; THENCE NORTH 03°58'59" WEST 200.70 FEET; THENCE SOUTH 80°36'51" WEST 179.20 FEET; THENCE NORTH 01°00'26" WEST 1152.45 FEET; THENCE SOUTH 89°43'28" EAST 1332.82 FEET; THENCE SOUTH 01°07'42" EAST 251.05 FEET; THENCE SOUTH 89°44'36" EAST 549.30 FEET; THENCE SOUTH 01°07'42" EAST 923.07 FEET; THENCE SOUTH 66°51'19" EAST 212.89 FEET; THENCE SOUTH 23°13'42" EAST 192.02 FEET; THENCE SOUTH 00°51'11" EAST 393.51 FEET; THENCE SOUTH 72°11'29" EAST 525.60 FEET; THENCE SOUTH 00°50'54" EAST 625.51 FEET; THENCE NORTH 89°22'13" EAST 11.20 FEET; THENCE SOUTH 00°00'00" EAST 1084.40 FEET; THENCE NORTH 90°00'00" WEST 228.25 FEET; THENCE NORTH 87°21'30" WEST 198.56 FEET THENCE NORTH 86°11'56" WEST 121.03 FEET; THENCE NORTH 89°58'58" WEST 156.54 FEET; THENCE SOUTH 87°39'11" WEST 33.55 FEET; THENCE NORTH 17°57'06" WEST 328.87 FEET; THENCE NORTH 86°46'14" WEST 112.60 FEET; THENCE NORTH 59°36'44" WEST 175.00 FEET; THENCE NORTH 30°36'33" EAST 207.96 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 228.00 FEET, AN ARC LENGTH OF 60.35 FEET, A DELTA ANGLE OF 15°09'58", A CHORD BEARING OF NORTH 23°01'34" EAST, AND A CHORD LENGTH OF 60.18 FEET; THENCE NORTH 65°41'53" WEST 162.95 FEET; THENCE NORTH 03°54'56" WEST 125.22 FEET; THENCE NORTH 05°34'26" WEST 79.94 FEET; THENCE NORTH 06°52'21" WEST 142.23 FEET; THENCE NORTH 52°59'27" WEST 80.97 FEET; THENCE NORTH 41°38'36" WEST 26.80 FEET; THENCE NORTH 24°53'45" WEST 55.87 FEET; THENCE NORTH 89°45'31" WEST 153.56 FEET; THENCE SOUTH 88°02'47" WEST 129.47 FEET; THENCE SOUTH 89°11'18" WEST 127.12 FEET; THENCE NORTH 87°16'52" WEST 23.17 FEET; THENCE NORTH 83°34'13" WEST 141.16 FEET; THENCE NORTH 85°03'22" WEST 190.82 FEET; THENCE NORTH 83°49'43" WEST 24.01 FEET TO THE POINT OF BEGINNING. CONTAINING 5,420,591 SQUARE FEET OR 124.440 ACRES.

#### PROPOSED ZONE RA PORTION WITH PD AND CH OVERLAY

PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING 841.71 FEET SOUTH 89°49'06" WEST ALONG THE SECTION LINE AND 1247.34 FEET SOUTH 00°10'54" EAST FROM THE SOUTH QUARTER CORNER OF 7 (SAID SOUTH QUARTER CORNER BEING NORTH 89°49'06" EAST 2676.39 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 7); THENCE NORTH 87°08'15" EAST 33.76 FEET; THENCE NORTH 83°03'00" EAST 28.57 FEET; THENCE NORTH 00°54'35" EAST 126.35 FEET; THENCE NORTH 17°48'02" EAST 142.77 FEET; THENCE NORTH 89°44'50" EAST 57.84 FEET; THENCE SOUTH 87°17'46" EAST 65.31 FEET; THENCE SOUTH 86°07'56" EAST 66.06 FEET; THENCE SOUTH 88°03'08" EAST 65.75 FEET; THENCE NORTH 87°06'29" EAST 17.42 FEET; THENCE NORTH 85°34'16" EAST 42.78 FEET; THENCE NORTH 87°21'18" EAST 145.62 FEET; THENCE NORTH 86°37'43" EAST 77.88 FEET; THENCE NORTH 71°04'03" EAST 86.85 FEET; THENCE NORTH 14°01'59" WEST 90.54 FEET; THENCE NORTH

11°05'09" WEST 201.49 FEET; THENCE NORTH 87°28'10" EAST 136.57 FEET; THENCE NORTH 39°42'09" EAST 105.01 FEET; THENCE NORTH 35°14'39" EAST 285.27 FEET; THENCE SOUTH 65°41'53" EAST 162.95 FEET; THENCE ALONG A NONTANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 228.00 FEET, AN ARC LENGTH OF 60.35 FEET, A DELTA ANGLE OF 15°09'58", A CHORD BEARING OF SOUTH 23°01'34" WEST, AND A CHORD LENGTH OF 60.18 FEET; THENCE SOUTH 30°36'33" WEST 207.96 FEET; THENCE SOUTH 59°36'44" EAST 175.00 FEET; THENCE SOUTH 86°46'14" EAST 112.60 FEET; THENCE SOUTH 17°57'06" EAST 328.87 FEET; THENCE SOUTH 87°39'11" WEST 232.96 FEET; THENCE SOUTH 20°49'20" EAST 26.93 FEET; THENCE SOUTH 01°14'38" EAST 190.94 FEET; THENCE SOUTH 00°08'11" WEST 149.79 FEET; THENCE SOUTH 72°08'55" WEST 681.79 FEET; THENCE SOUTH 81°53'47" WEST 57.71 FEET; THENCE SOUTH 00°28'38" EAST 3.37 FEET; THENCE SOUTH 80°17'47" WEST 116.55 FEET; THENCE SOUTH 85°28'47" WEST 66.00 FEET; THENCE SOUTH 87°19'47" WEST 93.00 FEET; THENCE SOUTH 87°26'18" WEST 96.59 FEET; THENCE NORTH 05°40'25" WEST 140.31 FEET; THENCE SOUTH 89°50'25" EAST 0.16 FEET; THENCE NORTH 00°35'54" EAST 18.71 FEET; THENCE NORTH 23°15'50" WEST 262.64 FEET; THENCE NORTH 08°41'25" WEST 22.39 FEET; THENCE NORTH 25°43'32" WEST 3.98 FEET; THENCE NORTH 10°46'24" WEST 6.41 FEET TO THE POINT OF BEGINNING. CONTAINING 955904 SQUARE FEET OR 21.945 ACRES.

PROPOSED ZONE R1.20 PORTION WITH PD AND CH OVERLAY

PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING 1187.12 FEET NORTH 89°49'06" EAST ALONG THE SECTION LINE AND 152.48 FEET NORTH 00°10'54" WEST FROM THE SOUTHWEST CORNER OF SAID SECTION 7 (SAID SOUTHWEST CORNER BEING SOUTH 89°49'06" WEST 2676.39 FROM THE SOUTH QUARTER CORNER OF SAID SECTION 7); THENCE NORTH 00°01'22" EAST 206.48 FEET; THENCE NORTH 81°28'47" EAST 6.93 FEET; THENCE NORTH 03°30'47" EAST 149.97 FEET; THENCE NORTH 81°28'47" EAST 4.98 FEET; THENCE NORTH 03°30'47" EAST 154.58 FEET; THENCE NORTH 90°00'00" WEST 349.74 FEET; THENCE NORTH 08°33'50" WEST 5.11 FEET; THENCE NORTH 84°59'00" EAST 410.65 FEET; THENCE NORTH 73°12'00" EAST 196.44 FEET; THENCE SOUTH 45°00'00" WEST 78.77 FEET; THENCE NORTH 76°08'13" EAST 87.94 FEET; THENCE SOUTH 73°57'14" EAST 72.58 FEET; THENCE SOUTH 58°37'51" EAST 30.01 FEET; THENCE SOUTH 11°57'06" EAST 28.42 FEET; THENCE NORTH 89°59'48" EAST 114.44 FEET; THENCE NORTH 57°33'54" EAST 148.84 FEET; THENCE SOUTH 09°00'56" WEST 116.44 FEET; THENCE SOUTH 00°00'50" EAST 51.15 FEET; THENCE SOUTH 00°02'28" EAST 103.42 FEET; THENCE SOUTH 30°47'53" EAST 144.96 FEET; THENCE SOUTH 16°15'59" EAST 200.97 FEET; THENCE NORTH 83°49'43" WEST 82.35 FEET; THENCE NORTH 10°14'30" WEST 5.49 FEET; THENCE NORTH 85°15'00" WEST 202.33 FEET; THENCE NORTH 85°15'00" WEST 202.33 FEET; THENCE SOUTH 79°11'00" WEST 279.36 FEET TO THE POINT OF BEGINNING. CONTAINING 351,851 SQUARE FEET OR 8.077 ACRES.