



BOUNTIFUL CITY
ADMINISTRATIVE COMMITTEE AGENDA
Thursday, September 1, 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 approval of meeting minutes for August 15, 2022
3. Review approval of meeting minutes for August 22, 2022
4. 211 North 800 East – Short- Term Rental Application, Jorge Morataya (Price is Right Properties, LLC)
 - a. Review Application
 - b. Comments
 - c. Consider Approval
5. Adjournment

1 **Draft Minutes of the**
2 **BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE**
3 **August 15, 2022**
4

5 Present: Committee members Francisco Astorga (Chair), Todd Christensen, and Scott
6 Schlegel
7 Assistant City Planner Nicholas Lopez
8 Recording Secretary Hanna Welch
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10
11 **1. Welcome and Introductions**
12

13 Chair Astorga opened the meeting at 5:01 p.m. and introduced all present. Committee Member
14 Christensen Noted that the address listed on the agenda is transposed and the correct address
15 is 667 West 3100 South.
16

17 **2. 677 West 3100 South- Conditional Use Permit for a Detached Accessory Dwelling Unit,**
18 **Charles Mendes, Applicant - *Assistant City Planner, Nicholas Lopez presenting***
19

20 Applicant, Charles Mendes was present. Assistant Planner Lopez presented the item.
21

22 Proposed ADU is 400 sq ft and it can have up to 2 residents in the ADU. Because the lot is
23 over the minimum size of 8,000 square feet, there is space for the ADU to stay 3 ft off the
24 property lines and meet code on distance from the neighboring houses. The ADU is only 11 ft
25 6 in in height. The shed that is on the lot now will be removed and the ADU placed on the lot
26 using less than 10% of the total size of the parcel.
27

28 Committee Member Christensen questioned if there are easements on the property and
29 overhead power
30

31 Assistant City Planner Lopez reported that there are not electrical easements on the property.
32

33 Mendes described that the electrical company has been out to visit the property and that there
34 is one electrical tower in the corner and that the company representative reported that it is up
35 to the resident to decide how to run the electricity to the ADU
36

37 Committee Members Schlegel, Christensen, and Assistant City Planner Lopez informed the
38 applicant that only one meter is allowed for ADU's.
39

40 Chair Astorga expressed that one drawing on page 18 is detailed a Manufactured unit has
41 wheels, and that the wheels cannot remain on the unit.
42

43 Mendes described that the wheels are only for transportation and that the structure is placed on
44 pillars, once on the property. Applicant asked if he could change the building premanufactured
45 ADU to another company's design.
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47 Committee Member Schlegel described that the Administrative Committee would permit other
48 structures, if so desired.

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2 Chair Astorga noted that if the measurements are the same and the specifications are the same
3 as the structure that is cited in the packet, then there would not be a need for further review,
4 but the Building Department would need to be informed before any changed were made.
5 Also so noted, that the meter would have to go through the house, and it cannot have a second
6 meter on the lot.

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8 Chair Astorga asked for more questions and final comments.

9
10 Public Hearing opened at 5:18 pm

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12 Resident made comment of off-street parking, which would be appropriate for the accessory
13 dwelling unit, and that the character and nature of the building will fit in the neighborhood.
14 The resident questioned if there are residential design standards in Bountiful City.

15
16 Chair Astorga informed that the state has prohibited residential design standards, but there is
17 no regulation on the accessory structures and the city treads lightly for establishing accessory
18 structure design standards.

19
20 Nothing further to add

21
22 Public Hearing closed at 5:20 pm

23
24 MOTION: Committee Member Schlegel made motion to APPROVE the Conditional Use
25 Permit of a Detached Accessory Dwelling Unit at 677 West 3100 South as set forth with the
26 conditions as written in the drafted form. Committee Member Christensen seconded the
27 motion.

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29 Motion Passed (3-0)

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31 **3. Minutes from previous meeting April 25, 2022**

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33 MOTION: Chair Astorga meeting minutes. Committee Member Schlegel seconded the motion.
34 Committee Member Christensen abstained due to absence of April 25, 2022, meeting.

35
36 VOTE: The motion passed (2-0-1).

37
38 **4. Minutes from previous meeting May 31, 2022**

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40 MOTION: Committee member Todd meeting minutes. Chair Astorga seconded the motion.
41 Schlegel abstained due to absence of May 31, 2022, meeting.

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43 VOTE: The motion passed (2-0-1).

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45 Meeting Adjourned at 5:32 P.M.

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Draft Minutes of the
BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE
August 22, 2022

11 Present: Committee members Francisco Astorga (Chair), Brad Clawson, and Scott
12 Schlegel
13 Assistant City Planner Nicholas Lopez
14 Recording Secretary Hanna Welch
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1. Welcome and Introductions

22 Chair Astorga opened the meeting at 5:00 P.M. and introduced all present and made note that
23 Short Term Rental is not a Condition Use Permit, and that there is not a Public Hearing for the
24 agenda items and there also is no Drafted Form.

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**2. 33 East 2750 South- Application and Review of Short-Term Rental, Ron and Deborah
Brown, Applicants - *Assistant City Planner, Nicholas Lopez presenting***

33 Applicant, Ron Brown was present. Assistant Planner Lopez presented the item.

34 Short- Term Rentals are allowed in R-4 zone and permitted Short- Term Rentals are only
35 allowed as Internal Accessory Dwelling Unit's. This is the 1st in Bountiful City approved by
36 staff on April 5th, 2022. The Application for ADU was not approved by the committee
37 according to House Bill 82 Internal Accessory Dwelling Units are not required to be approved
38 via committee. This is a single Internal Accessory Dwelling Unit, there is not a Conditional
39 Use Permit, but there is an application process. This lot was developed in 1956, Parking can
40 accommodate roughly 8 cars on site without street parking. The applicant will post a memo on
41 site about noise regulations, and other applicable code such as, parking and garbage. According
42 to International Business Code the max occupancy is 6 individuals, but rarely has that many
43 been on the site. This site meets all applicable building code, staff recommends the approval
44 of the application

45 Committee Member Schlegel recommended that the application be condensed into one
46 application.

47 MOTION: Chair Astorga would like to make motion to APPROVE application with conditions
that transfer language in section "E" and "F" of Ordinance approved by the City Council.

Chair Astorga clarified that even though the Application is not subject to Condition Use Permit,
but there are regulations that apply to the applicant according to the City Ordinance passed by
City Counsel.

Committee Member Schlegel seconded the motion.

VOTE: Motion Passed unanimously (3-0).

1 **3. 1231 East 1725 South- Application and Review of Short-Term Rental, Ken Aird (Trustee),**
2 **Applicant- *Assistant City Planner, Nicholas Lopez presenting***
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4 Applicant, Ken Aird is present. Assistant Planner Lopez presented the item.
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6 Short- Term Rentals are allowed in R-3 zone and permitted Short- Term Rentals are only
7 allowed as Internal Accessory Dwelling Unit's. This one was approved on April 13th, 2022.
8 The Application for ADU was not approved by the committee according to House Bill 82
9 Internal Accessory Dwelling Units are not required to be approved via committee. This is a
10 single Internal Accessory Dwelling Unit, there is not a Conditional Use Permit, but there is an
11 application process. This lot was developed in 1991, and parking can accommodate roughly
12 10 cars on site without street parking. The applicant will post a memo on site about noise
13 regulations, and other applicable code such as, parking and garbage. According to International
14 Business Code the max occupancy is 8 individuals, but rarely has that many been on the site.
15 This site meets all applicable building code, staff recommends the approval of the application
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18 Schlegel commented that the committee should get a visual of when in the house the IADU in
19 the structure and that the IADU approval by staff can be jarring for those not of staff
20

21 Chair Astorga noted that the Internal Accessory Dwelling Unit is inspected by staff, and the
22 City Building Official.
23

24 MOTION: Committee Member Schlegel would like to make motion to approve application
25 with conditions that transfer language in section "E" and "F" of Ordinance approved by the
26 City Council.
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28 Committee Member Clawson seconded the motion
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30 VOTE: Motion Passed unanimously (3-0)
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32 Meeting Adjourned 5:24 P.M.
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Administrative Committee Staff Report



Subject: Short-Term Rental Permit
Authors: Nicholas Lopez, Assistant City Planner
Address: 211 North 800 East
Date: September 1, 2022

Background

Jorge Morataya, member of Price is Right Properties, LLC applied for a Short-Term Rental Permit for the property owned by Price is Right Properties, LLC at 211 North 800 East.

Analysis

An accessory dwelling unit rented on a temporary basis for periods less than thirty (30) consecutive days is a short-term rental. A short-term rental shall not be allowed unless a Short-Term Rental Permit is approved and is found in compliance with the following standards (Bountiful City Land Use Code § 14-14-127):

1. Short-term rentals are allowed within the Single-Family Residential (R) Zone, Residential Multiple-Family (RM) Zone, and Downtown (DN) Mixed Use Zone; and shall not be permitted in any other zone.
 - The property is in the Single-Family Residential (R-4) Zone.
2. Short-term rentals are only allowed within approved Accessory Dwelling Units. It is unlawful to allow, construct, or reside in a short-term rental within an entire single-family dwelling, duplex, or multi-family residential dwelling or property.
 - An Internal Accessory Dwelling Application was approved on August 29, 2022.
3. A maximum of one (1) short-term rental shall be permitted on a qualifying lot.
 - Only one (1) short-term rental is being proposed.
4. It is unlawful to construct, locate, or otherwise situate a short-term rental on a lot or parcel of land that does not contain a habitable single-family dwelling.
 - The existing single-family dwelling was built in 1960, per Davis County Assessor Office.

5. If an Accessory Dwelling Unit is approved as a short-term rental, the parking for the Accessory Dwelling Unit shall be governed by the Accessory Dwelling Unit Ordinance. The site shall comply with the current parking limitations outlined in the Bountiful Traffic Code regarding on-street parking.
 - The site currently can accommodate up to five (5) parking spaces and complies with the Accessory Dwelling Unit parking requirements.
6. The site shall comply with the current Noise Ordinance. The use of sound equipment, sound related activities, and/or noise heard from the property line from 11:00 PM to 6:00 AM shall be prohibited.
 - The approval is subject to compliance with the Noise Ordinance and the 11:00 PM to 6:00 AM restrictions shall be adhered. The property owner is responsible of letting all tenants understand this restriction, see item 8 below.
7. The site shall not exceed International Building Code (IBC) occupancy standards based on unit square footage.
 - The approved internal Accessory Dwelling Unit (basement) is 2,025 square feet. The IBC states (per the Bountiful City Building Official) that for every individual, 200 square feet is required. The proposed short-term rental area is limited to ten (10) occupants.
8. Prior to short-term rental occupancy the property owner shall place a notice behind the main short-term rental door to make occupants aware of parking standards and noise restrictions, etc. The Planning Department will produce the notice after approval. It is the property owner's responsibility to maintain the notice, and to share applicable regulations with renters by other means utilized by the property owner, such as onsite booklet, e-mail communications, website, rental agreement, etc.
 - The property owner is aware of applicable short-term rental regulations. The property owner is aware that it is his/her responsibility to maintain the notice, and make all tenants aware of restrictions regarding parking, notice, etc., via onsite booklet, e-mail communications, website, rental agreement, etc.
9. A short-term rental within an accessory dwelling unit shall meet all development standards found in Bountiful City Land Use Code 14-14-124 Accessory Dwelling Units, any applicable codes, etc.
 - The site was found in compliance with Land Use Code § 14-14-124 Accessory Dwelling Units.

10. A short-term rental shall not be approved unless it is compliant with all State and local laws, ordinances, rules, and regulations. This includes all applicable zoning and building codes. A short-term rental shall be prohibited within a non-conforming use or non-compliant structure.

- The site was found in compliance with applicable codes.

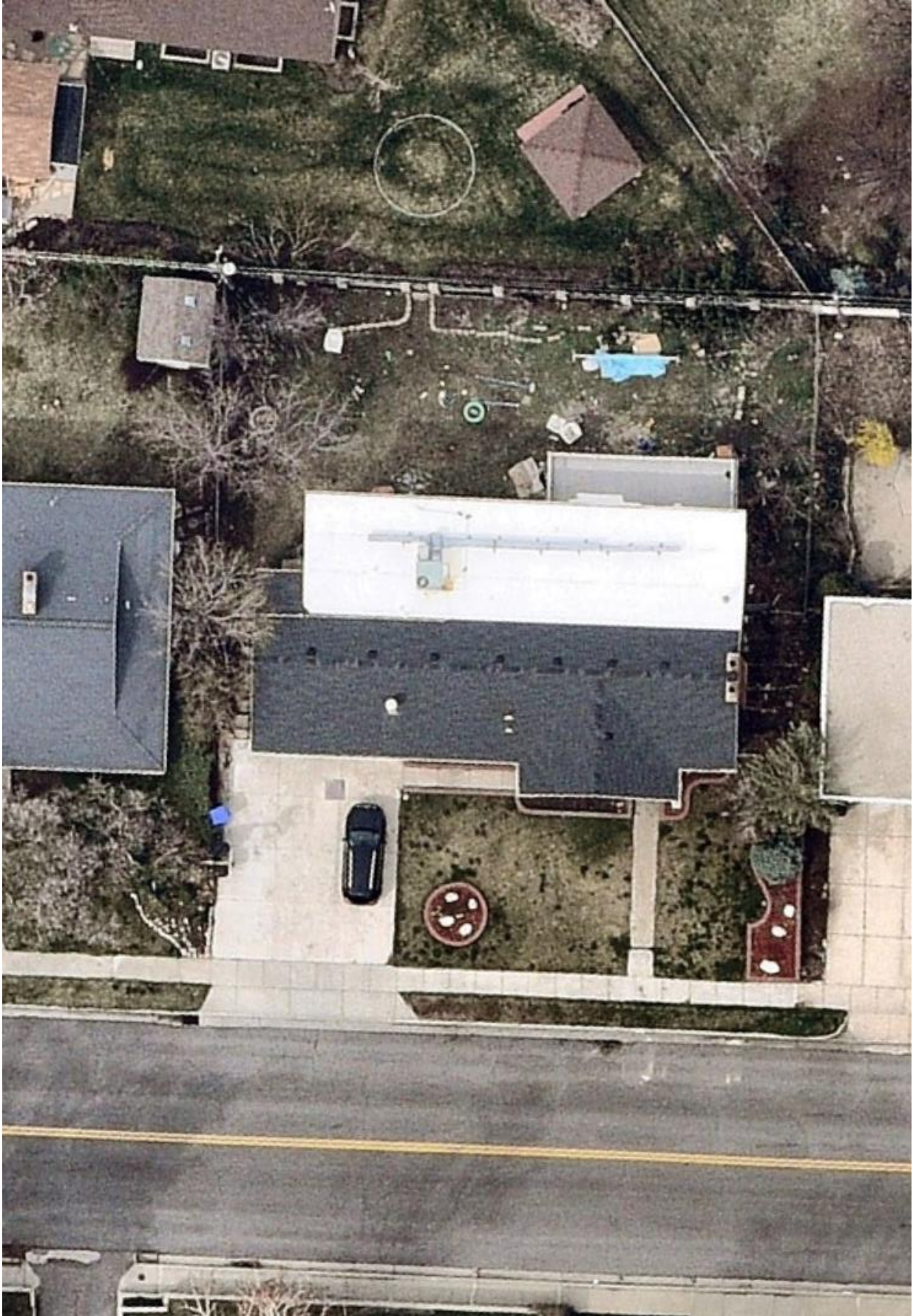
Staff Recommendation

Based on the above findings, Staff recommends that the Administrative Committee approve the requested the Short-Term Rental Permit at 211 North 800 East, based on the following conditions of approval:

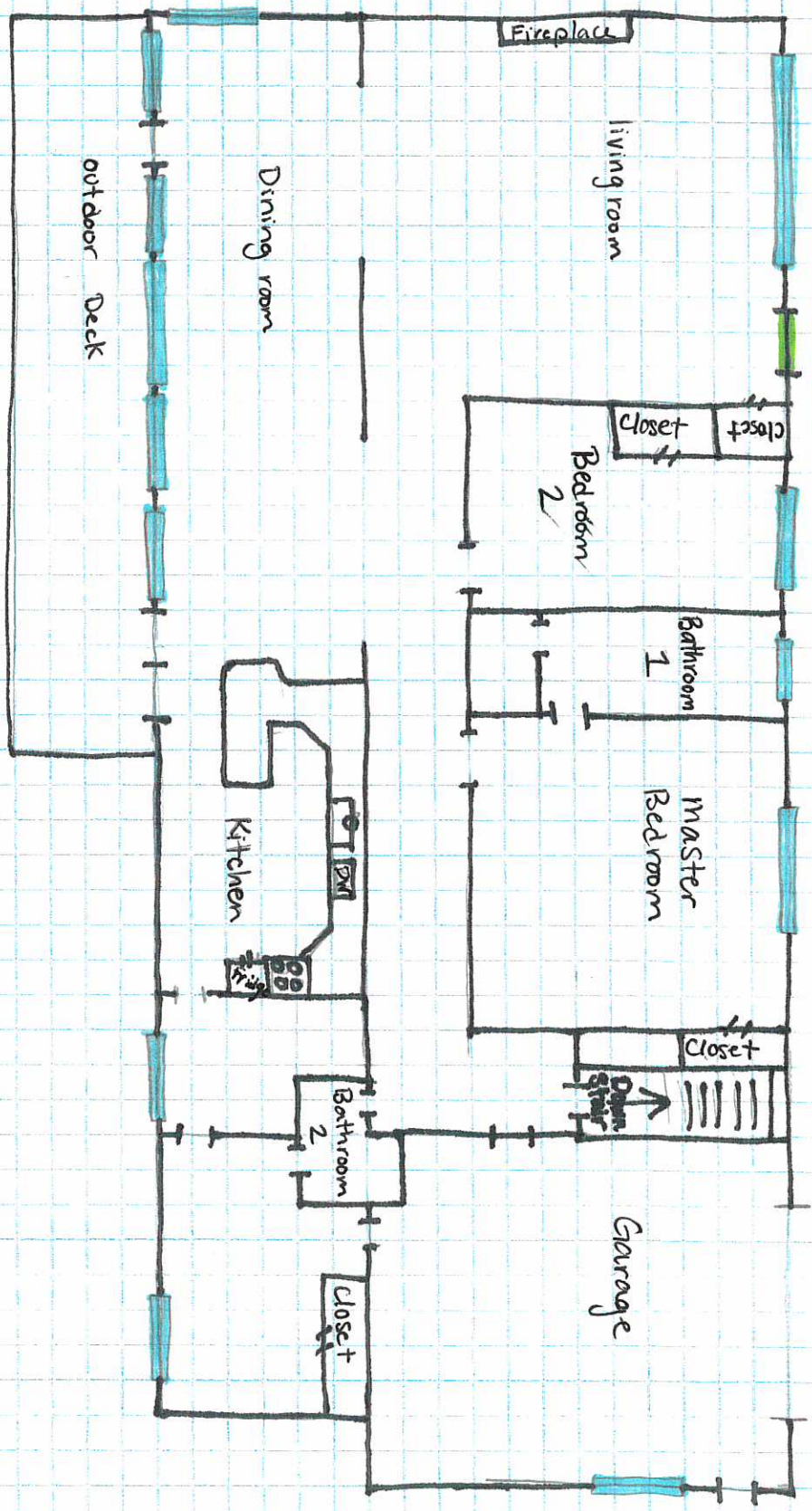
1. This Short-term Rental permit is subject to the approved Accessory Dwelling Unit (internal, basement) Permit, including the deed-restriction requiring Jorge Morataya to occupy either the principal unit (upstairs) or the accessory dwelling unit (basement) as his permanent residence and at no time receive rent for the owner-occupied unit.
2. The site shall comply with the current parking limitations outlined in the Bountiful Traffic Code regarding on-street parking.
3. The site shall comply with the current Noise Ordinance. The use of sound equipment, sound related activities, and/or noise heard from the property line from 11:00 PM to 6:00 AM shall be prohibited.
4. After approval, the Planning Department will produce the notice outlining applicable regulations (parking, noise, occupancy restrictions, etc.) which shall be placed behind the main door of the short-term rental. It is the property owner's responsibility to maintain the notice, and to share applicable regulations with renters by other means utilized by the property owner, such as onsite booklet, e-mail communications, website, rental agreement, etc.
5. Short-Term Rental Permits do not run with the land and are not transferable to future property owners. Any transfer of ownership shall require a new application subject to all laws, ordinances, rules and regulations applicable at the time of application.
6. After approval of a Short-Term Rental Permit, the property owner shall be responsible for applying and maintaining a current business license with the City.

Attachments

1. Aerial Imagery
2. Floor Plans
3. Site Plan



North
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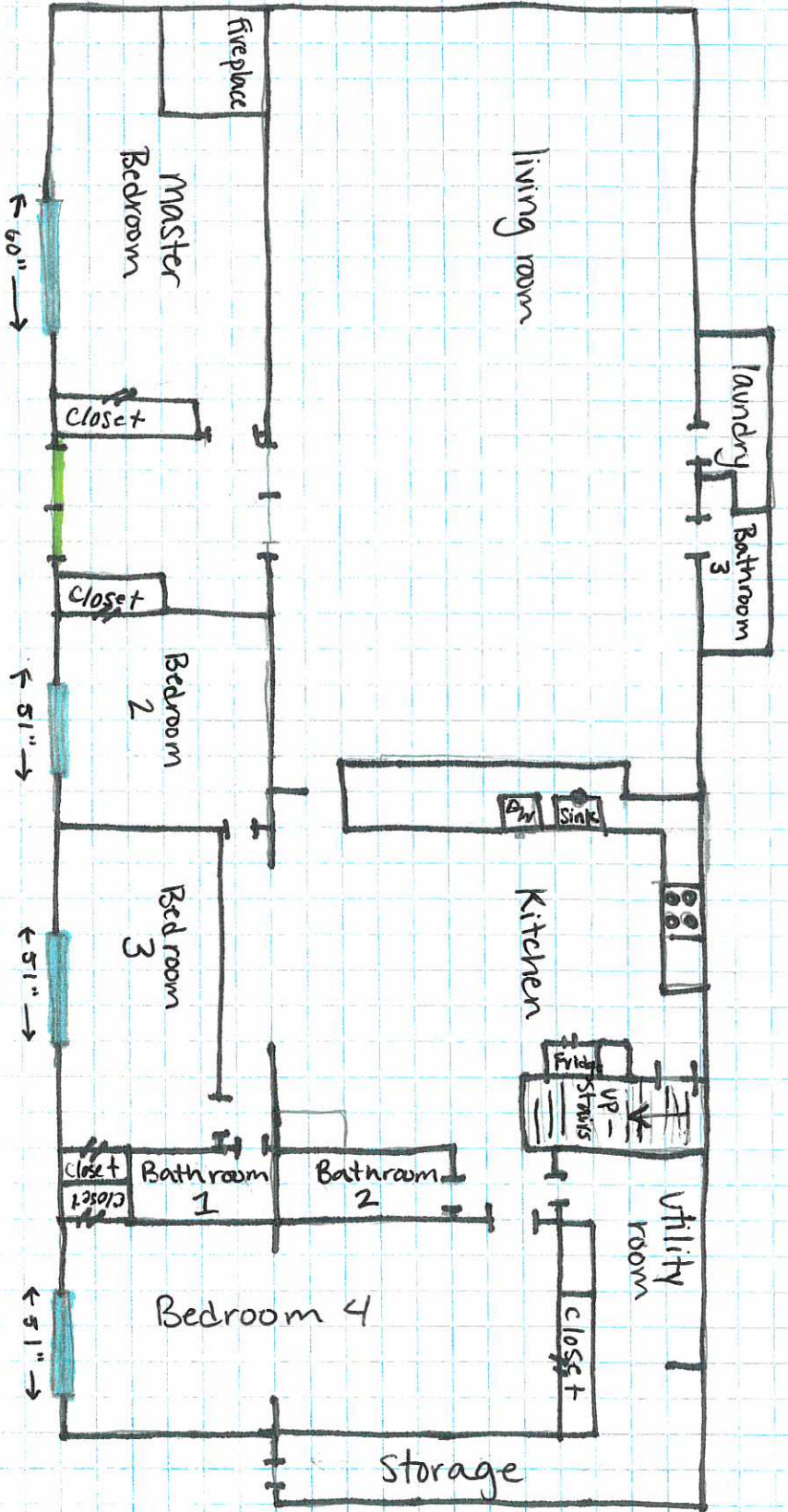


Main level Floor Plan

- Key -

- Windows - [Blue shaded rectangle]
- Entrance - [Green shaded rectangle]

North



Basement Floor Plan

Key -

- Windows - [Blue shaded rectangle]
- Entrance - [Green line]

