



Briefing Memorandum

To: Salt Lake County Council

From: Brian Tucker, MSD Planning Manager

Subject: FCOZ Wildland Urban Interface Amendments

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Summary/Background

Salt Lake County Office of Regional Development staff raised the need to update FCOZ to be more consistent with the Utah Wildland-Urban Interface code and its goals of mitigating wildfire risk. Of particular concern were questions regarding creation of defensible space, whether permits were needed to do so, and tree replacement requirements that have increasingly become incompatible with the goals of WUI. District Attorney staff, ORD staff, MSD Planning staff, and UFA staff have been working together to discuss and address these and other issues, as summarized below.

Issues to Consider/Action Items

1. Geographic area covered by WUI. Current County ordinance has the following ambiguous description of the geographic area covered by WUI: "ravines, gullies, hillsides, vacant land, or mountainous areas where natural vegetation exists (including oak brush, conifers, sage brush, and other indigenous trees and plants), such that a distinct fire hazard is clearly evident to a reasonable person." The proposed ordinance has a much clearer description: all areas within the unincorporated Salt Lake County Foothills and Canyons Overlay Zone, Forestry Zones, and Foothill Agriculture Zone.
2. WUI code official and appeal authority. Even though current County ordinance incorporates WUI, it does not specify who the WUI code official or appeal authority is. The proposed



ordinance specifies that the WUI code official is the MSD Planning Director, in coordination with the Mayor. The proposed ordinance specifies that the appeal authority for all but WUI building code issues shall be the County's land use hearing officer (with WUI building code issues to be heard by an ad hoc board of appeals created for that purpose).

3. Permits for creating defensible space. A common complaint from property owners was the ambiguity in FCOZ relating to whether a permit was required to remove vegetation in order to create defensible space. The proposed ordinance provides that a permit is not required for this purpose. However, if more vegetation is removed than required by WUI, the property owner will be subject to the penalties for unlawful removal of significant trees and the general penalty provisions in Title 19.
4. Other defensible space issues. The proposed ordinance clarifies that defensible space may not be created within 50' of a stream, consistent with FCOZ stream setbacks, and borrowing from a provision from Brighton's ordinance relating to defensible space. The proposed ordinance also requires construction of new development to use fire-resistant vegetation in the 30' defensible space area.
5. Tree replacement. ORD and District Attorney staff met with officials from the Forest Service and UFA, and both expressed concern about the County's tree replacement requirements, due to already heavy fuel loads (too much vegetation) in WUI areas.
 - a. Accordingly, the proposed ordinance outlines the following additional exceptions to tree replacement requirements:
 - i. No tree replacement is required if the property at issue cannot accommodate additional trees under UFA's plant spacing guidelines.
 - ii. Even if the lot can accommodate additional trees, no tree replacement is required if the ignition risk of the property is at the highest level, as determined by UFA.