

1
2 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
3 **ADMINISTRATIVE HEARING**

4
5 **Wednesday, November 5, 2025**

6 **12:00 p.m.**

7 **City Hall Room 5**

8 **2277 East Bengal Boulevard**

9 **Cottonwood Heights, Utah**

10
11 ***ATTENDANCE***

12
13 **Staff Present:** Jim Spung, Community and Economic Development Director
14 Sydney Pierce, Deputy City Recorder
15 Alex Earl, Systems Administrator
16 Maverick Yeh, Planner III
17 Sheldon Howa, Planner III
18

19 **ADMINISTRATIVE HEARING**

20
21 **1.0 Business Items**

22
23 Community and Economic Development Director, Jim Spung, called the Administrative Hearing to
24 order at 12:00 p.m. and welcomed those present. He will act as the Administrative Hearing Officer.
25

26 **1.1 Project CUP-25-015 – Public Hearing Request from Natalie and Chris**
27 **Higginson, to Operate a Short-Term Rental at 2591 East Canterbury Lane.**
28

29 Planner III, Sheldon Howa, presented the Staff Report and stated that it is a Conditional Use Permit
30 (“CUP”) request for a short-term rental at 2591 East Canterbury Lane, which is in the R-2-8 Zone.
31 There are certain criteria that must be met to receive conditional use approval for a short-term rental.
32 Based on a review of the application and the City Code, Staff found that the property meets the zoning
33 requirements. The subject property is located within the Canterbury Planned Unit Development
34 (“PUD”), which consists of 24 single-family dwelling units. The property fronts Canterbury Lane,
35 which is a private street. The subject property is a two-bedroom home and the applicant is proposing
36 that there be no more than four people in the home at one time. Mr. Howa reported that two parking
37 stalls will be provided on the site, one uncovered and one covered. The applicant will regulate the
38 parking to ensure all guests park in the required parking stalls.
39

40 There was one concern submitted to the City related to this request. In that submission, opposition
41 was expressed to the short-term rental. In addition, there were two phone calls received about
42 Homeowners Association (“HOA”) regulations and bylaws. The callers were under the impression
43 that the HOA does not allow short-term rentals. Staff reached out to the applicant about this.
44 According to the applicant, there was outreach to the HOA, and short-term rentals are permitted. The
45 applicant sent an excerpt from the Covenants, Conditions, and Restrictions (“CC&Rs”) stating that
46 there are no provisions prohibiting short-term rentals. Staff found that the minimum requirements
47 were met. As a result, Staff recommended approval with conditions.

1
2 The applicant, Natalie Higginson, shared additional information with those present. She explained
3 that the intention is to allow one vehicle in the designated covered parking area. There will be no
4 more than four people at the home. Ms. Higginson clarified that a portion of the HOA document,
5 received at the time the home was purchased, was shared with Staff. However, there has not been
6 direct contact with the HOA. Administrative Hearing Officer Spung thanked her for the clarification.

7
8 Administrative Hearing Officer Spung opened the public hearing.

9
10 *Julie Gerbitz Aubrey* gave her address as 2588 East Canterbury Lane and reported that she lives to
11 the east of the applicant property. A few years ago, there was an HOA meeting held where the topic
12 of short-term rentals was discussed. During that meeting, the homeowners voted. The vote found
13 that there was no desire to have short-term rentals in the community. That decision is the reason there
14 are not currently short-term rentals in the area. Since that meeting, both individual owners and the
15 Property Manager have continued to uphold that position. The Property Manager provided her with
16 a relevant Utah law document, which she can provide to the Administrative Hearing Officer. The
17 document states that an association may establish by rule a minimum lease term of six months or less.
18 She understands that the City does not get involved in CC&Rs, but she is present to state that the
19 community does not want short-term rentals. Allowing them would negatively impact the
20 neighborhood, reduce the sense of safety and stability, and lower property values over time. Several
21 studies have found that short-term rentals lead to more nuisance and parking complaints. In addition,
22 short-term rentals disrupt long-term community cohesion. These findings reinforce what the
23 community believes. Long-term residents create a stronger, safer, and more neighborly environment.
24 She asked that the City support the right of the HOA and its residents to maintain long-term stability.

25
26 *Anna Farnsworth* gave her address as 2615 Canterbury Lane. She was not opposed to short-term
27 rentals if the homeowner resides there and rents out a room in the home. In the CC&Rs, there is a
28 certain number of people who can be renters and that number is already at the maximum. She feels
29 the owners misled the community, because originally, residents were told that the property would be
30 used by their children at times. This led her to believe the impacts would be minimal. She is not
31 supportive of more than two people at a time renting the home due to noise concerns. In addition,
32 there are shared resources, such as garbage and water, that need to be taken into consideration.

33
34 *Zach Johnson* expressed support for the other comments that have been shared. The community
35 preference is that there not be short-term rentals in the area, because there is a desire for stability.

36
37 *Lori Gibbs* gave her address as 2613 East Canterbury Lane. She explained that there are concerns
38 about short-term rentals in the area, especially a rental with four people when there are only one and
39 a half bathrooms. As for the dumpster, it was noted that there have been issues with the lid being left
40 open. It does not seem that the new owners are paying attention to what can and cannot be dumped.
41 Ms. Gibbs stated that a short-term rental will lower the property values and bring unfamiliar people
42 into the area. She is also concerned about parking on the site. She wondered if the new property
43 owners received a residential loan or if this was always intended to be an investment property.

44
45 There were no further comments. The public hearing was closed.

46

1 Administrative Hearing Officer Spung referenced the proposed Conditions of Approval. The second
2 condition states that the short-term rental is required to comply with all sections and subsections of
3 Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights Municipal Code. He asked that this
4 language be reviewed. In addition, the fourth condition states that there will be total occupancy of no
5 more than eight persons, but it sounds like there will be no more than four persons. Mr. Howa
6 confirmed this. The eight-person language was included for consistency with the City Code.

7
8 The language in 19.89.080 – Standards for Operation was reviewed. Administrative Hearing Officer
9 Spung addressed the concerns related to the HOA. The City is not a subsidiary of the HOA and does
10 not enforce HOA rules in communities. The governing body of the HOA must regulate and enforce
11 those rules. From a City perspective, an application is reviewed to ensure that the request satisfies
12 the City Ordinance. This does not exempt the property owner from HOA compliance, but the City
13 does not get involved in enforcing those policies. Staff has reviewed the short-term rental language
14 and found that the application complies with the City Ordinances. The Conditions of Approval were
15 further reviewed. Administrative Hearing Officer Spung recommended that Condition of Approval
16 #4 (b) be revised to limit occupancy to four persons rather than the eight persons currently listed.

17
18 Administrative Hearing Officer Spung asked about the parking requirement. He wanted to know if
19 the code requires one parking space. Mr. Howa explained that adequate parking must be provided.
20 Administrative Hearing Officer Spung wondered whether there should be a Condition of Approval
21 added to state that no more than one vehicle can be parked on site for the short-term rental. Mr. Howa
22 stated that he is comfortable adding that as a condition. Administrative Hearing Officer Spung
23 discussed Condition of Approval #3 related to the hotline. He advised that the applicant have this
24 clearly posted on the property so if there is an issue, there is clarity about who to contact. It was noted
25 that in the applicant narrative, it stated that there would be a number posted. Planner III, Maverick
26 Yeh, informed those present that before a license is issued for a short-term rental, an inspector will
27 come to the property and will double-check that hotline information is clearly posted on the property.

28
29 Administrative Hearing Officer Spung reported that after reviewing the application information, he
30 agrees with the Staff recommendation as well as the Conditions of Approval, as amended.

31
32 **Administrative Hearing Officer Spung moved to APPROVE Project CUP-25-015, subject to**
33 **the following conditions:**

- 34
35 **1. The applicant must complete the necessary steps to obtain a Business License**
36 **through the City of Cottonwood Heights. Obtaining a Business License will**
37 **indicate final approval of the short-term rental application. The short-term**
38 **rental property will not be considered legal until a Business License is obtained.**
39
40 **2. The short-term rental property is required to maintain compliance with all**
41 **sections and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood**
42 **Heights Municipal Code, as hereafter amended from time to time, and all other**
43 **legal requirements and applicable laws.**
44
45 **3. The Operators shall provide a 24/7 hotline to resolve issues. Operators shall**
46 **respond (in person, if appropriate) to telephonic complaints within one hour after**

1 such a complaint is made. Inappropriate and/or non-response to such complaints
2 shall constitute a violation.

- 3
- 4 **4. Occupancy in any short-term rental property shall not exceed the lesser of: (a)**
5 **up to two adults (persons aged 18 and above) and two related children (persons**
6 **under age 18) per bedroom, or (b) a total occupancy (adults and children) of no**
7 **more than 4 persons in the entire short-term rental property. It is prohibited to**
8 **create artificial divisions or partitions for the purpose of increasing available**
9 **occupancy of an otherwise standard dwelling unit.**
- 10
- 11 **5. This short-term rental property will be approved for no more than two (2)**
12 **bedrooms. The term “bedroom” means a room designated and used primarily**
13 **for sleeping and resting on a bed.**
- 14
- 15 **6. Upon issuance of a Business License and Conditional Use Permit, the applicant**
16 **must display a copy of the Business License inside the main entry of the property.**
- 17
- 18 **7. No more than one vehicle can be parked on the site for the short-term rental.**
- 19

20 Administrative Hearing Officer Spung stated that the applicant will need to continue to work with
21 Staff to finalize the short-term rental application. As for the residents who shared comments about
22 the HOA during the public hearing, this is a matter that the HOA will need to pursue with the owner.

23

24 **1.2 Project CUP-25-016 – Public Hearing Request from Brooke Niemela,**
25 **to Operate a Short-Term Rental at 7869 South Honeywood Hill Lane.**

26

27 Mr. Yeh presented the Staff Report and stated that the request is for a short-term rental at 7869 South
28 Honeywood Hill Lane. The unit contains three bedrooms, and the applicant is proposing to
29 accommodate up to eight guests at a time. Occupants will have access to the property owner's cell
30 phone number 24/7 to resolve concerns or issues that might arise. The property is located in the R-
31 2-8 Zone. Short-term rentals may be approved as a conditional use in the R-2-8 Zone, provided that
32 the property is part of a PUD or condominium project that contains at least eight units and fronts on
33 a private street. The subject property is part of the Honeywood Cove PUD Project, which contains
34 20 units. He reported that the property fronts Honeywood Hill Lane, which is a private street.

35

36 It was noted that a resident came to City Hall to ask about this application. There were concerns
37 expressed about the parking situation, but no written or phone call comments were received. Mr. Yeh
38 reported that there is a two-car garage and a driveway. There is no street parking allowed for renters.
39 Staff recommends approval of this application with the outlined Conditions of Approval.

40

41 The applicant, Brooke Niemela, did not have additional information to share.

42

43 Administrative Hearing Officer Spung opened the public hearing.

44

45 *Christine Middlemiss* reported that her condominium is attached to the proposed rental property. She
46 believed an email was submitted yesterday by another resident and that email outlined a lot of the
47 concerns. It was clarified that the email was not received. Ms. Middlemiss reported that there have

1 been a lot of issues related to snow. There is a snow removal company that comes in, but sometimes,
2 the company does not arrive until four or five in the afternoon. There were two days when she was
3 unable to get onto the road to access her home. She has concerns about this as far as there being a
4 short-term rental in the area. As for the parking, the two-car garages that are attached do not allow
5 for an SUV. If there are skiers renting the unit, those vehicles will not fit there. Ms. Middlemiss
6 shared information about the parking language in the CC&Rs and expressed concerns.

7
8 There were no further comments. The public hearing was closed.

9
10 Administrative Hearing Officer Spung noted that the total occupancy is listed as eight in the
11 Conditions of Approval. He asked for additional information about the parking. He believed there
12 was a two-car garage and two driveway spaces could also be used. Mr. Yeh reported that the property
13 includes a two-car garage, and the driveway can fit two vehicles. There is no street parking allowed
14 for the renters. Administrative Hearing Officer Spung suggested that the applicant coordinate with
15 the HOA to better understand the snow removal difficulties. It is important to clearly communicate
16 this to any future guests. As for parking, it was clarified by Staff that off-street parking needs to be
17 provided. The ordinance language does not include a minimum requirement. Administrative Hearing
18 Officer Spung suggested that a specific condition be added for clarification.

19
20 **Administrative Hearing Officer Spung moved to APPROVE Project CUP-25-016, subject to**
21 **the following conditions:**

- 22
23 **1. The applicant must complete the necessary steps to obtain a City Business**
24 **License. Obtaining a Business License will indicate final approval of the short-**
25 **term rental application. The short-term rental property will not be considered**
26 **legal until a Business License is obtained.**
- 27
28 **2. The short-term rental property is required to maintain compliance with all**
29 **sections and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood**
30 **Heights Municipal Code, as hereafter amended from time to time, and all other**
31 **legal requirements and applicable laws.**
- 32
33 **3. The Operators shall provide a 24/7 hotline to resolve issues. Operators shall**
34 **respond (in person, if appropriate) to telephonic complaints within one hour after**
35 **such a complaint is made. Inappropriate and/or non-response to such complaints**
36 **shall constitute a violation.**
- 37
38 **4. Occupancy in any short-term rental property shall not exceed the lesser of: (a)**
39 **up to two adults (persons aged 18 and above) and two related children (persons**
40 **under age 18) per bedroom, or (b) a total occupancy (adults and children) of no**
41 **more than 8 persons in the entire short-term rental property. It is prohibited to**
42 **create artificial divisions or partitions for the purpose of increasing available**
43 **occupancy of an otherwise standard dwelling unit.**
- 44
45 **5. This short-term rental property will be approved for no more than three (3)**
46 **bedrooms. The term “bedroom” means a room designated and used primarily**
47 **for sleeping and resting on a bed.**

1
2 **6. Upon issuance of a Business License and Conditional Use Permit, the applicant**
3 **must display a copy of the Business License inside the main entry of the property.**

4
5 **7. Parking must be on the applicant's property, either within the garage or on the**
6 **driveway.**

7
8 **2.0 Consent Agenda**

9
10 **2.1 Approval of Administrative Hearing Minutes from November 5, 2025.**

11
12 **The Administrative Hearing Officer will APPROVE the Minutes of the November 5, 2025,**
13 **Meeting after the following process is completed. The City Recorder will prepare the Minutes**
14 **and email them to the Hearing Officer. The Hearing Officer will have five days to review the**
15 **Minutes and provide any changes to the Recorder. If, after five days, there are no changes, the**
16 **Minutes will be approved. If there are changes, the process will be followed until the changes**
17 **are made and the Hearing Officer agrees, at which time the Minutes shall be deemed approved.**

18
19 **3.0 Adjournment**

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21 The Administrative Hearing adjourned at approximately 12:32 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 on Wednesday, November 5, 2025.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____