
ENGROSSED SUBSTITUTE HOUSE BILL 2519

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Dellwo, Wynne, Fraser, D. Sommers and Paris; by request of Department of Natural Resources)

Read first time 02/07/92.

1 AN ACT Relating to fire protection; amending RCW 76.04.005; adding
2 a new section to chapter 76.04 RCW; adding a new section to chapter
3 19.27 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington
6 state faces increasing incidents of destructive wildfires in
7 wildland/urban interface areas. The wildfires periodically occur in
8 housing developments that are located in extreme high risk areas. The
9 wildfires threaten the health, safety, and welfare of all persons in
10 the areas. The legislature further finds that fire prevention and fire
11 safety are not currently being considered in the local planning process
12 for new residential housing developments.

13 Therefore, preventive measures must be emphasized, including
14 developing fire prevention and fire protection strategies.

1 **Sec. 2.** RCW 76.04.005 and 1986 c 100 s 1 are each amended to read
2 as follows:

3 As used in this chapter, the following terms have the meanings
4 indicated unless the context clearly requires otherwise.

5 (1) "Additional fire hazard" means a condition existing on any land
6 in the state covered wholly or in part by forest debris which is likely
7 to further the spread of fire and thereby endanger life or property.

8 (2) "Closed season" means the period between April 15 and October
9 15, unless the department designates different dates because of
10 prevailing fire weather conditions.

11 (3) "Department" means the department of natural resources, or its
12 authorized representatives, as defined in chapter 43.30 RCW.

13 (4) "Department protected lands" means all lands subject to the
14 forest protection assessment under RCW 76.04.610 or covered under
15 contract or agreement pursuant to RCW 76.04.135 by the department.

16 (5) "Emergency fire costs" means those costs incurred or approved
17 by the department for emergency forest fire suppression, including the
18 employment of personnel, rental of equipment, and purchase of supplies
19 over and above costs regularly budgeted and provided for nonemergency
20 fire expenses for the biennium in which the costs occur.

21 (6) "Forest debris" includes forest slash, chips, and any other
22 vegetative residue resulting from activities on forest land.

23 (7) "Forest fire service" includes all wardens, rangers, and other
24 persons employed especially for preventing or fighting forest fires.

25 (8) "Forest land" means any unimproved lands which have enough
26 trees, standing or down, or flammable material, to constitute in the
27 judgment of the department, a fire menace to life or property.
28 Sagebrush and grass areas east of the summit of the Cascade mountains
29 may be considered forest lands when such areas are adjacent to or

1 intermingled with areas supporting tree growth. Forest land, for
2 protection purposes, does not include structures.

3 (9) "Forest landowner," "owner of forest land," "landowner," or
4 "owner" means the owner or the person in possession of any public or
5 private forest land.

6 (10) "Forest material" means forest slash, chips, timber, standing
7 or down, or other vegetation.

8 (11) "Landowner operation" means every activity, and supporting
9 activities, of a forest landowner and the landowner's agents,
10 employees, or independent contractors or permittees in the management
11 and use of forest land subject to the forest protection assessment
12 under RCW 76.04.610 for the primary benefit of the owner. The term
13 includes, but is not limited to, the growing and harvesting of forest
14 products, the development of transportation systems, the utilization of
15 minerals or other natural resources, and the clearing of land. The
16 term does not include recreational and/or residential activities not
17 associated with these enumerated activities.

18 (12) "Participating landowner" means an owner of forest land whose
19 land is subject to the forest protection assessment under RCW
20 76.04.610.

21 (13) "Slash" means organic forest debris such as tree tops, limbs,
22 brush, and other dead flammable material remaining on forest land as a
23 result of a landowner operation.

24 (14) "Slash burning" means the planned and controlled burning of
25 forest debris on forest lands by broadcast burning, underburning, pile
26 burning, or other means, for the purposes of silviculture, hazard
27 abatement, or reduction and prevention or elimination of a fire hazard.

28 (15) "Suppression" means all activities involved in the containment
29 and control of forest fires, including the patrolling thereof until

1 such fires are extinguished or considered by the department to pose no
2 further threat to life or property.

3 (16) "Unimproved lands" means those lands that will support grass,
4 brush and tree growth, or other flammable material when such lands are
5 not cleared or cultivated and, in the opinion of the department, are a
6 fire menace to life and property.

7 (17) "Washington state fire services" means the statutorily
8 authorized fire agencies within the state, including public fire
9 departments and districts, state fire fighting units, and federal fire
10 fighting units.

11 (18) "Wildland" means any forest or unimproved lands that have
12 enough flammable vegetative material, to constitute in the judgment of
13 the department, a fire menace to life or property. Wildland, for
14 protection purposes, does not include structures.

15 (19) "Wildland/urban interface or intermix" means a line, area, or
16 zone where structures and other human development meet or intermingle
17 with undeveloped wildland.

18 NEW SECTION. Sec. 3. A new section is added to chapter 76.04 RCW
19 to read as follows:

20 (1) In cooperation with the Washington state fire services, the
21 department shall develop a rating system by July 1, 1993, to evaluate
22 the levels of wildfire risk to existing structures and potential
23 development areas located in the wildland/urban interface or intermix.
24 This system shall be used to identify areas of high and extreme hazard,
25 and shall include a map that displays these areas. The department shall
26 reevaluate the locations of risk areas as necessary, but at least every
27 five years.

28 (2) In designating areas of high or extreme fire hazard under this
29 section, the department shall consult with appropriate federal, state,

1 and local agencies, including but not limited to Washington state fire
2 services, the state building code council, the utilities and
3 transportation commission, and county and city governments. The
4 department shall also solicit participation by the public by whatever
5 means it finds appropriate. The department may hold public hearings in
6 communities affected by the department's designations, may publicize
7 its activity under this section, and may conduct and organize
8 workshops, conferences, and seminars.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.27 RCW
10 to read as follows:

11 (1) By January 1, 1994, each county legislative authority shall
12 adopt an ordinance or resolution to impose fire protection standards
13 for high or extreme hazard areas that have been identified pursuant to
14 section 3 of this 1992 act by the department of natural resources. The
15 ordinance or resolution shall include:

16 (a) Standards for minimum levels of fire protection performance for
17 building materials, including standards for fire resistant roofing
18 materials;

19 (b) Standards for water systems to provide an adequate supply for
20 fire protection needs, and to identify alternative water sources;

21 (c) Standards for the management of flammable vegetation or other
22 combustible growth; and

23 (d) Zoning standards that address access by fire protection
24 services to developed areas.

25 (2) By July 1, 1993, the state building code council shall adopt by
26 rule, guidelines to assist counties in adopting fire protection
27 standard ordinances and resolutions under subsection (1) of this
28 section for high or extreme hazard areas as determined by the
29 department of natural resources. In developing such guidelines, the

1 council shall consult with Washington state fire services, and other
2 individuals or organizations as the council deems appropriate.

3 NEW SECTION. **Sec. 5.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.