

Meeting Body: Salt Lake County Council

Meeting Date: April 8, 2025

Planner: Brian Tucker, Planning Manager

Project Name and File Number:
OAM2025-001366 –

Proposed Ordinance of General Revision, Amending Section 19.15.140, Entitled “Retention of Single-Family Residence Status and Verification of Water and Sewer” of the Salt Lake Code of Ordinances, 2001, to Allow Separate Metering for Detached Accessory Dwelling Units; and Making Other Related Changes

Project Type:

Amend Text Ordinance

Areas Affected: Unincorporated Salt Lake County

Staff Recommendation:

Recommend Approval of the attached Ordinance Text Amendment

Attachments:

1. Proposed Ordinance



SUMMARY/BACKGROUND

In response to a mandate from the Utah Legislature, in 2021 the County adopted an ordinance allowing Accessory Dwelling Units (ADU’s) in most parts of Salt Lake County. During the legislative session, local jurisdictions had concerns about ADU’s becoming duplexes. These concerns led to ordinances intended to ensure that ADU’s continued to be owner occupied. To ensure that end, Salt Lake County requires the owner of an ADU to sign and record an affidavit stating that the property owner will live in either the primary dwelling or the ADU. Salt Lake County also requires that the units not be metered separately from each other. This has recently become an issue for at least one resident of Unincorporated Salt Lake County, resulting in the Salt Lake County Council initiating a zoning text amendment.

ISSUES TO CONSIDER

When the ADU mandate was being discussed, the Utah League of Cities and Towns, on behalf of local jurisdictions throughout the state, lobbied to ensure that local jurisdictions could require that the units not be separately metered. It was thought that this, along with recording an affidavit stating the property owner will live in one of the two units, was a method to ensure that the newly mandated units be owner occupied.

Salt Lake County’s ADU ordinance included Subsection 19.15.140 (B), which reads: “ADUs may not be separately metered apart from the single-family residence”. This is not a hardship when the two units are part of the same building. In most cases it will be a continuation of the status quo. The potential issue is with detached accessory structures. In order to utilize the same meter on a detached accessory dwelling unit, a new line must be buried in conduit. If another means

of tying into the electrical grid exists closer to the detached ADU, it may be more cost effective to tie into that nearer location, utilizing a second electrical meter.

PROPOSED AMENDMENT

As a result of the Council's direction on the issue, the Staff recommend that Salt Lake County's code, Section 19.15.140 be amended as follows:

19.15.140 - Retention of single-family residence status and verification of water and sewer.

- A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.
- B. ~~ADUs~~ IADU's may not be separately metered apart from the single-family residence. Detached ADU's may be separately metered so long as the property owner is billed for both.
- C. Applications for ADUs must include submittal of written verification from water and sewer providers that water and sewer are available to the ADU (or in the event of a septic system, verification from the Salt Lake Health Department that the system meets applicable regulations and is performing properly).
- D. ADUs may not be sold or subdivided separately from the single-family residence.

PLANNING COMMISSION RECOMMENDATION

Mountainous Planning District Planning Commission. On March 20, 2025, the Mountainous Planning District Planning Commission held a public hearing on the proposed ordinance. After allowing public comment, the Mountainous Planning District Planning Commission recommended that the County Council approve the attached ordinance.

Salt Lake County Planning Commission. On March 26, 2025, the Salt Lake County Planning Commission held a public hearing on the proposed ordinance. Salt Lake County Planning Commission recommended that the Council approve the exception to the metering ordinance for IADU's and eliminate the requirement for the electrical bill for both units be in the property owner's name. In discussions among themselves after closing the public hearing, the SLPCPC reached a consensus that because the County does require the owner occupation affidavit, and because the fact that the bill for the power could be sent to the owner regardless of where they lived (owner occupied ADU or not), that this was an unnecessary requirement. The SLPCPC did make their motion subject to staff research on the subject

STAFF RECOMMENDATION

No meaningful research is available on the subject of electrical billing and its effects on owner occupancy for ADU's. The MSD Staff, Mayors Office and DA's Office discussed the proposal to drop the billing requirement. Staff reached a consensus that the billing requirement was only a

minor inconvenience to the ADU owner but had value in ensuring that ADU's did not become two-unit multi-family housing rather than the intended owner occupied home with an additional unit.

Staff recommends that the Council adopt the ordinance as presented.