
HOUSE BILL 2519

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Dellwo, Wynne, Fraser, D. Sommers and Paris; by request of Department of Natural Resources

Read first time 01/20/92. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to fire protection; amending RCW 76.04.005 and
2 58.17.020; adding new sections to chapter 76.04 RCW; adding a new
3 section to chapter 19.27 RCW; adding a new section to chapter 58.17
4 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that Washington
7 state faces increasing incidents of destructive wildfires in
8 wildland/urban interface areas. The wildfires periodically occur in
9 desirable housing developments that are located in extreme high risk
10 areas. The wildfires threaten the health, safety, and welfare of all
11 persons in the areas. The legislature further finds that fire
12 prevention and fire safety are not currently being considered in the
13 local planning process for new residential housing developments.

1 Therefore, preventive measures must be emphasized, including
2 developing insurance incentives to improve fire protection standards,
3 increased consideration of fire prevention and fire protection needs,
4 and increased consideration of uniform building code standards.

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

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

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

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

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

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

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

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

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

1 (8) "Forest land" means any unimproved lands which have enough
2 trees, standing or down, or flammable material, to constitute in the
3 judgment of the department, a fire menace to life or property.
4 Sagebrush and grass areas east of the summit of the Cascade mountains
5 may be considered forest lands when such areas are adjacent to or
6 intermingled with areas supporting tree growth. Forest land, for
7 protection purposes, does not include structures.

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

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

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

23 (12) "Participating landowner" means an owner of forest land whose
24 land is subject to the forest protection assessment under RCW
25 76.04.610.

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

29 (14) "Slash burning" means the planned and controlled burning of
30 forest debris on forest lands by broadcast burning, underburning, pile

1 burning, or other means, for the purposes of silviculture, hazard
2 abatement, or reduction and prevention or elimination of a fire hazard.

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

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

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

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

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

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

24 The department shall, in cooperation with the Washington state fire
25 services, develop a rating system to evaluate the levels of wildfire
26 risk to existing structures and potential development areas located in
27 the wildland/urban interface or intermix. This system shall be used to
28 identify areas of high and extreme hazard, and shall include a map that

1 displays these areas. The department shall reevaluate the locations of
2 risk areas as necessary, but at least once every five years.

3 The department and the Washington state fire services shall jointly
4 work with the insurance industry to develop a rate incentive program
5 for structures located in areas of high or extreme hazard risk levels.
6 This program shall seek to establish a decreased rate for landowners
7 that undertake mitigation measures designed to protect their structures
8 from wildfire.

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

11 The state building code council, with assistance from the
12 department of natural resources and the Washington state fire services,
13 shall consider for incorporation into the uniform building code by July
14 1, 1993, fire protection standards for high or extreme hazard risk
15 level areas as determined by the department of natural resources, to
16 include but not be limited to:

17 (1) Spark arrestor screens on all outlets from stoves and
18 fireplaces;

19 (2) Minimum levels of fire protection performance for building
20 materials, including a minimum of roofing materials which will pass the
21 class B fire resistance rating test;

22 (3) Water system designs to provide adequate supply for fire
23 protection needs, and to identify alternate water sources; and

24 (4) Defensible space and vegetation management.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 76.04 RCW
26 to read as follows:

27 (1) Any person who owns, controls, operates, or maintains any
28 electrical transmission or distribution line upon, in, or adjoining any

1 wildland/urban interface area identified by the department of natural
2 resources as having a hazard risk level of high or extreme shall
3 maintain a clearance between all vegetation and all conductors carrying
4 electrical current. The applicable clearance extends in all
5 directions.

6 (2) The area around and adjacent to any pole or tower supporting a
7 switch, fuse, transformer, lightning arrester, line junction, or dead
8 end or corner pole, or any pad or ground mounted transformer shall
9 maintain a fire break consisting of a clearing of not less than ten
10 feet in each direction from the outer circumference of such pole or
11 tower. This section does not apply to any line used exclusively as
12 telephone, telegraph, telephone or telegraph messenger call fire or
13 alarm line, or other line which is classed as a communication circuit
14 by the public utilities commission. The department or agency that has
15 primary fire protection responsibility for the protection of such areas
16 may permit exceptions from the requirements of this section based upon
17 local conditions.

18 **Sec. 6.** RCW 58.17.020 and 1983 c 121 s 1 are each amended to read
19 as follows:

20 As used in this chapter, unless the context or subject matter
21 clearly requires otherwise, the words or phrases defined in this
22 section shall have the indicated meanings.

23 (1) "Subdivision" is the division or redivision of land into five
24 or more lots, tracts, parcels, sites or divisions for the purpose of
25 sale, lease, or transfer of ownership, except as provided in subsection
26 (6) of this section.

27 (2) "Plat" is a map or representation of a subdivision, showing
28 thereon the division of a tract or parcel of land into lots, blocks,
29 streets and alleys or other divisions and dedications.

1 (3) "Dedication" is the deliberate appropriation of land by an
2 owner for any general and public uses, reserving to himself no other
3 rights than such as are compatible with the full exercise and enjoyment
4 of the public uses to which the property has been devoted. The
5 intention to dedicate shall be evidenced by the owner by the
6 presentment for filing of a final plat or short plat showing the
7 dedication thereon; and, the acceptance by the public shall be
8 evidenced by the approval of such plat for filing by the appropriate
9 governmental unit.

10 (4) "Preliminary plat" is a neat and approximate drawing of a
11 proposed subdivision showing the general layout of streets and alleys,
12 lots, blocks, and other elements of a subdivision consistent with the
13 requirements of this chapter. The preliminary plat shall be the basis
14 for the approval or disapproval of the general layout of a subdivision.

15 (5) "Final plat" is the final drawing of the subdivision and
16 dedication prepared for filing for record with the county auditor and
17 containing all elements and requirements set forth in this chapter and
18 in local regulations adopted under this chapter.

19 (6) "Short subdivision" is the division or redivision of land into
20 four or fewer lots, tracts, parcels, sites or divisions for the purpose
21 of sale, lease, or transfer of ownership: PROVIDED, That the
22 legislative authority of any city or town may by local ordinance
23 increase the number of lots, tracts, or parcels to be regulated as
24 short subdivisions to a maximum of nine.

25 (7) "Binding site plan" means a drawing to a scale specified by
26 local ordinance which: (a) Identifies and shows the areas and
27 locations of all streets, roads, improvements, utilities, open spaces,
28 and any other matters specified by local regulations; (b) contains
29 inscriptions or attachments setting forth such appropriate limitations
30 and conditions for the use of the land as are established by the local

1 government body having authority to approve the site plan; and (c)
2 contains provisions making any development be in conformity with the
3 site plan.

4 (8) "Short plat" is the map or representation of a short
5 subdivision.

6 (9) "Lot" is a fractional part of divided lands having fixed
7 boundaries, being of sufficient area and dimension to meet minimum
8 zoning requirements for width and area. The term shall include tracts
9 or parcels.

10 (10) "Block" is a group of lots, tracts, or parcels within well
11 defined and fixed boundaries.

12 (11) "County treasurer" shall be as defined in chapter 36.29 RCW or
13 the office or person assigned such duties under a county charter.

14 (12) "County auditor" shall be as defined in chapter 36.22 RCW or
15 the office or person assigned such duties under a county charter.

16 (13) "County road engineer" shall be as defined in chapter 36.40
17 RCW or the office or person assigned such duties under a county
18 charter.

19 (14) "Planning commission" means that body as defined in chapters
20 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to
21 perform a planning function or that body assigned such duties and
22 responsibilities under a city or county charter.

23 (15) "County commissioner" shall be as defined in chapter 36.32 RCW
24 or the body assigned such duties under a county charter.

25 (16) "Defensible space" is a managed buffer surrounding buildings
26 and structures that is designed to reduce the chances of a fire
27 spreading to or from the building or structure.

28 (17) "Fire-resistant plants" are those plants with the following
29 characteristics:

30 (a) Little seasonal accumulation of dead vegetation;

1 (b) Open, loose branching habit;

2 (c) Nonresinous woody material;

3 (d) Low volume of total vegetation;

4 (e) High moisture content in leaves;

5 (f) Drought tolerance; and

6 (g) Slow growth that requires less frequent pruning.

7 (18) "High and extreme hazard risk levels" are fire protection
8 levels based upon a rating system that identifies existing and
9 potential areas, susceptible to significant loss of property and life
10 in the event of a wildfire.

11 (19) "Wildland" means any forest or unimproved lands that have
12 enough flammable vegetative material, to constitute in the judgment of
13 the department, a fire menace to life or property.

14 (20) "Wildland/urban interface or intermix" means a line, area, or
15 zone where structures and other human development meet or intermingle
16 with undeveloped wildland.

17 NEW SECTION. Sec. 7. A new section is added to chapter 58.17 RCW
18 to read as follows:

19 In addition to any other requirements imposed by this chapter, the
20 legislative authority of a county shall not approve a final plat, as
21 defined in RCW 58.17.020, for any subdivision which lies in, upon, or
22 adjacent to wildland/urban interface or intermix areas that have been
23 identified as having a high or extreme hazard risk level for fire
24 protection, unless the area subject to the plat will receive:

25 (1) Fire protection services: (a) By a fire protection district or
26 municipality which includes such area, or (b) through an agreement with
27 an approved private or a municipal corporation for the provision of
28 such services; and

1 (2) Provisions to ensure that minimum fire protection standards
2 have been met, including but not limited to:

3 (a) Roads, streets, and ways that provide for unobstructed traffic
4 circulation during emergencies; to include: (i) More than one access
5 route; (ii) sufficient design to support the weight of twenty-ton
6 emergency vehicles; (iii) widths of not less than twenty-four feet;
7 (iv) maximum grades of ten percent; (v) minimum curve radius of one
8 hundred feet measured at the centerline; and (vi) dead end roads that
9 do not exceed six hundred feet in length and have a turnaround at the
10 closed end of at least one hundred feet in diameter;

11 (b) Driveways to provide a minimum unobstructed width of twelve
12 feet, a minimum unobstructed vertical clearance of fifteen feet,
13 turnouts designed and constructed every four hundred feet, and a
14 turnaround at all building or structure sites that is within fifty feet
15 of the building or structure on driveways longer than three hundred
16 feet;

17 (c) Defensible space provided by the developer and maintained by
18 the property owner around and adjacent to each building or structure.
19 The space shall be maintained by clearing away all flammable vegetation
20 or other combustible growth, not to include plants with fire-resistant
21 characteristics, for a distance of not less than thirty feet or not
22 more than one hundred feet on each side of the building or structure or
23 to the property line, whichever is nearer;

24 (d) Emergency water supplies that will meet fire suppression
25 purposes as determined by the fire protection agency having
26 jurisdiction, but in no case less than a minimum fire flow of two
27 hundred fifty gallons per minute for two hours;

28 (e) Roof coverings that shall meet a minimum of class B fire
29 resistive rating requirements; and

1 (f) Any other structural design and construction necessary to
2 provide for fire protection as defined by the uniform building code.

3 NEW SECTION. **Sec. 8.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.