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2 **BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE**
3 **September 26, 2022**
4

5 Present: Committee members Francisco Astorga (Chair), Brad Clawson, and Dave
6 Badham
7 Assistant City Planner Nicholas Lopez
8 Recording Secretary Hanna Welch
9

10
11 **1. Welcome and Introductions**
12

13 Chair Astorga opened the meeting at 5:04 p.m. and introduced all present.
14

15 **2. Review and approval of minutes for August 15, 2022**
16

17 MOTION: Member Dave Badham made motion to APPROVE meeting minutes, Chair
18 Astorga seconded.

19
20 VOTE: The motion passed (3-0).
21

22 **3. Review and approval of minutes for September 1, 2022**
23

24 MOTION: Member Dave Badham made motion to APPROVE meeting minutes with changes
25 on page seven line ten to clarify Barham’s comments, Member Clawson seconded.
26

27 VOTE: The motion passed (3-0).
28

29 **4. Item continued to a Future Date**
30

31 **5. 211 North 800 East –Short -Term Rental Application, Jorge Morataya (Price is Right**
32 **Properties LLC) – Assistant City Planner, Nicholas Lopez presenting**
33

34 Mr. Morataya, applicant was present
35

36 The meeting was adjourned and future dated due to the committee and planning department
37 not knowing how long it would take to review the information and findings from the previous
38 meeting, held September 1, 2022. The meeting was re-noticed as a new agenda item. Public
39 comments will be open for comments that were not shared in previous meeting.
40

41 Member Dave Badham agrees that residents should be able to comment if they did not have
42 the opportunity to do so.
43

44 Nicholas Lopez presented the item starting with the significant changes on the property since
45 the previous meeting. After discussion with the City Attorney, it is determined that the
46 members of the LLC are not owners of the property.

47 Chair Astorga referenced the attachment in the packet, the City Attorney’s Report stating that
48 the members own the LLC, but the LLC is the property owner not the members.

1
2 Member Brad Clawson noted that was the information that was needed in the previous meeting
3 and the committee's other members agreed.
4

5 Nicholas also reported that Bountiful City received a document from the applicant, a deed
6 listing him as the primary owner of the residence. It indicated that the owner has changed from
7 the LLC to the applicant.
8

9 Member Dave Badham informed the committee that the document is not listed in the packet
10 and should not be considered during this session but could be considered during a reapplication
11 of the item.
12

13 Chair Astorga clarified that noticing cannot be done same day, meaning that a new application
14 could not come in the same day to get on an agenda for a meeting. But new documentation for
15 a current item does not require new noticing, and there is not a deadline for such situations.
16 Therefore, it is in the decision of the land use authority to consider such items, and the
17 administrative committee is the land use authority.
18

19 If the document is not accepted, the committee can move forward, but it could be re-
20 established as an item for a future meeting.
21

22 Member Dave Badham inquired if this has been reviewed by the City Attorney, Clint Drake.
23

24 Chair Astorga reported that the Document was stamped by the city recorders office at 1:57
25 PM, and so it is an authentic document.
26

27 Member Dave Badham questioned the integrity of the document because it does not indicate
28 how much the property was bought for by Mr. Morataya. The example of, if the land was just
29 given to Mr. Morataya for 10 dollars, committee member does not think that is fair.
30

31 Chair Astorga that the amount is inconsequential because that is not a question for the Short-
32 Term Rental Process.
33

34 Member Brad Clawson stated that this settles the deliberation for the property owner.
35

36 Chair Astorga asked the members of the committee if they would accept this document and
37 continue with the item today.
38

39 All members agreed.
40

41 Nicholas Lopez presented the item as a single-family dwelling in the R-4 Zone. The IADU has
42 been previously accepted at this residence. The property was built in 1960 and can
43 accommodate 5 parking spaces. It is subject to noise ordinance.
44

45 The previous packet listed the square footage as 2,025 that has been amended to 1,884 square
46 feet per the county accessors office in August of 2021. Under International Building Code
47 enacted by the city for Short- Term Rentals it is advised that the max occupancy for the Short-
48 Term Rental be 9 people if family, or 4 unrelated individuals staying with bountiful City code.

1
2 Chair Astorga asked Nicholas Lopez to expound on the definition of a Family. Nicholas Lopez
3 stated Utah Law that there can only be up to 4 unrelated individuals living together unless on
4 a university campus.

5
6 Member Dave Badham inquired that only 4 people can rent the Short- Term Rental.

7
8 Nicholas Lopez clarified that only if they are unrelated can 4 people rent the space, but if it is
9 family according to the Utah State Law there can be 9.

10
11 Member Dave Badham inquired if that was for the top and the bottom floors.

12
13 Chair Astorga and Nicholas Lopez clarified that the floors are looked at as separate in the case
14 of a Short- Term Rental and the numbers of occupancy are determined by the International
15 Building Code and the IRC

16
17 Member Dave Badham does not agree with these representations of the code and believes that
18 it should be 4 people total in the house.

19
20 Chair Astorga illustrated an example to show the meaning of the code.

21
22 Member Brad Clawson confirmed that he understood the reasoning for the code.

23
24 Chair Astorga opened the session for public comment at 5:45 PM

25
26 231 North 800 East- Mentioned his comments from the previous meeting. Told the committee
27 that the case had be ongoing for 6 months, and that the community has sent over 90 photos of
28 the residence in question to the city. He stated that he believes that city employees could have
29 put a stop to this but chose not to and it left neighbors without recourse. He believes that they
30 will continue to suffer. He also believes that the committee has power to stop the application.

31
32 Casey Going- Noted that there was a week with not renters and tells the city they are on tenuous
33 legal ground. Stated that there have been problems with vandalism in the neighbor hood and
34 that the legal notice sign was taken down before the 10 days of noticing was up.

35
36 Chair Astorga noted that the city was aware the sign was not up for the full 10 days, as Mr.
37 Morataya made the city aware that that sign had gone missing that Thursday.

38
39 Reed Hollowell- States his appreciation if the committee were to take time to review the legal
40 document. He doesn't want to cross lines, but wants to ask rhetorical questions, Has the
41 ownership been reviewed? Questioned if the ADU need to be reviewed after the new ownership
42 today? States that he does not believe that there are grounds for a Short- Term Rental meeting
43 for the address. Wants the Single-Family Residential zone treated with respect, as it stands
44 regulations have been disregarded for months.

45
46 David Glover- Reiterated that he believes that the process needs to be re- started because of
47 the deed that was sent to the city today, and his disappointment in the city. He feels as though
48 the city code, ordinances and enforcement has not been satisfactory. He plans to talk to city

1 council and has called the police because of damage caused by renters.

2
3 Closed Public Comment at 6:04 PM

4
5 Member Dave Badham informed the attendants that it is in their best interest to attend Planning
6 Commission and City Counsel meetings before ordinances are passed for Bountiful City.
7 Member Badham expressed appreciation for the comments from the residents.

8
9 Chair Astorga addressed some of the comments from the public beginning with Public Notices
10 and the requirement of such. The applicants were told not to rent out while going through the
11 process. The vandalism in the area is only recorded by Mr. Glover and the case was closed by
12 bountiful police because of insufficient evidence. According to the Police that is the first call
13 they have received.

14
15 Nicholas Lopez indicated that the first contact that was made between the city and the
16 neighborhood was June 8th, 2022, via email. Lopez also informed the committee that picture
17 have been sent in but not in the numbers that the public is referring to.

18
19 Chair Astorga informed the public the code enforcement can take non-compliant residents to
20 court and the offense for breaking code is a Class C Misdemeanor. The city does not dole out
21 punishment of that nature lightly, because there are cases where compliance is not possible.
22 Being lenient is in the best interest of the city as well as the resident.

23
24 Chair Astorga asked for comments from the committee.

25
26 Member Brad Clawson inquired about the validity of the Internal Accessory Dwelling Unit
27 and the process that is in place to receive a Deed Restriction. Also inquired about who signed
28 the Short- Term Rental Application.

29
30 Nicholas Lopez reported that the Internal Accessory Dwelling Unit Deed Restriction follows
31 the property not the owner, unlike the Short- Term Rental. The application was signed by Mr.
32 Monataya in August of 2022.

33
34 Member Dave Badham feels that at the time of the signature Mr. Monataya lacked authority
35 for the property. Member Badham indicated that he is ready to make a motion

36
37 MOTION: Committee Member Badham made Motion to DENY the application for Shot-
38 Term Rental at 211 North 800 East Based on the facts and finding that the paperwork doesn't
39 fit the timing of the application. No second.

40
41 MOTIOIN DIES

42
43 MOTION: Member Brad Clawson made motion to APPROVE application for Short- Term
44 Rental at 211 North 800 East based on recommendation of staff.

45
46 Chair Astorga substituted and amended that item number seven to the area be amended and
47 Condition of Approval with specific timing that the application gets signed after meeting.
48 Seconded by Chair Astorga.

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VOTE: The motion passed (2-1)

Chair Astorga ascertained there were no further items of business. The meeting was adjourned at 6:45 p.m.