

September 20, 2023

Washington State Building Code Council  
Emailed to sbcc@des.wa.gov

RE: Washington Wildland-Urban Interface Code

Greetings:

On September 15, 2023, the State Building Code Council agreed to further delay the effective date of the 2021 state building codes, including the 2021 Washington Wildland-Urban Interface Code (WWUIC). The new effective date for all 2021 state building codes is March 15, 2024.

We believe the WWUIC effective date delay is appropriate, as the WWUIC (Chapter 51-55 WAC) is unclear and open to multiple interpretations. Further, we request that the State Building Code Council establish a technical committee to address implementation concerns, outlined in detail below. Overall, we have concerns with the complexity, scale, and application of the Washington Wildland-Urban Interface Map; construction requirements; defensible space requirements; applicability to small projects; and inconsistent directives within and between sections of the WWUIC.

Specifically, we request the technical committee address at least the following issues:

**1. Washington Wildland-Urban Interface Map (WA-WUI)**

- The 2019 Washington State Department of Natural Resources (WDNR) map used to apply the WWUIC statewide ignores the fundamental differences in wildfire risk in different parts of the state. There is a real difference in wildfire risk between jurisdictions, such as Aberdeen and Kennewick. We request clarity on how the WUI maps interface with the other means of identifying and mitigating community wildfire risk.
- The 2019 WDNR map is not consistent with how wildfire risk is determined on a national level by the Federal Emergency Management Agency (FEMA) through their Wildfire Risk Index as part of their National Risk Index, or the U.S. Department of Agriculture Forest Service Wildfire Risk to Communities process.
- The map used to determine wildland-urban interface (WWUIC Section 301.1 Scope) is at too large of a scale to be usable for regulation in incorporated areas and does not accurately reflect existing natural and man-made features.
  - As development occurs, the variables for structural density, vegetation density, and proximity will constantly be changing, which means the WDNR mapping will need to be continually updated.

- “Vegetation” is not well defined in the WWUIC, but it is an essential part of the mapping exercise.
- The “simplified” wildland urban interface designation worksheet process for determining the applicable wildland interface designation (WWUIC Section 302.3) is too cumbersome to be applied on a permit-by-permit basis.
  - The mapping is complicated, requiring significant staff time and GIS tools.
  - The mapping requires a detailed GIS process to be run for each permit to determine structural density, vegetation density, and proximity to high-density vegetated area.
- The alternative to using WWUIC Section 302.3 through the findings of fact process in WWUIC Appendix E is even more complicated and unclear.
  - Specifically, WWUIC Appendix E states that “this appendix is for information purposes and is not intended for adoption.”

## **2. Construction Requirements**

- The cost to homeowners and residential developers of implementing the WWUIC will impact a jurisdiction’s ability to meet the state requirements to plan for and accommodate affordable housing and mitigate climate impacts under the Growth Management Act. It is important to be clear and targeted where WWUIC applies and where it does not, because the additional cost of compliance will drive prices upward and reduce carbon sinks. For instance, fire resistant materials are much more costly than traditional materials.

## **3. Defensible Space Requirements**

- The defensible space requirements (WWUIC Section 603) create several conflicts with other state requirements:
  - Critical Area Regulations
    - State critical areas regulations require the maintenance and enhancement of trees and vegetation in critical areas and their buffers, specifically state wetlands and critical habitat.
    - Federal and state endangered and threatened species laws establish specific habitat requirements that conflict with WWUIC defensible space requirements.
  - Shoreline regulations
    - State shoreline regulations specifically require maintaining vegetation in shoreline areas to support salmon recovery.
  - Stormwater regulations
    - The state stormwater regulations and low impact development requirements include using trees and vegetation for stormwater facilities.

- Reducing tree and vegetative cover to meet defensible space and fuel modification distances will increase stormwater runoff and contamination.
- Many jurisdictions have total maximum daily load (TMDL) requirements through their NPDES permits to meet lake, river, and stream temperature maximums. The removal of vegetation and trees conflicts with this obligation. The 2024 state NPDES permit will have a new requirement for tree retention.
  - Water
    - Many jurisdictions do not have the water rights needed to support the irrigation requirements of the WWUIC defensible space requirements.
    - Jurisdictions will not be able to meet their water conservation goals if all vegetation on properties with structures needs to be irrigated.
  - Fire severity can be reduced by implementing a vegetation management plan per WWUIC Chapter 7, but the requirements for a vegetation management plan are vague and it is not clear how a vegetation management plan differs from implementing WWUIC Section 603.
  - The definition of “conforming” and “nonconforming” defensible space as used in WWUIC Table 503.1 Ignition-Resistant Construction is not clear.

#### 4. Applicability to Small Projects

- All building permits that modify an exterior of a structure in the portions of a city subject to the WWUIC, such as replacing a roof or re-siding, would require site plans and need to meet the WWUIC special building construction regulations in WWUIC Chapter 5 and the WWUIC Section 603 defensible space requirements.
- Site plans would be required for small projects, such as reroofs or re-siding, which in turn would require the application of and the WWUIC Section 603 defensible space requirements to existing lots.
- We foresee significant public backlash at the combination of maps that raise questions about accuracy and small project building permits triggering requirements for more costly building materials and removal of mature landscaping to meet defensible space requirements.

#### 5. Clarifications

- Some examples:
  - The choice to follow either WWUIC Section 501 or WWUIC Section 502 and 503 is not clear.
  - It is not clear how the requirements in WWUIC Sections 504 to 507 relate to requirements in WWUIC 501 or the alternative path in WWUIC 502 and 503.
  - WWUIC Section 7 adopts the 2021 International Wildland-Urban Interface Code (IWUIC) Appendix B Vegetation Management Plan, but it does not strike the note “The provisions contained in this appendix are not mandatory unless

specially referenced in the adopting ordinance” or the user notes, which creates confusion over what is required and what is optional. In addition, IWUIC Chapter 7 Referenced Standards is not struck or renumbered in the WWUIC to accommodate adding IWUIC Appendix B Vegetation Management Plan.

- Providing a flowchart as in IWUIC Appendix H would clarify the requirements of the WWUIC.

If you have any questions or would like to set up a time to discuss, please let me know.

Thank you.

Sincerely,

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