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3 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
4 **ADMINISTRATIVE HEARING**

5
6 **Wednesday, December 6, 2023**
7 **12:00 p.m.**
8 **City Council Chambers**
9 **2277 East Bengal Boulevard**

10
11 **ATTENDANCE**

12
13 **Staff Present:** Michael Johnson, Community and Economic Development Director/Hearing Officer
14 Maverick Yeh, Assistant Planner
15 Maria Devereux, Deputy City Recorder

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17 **Attendees:** Michael Madsen
18 Gay Lynn Bennion

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20 **ADMINISTRATIVE HEARING**

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22 **1.0 Business Items**

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24 Community and Economic Development Director/Hearing Officer, Michael Johnson called the
25 meeting to order at 12:00 p.m. and welcomed those present.

26
27 **1.1 (Project CUP-23-015) Request from Michael and Christianna Madsen for**
28 **Conditional Permit Approval of a Short-Term Rental at 3586 East Lone Brook**
29 **Lane.**

30
31 Hearing Officer Johnson presented the Staff Report and stated that the subject property is located
32 at 3586 East Lone Brook Lane. City Code requires the Conditional Use Permit process for short-
33 term rentals, where allowed. The unit contains four bedrooms. The applicant is proposing to
34 accommodate up to 12 guests at a time. The unit includes a two-car garage and a driveway in front
35 of the garage for parking. The property is located in the R-2-8 (Multi-Family Residential) Zone.
36 He reported that short-term rentals may be approved as a Conditional Use in the R-2-8 Zone
37 provided that the property is part of a Planned Unit Development (“PUD”) or condominium project
38 that contains at least eight units and fronts on a private street. The subject property is a part of the
39 Oaks at Wasatch PUD B, which contains 56 units and fronts Lone Brook Lane, which is a private
40 street.

41
42 Hearing Officer Johnson opened the public hearing.

43
44 *Gay Lynn Bennion* was present representing the Utah House District of Representatives from the
45 41st District. She has studied short-term rentals for over two years and congratulated the applicants
46 for their willingness to follow the legal requirements. She requested clarification of the City’s
47 short-term approval process.

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2 Hearing Officer Johnson stated when considering short-term rentals the City requires a Business
3 License, Public Hearing, and Conditional Use Permit. The Ordinance restricts where short-term
4 rentals are allowed and requires the area to set forth specific criteria. The subject property must
5 have frontage on a private street network and be located in a multi-family or commercial zone that
6 allows residential. Short-term rentals are restricted to a single-family zoned area. Private
7 developments must have eight units and a Homeowners Association (“HOA”) to regulate future
8 concerns. He confirmed that the short-term rental properties are inspected annually along with the
9 annual renewal of the Business License. Signage and licensure must be displayed in the window
10 of each legal unit.

11
12 There were no further public comments. The public hearing was closed.

13
14 **Hearing Officer Johnson moved to APPROVE Project CUP-23-015 subject to the following:**

15
16 **Conditions:**

- 17
18 **1. The applicant must complete the necessary steps to obtain a business license**
19 **through the city of Cottonwood Heights. Obtaining a business license will**
20 **indicate final approval of the short-term rental application. The short-term**
21 **rental property will not be considered legal until a business license is obtained.**
22
23 **2. The short-term rental property is required to maintain compliance with all**
24 **sections and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood**
25 **Heights Municipal Code, as hereafter amended from time to time, and all**
26 **other legal requirements and applicable laws.**
27
28 **3. The Operators shall provide a 24/7 hotline to resolve issues. Operators shall**
29 **respond (in person, if appropriate) to telephonic complaints within one hour**
30 **after such complaint is made. Inappropriate and/or non-response to such**
31 **complaints shall constitute a violation.**
32
33 **4. Occupancy in any short-term rental property shall not exceed the lesser of (a)**
34 **up to two adults (persons aged 18 and above) and two related children (persons**
35 **under age 18) per bedroom, or (b) a total occupancy (adults and children) of**
36 **no more than 12 persons in the entire short-term rental property. It is**
37 **prohibited to create artificial divisions or partitions for the purpose of**
38 **increasing available occupancy of an otherwise standard dwelling unit.**
39
40 **5. This short-term rental property will be approved for no more than four (4)**
41 **bedrooms. The term “bedroom” means a room designated and used primarily**
42 **for sleeping and resting on a bed.**
43
44 **6. Upon issuance of a business license and conditional use permit, the applicant**
45 **must display a copy of the business license inside the main entry of the**
46 **property.**

Findings:

1. The proposed short-term rental meets the applicable provisions of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights Municipal Code.
2. That the proposed project will continue to meet the applicable provisions of Chapter 19.84, “Conditional Uses,” of the zoning code:
 - a. The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located (19.89.050).
 - b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity; That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the City.
 - c. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located.
 - d. That nuisances that would not be in harmony with the neighboring uses will be abated by the conditions imposed.
 - e. That protection of property values, the environment, and the tax base for the City will be assured.
 - f. The use shall comply with the City’s General Plan.
 - g. The property will be required to comply with all conditions of approval in perpetuity, in accordance with Sections 19.89.160 – Inspections and 19.89.190 – Violations and penalties of the Cottonwood Heights Municipal Code.

2.0 Consent Agenda

2.1 Approval of Minutes from December 6, 2023.

The Administrative Hearing Officer will approve the minutes of the December 6, 2023 meeting after the following process is met. The City Recorder will prepare the minutes and email them 18 to the Hearing Officer. The Hearing Officer will have five days to review the minutes and 19 provide any changes to the Recorder. If, after five days there are no changes, the minutes will 20 stand approved. If there are changes, the process will be followed until the changes are made 21 and the Hearing Officer is in agreement, at which time the minutes shall be deemed approved.

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3.0 Adjournment

The Administrative Hearing adjourned at approximately 12:06 p.m.

1 ***I hereby certify that the foregoing represents a true, accurate, and complete record of the***
2 ***Cottonwood Heights City Administrative Hearing held Wednesday, December 6, 2023.***
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4 Maria Devereux, Deputy City Recorder.