

# Alta Planning Commission

## Staff Report



**To:** Alta Planning Commission

**From:** Chris Cawley, Assistant Town Administrator

**Re:** Wildland-Urban Interface, Defensible Space Provisions

**Date:** June 20, 2019

**Attachments:** 2006 Utah Wildland Urban Interface Code, Salt Lake County FCOZ Excerpt

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### Background:

In May 2019, the Alta Planning Commission began a discussion of how the commission could support wildfire preparedness and prevention in Alta. Staff presented on the Town of Alta Community Wildfire Preparedness Plan and introduced alternative regulatory approaches and community programs other jurisdictions have adopted or are considering. These examples included the 2006 State of Utah Wildland-Urban Interface (WUI) Code, a comprehensive template of building and development regulations, as well as examples of vegetation management and defensible space regulations in nearby communities.

Staff researched adoption and implementation of the WUI Code in other Utah local jurisdictions and found that while many jurisdictions have considered adopting the code, most have not adopted it, have adopted the WUI Code and rescinded it, or have adopted it but may not apply it consistently. For example, Park City adopted most of the WUI Code by reference in 2016 but has since rescinded the adoption due partially to the incompatibility of WUI code building materials and defensible space requirements with other regulations in place in certain Park City neighborhoods. Recently, several departments of Park City Municipal Corporation have begun collaborating on a new Wildfire Protection Ordinance, which at present will focus primarily on defensible space and vegetation management requirements.

Park City's finding of incompatibility between existing regulations, local development patterns, and the WUI Code does not necessarily indicate the WUI Code would create similar hardship in Alta, and staff has not identified a clear indication that such would occur. However, the WUI Code would create additional requirements and review criteria for development in Alta, and some structures are likely to be out of compliance with provisions of the WUI Code. For this reason, the Town will need to consider whether to pursue the WUI Code, to pursue a model like that being considered in Park City. The

following is a summary of highlights from these two approaches, and recommendations for next steps.

**2006 Wildland Urban Interface Code:**

Declaration

The legislative body of a jurisdiction adopting the WUI Code declares, maps, and regularly reviews specific areas within the jurisdiction as wildland-urban interface areas, in conjunction of the Division of Forestry, Fire, and State Lands.

Ignition Resistant Construction Requirements

A key element of the WUI Code is a schedule of *ignition resistant construction* (IR) requirements, water supply requirements, and defensible space requirements that change based on a site-specific assessment of fire hazard. Table 503.1 (page 15, 2006 WUI Code) illustrates how a property’s IR class is determined based on these factors. There are three IR classes, defined in sections 504-506 (pages 15-17), with Class One requiring the highest level of fire-resistant construction:

TABLE 503.1  
IGNITION-RESISTANT CONSTRUCTION<sup>a</sup>

DEFENSIBLE SPACE <sup>c</sup>	FIRE HAZARD SEVERITY					
	Moderate Hazard		High Hazard		Extreme Hazard	
	Water Supply <sup>b</sup>		Water Supply <sup>b</sup>		Water Supply <sup>b</sup>	
	Conforming <sup>d</sup>	Nonconforming <sup>e</sup>	Conforming <sup>d</sup>	Nonconforming <sup>e</sup>	Conforming <sup>d</sup>	Nonconforming <sup>e</sup>
Nonconforming	IR 2	IR 1	IR 1	IR 1 N.C.	IR 1 N.C.	Not Permitted
Conforming	IR 3	IR 2	IR 2	IR 1	IR 1	IR 1 N.C.
1.5 x Conforming	Not Required	IR 3	IR 3	IR 2	IR 2	IR 1

Defensible Space

Defensible space is defined in Section 603 of the WUI Code (page 19) as *an area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur*. Fuel Modification Distance requirements of between 30 and 100 feet are based on the same hazard assessment used to determine IR classification. Individual trees and “small clumps” of trees must be pruned to provide 10 feet of horizontal clearance, and 6 feet above the ground surface. Owners of structures are required to modify or remove non-fire-resistive vegetation and dead vegetation from within defensible space and adjacent to the structure.

Plan Requirements

Permit applicants must submit a fire protection plan with requirements specific to

wildland fire hazard; a vegetation management plan detailing fuel reduction measures evaluated under a list of Utah Fire Resistant Species (page 25); and a “vicinity plan” detailing conditions within 300’ of property lines.

#### Fire Hazard Severity Form

The hazard assessment used to determine IR classification and defensible space requirements is included in the WUI Code template on page 27.

#### Nonconformance

The WUI Code template specifies in Section 101.1 (page 1) that *buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a distinct danger to life or property.*

#### Known Unknowns

Having not assessed individual properties in Alta based under the Fire Hazard Severity Form, it is difficult to understand the WUI Code’s impacts on the development of unbuilt lots, or the conformity of existing structures to the WUI Code. Many structures in Alta are built of fire-resistant exterior and roofing materials, but some are not.

#### **Park City Wildland Fire Protection Ordinance**

The draft ordinance in development at Park City Municipal Corporation is still in the very early stages and has not yet been presented at a public meeting in Park City. What exists of an incomplete draft is fairly limited in scope, but it is consistent with wildland fire prevention measures in similar communities, and it presents an opportunity for the town to follow along as a nearby jurisdiction pursues a shared goal.

#### Vegetation Requirements, Ignition Zones

The primary effect of the proposed ordinance is to establish concentric areas around an existing or proposed structure in which vegetation is managed according to its proximity to the structure.

- The *Immediate Ignition Zone* is up to 5 feet from a structure.
- The *Intermediate Ignition Zone* is between 5 feet and 30 feet of a structure.
- The *Extended Ignition Zone* is between 30 and 100 feet of a structure.

Each ignition zone has its own requirements for tree cluster density and coverage, tree pruning and limbing based on ground clearance and chimney clearance, and understory vegetation requirements. Dead and dry vegetation is required to be removed in all

ignition zones, and small conifers are required to be removed in the extended ignition zone. Ignition zone distances can be modified based on slope.

### Home Hardening

Another section will create requirements that structures and grounds are routinely cleared of debris such as leaves and needles; this section will also speak to construction materials and design requirements for roofs, eaves, decks, fences, and windows.

### **Conflicts with Current Regulations in the Town of Alta**

Current Town of Alta Ordinance 9-3, Preservation of Vegetation During Development, is potentially in conflict with both WUI Code defensible space requirements and the general direction of the vegetation management program under consideration by Park City. *Section 9-3-2, Site Plan Approval*, states that

*it is the express policy of the town to preserve as many mature trees as possible. It shall be unlawful for any person to proceed with any development or remove mature trees within the town without first having submitted a site plan and obtaining an approved site plan with respect to vegetation. For single-family residential development, the mayor shall provide said approval. For all other development, the planning commission shall provide said approval. In order to obtain approval to remove mature trees, a person must show that the failure to remove a mature tree will constitute extreme hardship.*

While perhaps it is feasible that an applicant or property owner could achieve adequate defensible space by demonstrating extreme hardship associated with wildfire hazard, maintaining this requirement would generally be contrary to the objectives of common defensible space provisions in wildland-urban interface communities.

*Section 9-3-3, Requirements for Preservation or Replacement*, requires property owners to replace seedlings, saplings, and mature trees with proportionally greater numbers of trees. Replacing trees on the same property from which they're removed could conflict with defensible space requirements, although the town does allow replacement to occur in other locations.

### **Next Steps?**

In order to pursue the WUI Code or a simpler approach to requiring or providing for defensible space, the Town should consider updating Ordinance 9-3, either by creating an exception for tree removal for the creation of defensible space, or by updating *Title 9 – Building Codes* more broadly. One approach could be to Salt Lake County Foothill and Canyons Overlay Zone Section 19.72.110, Tree and Vegetation Protection, refers specifically to WUI Code defensible space standards, and allows removal of mature trees when required by WUI Code defensible space requirements. (Sections C.3, D.1).

Once the conflict between current ordinance and defensible space provisions is addressed, the town will need to determine where to place additional regulations. WUI Code would be applied by the building official and UFA inspectors. An ordinance like Park City's proposed regulation could be written into land use regulations, in which case they would be applied by the planning commission and/or the town administrator. The FCOZ section referenced above is in an ordinance applied by the zoning administrator, but interestingly, Alta's equivalent is not in our zoning ordinance.

Finally, the town should assess wildland fire hazard on a more site-specific basis prior to developing new regulations or adopting the WUI Code.