

# SENATE BILL REPORT

## ESSB 6109

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As Passed Senate, February 9, 2018

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

**Brief Description:** Concerning the International Wildland Urban Interface Code.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Van De Wege and Rolfes).

**Brief History:**

**Committee Activity:** State Government, Tribal Relations & Elections: 1/17/18; 1/31/18, 2/02/18 [DP-WM, w/oRec].

Ways & Means: 2/05/18, 2/06/18 [DPS, DNP, w/oRec].

**Floor Activity:**

Passed Senate: 2/09/18, 34-12.

**Brief Summary of Engrossed First Substitute Bill**

- Adds portions of the 2018 International Wildland Urban Interface (WUI) Code to the State Building Code upon completion of the statewide mapping of WUI areas.
- Allows all cities, counties and towns to adopt the International WUI Code, or any portion thereof.
- Requires the Department of Natural Resources (DNR), to the extent practical within existing resources, establish a program of technical assistance for development of finding of fact and maps establishing WUI areas in accordance with the requirements of the International WUI Code and develop and administer a grant program for counties, cities and towns, subject to funding provided for this purpose.

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**SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS**

**Majority Report:** Do pass and be referred to Committee on Ways & Means.  
Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña.

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

**Minority Report:** That it be referred without recommendation.

Signed by Senators Miloscia, Ranking Member; Zeiger.

**Staff:** Melissa Van Gorkom (786-7491)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6109 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig, Carlyle, Conway, Darneille, Fain, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker, Rivers and Van De Wege.

**Minority Report:** Do not pass.

Signed by Senators Bailey, Becker, Brown, Schoesler and Wagoner.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, Ranking Member; Hasegawa.

**Staff:** Jed Herman (786-7346)

**Background:** The State Building Code (Code). The Code establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code comprises a number of model codes and standards, developed and published by international and national organizations, 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 International Mechanical Code, the International Fire Code, and the Uniform Plumbing Code Standards.

The State Building Code Council (Council) is responsible for adopting, amending, and maintaining, as appropriate, the model codes and standards adopted by reference in the Act. Amendments to the model codes and standards adopted by the Council are codified in the Washington Administrative Code. The Council regularly reviews updated editions of each model code and standard every three years.

The International WUI Code. The International WUI Code is a model code developed and published by the International Code Council, Inc. (ICC). 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 WUI areas for the stated purpose of mitigating wildfire hazard. The International WUI Code applies to the construction, alteration, movement, repair, maintenance, and use of any building, structure, or premises within the WUI areas of a jurisdiction. WUI area is defined in the WUI Code as the geographical areas where structures and other human development meets or intermingles with wildland or vegetative fuels.

Although the International WUI Code is not currently one of the model codes comprising the Code, the Council adopted the International WUI Code with amendments in 2010 as an optional code that local jurisdictions may adopt and enforce.

**DNR.** DNR has the 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.

**Summary of Engrossed First Substitute Bill:** Upon completion of the statewide mapping of WUI areas, the following portions of the 2018 International WUI Code, published by the ICC, are added to the State Building Code:

- 504.2—class A roof covering, except that roofs on additions or an existing structure that has more than 50 percent replaced must meet requirements for new construction;
- 504.5—exterior walls;
- 504.7—appendages and projections, except that unenclosed accessory structures on the first floor must be built with building materials at least 2 inches nominal depth and the area below the structure to be screened with wire mesh screening; and
- 403.2—driveways, except that turnarounds are required for driveways in excess of 300 feet in length and turnouts are also required for driveways in excess of 500 feet in length and less than 20 feet in width. The county, city, or town will define the requirements for a turnout or turnaround.

All cities, counties, and towns may adopt International WUI code, or any portion thereof.

In adopting and maintaining the International WUI Code, the Code adopted may not result in an International WUI Code that is more than the minimum performance standards and requirements contained in the published model code.

DNR must, to the extent practical within existing resources, establish a program of technical assistance for development of finding of fact and maps establishing WUI areas in accordance with the requirements of the International WUI Code and develop and administer a grant program for counties, cities, and towns, subject to funding provided for this purpose.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (State Government, Tribal Relations & Elections):** PRO: The state is spending more and more money as time goes on combatting wildfires and a lot of that money is used for protecting homes in WUI zones. This bill requires some basic things homeowners must do to help protect their home and prevent fire in their area. The WUI Code is designed to reduce the loss of life and property

and while the full code should be adopted by the state and mandated, this bill is a good compromise solution. This is a statewide issue that impacts all who pay for wildfires through insurance. The bill will support preventing wildfires and help mitigate the damages when a wildfire occurs.

CON: By mandating these codes be adopted at a state level then all of the code will be applicable to those who are mapped out in the WUI area which would include all of Stevens County. Every year the WUI areas are reviewed with DNR to look at this at a local level to find the best options to protect homes and local jurisdictions and work with DNR to make changes where necessary. WUI is a land use code which is better done at a local level. This code is already available for adoption by local jurisdictions.

**Persons Testifying (State Government, Tribal Relations & Elections):** PRO: Senator Kevin Van De Wege, Prime Sponsor; Geoff Simpson, Washington State Council of Fire Fighters; Brian VanCamp, Washington State Fire Chiefs.

CON: Wes McCart, Commissioner, Stevens County; Steve Gano, Building Industry Association of Washington.

**Persons Signed In To Testify But Not Testifying (State Government, Tribal Relations & Elections):** No one.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is needed to help protect the safety of the public and help diminish the increasing costs of wildfire suppression. The bill should have gone farther, society has needed WUI codes since 64 AD, when Rome burned. The insurance industry is in support of this bill. The bill allows for flexibility at the local level. DNR supports the bill and the draft proposed substitute as it lowers the fiscal effects for the department.

CON: We are against the original bill, still reviewing the proposed substitute. WUI is a land use code and should be discretionary for local governments to consider.

**Persons Testifying (Ways & Means):** PRO: Senator Kevin Van De Wege, Prime Sponsor; Mel Sorensen, Property Casualty Insurers Association of America; Geoff Simpson, Washington State Council of Fire Fighters; Charlie Brown, ICC; Leah Dobey, Legislative Coordinator, Department of Natural Resources.

CON: Steve Gano, Building Industry Association of Washington.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.