

1 **BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE**
2 **September 1, 2022**

3
4 Present: Committee members Francisco Astorga (Chair), Brad Clawson, Dave Badham
5 Assistant City Planner Nicholas Lopez
6 Recording Secretary Darlene Baetz
7
8

9 **1. Welcome and Introductions**

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11 Chair Astorga opened the meeting at 5:02 P.M.
12

13 **2. Approval of Minutes for August 15, 2022**

14
15 Meeting minutes continued to the next meeting due to absence of Committee Members Scott
16 Schlegel, and Todd Christensen.
17

18 **3. Approval of Minutes for August 22,2022**

19
20 MOTION: Committee Member Brad Clawson made motion to approve the meetings minutes.
21 Chair Astorga Seconded the motion.
22

23 VOTE: Motion Passed. (2-0-1)
24

25 **4. 211 North 800 East – Short Term Rental Application, Price is Right Properties LLC (Jorge**
26 **Morataya- Representative member) Applicant – *Assistant City Planner, Nicholas Lopez***
27 ***presenting***
28

29 Applicant, Jorge Morataya was present.
30

31 Short- Term Rentals are allowed in Single Family R-4 zone and permitted Short-Term Rentals
32 are only allowed as Internal Accessory Dwelling Unit's. The Application for ADU was not
33 approved by the committee, according to House Bill 82 Internal Accessory Dwelling Units are
34 not required to be approved via committee. This is a single Internal Accessory Dwelling Unit,
35 this is not a Conditional Use Permit, but there is an application process. There is only one STR
36 being proposed, which in accordance with the Bountiful City Code. This lot was developed in
37 1960, Parking can accommodate roughly 3 cars on site without street parking, Code required
38 that only one parking lot be required for STR unit. The applicant will post a memo on site
39 about noise regulations, and other applicable code such as, parking and garbage. According to
40 International Business Code the max occupancy is 10 individuals. (200 square feet for each
41 occupant). This site meets all applicable building code including 14-14-124 concerning
42 internal Accessory Dwelling Unit.
43

44 Staff recommends the approval of the application with the condition outlined herein:
45

- 46 1. This Short-term Rental permit is subject to the approved Accessory Dwelling Unit
47 (internal, basement) Permit, including the deed-restriction requiring Jorge Morataya to
48 occupy either the principal unit (upstairs) or the accessory dwelling unit (basement) as his
49 permanent residence and at no time receive rent for the owner-occupied unit.

- 1 2. The site shall comply with the current parking limitations outlined in the Bountiful Traffic
2 Code regarding on-street parking.
- 3 3. The site shall comply with the current Noise Ordinance. The use of sound equipment,
4 sound related activities, and/or noise heard from the property line from 11:00 p.m. to 6:00
5 a.m. shall be prohibited.
- 6 4. After approval, the Planning Department will produce the notice outline applicable
7 regulations (parking, noise, occupancy restrictions, etc.) which shall be placed behind the
8 main door of the short-term rental. It is the property owner's responsibility to maintain the
9 notice, and to share applicable regulations with renters by other means utilized by the
10 property owner, such as onsite booklet, email communications, website, rental agreement,
11 etc.
- 12 5. Short-Term Rental Permits do not run with the land and are not transferable to future
13 property owners. Any transfer of ownership shall require a new application subject to all
14 laws, ordinances, rules, and regulations applicable at the time of application.
- 15 6. After approval of a Short-term Rental Permit, the property owner shall be responsible for
16 applying and maintaining a current business license with the City.

17
18
19 Chair Francisco Astorga asked staff for the regulations for the limitations for the internal
20 accessory dwelling unit. Staff indicated that there are none and that this is a state regulation
21 from House Bill 82.

22
23 Member Brad Clawson noted that the primary owner's unit is not regulated by the city and
24 cannot be regulated due to the same legislation.

25
26 Opened Public Comment: 5:35 P.M.

27
28 Ed Richardson *231 North 800 East*- The following violations are grounds revoke the
29 application per 5-1-108B: continuing advertisement of short-term rental and without license,
30 also the property owner must be living on the residence, and Mr. Morataya is only a member
31 of the LLC. According to an internet search a member is not a stake holder in the business.
32 Onsite parking in the past four months there have been instances where renters have been
33 parking on the sidewalk, including a RV. This has been blocked resident's private driveway.
34 Reported that in late May and June there was construction at the residence, but no building
35 permits were pulled.

36
37 Bea Glover *191 North 800 East* - feels that there are more people at the residents than the
38 standards allow and that there are parties.

39
40 Cacey Norman Bowen *196 North 800 East*- concerned that there were renovations done
41 without a permit.

42
43
44 Josh Forwaller *750 East*- Agree with previous comments.

45
46 Spencer Loveless *739 East 200 North*- Second Comments, can hear parties on multiple
47 occasions from personal residence

1
2 Gary Johnson *688 E 200 South* – never heard parties at night but is concerned because there
3 have been ordinances broken and can there be retroactive punishments for not abiding this
4 ordinance.

5
6 Joe Johnson *250 North*- worried about kids safety going to school in the neighborhood with
7 the cars in the streets and the lack of safety in the cross walks. It is a detriment to the community
8

9 Chris Brown *78 North 800 East*- Reported there has been car accidents due to the lack of
10 parking and the number of cars at the residence.

11
12 David *Glover 191 North 800 East* - Respects Jorge as neighbors, issue with the purchasers of
13 the house that turned it into an illegal duplex that the city had to stop. Believes this is not the
14 intent of the City Council passing this ordinance. Seconds Comments. Rental in the basement
15 is the problem. LLC member could be a legal member of the house. Members do not own the
16 LLC property according to internet search. This should be under scrutiny.

17
18 Allison Sorenson *187 North 780 East* -not directly impacted but thinks that is concerning that
19 there are no background checks for short- term rentals.

20
21 Camille Johnson- *688 East 200 South* – Agrees and hopes that the city gets this right, wants
22 city to be accountable for the short- term rental.

23
24 Teresa Hansen *47 North 800 East*- was aware due the number of cars on the street. In support
25 of the previous comments.

26
27 Kristina Richardson *231 North 800 East* – questions how many Air BnB’s are going to impact
28 our neighborhood. Will the city propagate parking and noise problems. Is this something that
29 Bountiful City wants to promote. Causes distress in the neighborhood

30
31 Royce Rogers *150 North 750 East* - Farmington and Kaysville does not allow these why do
32 we and what is the next thing to allow in Bountiful City. Agree with everything that has been
33 said. Has a Ring doorbell and the traffic is all night long and routinely over the speed limit.

34
35 Lenora Morataya *211 North 800 East*- today's is my daughter's birthday she is 12 years old,
36 and has no safety concerns with the renters, for her walking to school, and really doesn't feel
37 unsafe with the amount of traffic. It is a main road where cars are always going back and forth.
38 I will be the most effected with the STR and I feel safe in the residence.

39
40 Jorge Morataya *211 North 800 East*- listens to the comments and respects neighbors, does feel
41 bad listening to the neighbors, doesn't feel that they had talked to him about these issues. He
42 built a tall fence to help mitigate any issues that arise with David Glover and asks renters to
43 move their cars. He is not an investor, but he is making a business by living on the property.

44
45 Closed Comments: 6:12 P.M.
46

1 Chair Astorga stated that the initial application was filed by Brady Price and that original
2 application was withdrawn due to moving from the site. The ADU only works if the Owner
3 lives on site. Mr. Price filed the paperwork to make Mr. Morataya would be a governing body
4 of the LLC. The response was that the Price is Right LLC is an owner of the property and
5 Moratya is a member of the LLC, and it has been determined with the IRS that a member of
6 an LLC is an owner. Given that information, it was sufficient for the city to state that Mr.
7 Morataya is a member and an owner. The ADU has been approved by the city, and the deed
8 restriction has been signed by Mr. Morataya. It was also advised by the city attorney that a
9 member is an owner of an LLC.

10
11 Dave Bedham Member questioned if Morataya was receiving monetary compensation from
12 the LLC. He is a member of the business. Bedham asked for visual confirmation that he was
13 paid in the form of a paystub.

14 Mr Morataya confirmed that he does receive dividends from the LLC.

15
16
17 Dave Badham questioned if this was just a ploy to get a STR in the neighborhood without an
18 owner living on the property. It seems to the committee member that it is a long-term rental on
19 the first level and a short-term rental in the basement, however there is not rent being paid by
20 the upstairs resident, Mr. Morataya a member of the LLC.

21
22 Dave Bedham, asked that the city attorney look at the document submitted by Ed Richardson

23
24 Nicholas Lopez stated that the IBC was for commercial use only, there is not an occupancy
25 standard for short term rentals, but the city wanted to put standards on them as seen in the
26 packet. This is a standard that was set by City Council and the building official.

27
28 Chair Astorga, added that building code will add teeth for the city to regulate Short- Term
29 Rentals. It is in place so that there are standards that the residents must maintain to receive and
30 keep the short-term rental status. FA informed the committee of their responsibilities, and that
31 they are not debating the interpretation of the code but administering the code. The code is
32 already in place.

33
34 Committee Member, Dave Bedham noted that the IBC code only allows 10 but the
35 advertisement is for 16.

36
37 Chair Astorga, described the code to the committee and the repercussions for breaking the
38 standards are at works a Class C misdemeanor and depending on the violation would be a
39 revocation of the business license and notice of use.

40
41 Committee Member, Dave Bedham described his nostalgia for past times.

42
43 Committee Member, Brad Clawson questioned that if a member of an LLC is not an owner of
44 the property does that also extend to a situation in which Brady Price the creator of the LLC
45 would not be able to run a STR with if he was to reside on the top level because his name is
46 not on the parcel.

47

1 Chair Francisco Astorga stated that he and the city cannot differentiate land use based on
2 ownership.

3
4 Committee Member, Brad Clawson made note that the city residents have made their concerns
5 know however there is not a way to retroactively change land use ordinance, especially because
6 the approval of ordinance lies outside of the Administrative Committee.

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8
9 Clint Drake, City Attorney, asked that the committee table the item till another date so that the
10 committee can explore the items that have been put forth and their ramification on the city.

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12
13 MOTION: Dave Badham made motion to table item number four till another date. In which
14 time the city attorney as well as staff can further research the item. Seconded by Committee
15 Member Brad Clawson.

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17 Chair Astorga clarified that the date will not be set today, and the original posting requirements
18 will be followed as a courtesy to the residents.

19
20 Committee Member Brad Clawson seconded the motion.

21
22 VOTE: Motion Passed unanimously (3-0).

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24 **5. Meeting Adjourned at 6:45 PM**