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## SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. \_\_\_\_\_, 2024

### REVISION OF THE SALT LAKE COUNTY CODE FOR CONSISTENCY WITH THE WILDLAND-URBAN INTERFACE CODE

AN ORDINANCE OF GENERAL REVISION, AMENDING TITLE 9, ENTITLED “HEALTH AND SAFETY” AND TITLE 19, ENTITLED “ZONING” OF THE SALT LAKE CODE OF ORDINANCES, 2001, TO PROVIDE GREATER CONSISTENCY WITH THE WILDLAND-URBAN INTERFACE CODE (“WUI”) IN THE FOLLOWING AREAS: 1) REVISION OF CHAPTER 9.90 TO CLARIFY THE SCOPE OF WUI IN UNINCORPORATED SALT LAKE COUNTY, THE OFFICIALS WHO IMPLEMENT WUI, AND THE PROCESS FOR CREATING DEFENSIBLE SPACE; 2) REVISION OF THE FOOTHILLS AND CANYON OVERLAY ZONE (FCOZ) TO CLARIFY INTERACTION BETWEEN WUI AND FCOZ; 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 9.90 of the Salt Lake County Code of Ordinances is amended as follows in order to clarify the scope of WUI in unincorporated Salt Lake County, the officials who implement WUI, and the process for creating defensible space.

#### **9.90.010 Findings.**

The council finds that certain wildland-~~sub~~urban interface areas exist in the unincorporated county and that preservation of public health, safety and welfare requires compliance with the Utah Wildland-Urban Interface Code, together with the restriction of fireworks, smoking and other fires in such areas and certain surrounding areas as specified below, to reduce the risk of potentially devastating wildfires in the county.

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### 9.90.020 Definitions.

- A. As used in this chapter, the term "wildland-~~[sub]~~urban interface areas" shall mean ~~[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, and where that area is within a township created in the unincorporated area of the county, pursuant to state statute]~~ all areas within the unincorporated Salt Lake County Foothills and Canyons Overlay Zone, Forestry Zones, or Foothill Agriculture Zone.
- B. ~~[Without limiting the foregoing, "wildland-suburban interface areas" shall also include those areas designated within a township as a fire hazard on an annual basis by the Unified Fire Authority on maps conveyed to and approved by the council in an open meeting and posted and made available on the county's website and in the offices of the county clerk.]~~

### 9.90.025 Wildland-Urban Interface Code (WUI).

- A. Adoption of WUI. The Utah Wildland-Urban Interface Code, 2006 Edition, published by the International Code Council, together with any future amendments adopted by the county legislative body, is hereby adopted as the Wildland-Urban Interface Code of Salt Lake County ("Wildland-Urban Interface Code") for the regulation and governance of the mitigation of hazard to life and property from the intrusion of wildland exposure, fire from adjacent structures, and prevention of structure fires from spreading to wildland fuels in unincorporated Salt Lake County.
- B. Incorporation of WUI. Utah Wildland-Urban Interface Code, 2006 Edition, published by the International Code Council, together with any future amendments thereto adopted by the county legislative body ~~[shall, be maintained as public records in the Salt Lake County~~

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~~Public Works Department, Planning and Zoning Development Services Division of Salt Lake County~~] are incorporated as a part of this Section.

- C. WUI Code Official. The Code Official specified in the Wildland-Urban Interface Code shall be the Director of the Greater Salt Lake Municipal Services District Planning and Development Services Division, subject to the direction of the Mayor at the Mayor's discretion.
- D. WUI appeal authority. The appeal authority specified in the Wildland-Urban Interface Code shall be as follows: 1) to the extent appeals are from decisions implementing WUI as a construction code, the appeal authority shall be the board of appeal referenced in the International Building Code; 2) for all other appeals from decisions implementing WUI, the appeal authority shall be the land use hearing officer referenced in Salt Lake County Code Chapter 19.92.
- E. Permits for creating and maintaining defensible space. No permit is required to create or maintain defensible space that the Wildland-Urban Interface Code requires. However, to the extent creation or maintaining defensible space results in removal of more vegetation than is required by WUI, the person responsible for such removal is subject to the applicable requirements and penalties of Salt Lake County Code section 19.72.110.
- F. Defensible space near streams. Defensible space shall not be created or maintained within 50 feet of the ordinary high-water mark of an ephemeral or perennial stream as defined in Salt Lake County Foothills and Canyons Overlay Zone.

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G. Inconsistencies between WUI and Salt Lake County Code. If there are any inconsistencies between the Wildland Urban Interface Code and the Salt Lake County Code, the more restrictive provision shall apply.

**9.90.050 Penalty.**

Each violation of this chapter shall be a Class B misdemeanor and/or subject to civil penalties outlined in chapter 19.94 and the process outlined therein.

SECTION III. Chapter 19.72 of the Salt Lake County Code of Ordinances is amended as follows to clarify interaction between the Wildland-Urban Interface Code and Salt Lake County's Foothills and Canyon Overlay Zone.

**19.72.030 FCOZ Development approval procedures.**

- A. Purpose. The purpose of this section is to outline the site plan application and approval process required for all development or construction activity, including tree/vegetation removal and grading, or subdivision of land, in the foothills and canyons overlay zone.
- B. Joint Applications. Where a process is already established by ordinance or agreement for review and approval of a land use application in the foothills and canyons (such as a subdivision, conditional use or permitted use site plan, development agreement, or variance process), applicable FCOZ standards shall be applied concurrently with the related application. If there is no related land use application under review, the applicant shall be subject to the following process.
- C. Application Process.
  - 1. Pre-Application Meeting.

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- a. Purpose. An informal pre-application meeting with the director is required prior to submitting a site development plan application. The purposes of the pre-application meeting are to provide an opportunity for the parties to discuss:
    - i. The application submittal, review and approval process.
    - ii. The proposed development of the site and its relationship to site conditions and area characteristics, including geologic, hydrologic, and environmental issues.
  - b. Scheduling of Pre-Application Meeting. To request a pre-application meeting, the applicant shall submit a pre-application meeting request on a form provided by the county, together with any required fees and materials. Upon submittal of a complete application, the development proposal shall be scheduled for discussion at a pre-application meeting.
  - c. Attendance. In addition to the director, other county participants in the pre-application meeting may include representatives from the health department, county engineer's office, fire department, Salt Lake City department of public utilities, and any other person or entity the county deems appropriate
2. Site Development Plan.
- a. Application.
    - i. Upon conclusion of the pre-application meeting process, an applicant seeking approval of a development plan shall submit an application form, together with required maps, plans, reports, special requests, and fees, to the director. All submitted materials shall be available for public review.

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ii. Following documentation of assurances provided at the pre-application meeting or field inspections, the director may waive or modify submittal requirements deemed unnecessary.

iii. The director may require additional information, as necessary, to substantiate compliance with the provisions and standards of this chapter and other applicable codes and ordinances. For example, the director may seek technical and policy recommendations from other public agencies with related legal jurisdiction such as the local health department; Unified Fire Authority; state division of wildlife resources; state division of forestry, fire, and state lands; U.S. Forest Service; and U.S. Soil Conservation Service.

b. Staff Review. The director shall review the development proposal for compliance with the standards and processes of this ordinance, including Paragraph D below, and shall document findings in a written report. The report shall specify all areas of noncompliance with regulations together with any recommended modifications or conditions of approval to mitigate detrimental impacts and bring the plan into compliance, and shall be made available to the public and provided to the applicant (unless specifically waived by the applicant) no less than three business days prior to any applicable planning commission meeting.

D. Approval Standards. The following is a summary of site development plan review standards. Failure to document compliance with any of the following may result in denial of a site development application.

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1. The development is consistent with the purposes and intent of the policies, goals, and objectives of any applicable plan, including the Wasatch Canyons general plan, the Salt Lake County regional trails plan, and applicable community general plans, as amended.
  2. The site plan, grading, construction, and development activities comply with the mandatory requirements of the FCOZ, unless modifications or waivers have been expressly granted.
  3. The development complies with all applicable development regulations, standards, requirements, or plans adopted by the local or state authority, including but not limited to water quality and wastewater regulations and the Wildland-Urban Interface Code.

E. Expiration of Site Development Plan/Issuance of a Building Permit.

1. A building permit issued pursuant to the FCOZ site development plan approval process must reference all conditions or stipulations applicable to such approval. All development, construction, and use shall be in accordance with the approved site development plan.
2. An approved site development plan shall be valid for a period of twelve months from the date of the final approval, unless authorized as a multi-phase development.
3. A building permit may be obtained at any time within the twelve-month period. If substantial progress towards obtaining a building permit is not made within the one-year period, approval of the site development plan automatically lapses and the plan is null and void.

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4. A building permit issued for any phase of a development that has received site development plan approval may extend the life of the site development plan for the entire development for an additional twelve months from the date of issuance of the building permit. If any successive twelve-month period expires before a building permit application is filed for a subsequent phase or phases, then the site development plan approval automatically lapses and the plan is null and void as to all undeveloped or un-built phases of the development, unless substantial progress toward obtaining a building permit is demonstrated.
5. A twelve month extension of the life of the site development plan may be obtained subject to paying an extension fee equal to the conditional use and subdivision extension fee in the township services planning review fee schedule on file with township services.
- F. Appeals. Pursuant to Section 19.92.050 of this title, any person adversely affected by a final decision of the zoning authority may appeal that decision to the land use hearing officer.

**19.72.070 Grading standards.**

- A. Prior to issuance of a building permit in accordance with a grading and excavation plan and report for the site approved by the development services engineer; no grading, excavation, or tree/vegetation removal (unless specifically exempted in section 19.72.110) is permitted, whether to provide for a building site, for on-site utilities or services, or for any roads or driveways.

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**19.72.110 Tree and vegetation protection.**

A. Purpose. Protection of existing tree and vegetation cover is intended to:

1. Preserve the visual and aesthetic qualities of the county's foothills and canyons.
2. Encourage site design techniques that preserve the natural environment and enhance the developed environment.
3. Control erosion, slippage, and sediment run-off into streams and waterways.
4. Increase slope stability.
5. Protect wildlife habitat and migration corridors.
6. Conserve energy, in proximity to structures, by reducing building heating and cooling costs.

B. Applicability. These provisions apply to all development in the foothills and canyons overlay zone, with the following exceptions:

1. The removal of dead or naturally fallen trees or vegetation to protect public health, safety, and welfare, which may be removed at all times without a permit.
2. The [~~selective and limited~~] removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, to perform authorized field survey work, or to [~~protect structures from fire consistent~~] comply with the Utah Wildland-Urban Interface Code.
3. The removal of trees or vegetation on land zoned or lawfully used for agricultural and forestry activities, including tree farms, or pursuant to approved forest management programs. In the event a site is substantially cleared of trees pursuant to such legitimate

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activities, no development or site plan applications for other types of development may be accepted by the county within thirty-six months from the date of the clearing.

4. The director has discretion to administratively offer relief of the standards in this section by up to twenty-five percent if either of the following circumstances applies:
  - a. The modification is designed to yield:
    - i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
    - ii. Less visual impact on the property or on the surrounding area; or
    - iii. Better protection of wildlife habitat; or,
  - b. Strict application of the standard(s) would render a site undevelopable.

C. Tree/Vegetation Removal.

1. Outside the Limits of Disturbance. No trees or vegetation may be removed outside the approved limits of disturbance unless specifically exempted by this section.
2. Within the Limits of Disturbance. Significant trees removed from within the limits of disturbance shall be replaced as set forth in this section, unless specifically exempted by this section.
3. Wildfire Hazards and Tree/Vegetation Removal. Defensible space is defined as the required space between a structure and wildland area that, under normal conditions, creates a sufficient buffer to slow or halt the spread of wildfire to a structure.

Appropriate defensible space surrounding a structure is established in Utah Wildland-Urban Interface Code incorporated in UFA Wildland-Urban Interface Site Plan/Development Review Guide. If required by the Wildland-Urban Interface Code,

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~~A~~a copy of the approved fire protection plan shall be submitted to the [~~zoning administrator~~] director for incorporation into the final approval documents.

4. Tree/Vegetation Removal for Views Prohibited. No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site.

D. Replacement of Significant Trees.

1. When a significant tree is removed from inside the established limits of disturbance, which removal is not required by wildland-urban interface standards referenced in B.2. or C.3. above, the applicant or developer shall replace such tree(s) on the lot, according to the following schedule and requirements:
  - a. A significant tree that is removed shall be replaced by two trees with a minimum size of one inch caliper for deciduous trees and a minimum height of four feet for coniferous trees in locations on the lot that ~~are appropriate, feasible, and practical~~ and that comply with [~~fire requirements and standards, as determined by the zoning administrator~~] UFA Wildland-Urban Interface Site Plan/Development Review Guide Plant Spacing Guidelines and defensible space requirements of the Utah Wildland Urban Interface Code. To the extent that is not possible, tree replacement is not required.
  - b. Replacement trees shall be maintained through an establishment period of at least two years. The applicant shall post a bond in the amount of ten percent of the value of all replacement trees guaranteeing their health and survival during the first year of the establishment period.

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2. If the director determines that the remainder of the lot outside the permitted limits of disturbance is heavily wooded, defined as areas of trees with canopies that cover eighty percent of the area, and is not suitable to the planting of replacement trees, the requirement to plant replacement trees ~~[requirement may]~~ shall be waived ~~by the zoning administrator~~. The director shall also waive the requirement to plant replacement trees for properties that require Class 1 ignition-resistant construction in accordance with the Wildland Urban Interface Code, as determined by the local fire authority.

~~[3.] [Planting replacement trees may be allowed by the zoning administrator on parcels within the subdivision or adjoining open space or forest service land upon the written consent of the property owner or representative of the property owner of the parcel(s) where the trees are being planted. In order to minimize disturbance of public land, saplings may be used in lieu of the larger trees listed in subsection 1.(a) above at the rate of ten saplings per required replacement tree, for trees planted on publicly owned land.]~~

E. Revegetation and Land Reclamation Plan.

1. On a parcel of land that has been or will be altered from its natural condition by man-made activities, a revegetation and land reclamation plan prepared and certified by a qualified professional may be required for review and approval by the director. The plan shall incorporate the elements of the fire protection plan (if required by the Wildland-Urban Interface Code), and shall indicate a timeframe for revegetation that is

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- acceptable to the county and that takes into account optimal seasonal growing conditions.
2. The revegetation and land reclamation plan shall depict the type, size, number, and location of any vegetation and trees to be planted and illustrate how the site will be recontoured with sufficient topsoil to ensure that vegetation is successful. All new trees shown on the plan shall:
    - a. Comply with [the Vegetation Clearance Guidelines] all applicable requirements of the Wildland-Urban Interface Code, including the Vegetation Clearance Guidelines;
    - b. Be spaced no closer than twenty feet on center; and,
    - c. Be on the Utah Fire Resistive Species list in the Wildland-Urban Interface Code.
  3. Any slope exposed or created in new development shall be landscaped or revegetated with native or adapted trees and plant material. New vegetation shall be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.
  4. On man-made slopes of twenty-five percent or greater, plant materials with deep rooting characteristics shall be selected to minimize erosion and reduce surface runoff. The planting basin shall be kept level with a raised berm around the base of the plant to help retain moisture.
  5. Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

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6. The land reclamation plan may not include landscaping or other elements that conflict with the approved fire protection plan (if required by the Wildland-Urban Interface Code).

F. Tree/Vegetation Protection During Construction and Grading Activities.

1. Limits of disturbance, as established in Section 19.72.160, shall be shown on the final plans for development and shall be clearly delineated on site with fencing or other separation methods approved by the director prior to the commencement of excavation, grading, or construction activities on the site.
2. Within the limits of disturbance, fencing, at a minimum, shall be placed around each significant tree that will not be removed and around stands of twelve or more smaller trees. Such fencing shall be placed at the edge of the individual or outermost tree's drip zone. No construction, grading, equipment or material storage, or any other activity is allowed within the drip zone, and the fencing must remain in place until all land alteration, construction, and development activities are completed.
3. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks, and more fabric under the area to be filled.
4. If fill creates a tree well or depression around a tree or shrubs, such area shall be filled in or drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.
5. If a significant tree that will not be removed has roots that are cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost. Cutting more than thirty percent is prohibited. Roots shall be pruned cleanly prior to digging and not

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ripped off by heavy equipment. If the tree whose roots have been cut dies within a two year period, the replacement provision in section D above applies.

6. Utility trenches near trees shall be avoided. If a line must be near a tree, tunneling, auguring, or other mitigation measures shall be used.

H. Tree Removal not Authorized by this Section.

1. If a significant tree(s) is removed contrary to any provision in this section, the person(s) responsible for the removal shall pay to the county the value of the tree(s).
  - a. The value of the tree(s) shall be determined by a tree appraiser who is an ISA (International Society of Arboriculture) certified arborist with at least five years of experience appraising trees using the appraisal methods outlined in the current edition of "The Guide for Plant Appraisal," authored by the Council of Tree and Landscape Appraisers (CTLA). The appraiser shall prepare an appraisal report using these methods, and adding to the value from these methods an analysis of the tree(s) contributory value, i.e., the value that the tree(s) contributed to the overall value of the property on which they were located.
  - b. The appraiser shall be chosen by the person(s) responsible for the removal and the county.
  - c. The person(s) responsible for the removal shall pay the cost of the appraisal.
2. If a significant tree(s) is removed contrary to this section, all development and county permitting and processing of the land use application shall be put on hold for up to sixty days from the date of county's discovery of removal. During that time, the county

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will inventory the significant tree(s) that were removed, and the process of valuing the tree(s) that were removed shall commence, pursuant to paragraph 1 above.

3. The person(s) responsible for removing the significant tree(s) shall pay for the cost of site restoration, including the removal of the stump(s). The stump(s) may not be removed until an appraisal is completed pursuant to paragraph 1. above.
4. The person(s) responsible for removing the significant tree(s) shall also replace the tree(s) in accordance with the provisions in this section. The bond referenced in subsection (D)(1)(b) of this section shall be a surety bond for those that unlawfully remove trees.

In addition to the civil penalties provided in paragraphs 1—4 of this subsection (G), the person(s) responsible for removing the significant tree(s) may also be subject to criminal prosecution as a Class B misdemeanor for each significant tree unlawfully removed.

**19.72.170 FCOZ design standards.**

<b>Mandatory</b>	<b>Advisory</b>	<b>N. Preserve existing trees and vegetation</b>
X		Significant trees and vegetation shall be preserved as provided in Section 19.72.110.
<u>X</u>	✕	When landscaping within the thirty-foot fire-break area, the use of fire-resistant plants <u>that meet the Wildland-Urban Interface Code</u> is <del>strongly encouraged</del> <u>required</u> .
X		Dryland species of plants shall be selected for slope re-vegetation.

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SECTION IV. 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:

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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.

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By: \_\_\_\_\_  
MAYOR JENNIFER WILSON  
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes\_\_\_\_\_ No\_\_\_\_\_ Date\_\_\_\_\_

Ordinance Published in Newspaper: Date\_\_\_\_\_

Effective Date of Ordinance:\_\_\_\_\_

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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 9, entitled “Health and Safety” and Title 19, entitled “Zoning” of the Salt Lake Code Of Ordinances, 2001, to provide greater consistency with the Wildland-Urban Interface Code (“WUI”) in the following areas: 1) revision of chapter 9.90 to clarify the scope of WUI in unincorporated Salt Lake County, the officials who implement WUI, and the process for creating defensible space; 2) revision of the Foothills And Canyon Overlay Zone (FCOZ) to clarify interaction between WUI and FCOZ; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
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	_____

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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.