



STATE OF WASHINGTON  
**STATE BUILDING CODE COUNCIL**

May 2018  
Log No. \_\_\_\_\_

**1. State Building Code to be Amended:**

- |   |   |
|---|---|
| <input type="checkbox"/> International Building Code          | <input type="checkbox"/> International Mechanical Code            |
| <input type="checkbox"/> ICC ANSI A117.1 Accessibility Code   | <input type="checkbox"/> International Fuel Gas Code              |
| <input type="checkbox"/> International Existing Building Code | <input type="checkbox"/> NFPA 54 National Fuel Gas Code           |
| <input type="checkbox"/> International Residential Code       | <input type="checkbox"/> NFPA 58 Liquefied Petroleum Gas Code     |
| <input type="checkbox"/> International Fire Code              | <input checked="" type="checkbox"/> Wildland Urban Interface Code |
| <input type="checkbox"/> Uniform Plumbing Code                |   |

For the Washington State Energy Code, please see specialized [energy code forms](#)

**Section(s):** (see question 4's answer)

**Title: Withdrawal of 2020 defensible space provisions of the WUI code**

**2. Proponent Name (Specific local government, organization or individual):**

The following 3 nonprofits are submitting together as proponents:

Proponent 1: Whatcom Million Trees Project  
Title: Michael Feerer, Executive Director  
Date: 11/4/2023

Proponent 2: Restoring Earth Connection  
Title: Lynn Fitz-Hugh, Executive Director  
Date: 11/4/2023

Proponent 3: Black Hills Audubon Society  
Title: Sam Merrill, Conservation Chair  
Date: 11/4/2023

**3. Designated Contact Person:**

Name: Michael Feerer  
Title: Executive Director  
Address: 4107 Harrison St Bellingham, WA 98229  
Office Phone: (360) 319-1370  
E-Mail address: michael@whatcommilliontrees.org

**4. Proposed Code Amendment.** Reproduce the section to be amended by underlining all added language, striking through all deleted language. Insert new sections in the appropriate place in the code in order to continue the established numbering system of the code. If more than one section is proposed for amendment or more than one page is needed for reproducing the affected section of the code, additional pages may be attached.

Clearly state if the proposal modifies an existing amendment or if a new amendment is needed. If the proposal modifies an **existing amendment**, show the modifications to the existing amendment by underlining all added language and striking through all deleted language. If a new amendment is needed, show the modifications to the **model code** by underlining all added language and striking through all deleted language.

Our proposed code amendment is to remove (i.e. not adopt) the landscape-related defensible space code. Fortunately, the sections to remove are independent of any energy or structure hardening portions of the recently passed code. We are not proposing any amended or new language. See our attached Appendix for the requested lined out sections that are listed below.

SECTION 603: DEFENSIBLE SPACE

all paragraphs and Table 603.2 and Figure 603.2

SECTION 604: MAINTENANCE OF DEFENSIBLE SPACE

all paragraphs

**5. Briefly explain your proposed amendment, including the purpose, benefits and problems addressed.** Specifically note any impacts or benefits to business, and specify construction types, industries and services that would be affected. Finally, please note any potential impact on enforcement such as special reporting requirements or additional inspections required.

This requested change essentially returns to how the code was before the 2020 WUIC was passed -- for wildfire defensible space buffers only. This change has no impact on building hardening requirements elsewhere in the code or the energy code.

For business, construction, and code enforcement, our requested change will simplify what will be experienced in code processing and enforcement compared to if this withdrawal action is not taken. In fact, if our proposed change is not taken, it is anticipated that local jurisdictions, developers, and home builders will face widespread confusion because of lack of clarity in the new code.

Additionally, returning to the old code will eliminate conflicts with several state laws and regulations which would have had to be resolved. These include:

- WA State Urban Forest Management Plan (RCW 76.15.005)
- WA State Climate Commitment Act's carbon sequestration goals
- WA State Growth Management Act, Chapter 365-190, which requires counties to protect habitat, including wetlands and critical areas, and to prepare for climate change,
- WA Critical Areas, Shoreline, and Stormwater Regulations
- WA State DNR's Small Forest Landowner Program

At a local level, returning to the old code avoids conflicts with virtually all urban tree canopy retention plans and related urban forestry ordinances that have been long-established in many WA local jurisdictions.

There will also be the benefit of preserving thousands and thousands of trees statewide which are drawing down and storing carbon dioxide from the atmosphere, reducing stormwater management infrastructure, providing resilience from increasingly extreme summer heat effects, protecting against drought, providing shade cooling for homes, removing pollutants from air and water, and many other benefits.

By withdrawing the recently passed defensible space code segments, this will give the SBCC and DNR time in the next 3 year code cycle to create a high resolution fuel-based map which can more accurately denote where WUI landscape-based actions should apply. It will also give the SBCC time to re-consider what portions, if any, of a model defensible space code should be adopted. and time to resolve and clarify its numerous conflicts with other State laws and policies. By acting now this will avoid inappropriate application of landscape buffers in areas not truly at risk for wildfire, as well as unnecessary WUI processing burdens and confusion statewide for thousands of new and expanded buildings being built in the coming 3 years.

6. **Specify what criteria this proposal meets.** You may select more than one.

- The amendment is needed to address a critical life/safety need.
- The amendment clarifies the intent or application of the code.
- The amendment is needed to address a specific state policy or statute.
- The amendment is needed for consistency with state or federal regulations.
- The amendment is needed to address a unique character of the state.
- The amendment corrects errors and omissions.

7. **Is there an economic impact:**  Yes  No

If no, state reason:

If the defensible space code is removed, it keeps things as they are with no economic impact from current code requirements. If the currently passed WUI defensible space code is allowed to go forward, there will be for homeowners and developers a cost of removing potentially significant quantities of additional trees. With the population growth estimates for our state, thousands of new homes will be built each year in wildland urban interface or intermix areas, most of which will be affected by this cost of having to remove additional trees.

Additionally, landowners will have to remedy the soil erosion, replanting, and new flammable growth caused by removal of the trees. Wildfire science has demonstrated that where trees have been removed, grasslands, invasive brush, and other flammable vegetation that has HIGH wildfire-spread potential comes in to replace the trees if there is not continued *annual maintenance* by landowners, which often doesn't occur and is not enforceable.

Last but not least, stormwater management is more expensive without trees, and heat dome effects in areas with less tree canopy already have been shown to produce increased hospitalizations and deaths for people in our state. Residents in low canopy neighborhoods (historically low income neighborhoods) are especially vulnerable to these health impacts.

If yes, provide economic impact, costs and benefits as noted below in items a – f.

- a. **Life Cycle Cost.** Use the OFM Life Cycle Cost [Analysis tool](#) to estimate the life cycle cost of the proposal using one or more typical examples. Reference these [Instructions](#); use these [Inputs](#). Webinars on the tool can be found [Here](#) and [Here](#). If the tool is used, submit a copy of the excel file with your proposal submission. If preferred, you may submit an alternate life cycle cost analysis.

- b. **Construction Cost.** Provide your best estimate of the construction cost (or cost savings) of your code change proposal.
- c. **Code Enforcement.** List any code enforcement time for additional plan review or inspections that your proposal will require, in hours per permit application:
- d. **Small Business Impact.** Describe economic impacts to small businesses:
- e. **Housing Affordability.** Describe economic impacts on housing affordability:
- f. **Other.** Describe other qualitative cost and benefits to owners, to occupants, to the public, to the environment, and to other stakeholders that have not yet been discussed:

Please send your completed proposal to: [sbcc@des.wa.gov](mailto:sbcc@des.wa.gov)

**All questions must be answered to be considered complete. Incomplete proposals will not be accepted.**

# Appendix: Washington WUI Code Language To Withdraw

Note: Figures, charts, and diagrams in the code cannot be graphically lined out, but if included in this Appendix they are also to be withdrawn (i.e. not adopted).

## ~~SECTION 603: DEFENSIBLE SPACE~~

~~**603.1 Objective.** Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space.~~

~~**603.2 Fuel modification.** 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. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 are allowed to be increased by the code official because of a site-specific analysis based on local conditions and the fire protection plan.~~

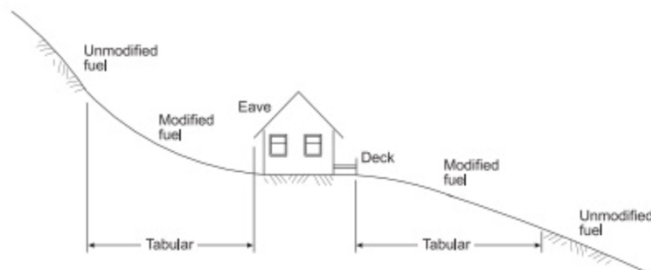
**TABLE 603.2 REQUIRED DEFENSIBLE SPACE**



WILDLAND-URBAN INTERFACE AREA	FUEL MODIFICATION DISTANCE (feet) <sup>a</sup>
Moderate hazard	30
High hazard	50
Extreme hazard	100

For SI: 1 foot = 304.8 mm.

a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the fire protection plan.



**FIGURE 603.2 MEASUREMENTS OF FUEL MODIFICATION DISTANCE**

~~**603.2.1 Responsible party.** Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing nonfire-resistive vegetation on the property owned, leased or controlled by said person.~~

~~**603.2.2 Trees.** Trees are allowed within the defensible space, provided that the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm).~~

~~**603.2.3 Ground cover.** Deadwood and litter shall be regularly removed from trees. Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided that they do not form a means of transmitting fire from the native growth to any structure.~~

#### ~~**SECTION 604: MAINTENANCE OF DEFENSIBLE SPACE**~~

~~**604.1 General.** Defensible spaces required by Section 603 shall be maintained in accordance with Section 604.~~

~~**604.2 Modified area.** Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 603, in such a manner as to provide a clear area for fire suppression operations.~~

~~**604.3 Responsibility.** Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces. Maintenance of the defensible space shall include modifying or removing nonfire-resistive vegetation and keeping leaves, needles and other dead vegetative material regularly removed from roofs of buildings and structures.~~

~~**604.4 Trees.** Tree crowns extending to within 10 feet (3048 mm) of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm). Tree crowns within the defensible space shall be pruned to remove limbs located less than 6 feet (1829 mm) above the ground surface adjacent to the trees.~~

~~**604.4.1 Chimney clearance.** Portions of tree crowns that extend to within 10 feet (3048 mm) of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm).~~

~~**604.4.2 Deadwood removed.** Deadwood and litter shall be regularly removed from trees.~~