

HOUSE BILL REPORT

ESB 6120

As Passed House - Amended:

February 29, 2024

Title: An act relating to the Wildland Urban Interface Code.

Brief Description: Concerning the Wildland Urban Interface Code.

Sponsors: Senators Van De Wege, Braun and Short.

Brief History:

Committee Activity:

Local Government: 2/20/24, 2/21/24 [DPA];
Appropriations: 2/23/24, 2/26/24 [DPA(LG)].

Floor Activity:

Passed House: 2/29/24, 96-0.

Brief Summary of Engrossed Bill
(As Amended by House)

- Requires the Department of Natural Resources to complete a statewide wildfire hazard map and a base level wildfire risk map for each county.
- Allows jurisdictions to complete their own wildfire hazard and base level wildfire risk map for use in applying the International Wildland-Urban Interface Code (International WUI Code) until the statewide maps are complete.
- Specifies which portions of the International WUI Code the State Building Code Council may adopt.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Ranking Minority Member; Berg, Griffey and Riccelli.

Staff: Elizabeth Allison (786-7129).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Local Government. Signed by 27 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Tharinger and Wilcox.

Minority Report: Without recommendation. Signed by 2 members: Representatives Gregerson, Vice Chair; Macri, Vice Chair.

Staff: Dan Jones (786-7118).

Background:

The State Building Code.

The State Building Code (SBC) establishes minimum statewide performance standards and requirements for building construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The State Building Code Council (SBCC) is responsible for updating, maintaining, and amending the SBC. The SBC is comprised of a number of model codes and standards, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, the Uniform Plumbing Code, and the Uniform Plumbing Code Standards.

The International Wildland-Urban Interface Code.

The International Wildland-Urban Interface Code (International WUI Code) is a model code developed and published by the International Code Council, Incorporated (ICC) which supplements a jurisdiction's building and fire codes. The ICC is a nonprofit organization that develops and publishes model codes for building, construction, and design standards. Updates to the codes are developed and published on a three-year cycle.

The International WUI Code establishes minimum regulations for land use and the built environment in designated wildland-urban interface (WUI) areas for the stated purpose of mitigating wildfire hazards. The International WUI Code applies to the construction, alteration, movement, repair, maintenance, and use of any building, structure, or premises within the "wildland-urban interface areas" of a jurisdiction. "Wildland-urban interface area" is defined in the International WUI Code as the geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

Upon completion of the statewide mapping of WUI areas, specified portions of the 2018 International WUI Code are added to the SBC, including provisions on roof coverings and driveways.

All counties, cities, and towns may adopt the International WUI Code in whole or in part. In adopting and maintaining provisions of the International WUI code, any amendment to the International WUI Code may not result in a code that is more than the minimum performance standards and requirements contained in the published model code.

Department of Natural Resources.

The Department of Natural Resources (DNR) has direct charge and responsibility over all matters pertaining to forest fire services in the state. The forest fire related duties of the DNR include enforcing all forest fire related laws, investigating the cause of forest fires, and directing fire suppression efforts. In 2019 the DNR developed a wildland-urban interface map utilizing the United States Department of Agriculture Forest Service Wildfire Hazard Potential data. This WUI map is a tool used to help define wildfire risk.

Summary of Amended Bill:

The DNR must establish and maintain a statewide wildfire hazard map and a base level wildfire risk map for each county based on criteria established in coordination with the state fire marshal office. The hazard map must be available on the DNR's website and must designate areas as low, moderate, high, and very high wildfire hazard. The risk map must also be available on the DNR's website and must designate vulnerable resources or assets based on their exposure and susceptibility to a wildfire hazard. The DNR must establish a method by which local governments may update the wildfire hazard map and wildfire risk map, based on local assessments and approved by the jurisdiction's fire marshal. The criteria and analysis utilized in assessing the wildfire hazard and risk must be made publicly available.

All counties, cities, and towns may complete their own wildfire hazard and base level wildfire risk map for use in applying the International WUI Code, and may continue to use locally adopted wildfire risk maps until a statewide wildfire hazard map and base level wildfire risk map are completed for each county. Six months after a statewide wildfire hazard map and base level wildfire risk map are complete, maps adopted by counties, cities, and towns must utilize the same or substantially similar criteria as the statewide map. All counties, cities, and towns issuing commercial and residential building permits in areas identified as high risk, or very high risk on the statewide map or local map of areas at greatest risk from wildfire, must apply the code as adopted by the SBCC.

Upon completion of the wildfire hazard map and base level wildfire risk map for each county, the SBCC may only adopt those portions of the International WUI Code as set forth in statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony (Local Government):

(In support) The state adopted portions of the International WUI Code in 2018. This bill would make new construction and revisions in fire zones subject to parts of the International WUI Code. Washington was an early adopter of the International WUI Code and the DNR developed a wildfire map. This map does not work, but two western states have come up with a more interactive map where local governments can add input. This bill goes in that direction. This bill keeps the same part of the International WUI Code already adopted. It is important for fire department access and making sure that new construction is more resistant to fire. The posted striker would be really bad. Adopting the full International WUI Code would impact density and increase the cost of housing. The underlying bill was heavily worked for two years with many stakeholders. The striker that implements the full International WUI Code has not been worked at all. The striker takes a bill that was easy to pass and makes it controversial. The underlying bill makes it clear which portions of the International WUI Code are applicable to jurisdictions. The bill from 2018 was ambitious and ahead of its time, but there were some unintended consequences. The DNR is willing to redo its map in the same manner done by other western states. This bill is a win for the environment and a win for the builders. The largest urban communities are not invulnerable to risk of wildfires. High intensity development has different challenges than other areas. This bill is a good approach.

(Opposed) The SBCC voted unanimously to oppose language adopting only portions of the International WUI Code. The SBCC supports the creation of a new map. The process in the bill removes the authority to amend building codes. The development of codes belongs in the policy realm versus the rulemaking realm.

Staff Summary of Public Testimony (Appropriations):

(In support) The bill is intended to fix an unanticipated problem following the passage of Engrossed Substitute Senate Bill 6109 in 2018, which required the Department of Natural Resources (DNR) to create a map and local governments to implement certain parts of the Wildland Urban Interface Code when the map was completed. The previous DNR-created map was not useful for its intended purpose. This bill would create new maps based on wildfire risk, considering factors such as terrain, climate, and water availability. There has been a lot of work with stakeholders leading up to this bill over the previous couple of years and the bill is broadly supported. Passing the bill this year is important because under current law, local governments are now out of compliance.

(Opposed) None.

Persons Testifying (Local Government): (In support) Senator Kevin Van De Wege, prime sponsor; Christine Rolfes, Kitsap County; Sandy Shettler, Tree Action Seattle; Carl Schroeder, Association of Washington Cities; Paul Jewell, Washington State Association of Counties; Brad Medrud, City of Tumwater; and Joshua Morris, Birds Connect Seattle.

(Opposed) Todd Beyreuther, Washington State Building Code Council.

Persons Testifying (Appropriations): Paul Jewell, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying (Local Government): Lynn Fitz-Hugh, Friends of Trees Committee of Restoring Earth Connection; Michael Feerer, Whatcom Million Trees Project; Eric Seibel, Tahoma Audubon; Marianne Tompkins, Friends of Trees; Charlotte Persons, Black Hills Audubon Society; and Jan Himebaugh, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying (Appropriations): None.