

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA

June 3, 2026



Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday, June 3, 2026**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for an **Administrative Hearing Meeting**.

The meeting will begin at **12:00 p.m.** in City Hall Room 5 (Council Chambers).

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1 Project CUP-26-009

Public hearing request from Stephanie Van Drimmelen for a wall height extension at 6769 Walker Mill Dr.

1.12 Project CUP-26-010

Public hearing request from Stephanie Van Drimmelen (on behalf of the Liu family) for a wall height extension at 6789 Walker Mill Dr.

2.0 Consent Agenda

2.1 Approval of Administrative Hearing Officer Minutes from June 3, 2026

(The Administrative Hearing Officer will approve the minutes of June 3, 2026, meeting after the following process is met. The City Recorder will prepare the minutes and email them to the Hearing Officer. The Hearing Officer will have five days to review the minutes and provide any changes to the Recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the hearing officer is in agreement, at which time the minutes shall be deemed approved.)

3.0 Adjourn

Meeting Procedures

Items will generally be considered in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Each speaker during the public hearing will be limited to three minutes.
4. Close Public Hearing
5. Administrative Hearing Officer Deliberation
6. Administrative Hearing Officer Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. The Hearing Officer may carry over agenda items to the next regularly scheduled meeting.

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department no later than 12:00 p.m. MST on Tuesday, June 2, 2026, a day before the meeting. Comments should be emailed to Planning@ch.utah.gov. After the public hearing has been closed, the Community and Economic Development Department will not accept any additional written or verbal comments on the application.

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

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7015 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Thursday, May 21, 2026, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 21 DAY OF MAY 2026

Attest: Tiffany Janzen, City Recorder

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT



June 3rd, 2026

Summary

Project #:

CUP-25-009

Subject Property:

6769 Walker Mill Dr

Action Requested:

Conditional Use Wall Height
Extension

Property Owner:

Stephanie Van Drimmelen

Applicant:

Stephanie Van Drimmelen

Recommendation:

Approve, with conditions



Aerial View

This aerial image shows the subject property in context of the neighborhood. The blue line shows the location of the proposed wall height extension. Red lines show the other property lines of the lot.

APPLICANT'S PROPOSAL

The applicant proposes constructing an 8-foot-tall Trex composite fence along the proposed eastern property line and portions of the northern and southern property lines as part of an ongoing lot line adjustment process involving the purchase of approximately 30 feet of adjacent HOA common area. The purpose of the fence is to improve privacy, reduce noise from the adjacent HOA tennis/pickleball court, and create better separation between the backyard and the HOA common area. Due to the higher elevation of the HOA common area and neighboring southern property, the applicant states that a standard 6-foot fence would not adequately screen views or mitigate noise impacts.

BACKGROUND

The HOA adjacent to the subject property is currently in the process of selling approximately 30 feet of existing common area land located immediately east of the subject property to the homeowner as part of a lot line adjustment. The adjacent property owner to the south is also purchasing approximately 30 feet of HOA land. Both the HOA common area to the east and the neighboring property to the south are situated at a higher elevation than the subject property.

The property to the north is not participating in the land purchase. As a result, HOA-owned common area will remain directly adjacent to the northern portion of the subject property and will wrap around the northern edge of the area being acquired by the homeowner.

The applicant proposes to construct an 8-foot-tall Trex composite fence, measured from grade, along the proposed new eastern property line established through the lot line adjustment process. The fence would extend along portions of the north and south property lines to connect to the existing Trex fencing. Proposed materials and design will match the existing Trex fencing to maintain a consistent appearance.

Staff find that the proposed fence will not interfere with public access, traffic visibility, or neighborhood circulation because it is located within the rear yard area adjacent to HOA common land. Staff further find that, due to the elevation difference between the subject property and the adjacent HOA land and neighboring property, a standard 6-foot fence would not adequately address the applicant’s stated privacy concerns or sufficiently reduce noise impacts associated with the nearby tennis/pickleball court.



Proposed fence design

Zoning

The zoning designation of the property is R-1-8 (Residential Single-Family). Fences and walls may be allowed to a maximum height of eight feet in any zone as a conditional use, and up to 12 feet as a conditional use with neighbor consent, as outlined in section 19.76.050.E City Code, shown below.

As this proposal is only requesting eight feet, neighbor consent was not required.

19.76.050(E)

Conditional use. *Fences in the side and rear yards may be erected to a maximum height of eight feet as a conditional use upon a clear and convincing showing by the property owner in accordance with subsections (a) and (b) below:*

- a. *The existence of unique or special circumstances of a natural, material and adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and*
- b. *That erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.*

Neighbor consent. *Side and rear yard fences may exceed eight feet in height to a maximum height of 12 feet in cases where the applicant has neighbor consent, and has received conditional use approval in accordance with subsection 19.76.050(E)(3).*

IMPACT ANALYSIS

Staff Analysis: Staff finds the increased fence height proposed by this application to be a reasonable privacy and screening enhancement from the adjacent HOA property.

Noticing

Property owners within 300 feet of the subject property have been mailed notices. Notices were mailed, as well as posted on noticing websites and the City Hall bulletin board, on May 18, 2026.

Conditional Use Permit Determining Criteria

Staff have found enough evidence that the standards for the issuance of a conditional use permit have been satisfied (see Section 19.84.080 CH Code).

FINDINGS FOR APPROVAL

1. There is clear and convincing evidence shown by the property owner that the request will provide reasonable additional privacy; (19.76.050.E.3.)
2. That construction of such wall and fence is the most reasonable solution under the circumstances. The additional fence height is necessary to ensure mitigation of aforementioned issues.
3. The conditional use permit is granted by the director or his designee following an administrative hearing preceded by all required notifications. (19.76.050.E.3.)

4. The evidence presented with the proposed conditional use has been found to be compliant with the requirements of section 19.84.080 (Conditional Uses – Determination) and section 19.76.050.E (Miscellaneous – Fences).
5. There is sufficient evidence that the standards for the issuance of a conditional use permit as outlined in Section 19.84.080 CH Code have been satisfied.

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the requested fence height extension to allow an 8-foot-tall fence is recommended, subject to the following conditions:

1. The associated lot line adjustment shall be finalized and officially recorded prior to issuance of any permits or commencement of construction for the proposed fence.
2. The applicant shall obtain all required building permits and inspections for the proposed fence in accordance with applicable municipal codes and development standards.
3. The fence shall be constructed substantially consistent with the submitted plans and materials, including the proposed Trex composite design and connection to existing fencing along the north and south property lines.
4. The approved fence shall remain entirely within the finalized property boundaries established through the lot line adjustment process.

Model Motions

Approval

I move to approve item CUP-26-009 pursuant to the conditions of approval outlined in the item’s staff report

- Add any additional conditions of approval...

Denial

I move to deny item CUP-26-009 based on the following findings...”

- List reasons for denial...

Attachments

1. Proposed fence design
2. Proposed lot line adjustment
3. Site photos
4. 19.76.050 Miscellaneous
5. 19.84 Conditional Uses



CFC Fences & Decks

2250 W Center St BLDG 2, Springville, UT 84663

Utah County: (801) 374-6428 Salt Lake County: (801) 990-6888

Summit County: (801) 990-6888

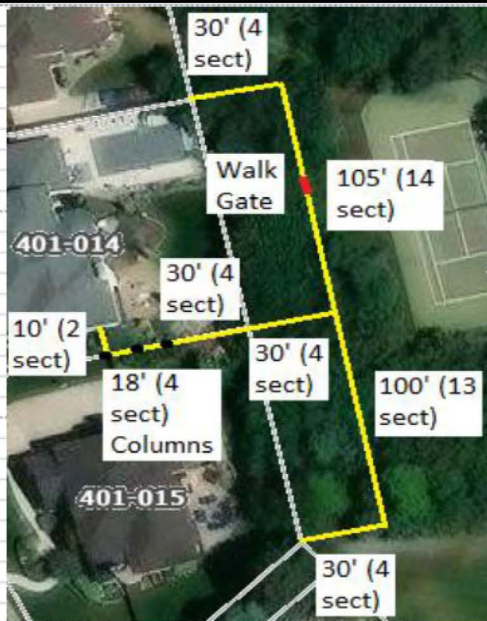
www.FenceAndDeckUtah.com

Fence Project Installation Estimate/Contract

Name: VanDrimmelen, Stephanie (8' Option)	Email: steph6@me.com	Date: 03-Feb-26
Job Address 6769 S Walker Mill Dr.	City: CW Heights Zip: 84121	Salesman: Steve
Phone #'s 801-580-7852	(W)	Referral Source: Pre-Customer
Billing Address:	City: ST: Zip:	

Diagram (not to scale: reference only)

Project Details



Access	<input checked="" type="checkbox"/> II	Bobcat	<input type="checkbox"/> Hand	<input type="checkbox"/> Both
Misc.	<input type="checkbox"/>	Wall	<input type="checkbox"/>	Flat Mount
Misc.	<input type="checkbox"/>	Box Posts	<input type="checkbox"/>	Extra Footers
Core Cuts	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Future Return/ Multiple Trips	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Removal & Disposal	<input checked="" type="checkbox"/> I	Yes	<input type="checkbox"/>	No
Yard Landscaping	Existing			
Total Footage	353'			

Diagram is not to scale and is for reference only.

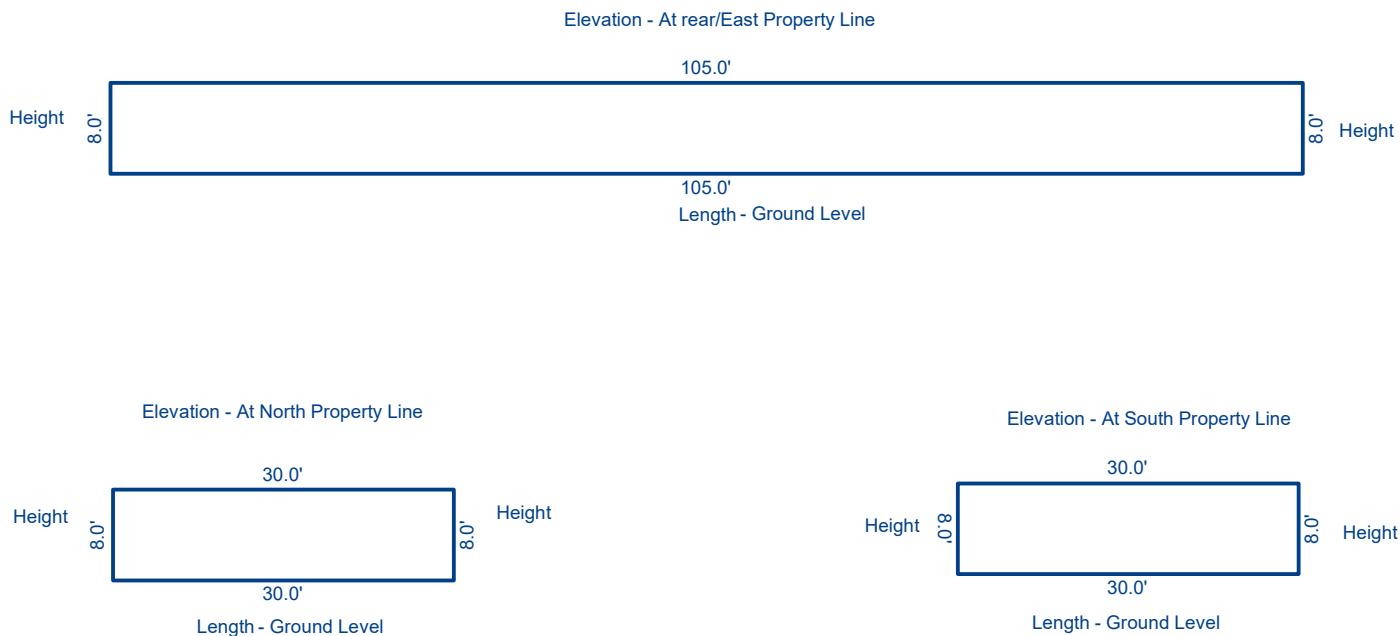
[] Addendum attached

SKETCH/AREA TABLE ADDENDUM

SUBJECT INFO

File No.:	Parcel No.:		
Property Address:			
City:	County:	State:	ZipCode:
Owner:			
Client:		Client Address:	
Appraiser Name:		Inspection Date:	

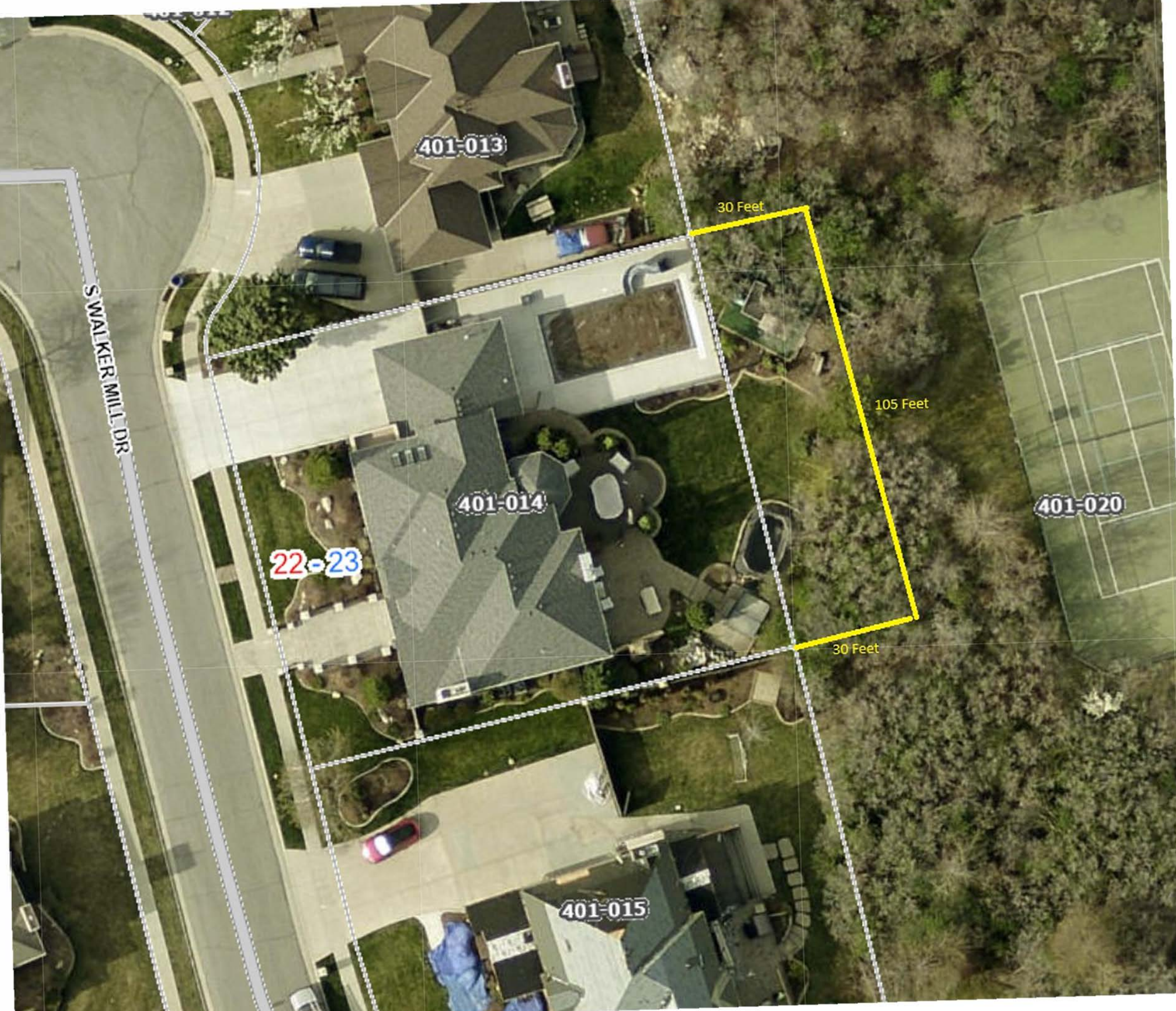
SKETCH



Sketch by ApexSketch

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
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S WALKER MILL DR

401-013

30 Feet

105 Feet

401-020

22-23

401-014

30 Feet

401-015



Looking East From Existing Backyard Deck



Looking Southeast From Existing Backyard



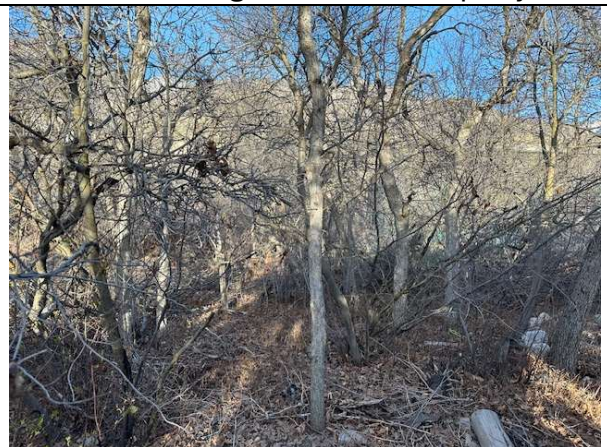
Looking Northeast From Existing Backyard



Looking NW Towards New North Property Line and Existing Fence at N. Property Line



Looking NE Towards New NEC



Looking East Towards New East Property Line



Looking East Towards New East Property Line and towards Tennis/Pickle Ball Court



Looking East Towards Tennis/Pickle Ball Court From New East Property Line/Proposed Fence Location



Looking West From Tennis/Pickle Ball Court Towards Subject



Looking S Towards New South Property Line



Looking SE Towards South Property Line Tie-In



Looking SE Towards Existing Fence Along S. Property Line

19.76.050 Miscellaneous

- A. Intersecting streets and clear visibility. In all zones, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by public or private street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.
- B. Off-site improvements.
1. Off-site improvements required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter, sidewalk and asphalt along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be provided as allowed in this code. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.
 2. Fee-in-lieu of improvements.
 - a. Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such improvements, as determined by the director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.
 - b. The fees shall be placed in a special account, and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the department.
- C. Water and sewage facilities. In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer, as defined in the health department regulations, is not available within 300 feet of property where the building or use is proposed, and all cases where a proposed supply of piped water under pressure is not available within 300 feet of property where the building or use is proposed,, the alternative sewage disposal and the domestic water supply shall comply with requirements of the health department, and the application for a building permit shall be accompanied by a certificate of approval from the health department.
- D. Regulations regarding junk.
1. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in Subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.
 2. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed one year if it is secured with the windows closed, the

- trunk and hood closed and the doors locked and is not damaged exposing jagged metal;
or
3. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed one year provided:
 - a. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;
 - b. The automobile or truck shall not be visible from any public street; and
 - c. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.
 4. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

E. General height and design regulations for walls, fences and retaining walls.

1. Definitions. In this Subsection (E):
 - a. "Fence" means a barrier of any material or combination of materials erected to enclose, screen or separate areas.
 - b. "Fence height" means that a fence or wall shall be measured from the adjacent existing natural grade at the base of the fence or wall, to the top edge of the fence or wall.
 - c. "Fences atop walls" means that if a fence is atop a wall, the total height shall be measured from the base of the wall to the top of the fence.
 - d. "Neighbor consent" means that all neighbors abutting the proposed wall/fence will be required to provide written consent for retaining wall/fence height above eight feet up to 12 feet.
 - e. "Retaining wall" means a structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced, and which shall be either a landscape retaining wall or structural retaining wall.
2. Permitted height. No fence, wall, hedge, retaining wall or vertical combination of these (hereinafter "fence") may be erected to a height which exceeds the following requirements:
 - a. Front yard. Four feet. Lots that are at least one acre in size and have only one primary residence may erect a fence up to six feet in height. A fence may be erected up to six feet in height along a side lot line in the front yard of a key lot, so long as it abuts the rear lot line of an adjacent lot. Fences/walls in these locations shall not be eligible for a wall height extension.
 - b. Side and rear yards. Six feet.
 - c. Exception. Retaining walls or fencing which comply with the setback requirements for primary structures in the underlying zone, or accessory structures in the underlying zone if wall or fence is in the rear yard may be erected to the height allowed for each respective structure, measured from

existing grade. In cases where this provision conflicts with another portion of city code, the more restrictive provision shall apply.

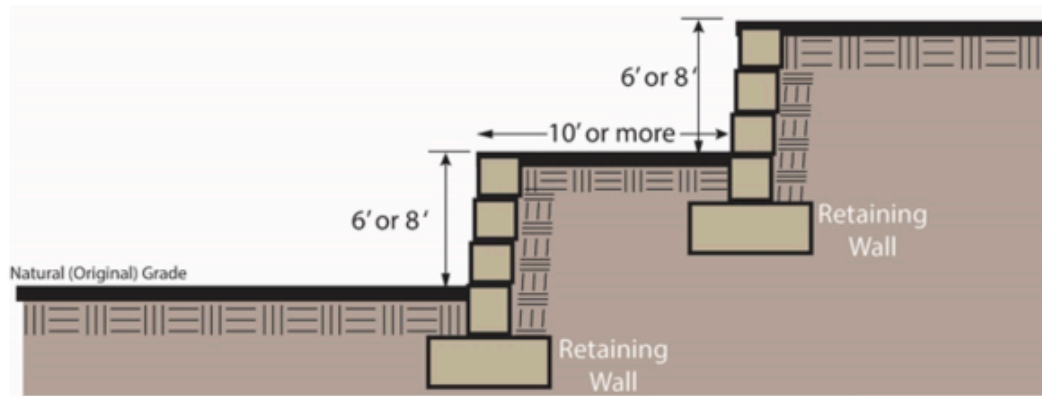
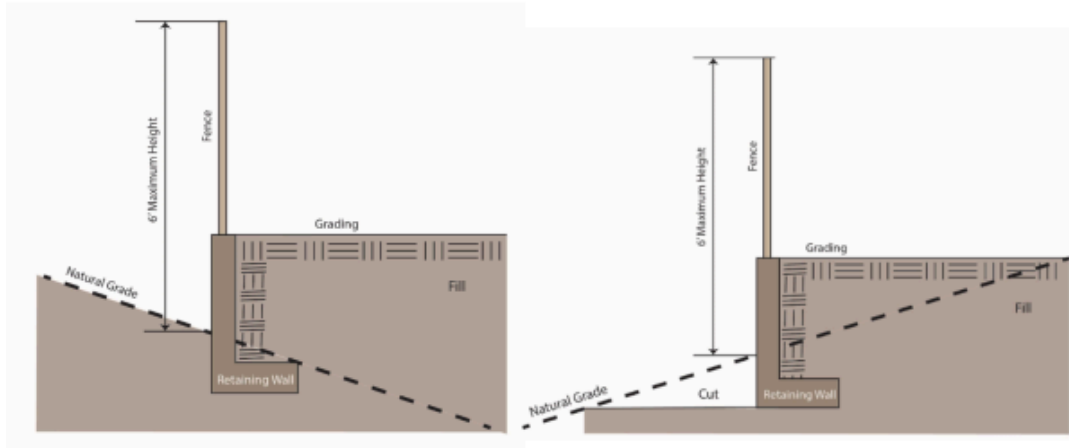
3. Conditional use. Fences in the side and rear yards may be erected to a maximum height of eight feet as a conditional use upon a clear and convincing showing by the property owner in accordance with Subsections (a) and (b) below:
 - a. The existence of unique or special circumstances of a natural, material and adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and
 - b. That erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.
 - c. In no case shall a conditional use permit be granted for a wall height extension in the front yard of a property, including key lots.
4. Neighbor consent. Side and rear yard fences may exceed eight feet in height to a maximum height of 12 feet in cases where the applicant has neighbor consent, and has received conditional use approval in accordance with Subsection 19.76.050(E)(3).
5. Terracing. If a taller retaining wall is necessitated by an engineering requirement as determined by the city engineer, the retaining wall may be terraced. Terracing shall be limited to three tiers. The horizontal width of the terrace between any two wall sections above existing grade shall be at least ten feet. Terraces created between retaining walls shall be landscaped or revegetated (see diagram).
6. Exceptions. Fences, walls, hedges, retaining walls or any vertical combination thereof in the side or rear yard may be constructed to a maximum height of 12 feet without neighbor consent and conditional use approval if the fence is adjacent to property located in a commercial zone or adjacent to a public street.
7. Chain link fences. Chain link fences which are not vinyl coated or galvanized shall not be allowed.
8. Fences, etc. atop retaining walls. Fences and non-retaining walls shall not be constructed on top of a retaining wall unless the fence and/or non-retaining wall is set back 18 inches for every one foot of vertical height above six feet high. In no circumstance shall the combination of the retaining wall and fence and/or non-retaining wall exceed eight feet without a separation of at least three feet.
9. Permit required. A building permit shall be required for any retaining wall over four feet in height from existing grade, and any fence over six feet in height from existing grade.

Table 1

Maximum Residential Fence/Wall Height		
Height	Location	Required Approval
0-4'	All residential zones, all yards	Permitted
4-6	Side and rear yards, front yards of estate lots and key lots	Permitted

6-8'	Side and rear yards	Conditional Use
8-12'	Side and rear yards	Conditional Use with Neighbor Consent

APPENDIX A
Terraced or Tiered Retaining Wall



HISTORY

Amended by Ord. [412](#) on 4/9/2024

Amended by Ord. [421](#) on 9/10/2024

19.84 Conditional Uses

19.84.010 Definition

19.84.020 Approval Standard

19.84.030 Site Plan And Permit Required

19.84.040 Fee

19.84.050 Application

19.84.060 Staff Report

19.84.070 Public Hearing

19.84.080 Determination

19.84.090 Effect Of Approval

19.84.100 Appeals

19.84.110 Inspection

19.84.120 Time Limits

19.84.130 Amendment

19.84.140 Revocation

19.84.010 Definition

A “conditional use” is a land use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

19.84.020 Approval Standard

- A. No Presumption of Approval. The listing of a conditional use in any table of permitted and conditional uses as found in various chapters of this title does not constitute an assurance or presumption that any such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the zoning district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.
- B. *Standard for Approval.* A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

19.84.030 Site Plan And Permit Required

- A. A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be, located, and if the use is specified as a conditional use elsewhere in this title. Failure to comply with any of the conditions imposed in the permit will result in an order to show cause for revocation. The permit may be revoked by the planning commission upon evidence that any condition has not been met.
- B. A conditional use has the potential for adverse impact on the use and enjoyment of adjacent properties and uses if the proposed conditional use is located and laid out without careful planning. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review of development proposals is required for all conditional uses in all zoning districts in the city.

19.84.040 Fee

The application for any conditional use permit shall be accompanied by the appropriate fee under this code.

19.84.050 Application

- A. The conditional use process is initiated upon submittal of a conditional use permit application to the department. The planning commission may authorize the director to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.
- B. All applications for a conditional use permit shall include:
1. The applicant's name, address, telephone numbers and interest in the property;
 2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 3. The street address and legal description of the subject property;
 4. The zoning classification, zoning district boundaries and present use of the subject property;
 5. A vicinity map with North, scale and date, indicating the zoning classifications and current uses of properties within 300 feet of the boundaries of the subject property. When a conditional use permit will be considered by the planning commission, the application shall also include a current plat map showing the names and addresses of all property owners appearing on the tax rolls of the Salt Lake County Assessor within 300 feet of the boundaries of the subject property.
 6. A plat or a survey of the parcel of land, lots block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land;
 7. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;
 8. A complete description of the proposed conditional use;
 9. A plan or drawing drawn to scale of twenty feet to the inch (20' = 1 inch) or larger which includes the following information of the proposed use:
 - a. actual dimensions of the subject property;
 - b. exact sizes and location of all existing and proposed buildings or other structures;
 - c. driveways;
 - d. parking spaces;
 - e. safety curbs;
 - f. landscaping;
 - g. location of trash receptacles;
 - h. drainage features and environmental features; and
 - i. a table showing all land uses and open space with square feet and percentage of total property for each use.

10. A traffic impact analysis (when deemed necessary by the department);
11. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit;
12. Envelopes, mailing labels and first class postage for all property owners located within 300 feet of the subject property when a conditional use permit will be considered by the planning commission; and
13. Such other further information or documentation as the director may deem to be necessary for a full and proper consideration and disposition of the particular application.

19.84.060 Staff Report

Once the department has determined the application is complete, a staff report evaluating the conditional use application shall be prepared and forwarded to the planning commission.

19.84.070 Public Hearing

A public hearing may be held if the chairman of the planning commission deems a hearing to be in the public interest.

19.84.080 Determination

- A. Following any public hearing, the planning commission shall consider the application in a public meeting. The staff's written recommendation shall be considered, among other factors. The planning commission may either approve the proposed conditional use; approve the proposed conditional use subject to specific modifications or conditions; postpone decision pending consideration of additional information to be submitted by the applicant; or deny the proposed conditional use.
- B. In approving a conditional use, the planning commission may impose such requirements and conditions as it deems necessary for the protection of adjacent properties and the public welfare. The planning commission shall only approve with conditions, or deny a conditional use, based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in the specific zoning district. The planning commission shall not approve issuance of a conditional use permit unless the evidence presented is such as to establish the following:
 1. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;
 2. 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;
 3. 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;
 4. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
 5. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;
 6. That protection of property values, the environment, and the tax base for the city will be assured;

7. That the use will comply with the city's general plan;
8. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;
9. That the internal circulation system of the proposed development is properly designed;
10. That existing and proposed utility services will be adequate for the proposed development;
11. That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;
12. That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards;
13. That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;
14. That the proposed use preserves historical, architectural and environmental features of the property; and
15. That operating and delivery hours will compatible with adjacent land uses.
16. The foregoing approval standards shall be subject to any contrary requirements of *Utah Code Ann. § 10-9a-507*, as amended.

19.84.090 Effect Of Approval

The approval of a proposed conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the city, such as subdivision approval, a building permit, a certificate of occupancy, etc.

19.84.100 Appeals

Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the appeals hearing officer, whose decision shall then be final. All appeals to the appeals hearing officer must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the appeals hearing officer may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the appeals hearing officer.

19.84.110 Inspection

Following the issuance of a final conditional use permit:

- A. The department may accept an application for approval of a building permit (if applicable), and shall ensure that development is undertaken and completed in compliance with the conditional use permit, the city's building code, and any other applicable laws or ordinances.
- B. The director shall make periodic inspections to assure compliance with all applicable conditions of approval. An investigation report will be issued to any conditional use permittee that is out of compliance. If the discrepancy is not corrected in an allotted time of not less than ten days, then an order to show cause will be issued for action by the planning commission.

19.84.120 Time Limits

- A. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the planning commission for no more than three successive periods thereafter.
- B. Unless there is substantial action under a conditional use permit within a maximum period of one year after its issuance, said permit shall expire. The planning commission may grant one extension of up to six months, when deemed in the public interest, upon application by the permittee before expiration of the permit. The approval of a proposed conditional use permit by the planning commission shall authorize only the specific use for which it was issued.

19.84.130 Amendment

Once granted, a conditional use permit, or a conditional use thereunder, shall not be enlarged, changed, extended, increased in intensity, or relocated unless an application is made to amend the existing permit, and approval is given by the planning commission, except as provided below:

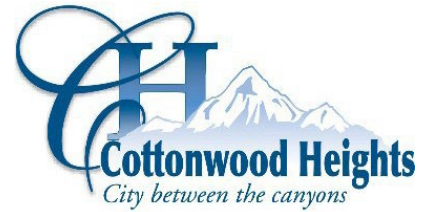
- A. The director may administratively consider, approve, or disapprove modifications or changes which are consistent with the purpose and intent of this chapter. Such administrative determinations may be made only where the following conditions exist:
 - 1. All additions, modifications or changes are determined not to have significant impact beyond the site.
 - 2. Any decision of the director may be appealed within 30 days to the planning commission.
- B. The planning commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the director determines not to make an administrative determination as provided in (a) above and where the following requirements are met:
 - 1. The proposed modification or amendment complies with the intent and purpose of this chapter.
 - 2. Reasonable conditions may be attached if, and to the extent that, the planning commission finds that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violates the intent and requirements of this title. Impacts must be of the magnitude that, without the mitigation or elimination thereof, the amendment to the conditional use permit could not be granted.
 - 3. All decisions of the planning commission regarding approval, denial the imposition of special conditions may be appealed to the appeals hearing officer as provided in this title.

19.84.140 Revocation

- A. The planning commission may revoke a conditional use permit if the conditions of the permit are not fully complied with. Prior to such a revocation, the chairman of the planning commission, after receiving information showing there is reason to believe that the conditions of the permit are not being followed, shall issue an order to show cause to the owner or person in control of the property or use in question. Such order shall specify the alleged conditions that are not in compliance, inform the owner or other responsible party that the subject conditional use permit may be revoked, and affording an opportunity for presentation of any relevant contrary evidence.

- B. After a hearing, the planning commission may revoke the conditional use permit, allow the use to continue, or add new terms and conditions to an existing permit. Any decision of the planning commission shall include findings of fact and its ruling. Following its decision, the planning commission shall have the right of action to compel offending structures or uses to be removed at the cost of the violator or owner. Nothing in this section shall be construed to prevent the planning commission from otherwise reviewing conditional use permits or be construed to prevent persons from being prosecuted under the criminal provision of this code for failure to comply with the terms of a conditional use permit.
- C. Any person or firm aggrieved by the decision of the planning commission regarding the revocation or amendment of a conditional use permit may appeal such decision to the appeals hearing officer, whose decision shall be final. Any decision of the appeals hearing officer concerning revocation of a conditional use permit may be appealed to District Court within 30 days after the appeals hearing officer's decision.

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT



June 3rd, 2026

Summary

Project #:

CUP-25-010

Subject Property:

6789 Walker Mill Dr

Action Requested:

Conditional Use Wall Height
Extension

Property Owner:

The Liu Family Revocable Trust

Applicant:

Stephanie Van Drimmelen

Recommendation:

Approve, with conditions



Aerial View

This aerial image shows the subject property in context of the neighborhood. The blue line shows the location of the proposed wall height extension. Red lines show the other property lines of the lot.

APPLICANT'S PROPOSAL

The applicant proposes constructing an 8-foot-tall Trex composite fence along the proposed eastern property line and portions of the northern and southern property lines as part of an ongoing lot line adjustment process involving the purchase of approximately 30 feet of adjacent HOA common area. The purpose of the fence is to improve privacy, reduce noise from the adjacent HOA tennis/pickleball court, and create better separation between the backyard and the HOA common area. Due to the higher elevation of the HOA common area, the applicant states that a standard 6-foot fence would not adequately screen views or mitigate noise impacts.

BACKGROUND

The HOA adjacent to the subject property is currently in the process of selling approximately 30 feet of existing common area land located immediately east of the subject property to the homeowner as part of a lot line adjustment. The adjacent property owner to the north is also purchasing approximately 30 feet of HOA land. The HOA common area to the east is situated at a higher elevation than the subject property.

The applicant proposes to construct an 8-foot-tall Trex composite fence, measured from grade, along the proposed new eastern property line established through the lot line adjustment process. The fence would extend along portions of the north and south property lines to connect to the existing Trex fencing. Proposed materials and design will match the existing Trex fencing to maintain a consistent appearance.

Staff find that the proposed fence will not interfere with public access, traffic visibility, or neighborhood circulation because it is located within the rear yard area adjacent to HOA common land. Staff further find that, due to the elevation difference between the subject property and the adjacent HOA land, a standard 6-foot fence would not adequately address the applicant’s stated privacy concerns or sufficiently reduce noise impacts associated with the nearby tennis/pickleball court.



Proposed fence design

Zoning

The zoning designation of the property is R-1-8 (Residential Single-Family). Fences and walls may be allowed to a maximum height of eight feet in any zone as a conditional use, and up to 12 feet as a conditional use with neighbor consent, as outlined in section 19.76.050.E City Code, shown below.

As this proposal is only requesting eight feet, neighbor consent was not required.

19.76.050(E)

Conditional use. *Fences in the side and rear yards may be erected to a maximum height of eight feet as a conditional use upon a clear and convincing showing by the property owner in accordance with subsections (a) and (b) below:*

- a. *The existence of unique or special circumstances of a natural, material and adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and*
- b. *That erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.*

Neighbor consent. *Side and rear yard fences may exceed eight feet in height to a maximum height of 12 feet in cases where the applicant has neighbor consent, and has received conditional use approval in accordance with subsection 19.76.050(E)(3).*

IMPACT ANALYSIS

Staff Analysis: Staff finds the increased fence height proposed by this application to be a reasonable privacy and screening enhancement from the adjacent HOA property.

Noticing

Property owners within 300 feet of the subject property have been mailed notices. Notices were mailed, as well as posted on noticing websites and the City Hall bulletin board, on May 18, 2026.

Conditional Use Permit Determining Criteria

Staff have found enough evidence that the standards for the issuance of a conditional use permit have been satisfied (see Section 19.84.080 CH Code).

FINDINGS FOR APPROVAL

1. There is clear and convincing evidence shown by the property owner that the request will provide reasonable additional privacy; (19.76.050.E.3.)
2. That construction of such wall and fence is the most reasonable solution under the circumstances. The additional fence height is necessary to ensure mitigation of aforementioned issues.
3. The conditional use permit is granted by the director or his designee following an administrative hearing preceded by all required notifications. (19.76.050.E.3.)

4. The evidence presented with the proposed conditional use has been found to be compliant with the requirements of section 19.84.080 (Conditional Uses – Determination) and section 19.76.050.E (Miscellaneous – Fences).
5. There is sufficient evidence that the standards for the issuance of a conditional use permit as outlined in Section 19.84.080 CH Code have been satisfied.

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the requested fence height extension to allow an 8-foot-tall fence is recommended, subject to the following conditions:

1. The associated lot line adjustment shall be finalized and officially recorded prior to issuance of any permits or commencement of construction for the proposed fence.
2. The applicant shall obtain all required building permits and inspections for the proposed fence in accordance with applicable municipal codes and development standards.
3. The fence shall be constructed substantially consistent with the submitted plans and materials, including the proposed Trex composite design and connection to existing fencing along the north and south property lines.
4. The approved fence shall remain entirely within the finalized property boundaries established through the lot line adjustment process.

Model Motions

Approval

I move to approve item CUP-26-010 pursuant to the conditions of approval outlined in the item’s staff report

- Add any additional conditions of approval...

Denial

I move to deny item CUP-26-010 based on the following findings...”

- List reasons for denial...

Attachments

1. Proposed fence design
2. Proposed lot line adjustment
3. Site photos
4. 19.76.050 Miscellaneous
5. 19.84 Conditional Uses



CFC Fences & Decks

2250 W Center St BLDG 2, Springville, UT 84663

Utah County: (801) 374-6428 Salt Lake County: (801) 990-6888

Summit County: (801) 990-6888

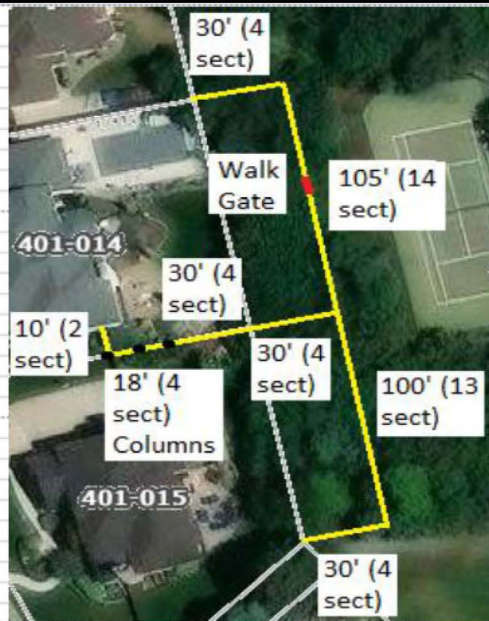
www.FenceAndDeckUtah.com

Fence Project Installation Estimate/Contract

Name: VanDrimmelen, Stephanie (8' Option)	Email: steph6@me.com	Date: 03-Feb-26
Job Address 6769 S Walker Mill Dr.	City: CW Heights Zip: 84121	Salesman: Steve
Phone #'s 801-580-7852	(W)	Referral Source: Pre-Customer
Billing Address:	City: ST: Zip:	

Diagram (not to scale: reference only)

Project Details



Access	<input checked="" type="checkbox"/> II	Bobcat	<input type="checkbox"/> Hand	<input type="checkbox"/> Both
Misc.	<input type="checkbox"/>	Wall	<input type="checkbox"/>	Flat Mount
Misc.	<input type="checkbox"/>	Box Posts	<input type="checkbox"/>	Extra Footers
Core Cuts	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Future Return/ Multiple Trips	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Removal & Disposal	<input checked="" type="checkbox"/> I	Yes	<input type="checkbox"/>	No
Yard Landscaping	Existing			
Total Footage	353'			

Diagram is not to scale and is for reference only.

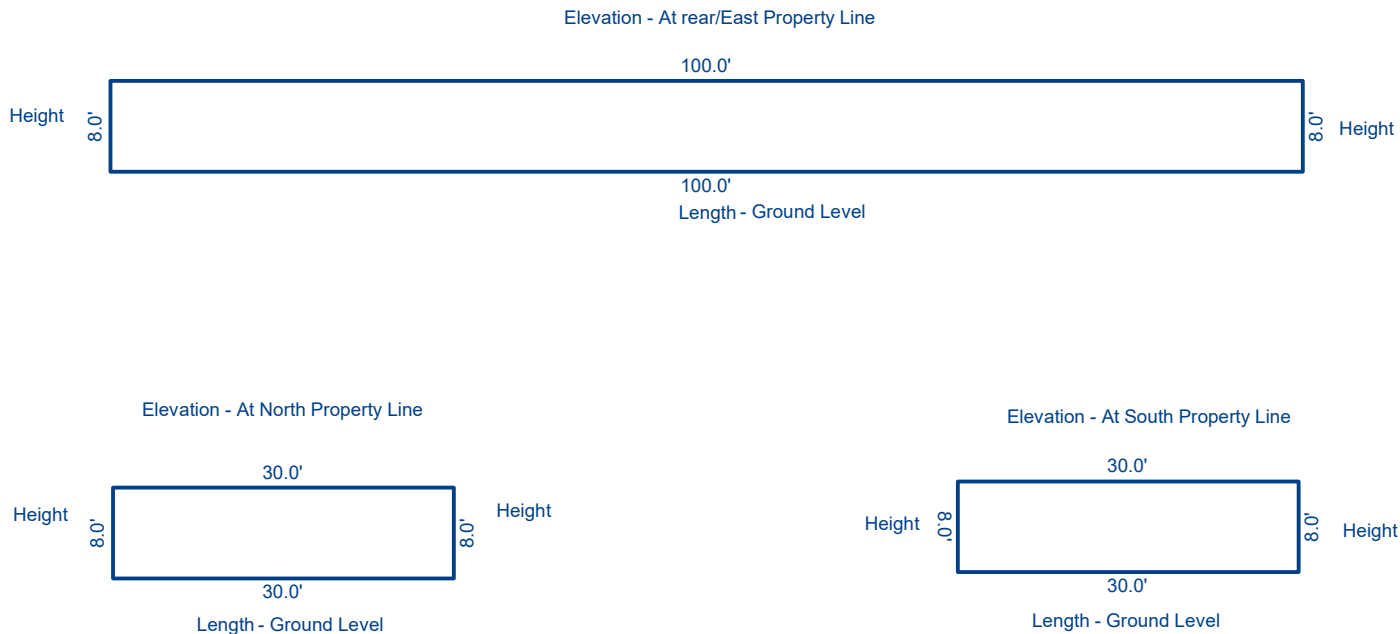
[] Addendum attached

SKETCH/AREA TABLE ADDENDUM

SUBJECT INFO

File No.:	Parcel No.:		
Property Address:			
City:	County:	State:	ZipCode:
Owner:			
Client:		Client Address:	
Appraiser Name:		Inspection Date:	

SKETCH



Sketch by ApexSketch

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
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401-014

401-022

30 Feet

401-029

100 Feet

401-026

22-23

401-015

30 Feet

453-002

401-028

453-003

S WALKER MILL DR

TS CITY

022



Looking West From Near SEC From Common Area Towards House



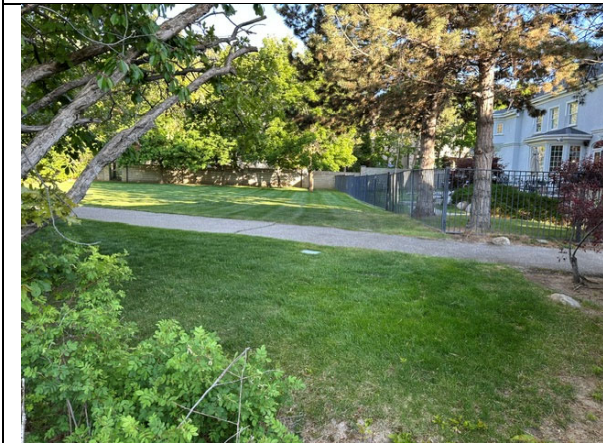
Common Area Path that extends Along The Subject



Looking North Towards Area to be Fenced From Common Area Path



Looking North Towards Area to Be Fenced



Looking South From Area to be Fenced Towards Common Area



Looking SW Towards House and Backyard From Near NEC

19.76.050 Miscellaneous

- A. Intersecting streets and clear visibility. In all zones, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by public or private street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.
- B. Off-site improvements.
1. Off-site improvements required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter, sidewalk and asphalt along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be provided as allowed in this code. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.
 2. Fee-in-lieu of improvements.
 - a. Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such improvements, as determined by the director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.
 - b. The fees shall be placed in a special account, and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the department.
- C. Water and sewage facilities. In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer, as defined in the health department regulations, is not available within 300 feet of property where the building or use is proposed, and all cases where a proposed supply of piped water under pressure is not available within 300 feet of property where the building or use is proposed,, the alternative sewage disposal and the domestic water supply shall comply with requirements of the health department, and the application for a building permit shall be accompanied by a certificate of approval from the health department.
- D. Regulations regarding junk.
1. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in Subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.
 2. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed one year if it is secured with the windows closed, the

- trunk and hood closed and the doors locked and is not damaged exposing jagged metal;
or
3. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed one year provided:
 - a. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;
 - b. The automobile or truck shall not be visible from any public street; and
 - c. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.
 4. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

E. General height and design regulations for walls, fences and retaining walls.

1. Definitions. In this Subsection (E):
 - a. "Fence" means a barrier of any material or combination of materials erected to enclose, screen or separate areas.
 - b. "Fence height" means that a fence or wall shall be measured from the adjacent existing natural grade at the base of the fence or wall, to the top edge of the fence or wall.
 - c. "Fences atop walls" means that if a fence is atop a wall, the total height shall be measured from the base of the wall to the top of the fence.
 - d. "Neighbor consent" means that all neighbors abutting the proposed wall/fence will be required to provide written consent for retaining wall/fence height above eight feet up to 12 feet.
 - e. "Retaining wall" means a structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced, and which shall be either a landscape retaining wall or structural retaining wall.
2. Permitted height. No fence, wall, hedge, retaining wall or vertical combination of these (hereinafter "fence") may be erected to a height which exceeds the following requirements:
 - a. Front yard. Four feet. Lots that are at least one acre in size and have only one primary residence may erect a fence up to six feet in height. A fence may be erected up to six feet in height along a side lot line in the front yard of a key lot, so long as it abuts the rear lot line of an adjacent lot. Fences/walls in these locations shall not be eligible for a wall height extension.
 - b. Side and rear yards. Six feet.
 - c. Exception. Retaining walls or fencing which comply with the setback requirements for primary structures in the underlying zone, or accessory structures in the underlying zone if wall or fence is in the rear yard may be erected to the height allowed for each respective structure, measured from

existing grade. In cases where this provision conflicts with another portion of city code, the more restrictive provision shall apply.

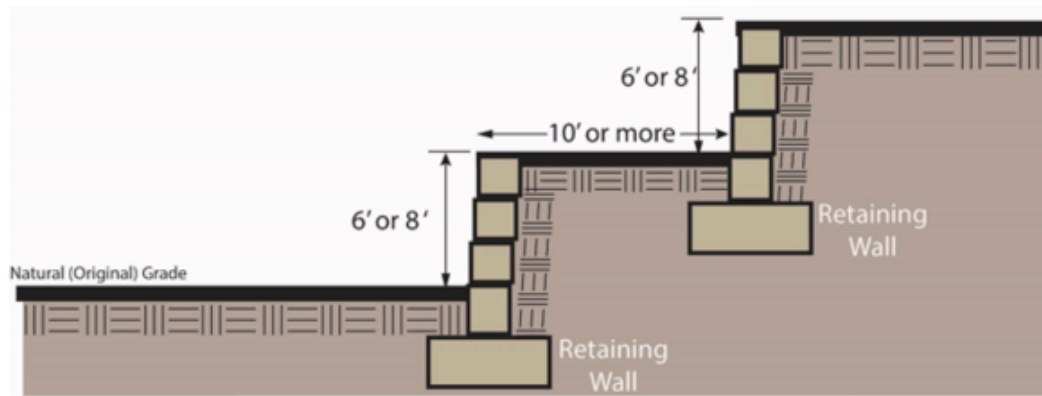
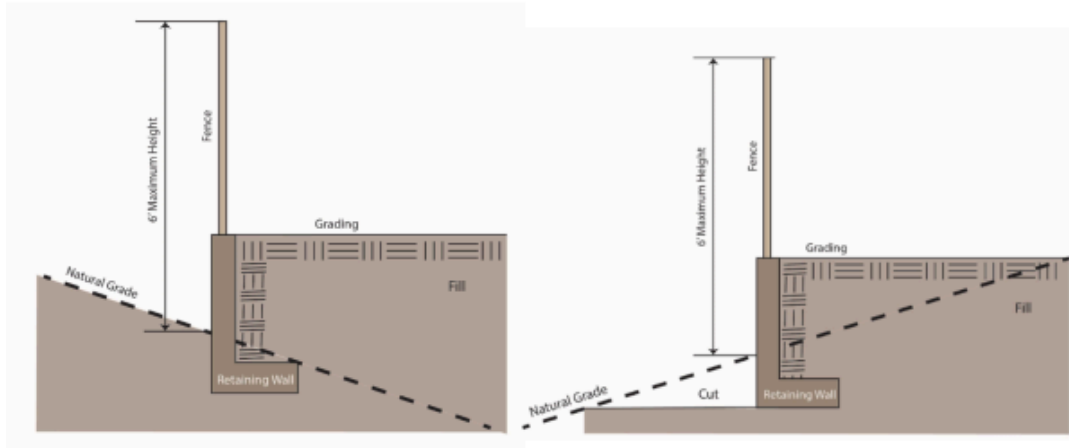
3. Conditional use. Fences in the side and rear yards may be erected to a maximum height of eight feet as a conditional use upon a clear and convincing showing by the property owner in accordance with Subsections (a) and (b) below:
 - a. The existence of unique or special circumstances of a natural, material and adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and
 - b. That erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.
 - c. In no case shall a conditional use permit be granted for a wall height extension in the front yard of a property, including key lots.
4. Neighbor consent. Side and rear yard fences may exceed eight feet in height to a maximum height of 12 feet in cases where the applicant has neighbor consent, and has received conditional use approval in accordance with Subsection 19.76.050(E)(3).
5. Terracing. If a taller retaining wall is necessitated by an engineering requirement as determined by the city engineer, the retaining wall may be terraced. Terracing shall be limited to three tiers. The horizontal width of the terrace between any two wall sections above existing grade shall be at least ten feet. Terraces created between retaining walls shall be landscaped or revegetated (see diagram).
6. Exceptions. Fences, walls, hedges, retaining walls or any vertical combination thereof in the side or rear yard may be constructed to a maximum height of 12 feet without neighbor consent and conditional use approval if the fence is adjacent to property located in a commercial zone or adjacent to a public street.
7. Chain link fences. Chain link fences which are not vinyl coated or galvanized shall not be allowed.
8. Fences, etc. atop retaining walls. Fences and non-retaining walls shall not be constructed on top of a retaining wall unless the fence and/or non-retaining wall is set back 18 inches for every one foot of vertical height above six feet high. In no circumstance shall the combination of the retaining wall and fence and/or non-retaining wall exceed eight feet without a separation of at least three feet.
9. Permit required. A building permit shall be required for any retaining wall over four feet in height from existing grade, and any fence over six feet in height from existing grade.

Table 1

Maximum Residential Fence/Wall Height		
Height	Location	Required Approval
0-4'	All residential zones, all yards	Permitted
4-6	Side and rear yards, front yards of estate lots and key lots	Permitted

6-8'	Side and rear yards	Conditional Use
8-12'	Side and rear yards	Conditional Use with Neighbor Consent

APPENDIX A Terraced or Tiered Retaining Wall



HISTORY

Amended by Ord. [412](#) on 4/9/2024

Amended by Ord. [421](#) on 9/10/2024

19.84 Conditional Uses

19.84.010 Definition

19.84.020 Approval Standard

19.84.030 Site Plan And Permit Required

19.84.040 Fee

19.84.050 Application

19.84.060 Staff Report

19.84.070 Public Hearing

19.84.080 Determination

19.84.090 Effect Of Approval

19.84.100 Appeals

19.84.110 Inspection

19.84.120 Time Limits

19.84.130 Amendment

19.84.140 Revocation

19.84.010 Definition

A “conditional use” is a land use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

19.84.020 Approval Standard

- A. No Presumption of Approval. The listing of a conditional use in any table of permitted and conditional uses as found in various chapters of this title does not constitute an assurance or presumption that any such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the zoning district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.
- B. *Standard for Approval.* A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

19.84.030 Site Plan And Permit Required

- A. A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be, located, and if the use is specified as a conditional use elsewhere in this title. Failure to comply with any of the conditions imposed in the permit will result in an order to show cause for revocation. The permit may be revoked by the planning commission upon evidence that any condition has not been met.
- B. A conditional use has the potential for adverse impact on the use and enjoyment of adjacent properties and uses if the proposed conditional use is located and laid out without careful planning. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review of development proposals is required for all conditional uses in all zoning districts in the city.

19.84.040 Fee

The application for any conditional use permit shall be accompanied by the appropriate fee under this code.

19.84.050 Application

- A. The conditional use process is initiated upon submittal of a conditional use permit application to the department. The planning commission may authorize the director to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.
- B. All applications for a conditional use permit shall include:
1. The applicant's name, address, telephone numbers and interest in the property;
 2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 3. The street address and legal description of the subject property;
 4. The zoning classification, zoning district boundaries and present use of the subject property;
 5. A vicinity map with North, scale and date, indicating the zoning classifications and current uses of properties within 300 feet of the boundaries of the subject property. When a conditional use permit will be considered by the planning commission, the application shall also include a current plat map showing the names and addresses of all property owners appearing on the tax rolls of the Salt Lake County Assessor within 300 feet of the boundaries of the subject property.
 6. A plat or a survey of the parcel of land, lots block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land;
 7. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;
 8. A complete description of the proposed conditional use;
 9. A plan or drawing drawn to scale of twenty feet to the inch (20' = 1 inch) or larger which includes the following information of the proposed use:
 - a. actual dimensions of the subject property;
 - b. exact sizes and location of all existing and proposed buildings or other structures;
 - c. driveways;
 - d. parking spaces;
 - e. safety curbs;
 - f. landscaping;
 - g. location of trash receptacles;
 - h. drainage features and environmental features; and
 - i. a table showing all land uses and open space with square feet and percentage of total property for each use.

10. A traffic impact analysis (when deemed necessary by the department);
11. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit;
12. Envelopes, mailing labels and first class postage for all property owners located within 300 feet of the subject property when a conditional use permit will be considered by the planning commission; and
13. Such other further information or documentation as the director may deem to be necessary for a full and proper consideration and disposition of the particular application.

19.84.060 Staff Report

Once the department has determined the application is complete, a staff report evaluating the conditional use application shall be prepared and forwarded to the planning commission.

19.84.070 Public Hearing

A public hearing may be held if the chairman of the planning commission deems a hearing to be in the public interest.

19.84.080 Determination

- A. Following any public hearing, the planning commission shall consider the application in a public meeting. The staff's written recommendation shall be considered, among other factors. The planning commission may either approve the proposed conditional use; approve the proposed conditional use subject to specific modifications or conditions; postpone decision pending consideration of additional information to be submitted by the applicant; or deny the proposed conditional use.
- B. In approving a conditional use, the planning commission may impose such requirements and conditions as it deems necessary for the protection of adjacent properties and the public welfare. The planning commission shall only approve with conditions, or deny a conditional use, based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in the specific zoning district. The planning commission shall not approve issuance of a conditional use permit unless the evidence presented is such as to establish the following:
 1. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;
 2. 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;
 3. 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;
 4. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
 5. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;
 6. That protection of property values, the environment, and the tax base for the city will be assured;

7. That the use will comply with the city's general plan;
8. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;
9. That the internal circulation system of the proposed development is properly designed;
10. That existing and proposed utility services will be adequate for the proposed development;
11. That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;
12. That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards;
13. That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;
14. That the proposed use preserves historical, architectural and environmental features of the property; and
15. That operating and delivery hours will compatible with adjacent land uses.
16. The foregoing approval standards shall be subject to any contrary requirements of *Utah Code Ann. § 10-9a-507*, as amended.

19.84.090 Effect Of Approval

The approval of a proposed conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the city, such as subdivision approval, a building permit, a certificate of occupancy, etc.

19.84.100 Appeals

Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the appeals hearing officer, whose decision shall then be final. All appeals to the appeals hearing officer must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the appeals hearing officer may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the appeals hearing officer.

19.84.110 Inspection

Following the issuance of a final conditional use permit:

- A. The department may accept an application for approval of a building permit (if applicable), and shall ensure that development is undertaken and completed in compliance with the conditional use permit, the city's building code, and any other applicable laws or ordinances.
- B. The director shall make periodic inspections to assure compliance with all applicable conditions of approval. An investigation report will be issued to any conditional use permittee that is out of compliance. If the discrepancy is not corrected in an allotted time of not less than ten days, then an order to show cause will be issued for action by the planning commission.

19.84.120 Time Limits

- A. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the planning commission for no more than three successive periods thereafter.
- B. Unless there is substantial action under a conditional use permit within a maximum period of one year after its issuance, said permit shall expire. The planning commission may grant one extension of up to six months, when deemed in the public interest, upon application by the permittee before expiration of the permit. The approval of a proposed conditional use permit by the planning commission shall authorize only the specific use for which it was issued.

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Once granted, a conditional use permit, or a conditional use thereunder, shall not be enlarged, changed, extended, increased in intensity, or relocated unless an application is made to amend the existing permit, and approval is given by the planning commission, except as provided below:

- A. The director may administratively consider, approve, or disapprove modifications or changes which are consistent with the purpose and intent of this chapter. Such administrative determinations may be made only where the following conditions exist:
 - 1. All additions, modifications or changes are determined not to have significant impact beyond the site.
 - 2. Any decision of the director may be appealed within 30 days to the planning commission.
- B. The planning commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the director determines not to make an administrative determination as provided in (a) above and where the following requirements are met:
 - 1. The proposed modification or amendment complies with the intent and purpose of this chapter.
 - 2. Reasonable conditions may be attached if, and to the extent that, the planning commission finds that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violates the intent and requirements of this title. Impacts must be of the magnitude that, without the mitigation or elimination thereof, the amendment to the conditional use permit could not be granted.
 - 3. All decisions of the planning commission regarding approval, denial the imposition of special conditions may be appealed to the appeals hearing officer as provided in this title.

19.84.140 Revocation

- A. The planning commission may revoke a conditional use permit if the conditions of the permit are not fully complied with. Prior to such a revocation, the chairman of the planning commission, after receiving information showing there is reason to believe that the conditions of the permit are not being followed, shall issue an order to show cause to the owner or person in control of the property or use in question. Such order shall specify the alleged conditions that are not in compliance, inform the owner or other responsible party that the subject conditional use permit may be revoked, and affording an opportunity for presentation of any relevant contrary evidence.

- B. After a hearing, the planning commission may revoke the conditional use permit, allow the use to continue, or add new terms and conditions to an existing permit. Any decision of the planning commission shall include findings of fact and its ruling. Following its decision, the planning commission shall have the right of action to compel offending structures or uses to be removed at the cost of the violator or owner. Nothing in this section shall be construed to prevent the planning commission from otherwise reviewing conditional use permits or be construed to prevent persons from being prosecuted under the criminal provision of this code for failure to comply with the terms of a conditional use permit.
- C. Any person or firm aggrieved by the decision of the planning commission regarding the revocation or amendment of a conditional use permit may appeal such decision to the appeals hearing officer, whose decision shall be final. Any decision of the appeals hearing officer concerning revocation of a conditional use permit may be appealed to District Court within 30 days after the appeals hearing officer's decision.