



BOUNTIFUL CITY
ADMINISTRATIVE COMMITTEE AGENDA
Monday October 17, 2022
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold a meeting in the Planning Department Conference Room, Bountiful City Hall at 795 South Main Street, Bountiful, Utah, 84010, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at (801) 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome.
2. Review and approval of minutes for September 26, 2022.
3. 174 East 470 North -Steiner Services LLC Home Occupation Conditional Use Permit, Eric Steiner, applicant – Assistant City Planner Lopez
 - a. Action
 - b. Consider Approval in Form
4. Adjournment

**Draft Minutes of the
BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE
September 26, 2022**

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

1. Welcome and Introductions

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

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

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

VOTE: The motion passed (3-0).

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

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

VOTE: The motion passed (3-0).

4. ITEM CONTINUED TO A DATE UNCERTAIN

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

Mr. Morataya, applicant was present

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

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

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

Chair Astorga referenced the attachment in the packet, the City Attorney's Report stating that 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 Short-
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.

DRAFT

Administrative Committee Staff Report



Subject: Steiner Services LLC Home Occupation Conditional Use Permit
Author: Nicholas Lopez, Assistant City Planner
Property: 174 East 470 North
Date: October 17, 2022

Background

The property owner and applicant, Eric Steiner, submitted a Home Occupation Conditional Use Permit application to operate a handyman and construction home occupation at 174 East 470 North, Steiner Services, LLC. All tools associated with the home occupation are either stored in the applicant's vehicle, a pick-up truck, or home office of less than five percent (5%) of the dwelling.

Analysis

The subject site is located in the Single-Family Residential (R-4) Zone. Land Use Code § 14-17-108 indicates that a construction and/or contracting home occupation requires a Conditional Use Permit. Land Use Code § 14-17-105 indicates that a proposed home occupation shall meet the following criteria:

- A. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition thereof. There shall be no displays, advertisements, stock in trade, or signs related to the business except for one (1) flat wall sign placed on the dwelling that shall not exceed four (4) square feet in size, and any sign required by State Law and/or which meet the provisions of this Title.
 - The applicant does not propose any changes to the dwelling affecting the appearance, character, or conditional. There are no unmitigated impacts.

- B. The use shall be conducted entirely within a dwelling, except for work performed offsite. Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity. Additional outside employees are not allowed if there is more than one home occupation at the property.
 - All work is performed off-site. The only additional employee lives on sight and is the son of the applicant. There are no unmitigated impacts.

- C. The use shall not involve more than 50% of the entire dwelling.
- The applicant indicated that less than 5% of the dwelling is to be used the site plans shows an area of the dwelling being used for tool storage.
- D. The use shall not involve the area of required, covered, off-street parking.
- The site has a two-car garage. The site has long driveway that can accommodate four (4) parking spaces (9'x18'). The applicant has indicated using a pick-up truck for both personal use and for the proposed home occupation. There are no unmitigated impacts.
- E. No product or commodity shall be stored onsite, and no customer may physically visit the site of a home occupation to take delivery of a product or commodity. Commodities may be produced on the premises and sold offsite.
- All work is performed off-site. The applicant has indicated a small area, less than five percent (5%) of the house to be used to store tools. There are no unmitigated impacts.
- F. The use shall not create noise, dust, odors, noxious fumes, glare, or other nuisances, including interruption of radio and/or television reception, which are discernable beyond the premises.
- No noise, dust, odors, noxious fumes, glare, or other nuisances shall be created by this use as all work is off-site. There are no unmitigated impacts.
- G. The use shall not involve using or storing flammable material, explosive, or other dangerous materials, including gun powder.
- No storage of the above materials will be located on-site. The applicant has indicated that pesticides and toxic chemicals are not stored onsite. There are no unmitigated impacts.
- H. The use shall not involve mechanical or electrical apparatus, equipment, or tools not commonly associated with a residential use or as are customary to home crafts.
- No such use is being proposed to occur. The proposed use, a handyman and construction home occupation, shall be limited to apparatus, equipment and/or tools commonly associated with a residential use. Any apparatus, equipment, or tools of a commercial nature shall be expressly prohibited. As conditioned, there are no unmitigated impacts.
- I. The use shall not generate traffic in greater volumes than normally be expected in a residential neighborhood nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.
- No traffic shall be generated at the residence for this use. There are no unmitigated impacts.

- J. The use shall be in compliance with all applicable fire, building, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.
 - No outstanding non-compliances with the following codes. There are no unmitigated impacts.

- K. The residence and property may be inspected from time to time to determine continued compliance with the provisions of Code and other applicable codes.
 - The property owner agrees to the following. There are no unmitigated impacts.

Recommendation

Staff recommends that the Administrative Committee approve the Conditional Use Permit for the handyman/construction home occupation used at 174 East 470 South based on the following conditions of approval:

1. The applicant shall maintain an active Bountiful City business license.
2. The home occupation use shall be subject to all Home Occupation Requirements outlined in Bountiful City Land Use Code § 14-17-104 (listed in the analysis section of this staff report).
3. The use, a handyman and construction home occupation, shall be limited to apparatus, equipment and/or tools commonly associated with a residential use. Any apparatus, equipment, or tools of a commercial nature are expressly prohibited.
4. If the use, a handyman and construction home occupation, is found out of compliance with applicable codes, the City may revoke the approved Conditional Use Permit and issued business license.
5. The Conditional Use Permit is solely for this site and is non-transferable.

Attachments

1. Submitted Conditional Use Permit Application
2. Site Plan
3. Draft approval



For Office Use Only	
Date Rec'd	_____
Application Fee	\$125.00 <u>275.00</u>
Zone	_____

CONDITIONAL USE PERMIT APPLICATION
 (For Home Occupation - Contractors, Construction & Landscaping, Lawn Care or Snow Removal)

Date of Submittal: 9-15-2022

Property Address: 174 E. 470 N.

Applicant Name: Eric Steiner / Quincy Steiner

Applicant Address: 174 E. 470 N.

Applicant Phone #: (801) 619-7998

Applicant E-Mail: erok3333@protonmail.com

Authorization (Owner Signature):

(If applicant is not owner, applicant must submit notarized authorization from all property owners)

Project Name and Description: Steiner Services, LLC
Handyman and construction services

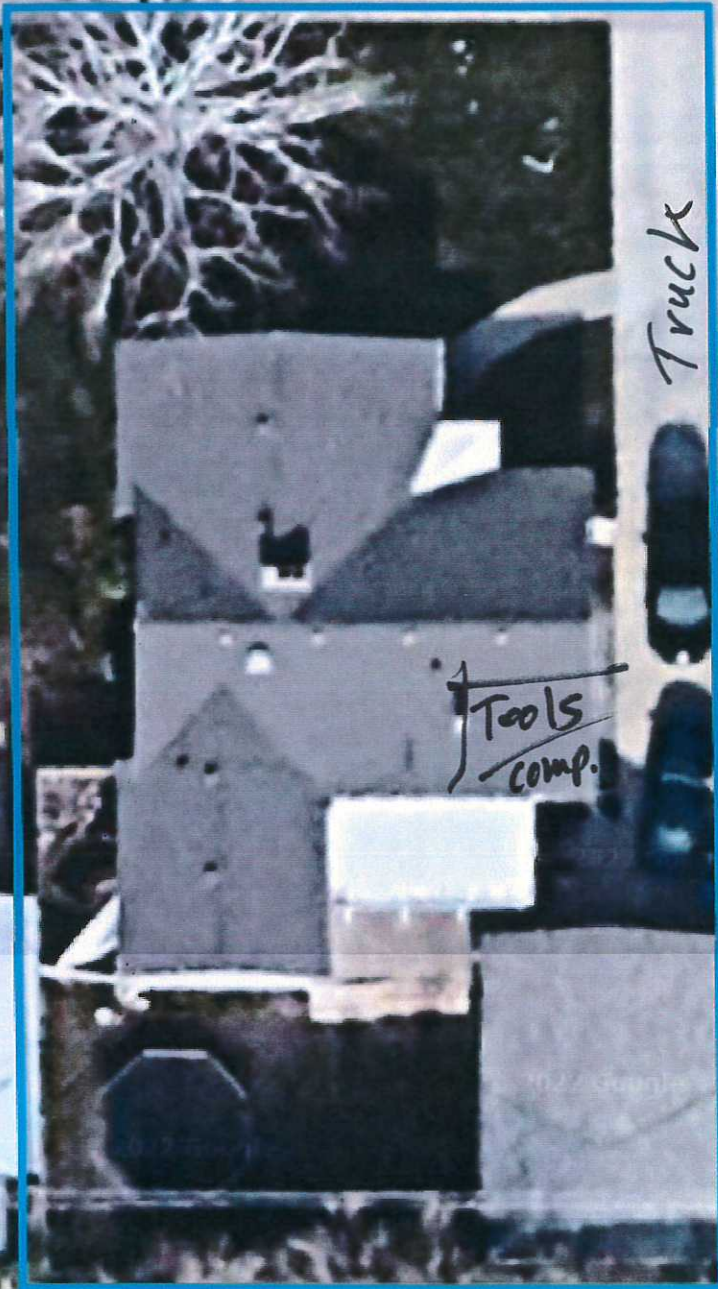
Please respond to the following questions (per Land Use Code Section 14-17-105):

- What tools/equipment/materials will be used for the business, and where will they be stored? Regular hand tools that I already own
- Will you use any vehicles for the business? If so, please indicate on your site plan where the vehicle(s) will be parked. Just the vehicles that I already own.
- How much of the home will be used for the business (percentage)? Please note that area on your site plan. 15%
- Are there any employees (besides those living at the home) who will be involved in the business? No

E470 N

E470 N

E470 N



Truck

Tools comp.

No Pesticides / Toxic chemicals

Draft



**Bountiful City, Utah
Conditional Use Permit Approval
of a Contractor Home Occupation Permit**

A public hearing was held on October 17, 2022, at the Bountiful City Hall, located at 795 South Main Street, Bountiful, Utah 84010, to consider the request of Eric Steiner for a Conditional Use Permit allowing a Contractor Home Occupation at the following location:

**174 East 470 North, Bountiful, Davis County, Utah
Parcel 03-060-0022**

The Bountiful City Administrative Committee heard the matter and considered the statements of the applicant, the City staff, and the public. As a result, the Administrative Committee makes the following findings:

1. This matter is properly heard before the Administrative Committee.
2. Appropriate public notice has been provided and a public hearing held.
3. The proposed request for a Contractor Home Occupation shall meet all the criteria in Sections 14-17-105 & 14-17-108 of the Bountiful City Land Use Code, as conditioned.
4. The proposed request for a Contractor Home Occupation shall meet all applicable sections of the City Code.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for a Contractor Home Occupation as requested by Eric Steiner, to be located at 174 East 470 North, Bountiful, Davis County, Utah, with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The home occupation use shall be subject to all Home Occupation Requirements outlined in Bountiful City Land Use Code § 14-17-104 (listed in the analysis section of this staff report).
3. The use, a handyman and construction home occupation, shall be limited to apparatus, equipment and/or tools commonly associated with a residential use. Any apparatus, equipment, or tools of a commercial nature are expressly prohibited.
4. If the use, a handyman and construction home occupation, is found out of compliance with applicable codes, the City may revoke the approved Conditional Use Permit and issued business license.
5. The Conditional Use Permit is solely for this site and is non-transferable.

The Conditional Use Permit for a Contractor Home Occupation and this written form were approved on October 17, 2022.

Francisco Astorga
Administrative Committee Chair

ATTEST: Hanna Welch
Recording Secretary