

SALT LAKE COUNTY COUNCIL

September 10, 2024



WILDLAND URBAN INTERFACE (WUI) ORDINANCE AMENDMENTS



Project Name and File Number: OAM2024-001119 –
FCOZ Wildland Urban Interface Amendments

Meeting Body: Salt Lake County Council

Meeting Date: September 10, 2024

Planner: Brian Tucker, Planning Manager

SUMMARY/BACKGROUND

- Foothills and Canyons Overlay Zone (FCOZ) not consistent with the Utah Wildland-Urban Interface (WUI) 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 increasingly 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.

ISSUES TO CONSIDER/ACTION ITEMS

Geographic area covered by WUI

- Current County ambiguously describes the geographic area covered by WUI as: “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.”
- Proposed described more clearly as: “all areas within the unincorporated Salt Lake County Foothills and Canyons Overlay Zone, Forestry Zones, and Foothill Agriculture Zone.”

ISSUES TO CONSIDER/ACTION ITEMS

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).

ISSUES TO CONSIDER/ACTION ITEMS

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.

ISSUES TO CONSIDER/ACTION ITEMS

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.

ISSUES TO CONSIDER/ACTION ITEMS

Tree replacement.

- Staff met with the Forest Service and UFA.
- Both expressed concern about the County's tree replacement requirements, due to heavy fuel loads (too much vegetation) that exist in WUI areas.
- Accordingly, the proposed ordinance outlines the following additional exceptions to tree replacement requirements:
 - No tree replacement is required if the property at issue cannot accommodate additional trees under UFA's plant spacing guidelines.
 - 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.

PUBLIC HEARING COMMENTS

- A single stakeholder requested a tree replacement exception for trees along roads in FCOZ to address overgrowth and its impacts on travel and clear views.
- Another stakeholder asked that application of WUI be limited to new development.

TREE REPLACEMENT EXCEPTION

Existing ordinances already address the concerns that were raised:

- SLCO Code section 14.12.040(C): Landscaping infringing on clear view of intersecting streets (and driveways) and creates a safety hazard may be trimmed by the operation division
- SLCO Code section 14.12.050: Trees and landscaping overhanging the street shall be trimmed to 13½ feet above the street
- Staff recommends language in the proposed FCOZ/WUI ordinance acknowledging these other sections and adding an exception for “The trimming of trees and landscaping which overhang roads in accordance with Salt Lake County Roadway Development Standards.”
- If Council is inclined to study the issue further staff recommends that such study take place after adoption of the proposed ordinance

WUI APPLICABILITY

- Another stakeholder asked that application of WUI be limited to new development
- Neither planning commission recommended changes to address this concern
- To address this concern, Staff notes that:
 - WUI Standards are adopted by the state, this ordinance primarily addresses contradictions in FCOZ
 - Fire protection standards in WUI chapter 6 and WUI appendix A apply to both new development and existing development
 - The County is not in a position to exempt properties from state requirements

MAYOR'S OFFICE INITIATIVES

Salt Lake County Mayor's Office:

- Is seeking grants to assist property owners to create defensible space for their existing properties
- Plans to educate property owners regarding how to create defensible space that is required by WUI
- Does not plan to strictly enforce WUI's defensible space requirements against existing structures in the immediate future, but prefers to provide funding and education to property owners.

FINDINGS

Staff has thoroughly reviewed the drafted ordinance amendment.

Draft was sent to the Sandy Hills and Granite community councils for comment.

Based on that review and analysis, staff finds that:

1. A clear and unambiguous description of the area covered by WUI benefits the public,
2. The designation of a WUI code official and an appeal authority are necessary to implementing the WUI ordinance,
3. The creation of defensible space is beneficial to minimizing the effects of wildfires to life, limb and property, and
4. The replacement of trees beyond the Unified Fire Authority's recommended plant spacing guidelines can contribute to dangerously heavy fuel loads.

STAFF RECOMMENDATION

Staff recommend that the Salt Lake County Planning Commission recommend approval of the attached ordinance to the Salt Lake County Council.