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**SUBSTITUTE HOUSE BILL 2519**

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**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.

1       Therefore, preventive measures must be emphasized, including  
2 developing fire prevention and fire protection strategies, and  
3 increased consideration of uniform building code standards.

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

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

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

11       (2) "Closed season" means the period between April 15 and October  
12 15, unless the department designates different dates because of  
13 prevailing fire weather conditions.

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

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

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

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

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

28       (8) "Forest land" means any unimproved lands which have enough  
29 trees, standing or down, or flammable material, to constitute in the

1 judgment of the department, a fire menace to life or property.  
2 Sagebrush and grass areas east of the summit of the Cascade mountains  
3 may be considered forest lands when such areas are adjacent to or  
4 intermingled with areas supporting tree growth. Forest land, for  
5 protection purposes, does not include structures.

6 (9) "Forest landowner," "owner of forest land," "landowner," or  
7 "owner" means the owner or the person in possession of any public or  
8 private forest land.

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

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

21 (12) "Participating landowner" means an owner of forest land whose  
22 land is subject to the forest protection assessment under RCW  
23 76.04.610.

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

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

1 (15) "Suppression" means all activities involved in the containment  
2 and control of forest fires, including the patrolling thereof until  
3 such fires are extinguished or considered by the department to pose no  
4 further threat to life or property.

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

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

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

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

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

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

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

3        (1) By January 1, 1994, each county legislative authority shall  
4 adopt an ordinance or resolution to impose fire protection standards  
5 for high or extreme hazard areas as determined by the department of  
6 natural resources. The ordinance or resolution shall include:

7        (a) Standards for minimum levels of fire protection performance for  
8 building materials, including standards for fire resistant roofing  
9 materials;

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

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

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

16       (2) By July 1, 1993, the state building code council shall adopt by  
17 rule, guidelines to assist counties in adopting fire protection  
18 standard ordinances and resolutions under subsection (1) of this  
19 section for high or extreme hazard areas as determined by the  
20 department of natural resources. In developing such guidelines, the  
21 council shall consult with Washington state fire services, and other  
22 individuals or organizations as the council deems appropriate.

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