

Meeting Body: Salt Lake County Council

Meeting Date: September 10th, 2024

Planner: Brian Tucker, Planning Manager

Project Name and File Number: OAM2024-001119 –

FCOZ Wildland Urban Interface Amendments

Project Type:

Amend Text Ordinance

Areas Affected: The portions of Unincorporated Salt Lake County within the Foothills and Canyons Overlay Zone (FCOZ)

Key Findings:

- A clear and unambiguous description of the area covered by WUI is beneficial
- A WUI code official and an appeal authority are necessary for implementing WUI ordinances.
- The creation of defensible space is beneficial to minimizing the effects of wildfires to life, limb and property.

Staff Recommendation:

Recommend Approval of the attached Ordinance Text Amendment

Attachments:

1. Proposed Ordinance



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 (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 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

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 the Foothill Agriculture Zone.

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).

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.

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.

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.

- Accordingly, the proposed ordinance outlines the following additional exceptions to tree replacement requirements:
 - o No tree replacement is required if the property at issue cannot accommodate additional trees under UFA's plant spacing guidelines.
 - o 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.

PLANNING COMMISSION RECOMMENDATION

Salt Lake County Planning Commission. On June 13, 2024, the Salt Lake County Planning Commission held a public hearing on the proposed ordinance and recommended that the County Council approve the attached ordinance.

Mountainous Planning District Planning Commission. On June 20, 2024, the Mountainous Planning District Planning Commission held a public hearing on the proposed ordinance. Two members of the public made notable public comments, after which the Mountainous Planning District Planning Commission recommended that the County Council approve the attached ordinance.

PUBLIC COMMENTS WITH STAFF RESPONSE

Tree Replacement Exception

1. 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. In response to that concern, the MPD PC recommended that the Council direct a study of the issue.
2. After the PC meeting, staff reviewed the following existing County ordinances, which already address the concerns that were raised:

- a. SLCO Code section 14.12.040(C): "Landscaping material which infringes the clear view of intersecting streets and creates a safety hazard after due notice to property owner has been given, may be trimmed by the operation division." Intersecting streets includes driveways that intersect roads.
 - b. SLCO Code section 14.12.050: "Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet above the street pavement."
3. In response to the PC recommendation, staff has included the following language in the proposed FCOZ/WUI ordinance update that acknowledges these other sections of the County Code: (Adding to the list of exceptions from the Tree and vegetation protection standards in section 19.72.110) "The trimming of trees and landscaping which overhang roads in accordance with Salt Lake County Roadway Development Standards." This same section already acknowledges an exception for removal of trees to obtain clear visibility at driveways or intersections. (See this section in the attached revised draft).
 4. If the Council is inclined to study the issue further notwithstanding the proposed additional language, staff recommends that such study take place after adoption of the proposed ordinance and be initially limited to the question of whether and to what extent a problem of overgrowth on roads and intersections in FCOZ boundaries exists, after which staff can present its findings to the Council and obtain additional direction.

Applicability of WUI to existing structures

1. Another stakeholder asked that application of WUI be limited to new development. Neither planning commission made any recommended changes to address this concern, but staff anticipates a similar concern to be raised with the Council, so it responds to the concern as follows:
 - a. The fire protection standards in WUI chapter 6 (which largely addresses defensible space) and the general standards in WUI appendix A apply to both new development and existing development. See WUI sections 601.1 and A101.1. It would therefore be contrary to WUI to limit the application of WUI to just new development.
 - b. Salt Lake County Mayor's Office is seeking grants to assist property owners to create defensible space for their existing properties.
 - c. Salt Lake County Mayor's Office plans to educate property owners regarding how to create defensible space that is required by WUI.
 - d. Salt Lake County Mayor's Office 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.

STAFF RECOMMENDATION

MSD Planning Staff has thoroughly reviewed the drafted ordinance amendment. Both the Salt Lake County and the Mountainous Planning District Planning Commissions have recommended approval of the attached ordinance. In addition, the draft was sent to the Sandy Hills and Granite community councils for comment. Based on its 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 and ignition risk standards can contribute to dangerously heavy fuel loads.

Therefore, the Planning Staff, the Salt Lake County Planning Commission , and the Mountainous Planning District Planning Commission recommend approval of the attached ordinance to the Salt Lake County Council.