



Planning and Development Services

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GREATER SALT LAKE
**Municipal Services
District**

Salt Lake County Planning Commission

Special Public Meeting Agenda

Wednesday, April 17, 2024 9:00 A.M.

LOCATION:

Join meeting in WebEx

Meeting number (access code): 961 841 420

<https://slco.webex.com/meet/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

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**Anchor Location: 2001 South State Street
North Building, Room N1-110**

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING

- 1) Approval of the February 14, and March 13, 2024 Planning Commission Meeting Minutes. (Motion/Voting)
- 2) Other Business Items. (As Needed)

ADMINISTRATIVE LAND USE APPLICATION(S)

CUP2023-000923 - Easton Harris is requesting an amendment to the conditions of approval for the sod and soils sales yard approved at the March 13, 2024 planning commission meeting. Specifically, the applicant is asking that the planning commission consider granting an exception to the street improvement under section 19.76.210.C of the County code rather than recommending for a delay agreement under 14.12.150. **Acres:** 1.00. **Location:** 8650 South 700 West. **Zone:** A-2. **Planner:** Gordon Bennett (Motion/Voting)

SUB2023-001059: Adam D. Von Maack is requesting preliminary plat approval for the 2-lot 3198 North Minor Subdivision. **Acres:** 1.47. **Location:** 3198 North 2200 West. **Zone:** A-1 (Agricultural). **Planner:** Gordon Bennett (Motion/Voting)

PUBLIC HEARING(S)

OAM2024-001114 Accessory Dwelling Unit Ordinance Amendments: Salt Lake County is considering amendments to Chapter 19.15 of County Code, *Accessory Dwelling Units*. The proposed amendments make changes to required lot size, setbacks, height, and parking for accessory dwelling units (ADUs). The intent of the proposed ordinance amendments is to further the implementation of Salt Lake County's Moderate Income Housing Plan and reduce barriers to ADU construction in Unincorporated Areas. Planning Staff will give a presentation on the proposed amendments. Following the presentation, the Commission will hold a public hearing to gather public input on the proposed amendments. After the public hearing, the Commission may recommend that the Salt Lake County Council adopt, adopt with revisions, or not adopt the amendments to Chapter 19.15. **Planner:** Kayla Mauldin (Hearing / Motion)

ADJOURN

Rules of Conduct for the Planning Commission Meeting

1. Applications will be introduced by a Staff Member.
2. The applicant will be allowed up to 15 minutes to make their presentation.
3. The Community Council representative can present their comments.
4. Persons in favor of, or not opposed to, the application will be invited to speak.
 - a. Speakers will be called to the podium by the Chairman.
 - b. Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
 - c. All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
 - d. For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson.
5. Persons opposed to the application will be invited to speak.
6. The applicant will be allowed 5 minutes to provide concluding statements.
 - a. After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.

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MEETING MINUTE SUMMARY

SALT LAKE COUNTY PLANNING COMMISSION MEETING

Wednesday, March 13, 2024 8:30 a.m.

Approximate meeting length: 27 minutes

Number of public in attendance: 3

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Watkins

**NOTE: Staff Reports* referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
Neil Cohen	x	x	
Ronald Vance	x	x	
Christopher Collard	x	x	
Sara Hiatt (Chair)			x
Jeff Watkins (Vice Chair)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Gordon Bennett	x	x
Curtis Woodward	x	x
Jim Nakamura	x	x
Ryan Anderson	x	x
Zach Shaw (DA)	x	x

BUSINESS MEETING

Meeting began at –8:33 a.m.

Commissioner Watkins read the Chairs Opening Statement.

- 1) Approval of the December 13, 2023 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve the December 13, 2023 Planning Commission Meeting Minutes.

Motion by: Commissioner Vance

2nd by: Commissioner Cohen

Vote: Commissioners voted unanimous in favor (of commissioners present)

Approval of the February 14, 2024 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To continue the February 14, 2024 Planning Commission Meeting Minutes to April.

Motion by: Commissioner

2nd by: Commissioner

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) Other Business Items. (As Needed)

Ms. Gurr and Mr. Shaw advised of a three-hour training opportunity for the Planning Commission on April 15th, which can be used toward the required four hours of training for 2024.

ADMINISTRATIVE LAND USE APPLICATION(S)

Meeting began at – 8:37 a.m.

CUP2023-000923 - Easton Harris is requesting conditional use approval for the storage and sale of raw landscape materials, including gravel, soil, and sod, using the existing buildings on site. The property is in a FEMA floodplain zone. **Acres:** 1.00. **Location:** 8650 South 700 West. **Zone:** A-2. **Planner:** Gordon Bennett (Motion/Voting)

Greater Salt Lake Municipal Services District Planner Gordon Bennett provided an analysis of the staff report.

Commissioners, counsel, and staff had a brief discussion regarding what the delay agreement entails, case-by-case determination, and the engineering recommendation.

PUBLIC HEARING OPENED

Speaker # 1: Applicant

Name: Easton Harris

Address: Not provided

Comments: Mr. Harris said they will be using an existing office and lab as the main office and a storage facility storing around the office. The goal is to continue selling products and add soil and gravel products and clean up old debris and run the business out of that location.

Commissioner Collard motioned to open the public hearing, Commissioner Vance seconded that motion.

Speaker # 2: Citizen

Name: Win Packer

Address: Not provided

Comments: Mr. Packer said he is a neighbor and just wanted to listen in.

Commissioner Collard motioned to close the public hearing, Commissioner Vance seconded that motion.

PUBLIC HEARING CLOSED

Motion: To approve application #CUP2023-000923 Easton Harris is requesting conditional use approval for the storage and sale of raw landscape materials, including gravel, soil, and sod, using the existing buildings on site. Staff recommended conditions in the staff report are incorporated into the motion. Motion also includes a recommendation to the Mayor to approve an exception of the requirement to immediately install curb, gutter, and sidewalk along the property that is subject to the conditional use application, and instead enter into a delay agreement for possible installation of such improvements at a later date in accordance with Salt Lake County Engineering recommendations.

Motion by: Commissioner Collard

2nd by: Commissioner Vance

Vote: Commissioners voted unanimous in favor (of commissioners present)

MEETING ADJOURNED

Time Adjourned – 9:00 a.m.

File CUP2023-000923

Exception Request Summary and Recommendation

Request: Exception to installation of street improvements for a landscape materials sales yard

Parcel ID: 27-02-200-029-0000

Current Zone: A-2 (Agricultural Zone)

Property Owner: Fur Breeders Agricultural Cooperative

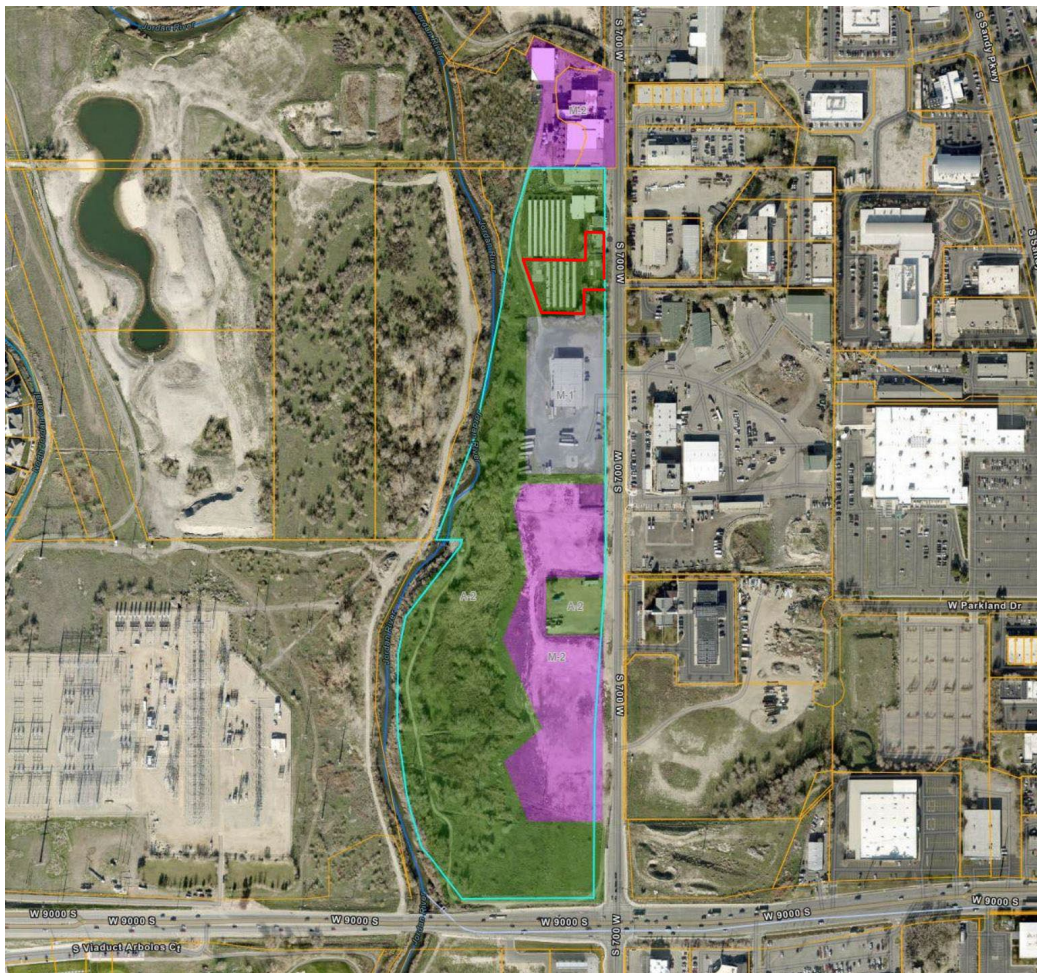
Applicant/Representative: Easton Harris

Property Address: 8650 S 700 W

Property Area: 1 Acre

Planner: Gordon Bennett

Site:



PROJECT DESCRIPTION

The conditional use applicant involves the relocation of a previously approved sod sales yard with approval for the sale of enriched topsoil products which has become an important part of the business. The applicant also requested an exception to the requirement to install curb, gutter, and sidewalk as required under 19.76.210 of the County Code. While the 25.32-acre parcel has 3 different zoning designations (A-2, M-1, and M-2) both the former sales yard and new sales yard are limited to approximately one acre of ground within the A-2 portion of the property. On March 13, 2024, the Salt Lake County Planning Commission approved the conditional use for a sod and soil sales yard subject to four conditions of approval:

1. The applicant shall obtain a flood development permit.
2. The applicant shall comply with the applicable codes and regulations administered by the health department, fire authority, transportation engineer, grading specialist, geologist, and building official, consistent with their agency review recommendations.
3. The applicant shall obtain the necessary grading and building permits.
4. The applicant shall enter into a delay agreement with Salt Lake County, wherein Applicant shall pay for the costs of and/or install curb, gutter, and sidewalk (or a shared-use path in lieu of sidewalk) adjacent to the property subject to the Application if and when the County makes written request of the Applicant to do so.

ISSUES

The requested amendment to the conditions of approval is to re-address the exception to public improvements. The reasons for the request are two-fold:

1. The property owner is concerned that requirement to install curb, gutter, and sidewalk or shared-use path is not roughly proportionate, both in nature and extent, to the impact of the proposed development. By signing a delay agreement, he is agreeing to take financial responsibility for installation of improvements at any time in the future the County (or subsequent annexing city) deems it necessary even though he feels the required improvements are disproportionate to the land use being requested.
2. The original analysis in the staff report of March 13 focused on the criteria for granting exceptions to roadway standards set forth in 14.12.150 of the County code, but section 19.76.210 of the code contains provisions whereby the planning commission may grant exceptions based on a set of criteria contained within subsection C:

C. Exceptions.

1. *The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.*
2. *The planning commission may grant exception to installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.*

RATIONALE FOR THE REQUEST

1. Rough proportionality.

17-27a-507(1) of the Utah Code states:

A county may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), an exaction for a water interest, if:

- (a) an essential link exists between a legitimate governmental interest and each exaction; and

- (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

According to the Office of the Property Rights Ombudsman, “An exaction is a required contribution to a governmental entity imposed as a condition of approval for a proposed land development. Exactions generally take the form of (1) dedication of land to the public; (2) construction of public improvements, (3) money paid in lieu of property dedication or construction, (4) connection fees, or (5) impact fees.”

In this case, the property owner is concerned that the requirement to sign a delay agreement is tantamount to an exaction in that the delay agreement is essentially a “promissory note” to install the improvements in the future. Since the delay agreement obligates the owner to install improvements at any time within the next 10 years, it must meet the requirements of Utah Code 17-27a-507(1). The conditional use permit request that invoked 19.76.210 is essentially a relocation of an existing business from one location to another within the same parcel and does not include the construction of any new buildings. As such, he feels the requirement to install the street improvements is disproportionate to the impact of the proposal, because the overall impact to 700 West is negligible

2. Zoning Ordinance Criteria.

19.76.210.C(1) of the County Code states, “The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.”

In the case of the subject property, the concern of the owner is that there are no street improvements on the west side of 700 West to which improvements directly in front of the sales yard would connect; and requiring the improvements from 9000 South to the north property line would be disproportionate to the impact of the proposal as outlined above. Thus, an exception to the installation of sidewalk would not jeopardize the public health, safety or welfare because a short segment of sidewalk that does not tie into an adjoining sidewalk would not be used.

19.76.210.C(2) states, “ The planning commission may grant exception to installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.”

The property owner feels that because the property is in an agricultural zone and bounded by open space to the west, with the previous use being that of milk farming and the proposed use being a seasonal landscape materials yard, it has not fully made the transition from “rural” to “industrial” and therefore qualifies under 19.76.210.C(2). In addition, a primary purpose of the curb and gutter is that it serves to divert storm runoff down the side of the street into a storm drain system. To require curb and gutter along the 1 acre being used by the sales yard could cause a drainage problem in that water would flow down the gutter to where it terminates, then would puddle onto the nearest adjoining property. The gutter would therefore not serve its intended purpose.

Attachments:

Site Plan
Aerial Photo
Engineering Recommendation
700 W Improvement plan (Sandy City)
Annexation notice (Sandy City)

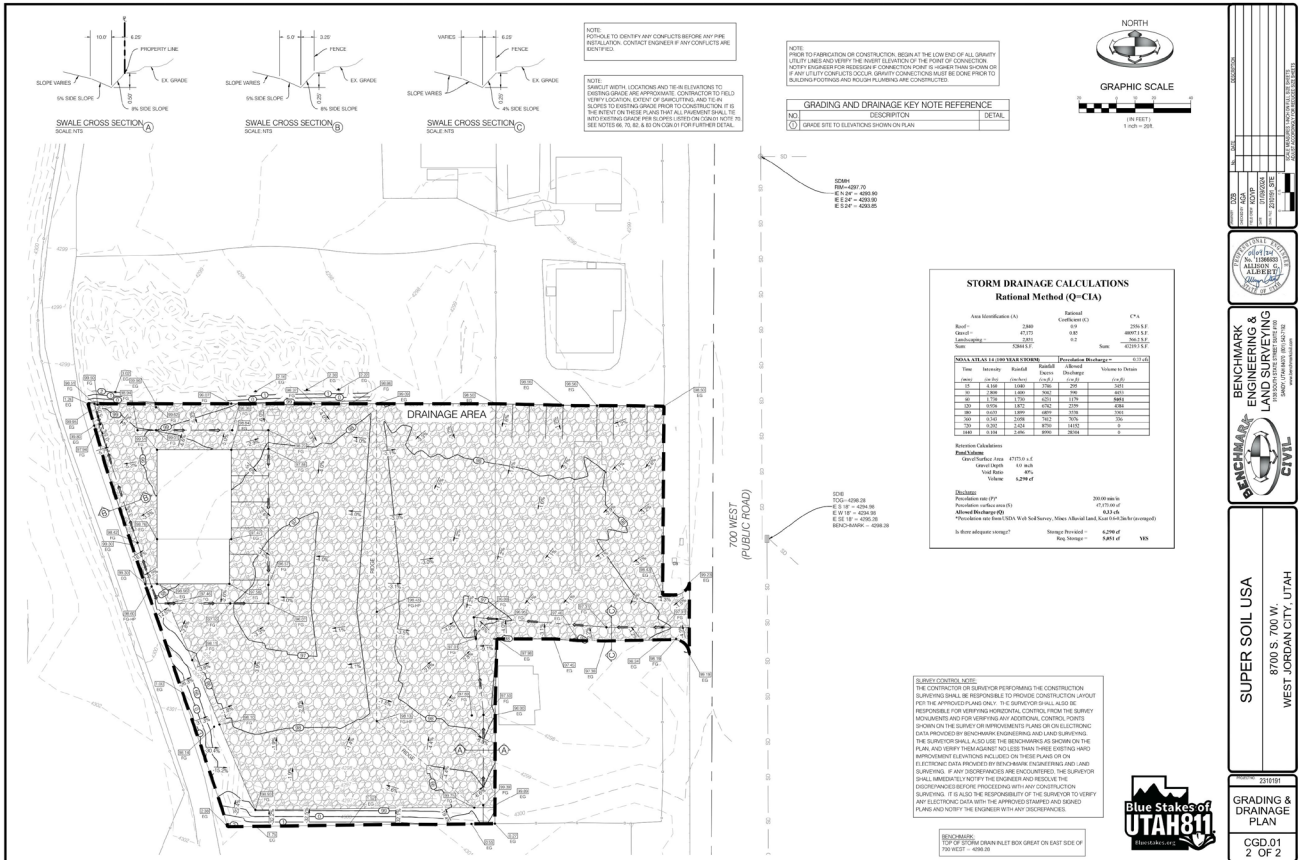
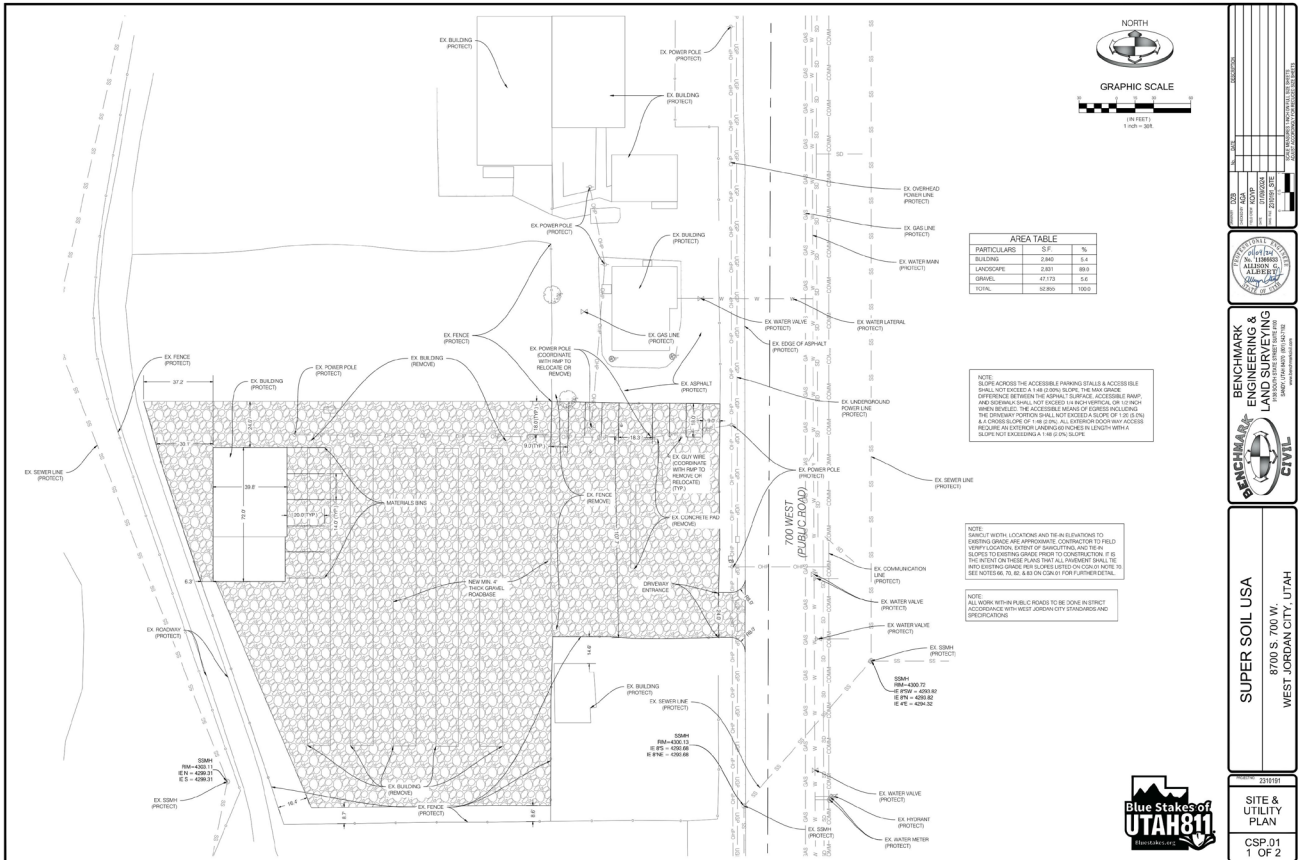




Image Landsat / Copernicus



April 5, 2024

Jenny Wilson
Mayor

Catherine Kanter
Deputy Mayor of Regional
Operations

Scott R. Baird, P.E.
Director, Public Works
and Municipal Services

Kade D. Moncur, P.E., CFM
Director, Public Works
Engineering Division

**PUBLIC WORKS
ENGINEERING DIVISION**

Government Center
2001 South State Street
Suite N3-120
Salt Lake City, Utah 84190

T 385-468-6600
F 385-468-6603

To Whom It May Concern,

This recommendation letter is in consideration of the following proposed development and is in replacement of the previously provided March 11th letter:

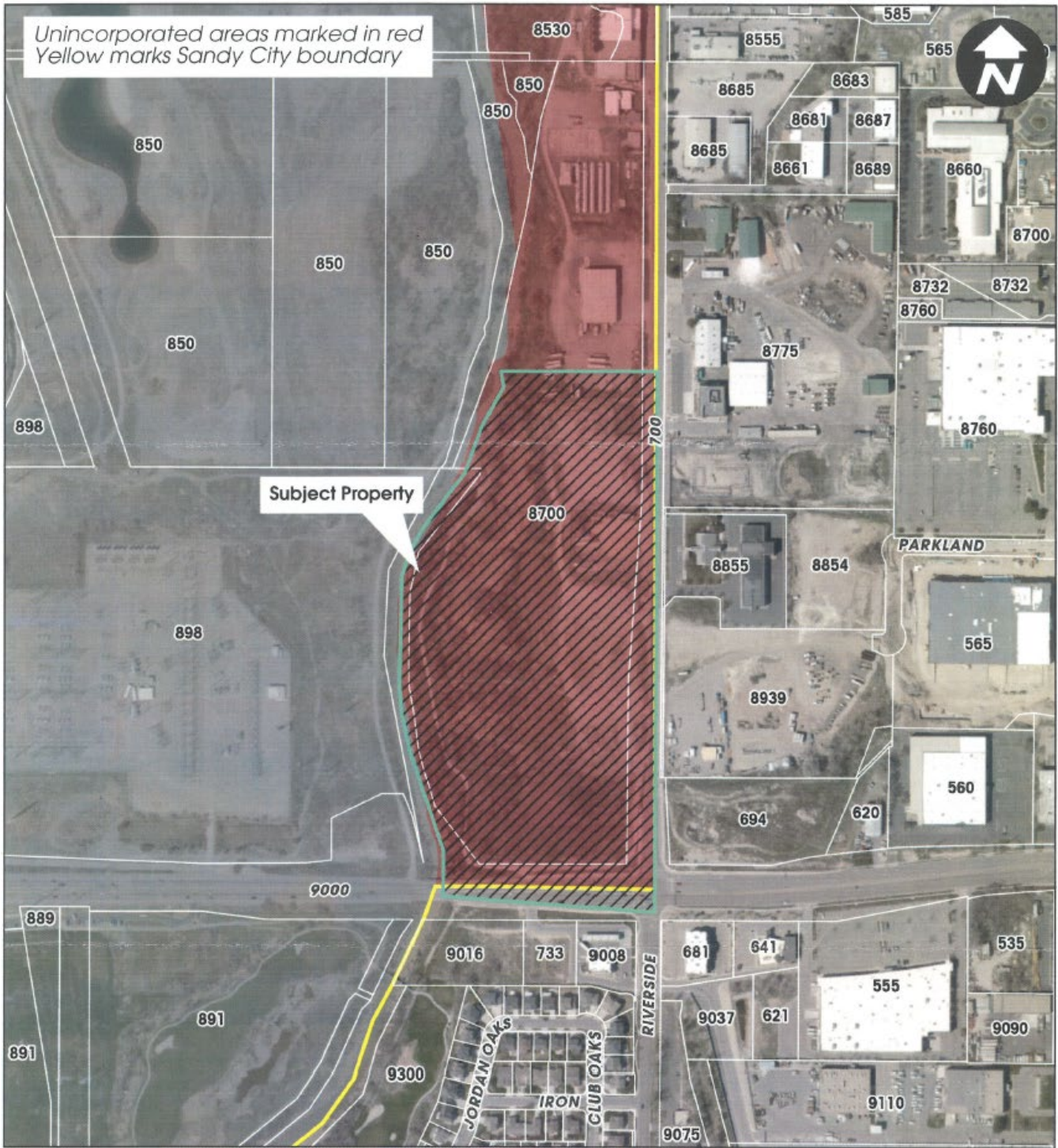
Application: 000923 – Fur Breeder’s Property, Super Soil Conditional Use
Location: 8700 South 700 West Unincorporated, Utah

The following recommendation is based on the understanding that this property is to be subdivided in the near future and at that time will be required to meet all applicable requirements.

It is the recommendation of Salt Lake County Public Works Engineering that a delay agreement be granted for the widening of the 700 West roadway and the installation of improvements including: curb, gutter, sidewalk, and shared-use path directly adjacent to the proposed use area associated with the above application; however, we recommend drafting the delay agreement in such a way that it does not restrict the rights of Sandy City or UDOT in requiring improvements if this area falls under their jurisdiction.

Regards,

Jefferson Thomson, PE
Salt Lake County
Public Works Engineering



 **Subject Property**
*Approximate location

ANX03072024-006727
Proposed Annexation
8700 S 700 W



File SUB2023-001059

Application Description

Request: 2-lot Subdivision
Parcel ID: 08-09-276-022-0000
Current Zone: A-1 (Agricultural Zone)
Property Owner: LaVal Ashworth, LLC.
Applicant/Representative: Adam D. Von Maack
Property Address: 3198 N 2200 W
Property Area: 1.47 Acres
Planner: Gordon Bennett

Summary of Recommendation: Approval of the preliminary plat, with the final plat approval by staff being subject to compliance with the code and ordinance requirements of the reviewing agencies.



PLANNING STAFF ANALYSIS

In accordance with 18.08.070 of the County Subdivision Ordinance, the preliminary plat has been reviewed by the development review committee for compliance with the applicable regulations. Because this parcel is in an area where services such as water provision and fire protection are provided by Salt Lake City, the city's Department of Public Utilities and fire department were also involved in the review.

Pursuant to section 18.08.080.B of the County code, planning staff and development review committee have found that the preliminary plat complies with the following standards:

1. The plans, documents and other submission materials (including technical reports where required) comply with the published list for a complete application.
2. The submitted plans, documents and submission materials conform to applicable county standards.
3. The proposed development conforms to county zoning ordinances and subdivision design standards.
4. The combination of natural or manmade conditions, encumbrances, easements, setbacks, geometry, or the dimensions of the lot leaves an adequate buildable area, as dictated by county ordinance and standards and lawful agreements, for a reasonably sized main structure.
5. No natural or manmade conditions exist on or in the vicinity of the site defined in the preliminary plat that, without remediation, would render part or all of the property unsuitable for development, as dictated by county ordinances or standards.
6. The preliminary plat provides for safe and convenient traffic circulation and road access to adjacent properties under all weather conditions, as dictated by county ordinances or standards.
7. The preliminary plat does not impose an undue financial burden upon the county, as dictated by county ordinances or standards?
8. The location and arrangement of the lots, roads, easements, and other elements of the subdivision contemplated by the preliminary plat are consistent with the county's current street system and transportation master plan. The land use authority may consider the transportation elements of the general plan.
9. The preliminary plat recognizes and accommodates the existing natural conditions, as dictated by county ordinance standards.
10. The public facilities, including public utility systems serving the area defined in the preliminary plat, are adequate to serve the proposed development, as dictated by county ordinances or standards.
11. The project contemplated in the preliminary plat conforms to the purposes and intent of this Title as stated in Chapter 18.02.

As outlined in the review comments by the development review committee, the approval of the final plat will be contingent upon the following conditions:

1. The final plat shall conform to the requirements of the subdivision code as reviewed by the Salt Lake County Surveyor's Office.
2. Fire flow in the nearest fire hydrant must be verified prior to the issuance of any building permits for new construction.
3. A water provision letter will be required from the Salt Lake City Department of Public Utilities.
4. A permit for on-site wastewater system will be required at the time of building permit for any dwelling on the property.

5. The address for each lot as approved by the Municipal Services District addressing specialist shall be shown on the final plat. 19.48.010 - Purpose of provisions.

PLANNING STAFF RECOMMENDATION

The planning staff recommends approval of the proposed preliminary plat subject to the final plat being reviewed and approved for compliance with the applicable codes and ordinances prior to recording as set forth in 18.08.090.C and 18.08.110 of the County Code, including review and approval by the Development Review Committee.

Attachments:

Preliminary Plat

Development Review Committee Comments

Review Committee Comments

Geology:

No comments (approved).

Grading:

Currently no buildings are being put up, and no digging is being done. Conceptually they look fine.

Urban Hydrology:

No comments (approved).

Traffic:

No comments (approved).

Surveyor:

Conceptually, the plans are OK. Will need a technical review.

The legend needs to show line types that are in the drawing and what the line types represent.

The block for the Salt Lake County Surveyor needs a signature line for the reviewer to sign and date.

Salt Lake City Fire Protection Engineering:

It appears there is an existing hydrant located across the street from this parcel. Assuming that hydrant would meet the minimum required fire flows there are no additional comments regarding the preliminary plat subdivision.

Health Department:

Plans are Conceptually O.K.

Water and Sewer Letters are required for the Health Department. If you are unable to connect to sewer an onsite wastewater construction permit is required for the septic system. Instructions on the permitting process can be found on the Health Department Website at: <https://slco.org/health/waste/septic-wastewater-systems/>

Please contact the Water Quality Bureau with any questions at 385-468-3862 or healthwater@slco.org

Addressing:

SLCo approved address for Lot 2, please include on plat: 3202 N 2200 W. Lot 1 address should also be included on plat in location of lot and to remain as 3198 N 2200 W. For label reference, please see markup.

Meeting Body: Salt Lake County Planning Commission

Meeting Date: April 17, 2024

Planner: Kayla Mauldin, Senior Long Range Planner

Project Name and File Number: OAM2024-001114

Project Type: Amend Text Ordinance

Areas Affected: This amendment affects Chapter 19.15 of Salt Lake County Code, which covers all Unincorporated Areas. However, properties in R zones, A zones, Forestry zones, and the PC Zone will be most impacted as these are the zones that allow for ADUs.

Key Findings:

- As one of its state-required moderate income housing strategies, Salt Lake County elected to allow for and reduce barriers to accessory dwelling unit construction.
- Several regulatory barriers currently limit the ability of homeowners to add ADUs to their property.
- Amendments to Chapter 19.15 of County Code, including minimum lot size and setback standards, can reduce regulatory barriers.

Staff Recommendation: Staff recommends that the Commission give a favorable recommendation to the Council regarding Chapter 19.15 amendments.



SUMMARY

A public hearing to receive comments on proposed amendments to Salt Lake County Code Chapter 19.15 (*Accessory Dwelling Units*) will be held at the Salt Lake County Planning Commission ("Commission") meeting on April 10th, 2024. Following the public hearing, the Commission may recommend that the Council adopt, adopt with revisions, or not adopt the amendments.

Proposed amendments include the following:

1. Reducing the minimum lot size, required setbacks, and required on-site parking spaces for detached ADUs;
2. Amending the height requirements for detached ADUs;
3. Allowing ADUs within the front yard on large lots; and
4. Ensuring compliance with state code and providing general clarification and clean-up of the existing language.

The proposed amendments are part of the County's ongoing implementation of its Moderate Income Housing Plan. To qualify for key funding sources, the County was required to adopt five housing strategies for its Unincorporated Areas, one of which was Strategy E: "create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones". Annually, the County must report its progress toward implementing the adopted strategies.

ATTACHMENTS

The following attachments are included as supplementary materials to the end of this staff report:

1. Proposed black-line amendments to County Code Chapter 19.15.
2. ADU Survey Results for Salt Lake County.
3. Council Briefing on ADU barriers and solutions.

BACKGROUND

Project Purpose:

In 2022, Salt Lake County amended its Moderate Income Housing Plan in order to comply with SB 34. The County adopted five strategies for encouraging the construction and preservation of Moderate Income Housing, including Strategy E: "Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones".

The Moderate Income Housing Plan had found that over 23% of households in Unincorporated Salt Lake County experienced housing cost-burden (i.e. spending more than 30% of their household income on housing costs). The housing cost-burden was a significant issue for both renter and owner households. ADUs were championed as a tool for addressing housing shortages and affordability in Unincorporated Salt Lake County because they have the potential to:

- Provide small-scale, affordable rental housing options within traditional neighborhoods (a recent study by the Turner Center for Housing Innovation found that ADUs are offered for 58% below market rent on average);
- Produce supplemental income for homeowners, which means ADUs can address both renter and owner affordability;
- Allow for multi-generational living while preserving privacy;
- Create opportunities for residents to age in place; and
- Use less energy than larger homes, leading to lower utility bills for owners and tenants and community-wide sustainability benefits (*Expanding ADU Development and Occupancy*, American Planning Association and AARP, 2023).

Prior to adopting its Moderate Income Housing Plan, Salt Lake County adopted an ordinance allowing for internal and detached ADUs in residential zones (2021). However, since that ordinance was adopted, and despite interest received from property owners, only three applications for ADUs have been submitted. This further highlights the need for the County to explore impediments to ADU construction and to continue taking action in support of Moderate Income Housing Strategy E.

The County's Moderate Income Housing Plan established four steps for implementing Strategy E:

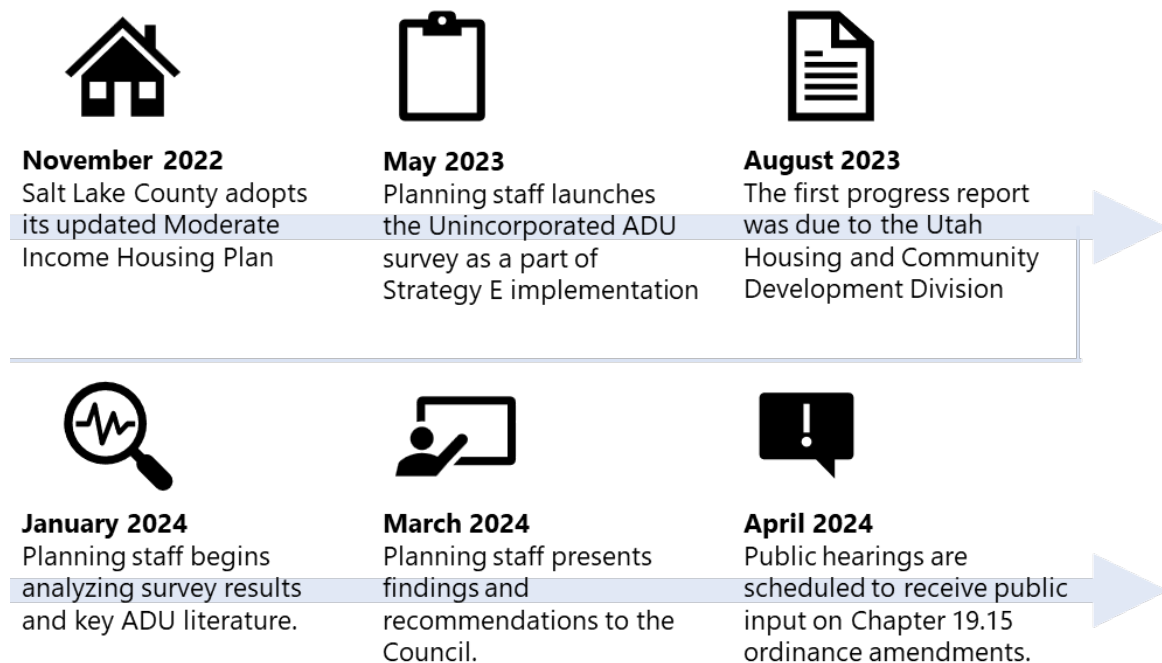
1. Researching existing barriers to ADU construction in Unincorporated Salt Lake County;
2. Reviewing case studies related to overcoming identified barriers;
3. Presenting findings to the Salt Lake County Council; and
4. Implementing solutions as directed by the Council.

The planning staff finished their preliminary analysis of barriers faced by potential ADU applicants in February 2024. Staff presented their findings and several recommendations to the Council at the Council Meeting on March 12th, 2024. A near-term recommendation from staff was to amend County Code Chapter 19.15 in order to remove recognized regulatory barriers to ADU construction. At the March 12th meeting, the Council authorized planning staff to proceed with introducing proposed amendments to the Salt Lake County Planning Commission and Mountainous Planning District Commission. The proposed ordinance amendments represent a key strategy in implementing the County’s Moderate Income Housing Strategy E. Planning staff must provide annual reports to the state regarding housing strategy implementation progress in order to remain eligible for key funding sources, including State Transportation Commission funding.

Project Timeline:

Staff launched the ADU survey for unincorporated residents in May 2023. The survey results informed recommendations which were presented to the Council at their March 12th, 2024 meeting. Following recommendations from both Planning Commissions, staff will return to the Council for a final decision. Staff must submit an updated progress report to the Utah Housing and Community Development Division by August 1st, 2024.

Figure 1: Strategy E Implementation Timeline.



Next progress report is due to Utah Housing and Community Development Division on August 1st, 2024.

Methodology:

Planning staff utilized the following tools and resources in the drafting of amendments to Chapter 19.15.

GIS: The planning staff completed an initial GIS analysis to determine whether the regulations of Chapter 19.15 of County Code presented a barrier to homeowners who would like to add ADUs to their properties. The analysis looked solely at the ordinance's lot size requirements to determine what percentage of single-family parcels within Salt Lake County were eligible to add an ADU. Kennecott and federally-owned properties were excluded from the analysis, as Salt Lake County has limited jurisdiction over uses on these lands, and some of those properties still host active mining operations.

The planning staff found that 92% of all single-family lots were at least 6,000 sq.ft. in size. Internal ADUs are permitted on lots that are 6,000 sq.ft. or larger in size. However, the existing ordinances only allow for detached ADUs on lots with an area of at least 12,000 sq.ft.. Only 41% of single-family parcels within the County currently meet this requirement. *This analysis does not account for other property constraints that may prohibit ADU development, such as lot coverage, setbacks, and needed utility connections.*

The analysis revealed that lot size requirements are a clear barrier for ADU development in the Unincorporated County, rendering nearly 60% of all single-family parcels ineligible for detached ADU construction. Planning staff used additional methods of analysis to determine what other barriers may be encountered by residents interested in constructing ADUs in Unincorporated Salt Lake County.

Survey: In the summer of 2023, planning staff launched an online survey to understand the challenges faced by existing and future ADU applicants. Although, planning staff only received 17 responses from Unincorporated Salt Lake County residents were very insightful to barriers faced with current ordinance requirements. Of those respondents, six (approximately 35%) stated that they were interested in adding an ADU to their property but felt there were too many regulations preventing them from doing so. Another five (29%) were interested in adding an ADU but had not pursued an application.

Surprisingly, when asked what barriers respondents faced or perceived in constructing ADUs, the greatest barrier identified was "not knowing if they are allowed in [my] area". Other common barriers included zoning or building requirements in general, cumbersome permitting processes, the cost of designing and/or constructing an ADU, and fear that neighbors would complain if the respondent added an ADU to their property. Among zoning regulations that impact an applicant's eligibility for ADU construction, respondents identified lot size requirements as the biggest barrier. Other barriers included use requirements in the underlying zone, setback requirements, and parking requirements.

Literature Review: While the survey results provided helpful context on conditions unique to Unincorporated Salt Lake County, planning staff recognized that the low response rate required further research into ADU barriers. Several publications were reviewed by planning staff, one of the most critical being “Expanding ADU Development and Occupancy: Solutions for Removing Local Barriers to ADU Construction”, which was released by the American Planning Association and AARP in 2023. This publication explores political, regulatory, procedural, and financial impediments to ADU construction and offers solutions for addressing each. Staff used available literature in combination with the ADU survey results to tailor recommendations for addressing ADUs in Unincorporated Salt Lake County. Several of the solutions offered by the AARP and American Planning Association guide translated directly into recommended amendments to County Code Chapter 19.15.

State Code Requirements:

Internal ADUs: Utah Code §17-27a-526 addresses internal accessory dwelling units. Internal accessory dwelling units (ADUs) are defined as ADUs that are created within a primary dwelling and for the purposes of offering a long-term rental of at least thirty days (i.e. not a short-term rental).

Under the Utah Code, Counties must allow internal ADUs as permitted uses in any zone where residential is the primary use. Counties are also prohibited from governing certain characteristics of internal ADUs, including size, street frontage, internal connectivity, and some architectural elements (§17-27a-526(2)). Counties are only allowed to require owners of internal ADUs to provide one additional on-site parking space, beyond the minimum requirements for the primary dwelling. Counties are authorized to require owner-occupancy on properties with internal ADUs, to require that any lot with an internal ADU be at least 6,000 square feet in size, and to prohibit the use of internal ADUs for short-term rentals (§17-27a-526(4)). Salt Lake County is currently in compliance with Utah Code related to internal ADUs.

Detached ADUs: Utah Code does not place any restrictions on the County’s authority to regulate detached accessory dwelling units (ADUs). Detached ADUs are units that are located outside of the footprint of the primary building, such as an apartment over a detached garage, or a caretaker unit in the back yard. In 2021, Salt Lake County adopted an ordinance which allowed for detached ADUs only on lots that were a minimum of 12,000 square feet in size; the ordinance also required owners to provide two additional on-site parking spaces for the ADU.

Ordinance Amendment Process: Utah Code §17-27a-502 regulates the preparation and adoption of land use regulations or amendments. In keeping with State Code, both the Mountainous Planning District Planning Commission and Salt Lake County Planning Commission must hold a public hearing on the proposed ordinance amendments. Following the hearings, the Commissions may give recommendations to the Council. The Salt Lake County Council may thereafter make a decision on the ordinance amendments. As the legislative body for Salt Lake County, the County Council has the final decision-making authority on this matter.

ORDINANCE CONTENT

Existing Ordinance:

The survey results, literature review, and GIS analysis support the following challenges to the existing Accessory Dwelling Unit Ordinance (Chapter 19.15) in Salt Lake County Code:

1. The minimum lot size dictated for detached ADUs is too restrictive, rendering nearly 60% of residential properties in Unincorporated Salt Lake County (not including Kennecott and federally-owned property) ineligible;
2. The minimum setback requirements for detached ADUs do not take into consideration existing accessory structures that are not subject to the same setback standards, but which could be repurposed for housing;
3. The requirement for two on-site parking spaces for detached ADUs does not meet current planning best practices, may restrict the feasibility for homeowners wanting to add ADUs to their property, and is inconsistent with the parking requirements for internal ADUs notwithstanding their similar character;
4. The existing height limitations on ADUs are not consistent with neighborhood character; and
5. The prohibition on ADUs in the front yard of properties does not consider the unique conditions of large lots with large front yards, where the primary dwelling is located near the rear lot line.

Proposed Amendments:

Several amendments are proposed to reduce barriers to ADU construction, ensure compliance with Utah Code, and improve clarity for applicants and staff. Key revisions are outlined in Table A. The full ordinance (Chapter 19.15) with recommended black-line changes can be found at the end of this document as Attachment 1.

Table A: Key Revisions Proposed to Salt Lake County Code Chapter 19.15.

Section Number	Proposed Revision	Justification
19.15.020	Change the definition of a primary dwelling to include the garage if the garage is habitable and connected to the house by a common wall.	The Utah Code definition of primary dwelling was updated by legislation in 2023. This change brings the County into conformance with Utah Code.
19.15.030	Reduce the minimum lot size for detached ADUs from 12,000 to 7,000 square feet.	At 12,000 square feet, only 41% of residential lots in Unincorporated County are eligible to add a detached ADU to their property. With the proposed revision, 84% (2,191) of properties become eligible. <i>This estimate is based on lot size only. Other regulations also limit eligibility.</i>
19.15.050	Reduce the minimum setback for new detached ADUs to 5 feet from lot lines and 6 feet from the primary building. Adopt new setback standards for detached ADUs in a pre-existing accessory structure, which allow for consistency with the standards to apply to that accessory structure.	This amendment reduces homeowner costs and preserves the built form of existing neighborhoods by allowing property owners to convert existing structures to ADUs without having to come into compliance with different setback standards. A 6 feet minimum setback between the primary dwelling and ADU is maintained for fire safety purposes.
19.15.060	Reduce the required on-site parking spaces for a detached ADU from 2 spaces to 1.	Only one on-site space is required for internal ADUs. There is no difference in occupancy between internal ADUs and detached ADUs. Neither type of unit may be occupied by more than one family. This change brings consistency in standards between the two types.
19.15.070	Set a maximum height for detached ADUs, which in no case exceeds the height of the primary dwelling.	The previous ordinance allowed a detached ADU to be as tall as the primary dwelling, regardless of the primary dwelling's height. This revision specifies that detached ADUs can be up to 20 feet, or 28 feet if it is an above-garage unit. In no case may the height of the ADU exceed that of the primary dwelling.
19.15.110	Allow ADUs to be built in the front yard if the lot is at least one acre in size and if the ADU is set back at least 30 feet from the front property line.	This revision addresses unique conditions in which property owners have large lots with large front yards (primary dwelling set back from the street). The changes allow these property owners the option of adding an ADU to their property.

STAFF ANALYSIS

Compatibility with Existing Plans:

Staff reviewed all Salt Lake County General Plans and found that the proposed ordinance amendments are compatible with the vision of these plans:

- The amendment of Chapter 19.15 to reduce barriers to ADU development furthers the implementation of Strategy E in the County's Moderate Income Housing Plan.
- In both the Wasatch Canyons General Plan and the West General Plan, accessory dwelling units are identified as a County housing strategy. Specific implementation actions related to ADUs are not identified.
- The Sandy Hills General Plan does not directly address ADUs.

Integration of Stakeholder and Public Engagement:

Planning staff engaged with Unincorporated Salt Lake County residents to understand what barriers they faced in the development of ADUs. This engagement occurred primarily through conversations with potential applicants and through a survey that was open during the Summer of 2023. Only 17 residents of Unincorporated Salt Lake County responded to the survey, but their qualitative feedback was helpful in identifying conditions that were unique to the County. For example, it was a survey respondent that made staff aware of the challenge with universally prohibiting ADUs in the front yard of properties. It was feedback from applicants that alerted staff to the fact that the minimum lot size and setback standards for detached ADUs were too restrictive. Planning staff were able to corroborate the input received with recommendations from the literature regarding ADU development barriers and solutions. Survey results for Unincorporated County can be found in Attachment 3.

Planning staff presented information on ADU development barriers and best practices at the Council meeting on March 12th (see Attachment 3). During that discussion, planning staff recommended that the Council authorize them to proceed with moving amendments to Chapter 19.15 through the public hearing process. The Council was presented with red-line revisions consistent with Attachment 1. The proposed ordinance amendments were sent to the Granite and Sandy Hills Community Councils ahead of this public hearing in compliance with County Code.

Consistency with State Code Requirements:

Planning staff has reviewed the proposed Chapter 19.15 language and finds that it complies with all applicable regulations found in Utah Code §17-27a-526. In addition, this item has been noticed according to the requirements of Utah Code. On April 10th, the public will have the opportunity to provide input to the Planning Commission regarding the proposed amendments to the Accessory Dwelling Unit Ordinance.

Anticipated Impacts:

The intent of the proposed ordinance amendments is to reduce existing regulatory barriers to ADU development in Unincorporated Salt Lake County. The clearest impact of adopting these amendments as drafted is that 1,136 additional residential lots within Unincorporated Salt Lake County could become eligible to add a detached ADU (GIS analysis completed March 2024). Staff also expects that the reduced minimum setback standards for ADUs within existing accessory structures will reduce homeowner costs associated with ADU construction (allowing for increased rehabilitation of structures as opposed to new construction). If these ordinance amendments are successful, planning staff could expect to see an increase in the number of ADU applications received between 2023 and future years after the effective date of the ordinance. An increase in ADU applications and ADUs receiving necessary permits demonstrates that Salt Lake County is fulfilling its obligation to implement Strategy E of its Moderate Income Housing Plan.

STAFF RECOMMENDATION

Planning Staff has thoroughly reviewed the drafted amendments to Chapter 19.15 of County Code. In addition, the draft was sent to Salt Lake County Office of Regional Development staff and the County's land use attorney for comment. Based on their review and analysis, staff finds that the proposed ordinance amendments (Attachment 1):

1. Reduce regulatory barriers to ADU development, as identified in the ADU Survey, GIS Analysis, and Literature Review;
2. Directly respond to barriers faced by ADU Survey respondents and current or former ADU applicants;
3. Support the County's adopted plans, including the Moderate Income Housing Plan, Wasatch Canyons General Plan, and West General Plan; and
4. Comply with all related provisions of Utah Code.

Given the above findings, staff recommends that the Commission:

Make a recommendation of adoption to the County Council, with or without revisions as needed following the public hearing.

NEXT STEPS

Following recommendations from the Mountainous Planning District Planning Commission and the Salt Lake County Planning Commission, a public hearing will be scheduled by the County Council. After the County Council's public hearing at a future meeting, the Council may choose to adopt, adopt with revisions, or not adopt the ordinance amendments. By August 1st, planning staff must send a Moderate Income Housing Report to the Utah Housing and Community Development Division detailing how Strategy E and other strategies from the Moderate Income Housing Plan have progressed since August 2023.

ATTACHMENT 1

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2024

REVISION OF THE SALT LAKE COUNTY CODE CHAPTER REGARDING ACCESSORY DWELLING UNITS

AN ORDINANCE OF GENERAL REVISION, AMENDING TITLE 19, CHAPTER 15, ENTITLED “ACCESSORY DWELLING UNITS” OF THE SALT LAKE CODE OF ORDINANCES, 2001, TO IMPLEMENT SALT LAKE COUNTY’S MODERATE INCOME HOUSING PLAN BY BETTER ACCOMMODATING ADUs AS AN AFFORDABLE HOUSING OPTION, WHILE BALANCING IMPACTS ON OTHER PROPERTIES; UPDATING THE CHAPTER FOR COMPLIANCE WITH STATE LAW AND FOR CLARIFICATION; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 19.15 of the Salt Lake County Code of Ordinances is amended as follows.

19.15.010 - Purpose.

Salt Lake County recognizes that accessory dwelling units in single-family residential zones can be an important tool in ~~[in the overall housing plan for Salt Lake County]~~ meeting Salt Lake County’s moderate income housing needs. The purposes of the accessory dwelling unit (“ADU”) standards of this code are to:

- A. Comply with ~~[pending]~~ State of Utah legislation which allows for internal ~~[accessory dwelling units]~~ ADUs generally and requires counties to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- C. Provide for ~~[affordable]~~ moderate income housing opportunities;

- D. Make housing units available to ~~[moderate income people]~~households with moderate incomes who might otherwise have difficulty finding housing in Salt Lake County;
- E. Provide opportunities for additional income to offset rising housing costs;
- F. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
- G. Preserve the character of single-family neighborhoods by providing standards governing development of ~~[accessory dwelling units]~~ADUs; and
- H. Ensure that ~~[accessory dwelling units]~~ADUs are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.

19.15.020 - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Accessory dwelling unit" (ADU) means a self-contained dwelling unit located on an owner-occupied property that is either incorporated within the single-family residence (IADU) or in a detached building (detached ADU) and is further defined by this chapter and by Utah State Code.

"Internal accessory dwelling unit" (IADU) means an accessory dwelling unit created:

- A. Within a primary dwelling;
- B. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and
- C. For the purpose of offering a long-term rental of thirty consecutive days or longer.

"Owner occupancy" means a property where the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

"Primary dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

- A. "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.

"Public utility easement" (PUE) means an area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

19.15.030 - Allowed areas and zones.

- A. IADUs shall be a permitted use on single family home lots in areas zoned primarily for residential use with a lot area of six thousand square feet or greater, including R zones, A zones, Forestry zones, and the PC Zone. Detached ADUs are also permitted but may only be built on single family home lots with an area of ~~[twelve]~~seven thousand square feet or greater, except that detached ADUs in a PC Zone are permitted on single family home lots with a minimum area of six thousand square feet if the county has approved design standards for the same.
- B. In no case shall an ADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

19.15.050 - Setbacks.

- A. Internal ADUs. Setbacks on IADUs are the same as the setbacks for a single-family dwelling in the zone.
- B. Detached ADUs Built After Adoption of this Chapter. Side yard setbacks ~~[on detached ADUs]~~for such ADUs ~~[will be consistent with setbacks for a single family dwelling in the zone]~~shall be a minimum of five feet (5'). Rear yard setbacks on ~~[detached]~~such ADUs ~~[are]~~shall be a minimum of [ten]five feet (5'). ~~[Detached]~~Such ADUs ~~[must]~~shall also be a minimum of six feet (6') from the [main]primary dwelling. For ~~[detached]~~such ADUs, if existing PUEs are greater than the required setback, the minimum setback will be the PUE boundary.
- C. Conversion of Existing Accessory Structures Built Prior to the Adoption of this Chapter. Side yard and rear yard setbacks on existing accessory structures built prior to the adoption of this Chapter, which are to be converted to a detached ADU, shall comply with the accessory structure setback standards at the time the structure was legally erected. The detached ADU shall be set back a minimum of six feet (6') from the primary dwelling. An exception to these setbacks is an existing structure that has been declared a noncomplying structure under section 19.88.150.

Figure 19.15.1: Setback Standards for a Detached ADU Built After Adoption of this Chapter.

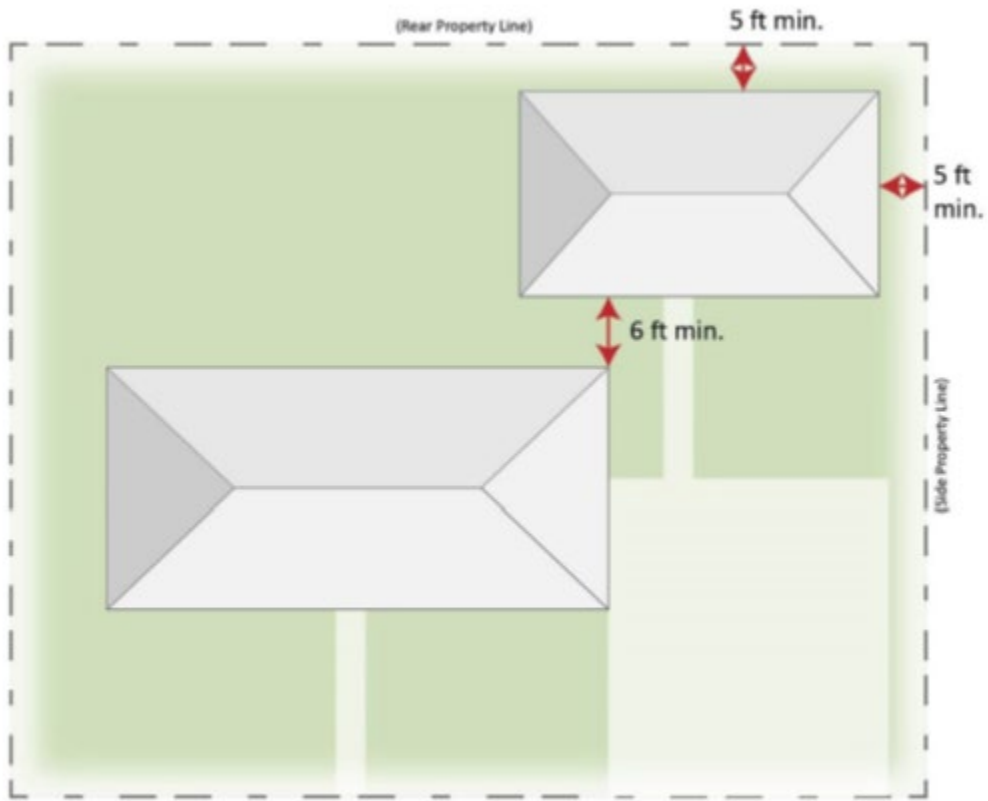
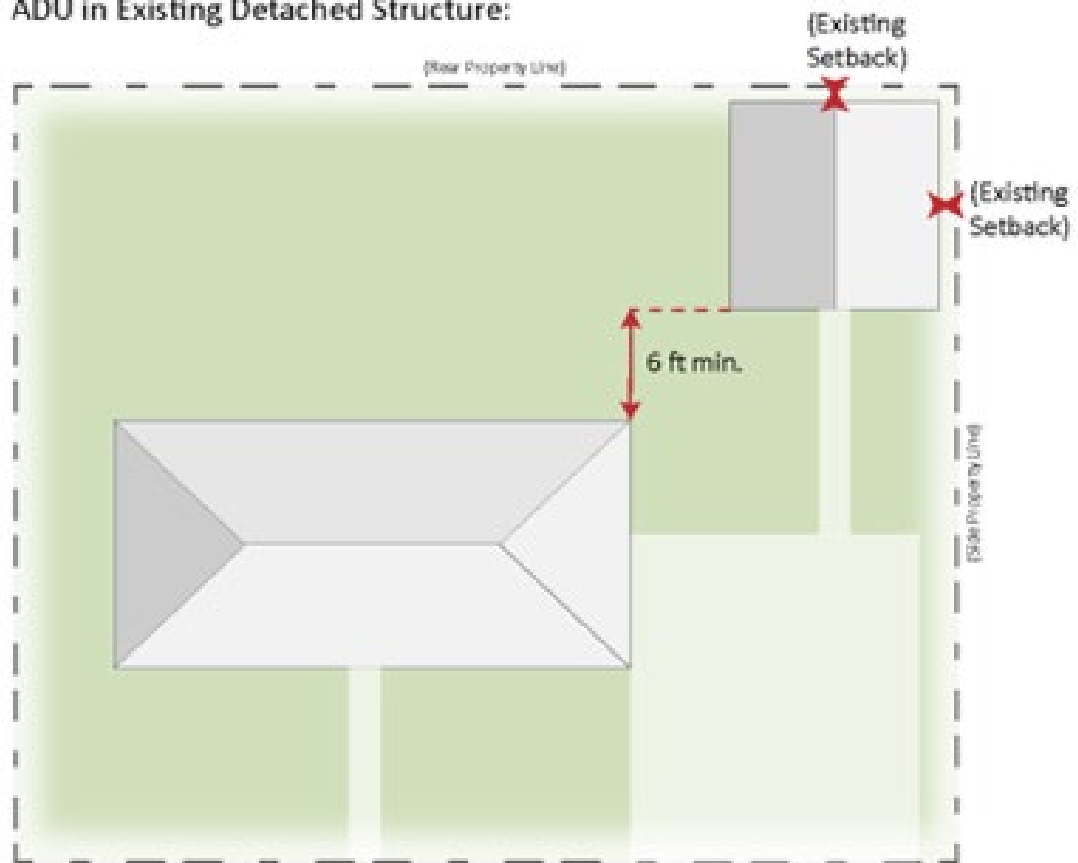


Figure 19.15.2: Setback Standards for an Existing Accessory Structure Built Prior to the Adoption of this Chapter and Converted to a Detached ADU.

ADU in Existing Detached Structure:



19.15.060 - Parking requirements.

In addition to the required parking for the existing home, the property owner must demonstrate that at least one on-site parking space is available for the~~an IADU, and that two on-site parking spaces are available for a detached ADU~~ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU or detached ADU, any parking spaces that previously existed and were required to meet off-street parking requirements for the primary dwelling shall be replaced. ~~[. Replacement on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such ADU.]~~

19.15.070 - Height requirements.

~~[Detached ADUs shall be no taller than the existing home]~~Height restrictions for IADUs shall be consistent with the height standards for single-family dwellings in the zone. Detached ADUs shall comply with the following height requirements:

1. Detached ADU – maximum of twenty feet (20’) height, but no taller than the existing primary dwelling;
2. Above-garage Detached ADU – no taller than the existing primary dwelling.

19.15.100 - Number of ADUs per lot.

~~[If one IADU on a lot exists, a detached ADU is not allowed.]~~No more than one ADU, whether internal or detached, is permitted per lot.

19.15.110 - ADU design standards.

- A. An approved building permit is required for all ADUs before an ADU is constructed, and all other applicable provisions of this chapter and the Salt Lake County Code must be met before an ADU can be rented. Existing non-compliant ADUs may come into compliance by receiving a permit and verifying existing work was done according to code.
- B. A building permit may not be issued for an ADU until the applicant has provided written confirmation from the applicable water supplier that the ADU complies with all applicable water service requirements.
- C. The design and size of an ADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements. The design and size of a detached ADU shall conform to these codes and any other applicable codes and a building permit.
- D. Detached ADUs shall have a permanent concrete slab on which they are built, unless they are constructed above a garage.~~[Detached ADUs shall have a permanent foundation on which they are built.]~~ Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.
- E. Conversions of an existing space to an ADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, and sufficient HVAC and climate control for the ADU.
- F. IADUs shall~~[will]~~ not require a separate HVAC or firewall.
- G. The o[Ø]wner shall provide a separate address marking for emergency services and mailing services.

- H. Detached ADUs shall not be located in a front or corner lot side yard unless the lot size is at least one acre and the detached ADU is at least thirty feet (30') from the front lot line.
- I. New Detached [WUs]ADUs must be offset ten feet or more from the front facade of the main dwelling.
- J. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.
- K. Single family residences with a detached ADU shall retain the same appearance as a single-family residence.
- L. An existing accessory building may be converted into an ADU provided that it meets the same ADU requirements in this chapter.

19.15.120 - Affidavit and notice of accessory dwelling unit.

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Section 19.15.130, a notice of accessory dwelling unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice ~~will~~ shall be provided to the applicant when completed.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this _____ day of _____, 2024.

SALT LAKE COUNTY COUNCIL

By: _____

Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

REVIEWED AS TO FORM & LEGALITY:

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember Stewart voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Stringham voting	_____
Councilmember Harrison voting	_____
Councilmember Alvord voting	_____

Vetoed and dated this _____ day of _____, 2024.

By: _____

MAYOR JENNIFER WILSON

OR DESIGNEE

(Complete as Applicable)

Veto override: Yes ___ No ___ Date _____

Ordinance Published in Newspaper: Date _____

Effective Date of Ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2024, the County Council of Salt Lake County adopted Ordinance No. _____, an ordinance of general revision, amending Title 19, Chapter 15, entitled "Accessory Dwelling Units" of the Salt Lake Code of Ordinances, 2001, to implement Salt Lake County's moderate income housing plan by better accommodating ADUs as an affordable housing option, while balancing impacts on other properties; updating the Chapter for compliance with state law and for clarification; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember Stewart voting	_____
Councilmember Granato voting	_____
Councilmember Newton voting	_____
Councilmember Stringham voting	_____
Councilmember Harrison voting	_____
Councilmember Alvord voting	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

ATTACHMENT 2

Unincorporated Accessory Dwelling Unit Survey Results (2024)

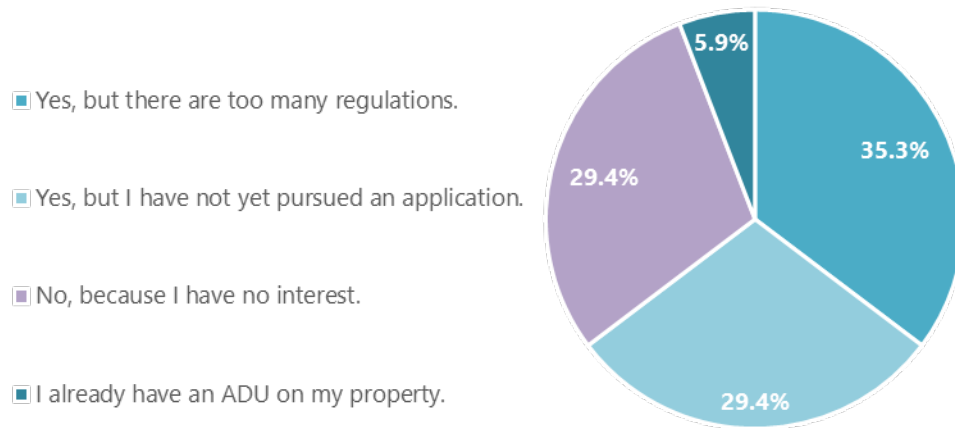
17 residents in Unincorporated Salt Lake County responded to the survey.

1. How familiar are you with accessory dwelling units? (n=17)

Answer	Count
I know what they are.	15
I have heard of them before.	2
I do not know what they are.	0

2. Have you considered adding an ADU to your own property? (n=17)

Answer	Count
Yes, but there are too many regulations.	6
Yes, but I have not yet pursued an application.	2
Yes, and I am in the process of applying.	0
No, because I have no interest.	5
I already have an ADU on my property.	1



3. You answered that you currently have an ADU on your property. Which of the following best describes your ADU? (n=1)

This question was only visible to respondents who said they had an ADU on their property already.

Response: Non-permitted internal or attached ADU constructed prior to 2021.

**4. Would you support the construction of additional ADUs in your neighborhood?
(n=5)**

This question was only visible to respondents who said that they have NOT considered adding an ADU to their property.

Answer	Count
Yes	1
No	3
I don't have a preference.	1

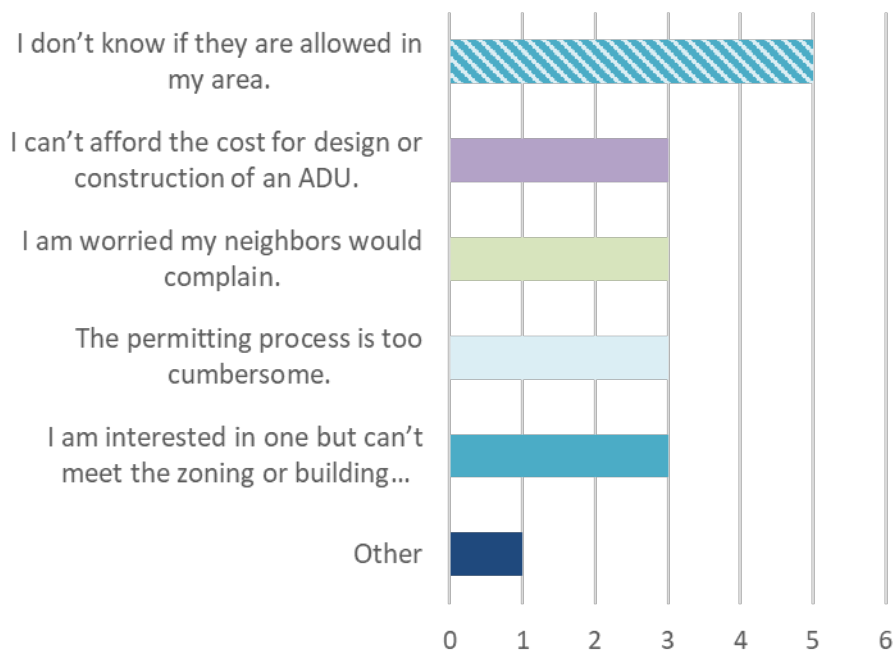
Respondents were asked to explain their answer:

- **No:** "Original zoning was designed for a reason. ADU's make a neighborhood look like a city. More dwellings on a small parcel, same for more dwellings on a large parcel. The legislators want a city everywhere. To much building of dwellings is a poor solution for not enough housing. AND WHEN DOES IT END? Pass an ordinacne to raise ADU's up to fifty feet for more floors???"
- **No:** "All you have to do is look at the container home at 1380 E 8555 S - it's an eyesore. I can't understand how that thing was ever approved. If code enforcement lived next to this thing, it would never have been allowed to be constructed. THREE shipping containers in the neighbors back yard with a makeshift roof. It's hideous in addition to blocking my view of the mountains. There should be strict rules with regard to neighbor and neighborhood impact. I feel as though a junk yard has been established next door. This is the type of project that should be denied as it has negatively impacted our neighborhood."
- **No:** Many or the ADUs in my area are unsightly and not well cared for, increased parking problems (vehicles parked on lawns, lots of vehicles parked up and down the street, etc.), increased amount of garbage on properties, increased noise levels, and generally do not contribute to the quality of life in my neighborhood.
- **Yes:** "It's happening now. Might as well make it legal."

5. What has prevented you from considering adding an ADU to your property or from starting the application process? (n=11)

Respondents were encouraged to 'Select All that Apply'.

Answer	Count
I am interested in one but can't meet the zoning or building requirements.	3
The permitting process is too cumbersome.	3
I am worried my neighbors would complain.	3
I can't afford the cost for design or construction of an ADU.	3
I don't know if they are allowed in my area.	5
I don't own my current residence.	0
I am not interested in renting my home/ accessory structure to anyone.	0
Other: "still trying to decide if it is the right move for me"	1



6. Which part(s) of the building permit process are most likely to present a barrier to you? (n=6)

This question was only visible to respondents who said they have considered adding an ADU to their property.

Respondents were encouraged to 'Select All that Apply'.

Answer	Count
Window size requirements (emergency egress)	0
The initial permitting fees	2
Cost of hiring a draftsman/architect to draw the plans	2
Facilitating required utility connections	3
Understanding the process and regulations	5
Other: "Uncertain about contractor quality"	1

7. If you answered that regulations are a barrier, which zoning requirements currently prevent (or may prevent) your property from being eligible for an ADU? (n=6)

This question was only visible to respondents who said that zoning or building regulations, or not knowing regulations, prevented them from applying for permits for an ADU.

Respondents were encouraged to 'Select All that Apply'.

Answer	Count
Lot size requirements for detached ADUs	3
Zoning district doesn't allow ADUs.	2
Parking requirements	1
I didn't know there were zoning restrictions related to ADUs.	1
Setback requirements for detached ADUs	1
Other: "I have a lot of property on the front portion of my acreage as my house is built on the backside of the acreage. It's my understanding that an ADU may not be positioned on acreage at the front of the existing dwelling"	1

8. Are there other elements of the ADU approval and/or construction process that may prevent you from adding on an ADU to your property? (n=2)

This question allowed for open-ended responses.

Response 1: "No"

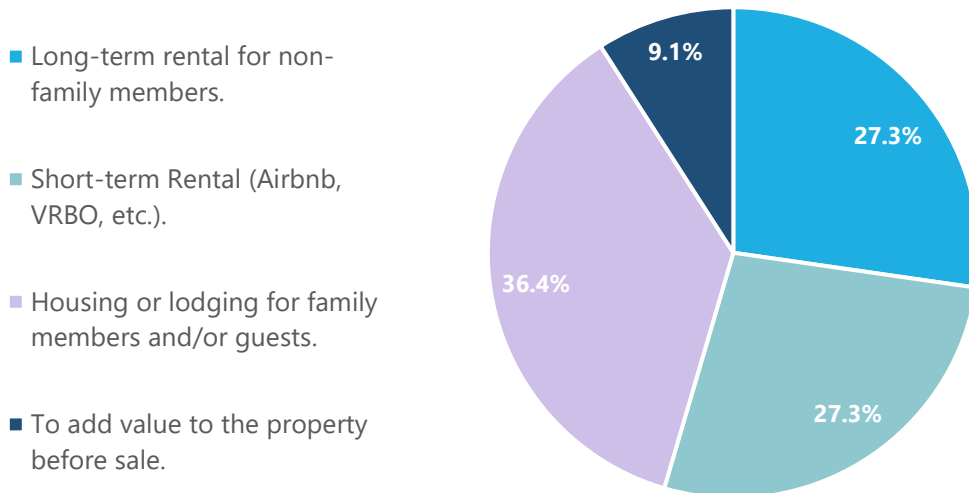
Response 2: "General understanding of the process."

9. If you had an ADU on your property, what would you primarily use it for? (n=11)

This question was only visible to respondents who said they were interested in adding an ADU to their property.

Answer	Count
Long-term rental for non-family members.	3
Short-term Rental (Airbnb, VRBO, etc.).	3
Housing or lodging for family members and/or guests.	4
To add value to the property before sale.	1

*Note: the short-term rental response included a qualifier stating that STRs are not currently allowed under County Code.



10. What is currently the primary use of your ADU? (n= 1)

This question was only visible to respondents who said that they already had an ADU on their property.

Response: Long-term rental for non-family members

11. How many people currently live in your ADU? (n=1)

This question was only visible to respondents who said that they already had an ADU on their property.

Response: 1

12. What is the approximate size of your ADU? (n=1)

This question was only visible to respondents who said that they already had an ADU on their property.

Response: 600-800 sq.ft.

13. Approximately how much do you charge in rent per month for your property? (n=1)

This question was only visible to respondents who said that they already had an ADU on their property.

Response: 800, not including utilities

14. What do you see as the main benefit of adding an ADU to your property? (n=12)

This question was only visible to respondents who said that they have considered adding an ADU to their property.

Answer	Count
Passive income	6
Property value increase	1
Living or lodging space for family members / friends	4
Expanding affordable housing opportunities in my neighborhood	1

15. How helpful would each of the following be to an ADU project? (n=12)

This question was only visible to respondents who said that they have considered adding an ADU to their property.

Respondents were asked to rank the options in order of how helpful they would be. Based on the rankings of each options, a score is given in the table below.

How helpful would each of the following be to an ADU project?	A	B	C	D	E	F	G	H	I	J	K	L	Average Score (a lower number indicates that solution is more helpful)	
Informational guide about the ADU process including application process and regulations	1	2	2	1	1	1	3	6	2	4	5	3	2.583333333	RANK 1
A program that provides design and plans assistance for the application and construction process	3	1	1	3	5	6	6	1	6	3	1	1	3.083333333	RANK 2
Reduced building requirements to include only life safety regulations	2	4	5	2	3	2	5	3	5	6	2	6	3.75	RANK 5
Resources with information about funding	5	3	3	4	4	5	2	4	3	2	3	2	3.333333333	RANK 3
Reduced setback standards for existing detached ADU conversions (i.e. garage conversion)	4	6	6	5	6	3	4	5	4	5	4	4	4.666666667	RANK 6
A program that allows pre-existing ADUs to come into compliance, with reduced permitting fees	6	5	4	6	2	4	1	2	1	1	6	5	3.583333333	RANK 4

- **Choice 1:** Informational Guide
- **Choice 2:** Design and Plans Assistance
- **Choice 3:** Funding Information
- **Choice 4:** Acceptance Program for Pre-Existing ADUs
- **Choice 5:** Reduced Building Requirements
- **Choice 6:** Reduced Setback Standards

16. Is there anything else you would like us to know about your experience with ADUs or about ADUs in your community? (n=11)

- "The previous question about what would be helpful does not work. The drag feature doesn't work in my phone."
- "My main concern would be excessive numbers of cars parked on the streets because off street parking for ADUs is nonexistent or inadequate."
- "I do not want ADU's in my community."
- "ADUs make a lot of sense as long as there is parking and the neighborhood doesn't become a street full of apartments. I don't like that so much. If an empty nester has a large house and wants to convert their basement into a rentable apartment, that seems ideal. Housing is too expensive for an average joe or couple to purchase without having to rent part of their home to o help make the mortgage payment. Can landlords fully choose their renters? Ie. Supposing I don't want anyone who drinks or smokes to be on my property. And I don't want convicted criminals to be renting my neighbors' ADU. These are things I worry about. I strongly plead that ADUs be only owner occupied. Ie the owner lives in the main house or the ADU. I hate that my neighbor created an ADU bsmt apt and then moved and rents their upstairs to one group and the bsmt to someone else. That really changes the feel of a nice neighborhood— in a bad way."
- "I have been trying to get someone out to my property to assess our lot size. We are minimally short of the size requirements, but continue to not be able to reach the right person, he doesn't return my calls"
- "I think ADUs are important for building community and helping those that need additional services and are having difficulty providing for themselves. I am fortunate enough to have property where an ADU could be built, however the positioning and height of my existing house restricts the ability for an ADU to be built as my understanding. I would greatly appreciate somebody from the municipality to provide guidance."
- "Assistance with legal paper regarding Rental Agreements, Insurance and who's responsible for what. Snow removal pop into my head"
- "These will all become Airbnbs. There are already 30,000 short term rentals in the county. That is what makes housing more expensive and less of it for those who need housing full time."
- "I want to add an ADU to my property"
- "I dont have issues with ADUs in general, but this neighborhood has pretty small lots so the likelihood of having the room to build a large structure is unlikely. Maybe limit the square footage. If something like that had been in place, I would not be subject to the container fort next door."
- "No."

ATTACHMENT 3

Meeting Body: Salt Lake County Council

Meeting Date: March 12th, 2024

Planner: Kayla Mauldin, Senior Long Range Planner (Greater Salt Lake Municipal Services District)

Project Name: Moderate Income Housing Plan, Strategy E Implementation

Areas Affected: Recommended actions include policies and programs that would impact all of Unincorporated Salt Lake County.

Staff Recommendation: Planning staff is recommending a number of short-, mid-, and long-term actions to remove barriers to ADU construction in the Unincorporated Areas. Staff suggests that near-term actions be pursued immediately.



GREATER SALT LAKE
**Municipal Services
District**

SUMMARY

As a part of implementation of the County's adopted Moderate Income Housing Plan, the MSD Planning Staff is recommending that the Council take several near-term and long-term actions to remove barriers to accessory dwelling unit construction. In the near-term, the planning staff requests that the Council gives direction to pursue revisions to Chapter 19.15 of County Code, including revisions to lot size and setback standards for accessory dwelling units ("ADUs").

MODERATE INCOME HOUSING STRATEGY

In 2022, Salt Lake County amended its Moderate Income Housing Plan in order to comply with SB 34. The County adopted five strategies for encouraging the construction and preservation of Moderate Income Housing, including Strategy E: "Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones". The plan established steps for implementing this strategy, which included:

1. Researching existing barriers to ADU construction in Unincorporated Salt Lake County;
2. Reviewing case studies related to overcoming identified barriers;
3. Presenting findings to the Salt Lake County Council; and
4. Implementing solutions as directed by the Council.

The planning staff has finished preliminary analysis of barriers faced by potential ADU applicants and has prepared several recommendations that they are now bringing before the Council.

DEFINING THE PROBLEM

The Moderate Income Housing Plan found that over 23% of households in Unincorporated Salt Lake County experienced housing cost-burden (i.e. were spending more than 30% of their household income on housing costs). Housing cost-burden was a significant issue for both renter and owner households. ADUs have been championed as a tool for addressing housing shortages and affordability because they:

1. Provide small-scale, affordable rental housing options within traditional neighborhoods;
2. Produce supplemental income for homeowners;
3. Allow for multi-generational living while preserving privacy;
4. Create opportunities for residents to age in place; and
5. Use less energy than larger homes, leading to lower utility bills for owners and tenants and community-wide sustainability benefits ([Expanding ADU Development and Occupancy](#); American Planning Association and AARP, 2023).

Salt Lake County adopted an ordinance allowing for internal and detached ADUs in 2021. However, since that time and despite interest received from property owners, only three applications for ADUs have been submitted.

The planning staff completed an initial GIS analysis to determine whether the County's ADU standards presented a barrier to homeowners who would like to add ADUs. The analysis looked solely at the ordinance's lot size requirements to determine what percentage of single-family parcels within Salt Lake County were eligible to add an ADU. All FCOZ, FR, FA, and Kennecott / USFS properties were excluded from the analysis, as ADUs are not allowed in those zones. The planning staff found that 92% of all single-family lots were at least 6,000 sq.ft. in size. Internal ADUs are permitted on these lots. However, existing ordinances only allows for detached ADUs on lots that are at least 12,000 sq.ft.. Only 41% of single-family parcels within the County meet this requirement. Note that this analysis does not account for other property constraints that may prohibit ADU development, such as lot coverage, setbacks, and needed utility connections.

The analysis revealed that lot size requirements are a clear barrier for ADU development in the Unincorporated County, rendering over half of all single-family parcels ineligible for ADU construction. In addition to this analysis, planning staff conducted a survey, reviewed applicable literature, and used experiences from past applications to determine what other barriers may be encountered by residents pursuing ADU construction in Unincorporated Areas.

ADU SURVEY

In the summer of 2023, planning staff launched an online survey to understand the challenges faced by existing and future ADU applicants. 102 total responses were received, although only 16 of those responses were from Unincorporated Salt Lake County. Of those respondents, six (approximately 35%) stated that they were interested in adding an ADU to their property but felt there were too many regulations preventing them from doing so. Another five (29%) were interested but had not pursued an application.

Surprisingly, when asked what barriers respondents faced or perceived in constructing ADUs, the greatest barrier identified was “not knowing if they are allowed in [my] area”. Other common barriers included zoning or building requirements in general, cumbersome permitting processes, the cost of designing and/or constructing an ADU, and fear that neighbors would complain if the respondent added an ADU to their property. Among zoning regulations that impact an applicant’s eligibility for ADU construction, respondents identified lot size requirements as the biggest barrier. Other barriers included use requirements in the underlying zone, setback requirements, and parking requirements.

LITERATURE REVIEW

While the survey results provided helpful context on conditions unique to Unincorporated Salt Lake County, planning staff recognized that the low response rate required further research into ADU barriers. Several publications were reviewed by planning staff, one of the most critical being “Expanding ADU Development and Occupancy: Solutions for Removing Local Barriers to ADU Construction”, which was released by the American Planning Association and AARP in 2023. This publication explores political, regulatory, procedural, and financial impediments to ADU construction and offers solutions for addressing each. Staff used available literature in combination with the ADU survey results to tailor recommendations for addressing ADUs in Unincorporated Salt Lake County.

SUPPORT FROM GENERAL PLANS

It should be noted that ADU development is encouraged as a housing strategy in both the Wasatch Canyons and West General Plans. The Sandy Hills General Plan does not directly address ADU development.

PLANNING STAFF RECOMMENDATIONS

Based on the analysis completed, the planning staff is recommending the following near-, mid-, and long-term actions to facilitate additional ADU construction in Unincorporated Salt Lake County. The planning staff is requesting direction from the Council in moving forward with these recommendations and proposes addressing the needed ordinance revisions immediately.

Recommended Action	Description	Barrier Addressed
<i>Near-Term</i>		
Amend Chapter 19.15 of Salt Lake County Code.	Adopt amendments to Salt Lake County's ADU Ordinance, consistent with Council Memo on Recommended Changes to Salt Lake County Code Chapter 19.15.	REGULATORY: These changes address aspects of the existing zoning related to ADUs, which severely limit the number or properties eligible for ADU construction.
<i>**NOTE: Staff are already working on this item.**</i> Combine land use and building permit steps into a single ADU application for customers.	Retain all steps in the land use and building permit review procedures, but combine them into a single application portal, so that applicants do not have to submit two separate applications to Cityworks.	PROCEDURAL: A combined application reduces redundancy for required information that is shared across applications. The combined application also makes it clear to customers that land use and building permit approvals are all required.
<i>Mid-Term</i>		
Develop a guide to ADU regulations and procedural requirements and work to distribute it to residents.	Create a guidebook for potential applicants to use in reviewing requirements and preparing their ADU application. The guide would summarize key ordinance requirements, explain the application process, and connect applicants with additional resources (as applicable).	REGULATORY and PROCEDURAL: This action addresses survey respondents' feedback that they are largely unaware of what regulations impact their ability to develop an ADU. A guidebook also provides extra support to homeowners who may have little prior experience applying for permits.
Create a document or web page that connects potential applicants with funding sources available for ADU construction.	A document or webpage would synthesize available funding mechanisms for ADU design or construction. It would also connect potential applicants to non-profits, funding programs, and other resources outside of the County that support residents in adding ADUs to their property (i.e. ADU Utah).	FINANCIAL: The upfront costs of developing an ADU can be burdensome for property owners. In the mid-term, Salt Lake County can assist by directing applicants to already available resources.

<i>Long-Term</i>		
<p>Develop an acceptance program for pre-existing, illegal ADUs.</p>	<p>Acceptance programs create a formal pathway through which pre-existing, illegal ADUs can become legal. Acceptance programs typically offer some sort of incentive to get owners of illegal units to come into compliance, including permitting fee reductions, or waivers of non-life-and-safety related zoning regulations.</p>	<p>POLITICAL and FINANCIAL: Several survey respondents feared that adding an ADU to their property would incite complaints from their neighbors. Neighborhood opposition largely stems from issues with code enforcement or illegal units. Working to bring illegal ADUs up to code can improve neighborhood perception of ADUs and help protect tenants. Incentives provided through an acceptance program may encourage owners of illegal units to come into compliance.</p>
<p>Seek funding sources to allow for the creation of a grant or revolving loan fund to assist applicants in converting existing spaces into ADUs.</p>	<p>As funding becomes available, a program could be created to provide financial assistance to ADU applicants. Financial assistance may be used for design or construction costs and could be paired with a stipulation that the constructed units be offered at below-market rent for a specified time period.</p>	<p>FINANCIAL: This action directly addresses financial barriers faced by applicants by creating a new funding source to aid in up-front development costs.</p>
<p>Partner with local universities or non-profits to offer design assistance to potential ADU applicants.</p>	<p>A design assistance program would require a partnership between a non-profit, educational institution, or other entity and Salt Lake County. Such a program could be mutually beneficial if it provides learning experiences for students in planning and architecture. Outside organizations would aid applicants in preparing building plans that meet County ordinances.</p>	<p>FINANCIAL: A design assistance program would offer lower-cost services to potential ADU applicants, while ensuring that County ordinances are still upheld.</p>

From: [REDACTED]
To: [Wendy Gurr](#)
Subject: RE: Title 19.15 ADU Draft Amendment
Date: Monday, April 1, 2024 1:11:14 PM
Attachments: [image001.png](#)

Thank you Wendy: I opinion that the Commissioners should define: Moderate, Moderate income in the Ordinance.

It is:

Moderate income is a term that refers to the income level that is close to the average income for the area or population¹². The exact definition may vary depending on the source, but generally, moderate income is between 50% and 80% of the area median income (AMI)³⁴². The AMI may be adjusted for the size of the household or family

The following:

H.Ensure that [accessory dwelling units]ADUs are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to **Building and** renting the ADU.

Please send to the Commissioners: The setbacks for a ADU are outrageously small and Imperialistic. I would be livid if I had a ADU structure with people living in it behind my house or on a side yard that was six feet away from my property line. Such drastically changes the look and feel of a single family residence neighborhood. An ADU is not small like a shed or storage unit. This setback allows for very dense housing standards, which I oppose in my current living are of Dimple Dell on a greater than half acre lot.

Michael Braun

[REDACTED] Sandy 84092

From: Wendy Gurr <WGurr@msd.utah.gov>
Sent: Monday, April 1, 2024 12:50 PM
To: [REDACTED]
Subject: Title 19.15 ADU Draft Amendment

Michael,

Attached please find the proposed draft ADU Amendment.

Thank you,

Wendy Gurr

Planning Coordinator
Planning & Development Services
Greater Salt Lake Municipal Services District
2001 S. State St., Suite N3-600
Salt Lake City, UT 84190