



Date: November 16, 2023

Mr. Anthony Doan, SBCC Council Chair  
c/o Washington State Building Code Council

sent via email to Mr. Stoyan Bumbalov, Managing Director SBCC  
cc: sbcc@des.wa.gov

Tony,

Please accept this letter as my public testimony for the November 17, 2023 State Building Code Council meeting on the topic of adoption of the 2021 Washington Wildland-Urban Interface Code (WWUIC).

I am writing to request SBCC provide confirmation of defensible space scoping for additions and alterations, confirmation of minimum defensible space requirements and also confirmation that jurisdictions have the authority to establish a code hierarchy when there are conflicts between defensible space requirements and other State and local critical area regulations that require maintaining existing trees and vegetation.

Issue #1: Confirmation of scoping of defensible space to additions or alterations.

WWUIC Section 101.2 Scope states “The provisions of this code shall apply to construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the wildland-urban interface areas in this jurisdiction.”

WWUIC Section 101.5 further states that “additions or alterations shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this code, provided that the addition or alteration conforms to that required for a new building or structure.”

What is not explicit in WWUIC Section 101.5 is whether the existing SITE is required to comply with defensible space for an addition or alteration. My interpretation of the above two sections together is that defensible space requirements apply to **new** construction of a building or structure in a wildland urban interface (WUI) area. I do not interpret this as requiring defensible space provisions for an addition or alteration to an existing building. The existing SITE would be an existing non-conforming condition permitted to remain. Only the elements that are being added or altered would have to comply with WWUIC.

**Please confirm that defensible space provisions do not apply to additions or alterations to existing buildings.**

*Desired outcome: Revise scoping in WWUIC Chapter 1 or Chapter 6 clarifying that defensible space is not required for additions/alterations to existing buildings.*

## Issue #2: Confirmation of Minimum Defensible Space Requirements

The current defensible space scoping language in WWUIC Section 603.2 states “Buildings or structures constructed in compliance with conforming defensible space category of Table 503.1, shall comply with the fuel modification distances contained in Table 603.2. For all other purposes the fuel modification distance shall be not less than 30 feet or to the lot line, whichever is less.”

Application of “For all other purposes” includes buildings or structures constructed in compliance with the nonconforming defensible space category of Table 503.1. A WWUIC project designed using non-conforming defensible space still requires a minimum fuel modification distance of 30’ or to the lot line, whichever is less. The attached ICC interpretation supports this statement.

What is not clear is whether defensible space is intended to apply to a WWUIC project designed in accordance with WWUIC Sections 501.4 through 501.8. These sections are prescriptive requirements drafted to comply with the original legislation SB6109. These sections require the highest construction outright, Ignition Resistant 1 construction (IR1). There is no requirement to check for “conforming” or “non-conforming” defensible space provisions apply per Table 503.1. Therefore, a prescriptive WWUIC design also falls under “for all other purposes” and the defensible space requirement is the lesser of 30’ or to the lot line. This interpretation matches the language of the code but may not match the intent of the legislation.

If the code language is left as currently adopted, a minimum defensible space of 30’ or to the lot line would be required for all new buildings or structures mapped in a wildland urban interface (WUI) area. The only way defensible space provisions would not apply is to be mapped outside of a WUI area completely.

**Please confirm whether new buildings or structures meeting the prescriptive requirements of WWUIC Sections 501.4 through 501.8 (structure hardening) require a minimum fuel modification distance of 30’ or to the lot line, whichever is less.**

*Desired outcome: Revise scoping in WWUIC Chapter 1 or Chapter 6 clarifying defensible space is not required for new construction complying with the prescriptive requirements of WWUIC Sections 501.4 through 501.8. If a local jurisdiction wants to require defensible space for all new buildings located in a WUIC area, even for a prescriptive WWUIC design, they could opt to do so via local amendment.*

## Issue #3: WWUIC Defensible Space conflicts with Critical Area Requirements

More than 2/3 of Seattle’s ~2800 parcels currently mapped in a WUI area are also designated as an environmentally critical area. State and local requirements for environmentally critical areas can conflict with WWUIC where the mapped critical area and their buffers overlap the minimum defensible space.

WWUIC Section 603.2.2 and Section 604.4 require all trees within the defensible space to have a minimum 10’ crown spacing and be pruned to maintain 10’ horizontal clearance to any structure and 6’ vertical clearance to grade. WWUIC Sections 603.2.3, 604.2 and 604.4.2 address fuel load in the defensible space by requiring a reduction of the amount of nonfire-resistive vegetation and for regular removal of deadwood and litter. Plantings should be spaced to minimize transfer of fire to the structure.

Our environmentally critical area (ECA) requirements protect all trees in the critical area. Deadwood is retained on site. Removal of stumps is not permitted. When there are provisions that do allow removal, revegetation is required elsewhere on the site as mitigation. For ECA, maintaining existing trees and vegetation is important for maintaining slope stability; minimizing erosion; and maintaining diversity for wildlife.

The net effect of enforcing the requirements of all codes is a reduction of buildable area on a parcel as the site gets more and more constrained with vegetation that has to remain, has to be re-established elsewhere on site, and has to be removed to comply with defensible space. This restriction becomes more apparent where parcel sizes are smaller in an urban area.

An option to alleviate conflicts between the codes is to establish a hierarchy (similar to the hierarchy the Building Code has over other codes).

**Please confirm each jurisdiction has the authority to establish a hierarchy between WWUIC requirements and other State and local critical area requirements.**

While this may not yield consistent enforcement across the state, this will give the local code official the ability to assess local wildfire risk versus the risks of fuel modification in a critical area when deciding how to enforce conflicting code requirements.

*Desired outcome: Confirmation that each authority having jurisdiction can establish a hierarchy between WWUIC requirements and critical area requirements may not rise up to the level of a 2021 WWUIC code change, but could be issued as an SBCC code opinion.*

Why are these requests for clarification coming so late?

I understand my questions may seem to be coming late to SBCC. Yes, I have been aware of this code adoption for some time but please know, I have not delayed looking at it. It is simply challenging to adopt a new code. Before we can even get to understanding all the technical requirements and training our staff to enforce the new WWUIC provisions, we had to incorporate WWUIC into our [local GIS](#) mapping, evaluate the accuracy of the mapping, implement changes needed to incorporate the new code into our electronic permitting system; provide [WWUIC info on our public website](#); revise different types of permits to reflect WWUIC requirements; [create public outreach documents](#). The list goes on. Really digging into the language of the code to understand code intent and the potential conflicts in interpretation is where we are at today.

Thank you for your consideration of these comments. I look forward to the resulting SBCC decisions today.

Sincerely,

Ardel Jala, PE  
Building Official  
Seattle Department of Construction & Inspections  
Ph: 206.684.0573  
[Ardel.Jala@seattle.gov](mailto:Ardel.Jala@seattle.gov)

Attachment

## Jala, Ardel

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**From:** Jala, Ardel <Ardel.Jala@seattle.gov>  
**Sent:** Tuesday, October 31, 2023 1:02 PM  
**To:** Barker, Kim  
**Subject:** FW: ICCTO-1550 Nonconforming Defensible space

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My question to ICC:

Table 501.3 provides a compliance path that permits non-conforming defensible space. The commentary states that nonconforming is defensible space that does not meet the requirements in section 603. Section 603.2 Fuel Modifications states *"Buildings or structures, constructed in compliance with the conforming defensible space category of Table 503.1, shall comply with the fuel modification distances contained in Table 603.2. For all other purposes the fuel modification distance shall be not less than 30 feet (9144 mm) or to the lot line, whichever is less."* The confusing language is "for all other purposes.". Is the intent that a fuel modification distance of 30' or to the lot is required even for nonconforming defensible space? OR is it that NO provisions of 603 apply when Table 501.3 permits non-conforming defensible space?

Keith Enstrom (WUIC Secretariat) from ICC is stating below that non-conforming defensible space means no less than 30' or to the lot line where WUIC applies.

### **Ardel Jala, PE**

Building Official

[Seattle Department of Construction and Inspections](#)

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**From:** kenstrom <jira@icc-ts.atlassian.net>  
**Sent:** Monday, October 9, 2023 8:34 AM  
**To:** Jala, Ardel <Ardel.Jala@seattle.gov>  
**Subject:** ICCTO-1550 Nonconforming Defensible space

**CAUTION: External Email**

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Reply above this line.

kenstrom has commented on your request:

Ardel Jala,

The IWUIC addresses multiple criteria for the protection of structures built within the areas it is intended to apply. Defensible space is just one of these criteria. The other criteria used in Table 503.1 are fire hazard severity, water supply and the type of ignition-resistant construction. In order to be conforming to the defensible space criteria, the building has to conform to the distances in Table 603.2. This is one purpose of the statement in Section 603.2 you

have asked about, "For all other purposes the fuel modification distance shall not be less than 30 feet or to the lot line, whichever is less." It refers to a non-conforming defensible space. As stated in Section 503.1 buildings and structures hereafter constructed, modified or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with Table 503.1. The first column on the left side of Table 503.1 lists 3 different possible conditions of conformance to the defensible space requirements listed in Table 603.2 as noted in footnote c of Table 503.1. The defensible space requirements are to be applied to each separate property lot individually. However as noted in Section 503.1, buildings and structures hereafter constructed, modified or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with Table 503.1. If the property location is in a fire hazard severity area as determined by Section 502.1 and has a water supply that is conforming or non-conforming as determined by Section 404, then the defensible space conformance requirements are determined by which row allows the type of ignition resistant construction that is proposed to be built.

Again, Section 503.1 states that buildings and structures hereafter constructed, modified or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with Table 503.1. Note that in accordance with Sections 101.4 and 102.6, buildings and structures in existence before the adoption of the code, are not subject to the requirements of Section 503.1 if they are not being modified or relocated. This is the other purpose of the statement in Section 603.2 you have asked about, "For all other purposes the fuel modification distance shall not be less than 30 feet or to the lot line, whichever is less." It refers to buildings and structures that do not comply with Section 503.1. The 30 feet is an absolute minimum fuel modification distance in all situations. However as stated in Section 603.2, if the distance to the lot line is less than 30 feet, then the individual property owner is only responsible for maintaining the available defensible space up to the property line.

Sincerely,

Keith Enstrom, P.E.  
Senior Staff Engineer  
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You may reply to this email to add comments to your request.

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kenstrom resolved this as Answered.

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