



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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**STATE BUILDING CODE COUNCIL
PUBLIC HEARING RECORD**

LOCATION: 1500 Jefferson Street, Olympia, WA 98504; ZOOM

MEETING DATE: Friday, February 9, 2024

Council Members in Attendance: Micah Chappell, Craig Holt

Staff In Attendance: Managing Director Stoyan Bumbalov, Dustin Curb, Rozanna Ghanie, Annette Haworth

Visitors Present: Emily Atkins, Scott Austin, Kim Barker, Scott Black, Ken Brouillette, Claire Catania, Ted Corey, Michael Currier, Amanda Fields, Lynn Fitz-Hugh, Keith Folkerts, Mike Gerringer, Derek Gust, Tom Handy, Lisa Harbert, Angela Haupt, Jarret Helmes, Matthew Hepner, Mark Hofman, Ardel Jala, Brian Kehler, Dave Kokot, Wendy Larson, Carol Manus, Devin Melville, Drue Morris, Rick Mraz, Jordan Neal, Butch Noble, Harvey Noble, Tamra Patterson, Matt Peña, David Pyle, Peter Rieke, Angela San, Michael Saponaro, Pascal Schuback, Eric Seibel, Ray Shipman, Andrea Smith, Michael Snook, David Spencer, David Swasey, Steve Tapio, Joey Tedder, TVW Streaming, Eric Urban, Eric Urban, Kara Whittaker, Tom Young

WAC 51-55 Section 0300 and 0600; Changes to 2021 WUIC Chapter 3 and Chapter 6	The State Building Code Council directed staff to start rulemaking to amend sections in Chapter 3 and Chapter 6 of the 2021 International Wildland-Urban Interface Code. The reason for the amendments is to address concerns raised by stakeholders, subject matter experts and citizens.
From:	Testimony
Brad Medrud	<p>My name is Brad Medrud and I am the Planning Manager at the City of Tumwater. I am here on behalf of Carl Schroeder with the Association of Washington Cities, since he is unable to attend today's meeting. I am acting representative at this meeting. We would like to again thank the State Building Code Council for considering the proposed amendments and holding this hearing. We recognize the dangers of wildlife, especially in our urban areas, and support mitigation measure to reduce such risks. We support the proposed amendments being considered by the State Building Code Council in terms of mapping Option #2 and the proposed changes for defensible space.</p> <p>In terms of mapping, we support Option #2 for the proposed amendments to Chapter 3 to revert the WWUIC back to the original</p>

This material in alternative formats including braille, large print, and audio recording is available on request by emailing the SBCC at sbcc@des.wa.gov.

	<p>IWUIC language. We are in support SB 6120, which passed the Senate on February 7th and will be given a first reading today at the House and will be moving forward as we hope, to create a clearer state mapping system that in turn can be amended by local jurisdictions. This includes amendments that were proposed by the State Fire Marshals Office and we agree with those amendments. The model there is being similar to the model being used in California, developed and maintains the criteria and statewide mapping and local jurisdictions can in turn can use that to make adjustments to and those maps to reflect local conditions. Resulting mapping follows clear and natural boundaries and roadways, so it is clear to the community and regulators what properties are subject to UIC and which are not. The current Washington State mapping does not do this and the criteria that are contained in Chapter 3 lead to similar unclear results.</p> <p>At the City of Tumwater, we have spent the last seven months attempting to determine the impact of the mapping to our permitting system and we are left more questions than answers as to how the mapping applies on the ground to properties in the city. As part of that process, we have spent about five months trying to work with DNR to understand the process they went through to develop the maps, so we can replicate the process locally. The issue for us is that DNR has not as been responsive. My assumption is that the DNR staff, frankly is overwhelmed by this.</p> <p>Going forward with Option #1, mapping and findings of fact process is clearly flawed and would put the burden on local jurisdictions to essentially explain to property owners while all or part of their property is subject to WWUIC but not providing a clear reason why or why not. That is the reason we support Option #2 which is to revery back to the original language in the IWUIC.</p> <p>In terms of the defensible space, we support the proposed amendment as written to the defensive space requirements in WWUIC Chapter 6 as shown we feel this provides needed clarity and also provides the needed flexibility to recognize and certain circumstances. There's enhanced firefighting capability within urban areas. Thank you for your time.</p>
<p>Andrea Smith</p>	<p>Andrea Smith here today on behalf of the Building Industry Association of Washington. Our 8,000 members cover all segments of the residential construction industry and are generally supportive of codes that put health and safety of occupants at the forefront.</p> <p>I am here today in opposition to any changes being proposed to the defensible space provisions mainly in principle. As you may recall, my original testimony at the beginning of the code development process highlighted the fact that the Council had gone above and beyond their legislative mandate to adopt only four sections of the WUIC. Testimony from our members and some building officials alluded to this issue as well as the flawed map, but per usual, large swaths of industry opposition fell on deaf ears. And now we're here</p>

	<p>today discussing removal of one of the provisions that was never even supposed to be adopted all because one segment of stakeholders, groups, and individual that don't build, insure, or protect homes demand we diminish a code rooted in health and safety. Pun intended.</p> <p>While trees are important for many reasons, we are the Evergreen State after all, I and our members recognize that defensible space is a cost-effective approach to protecting homes from wildfires. In some instance even more important that home hardening.</p> <p>As I'm sure you're aware of the Senate passed the bill that was just discussed by the last speaker that's moving to the House now and it would firmly tell this Council that they're only to adopt the four intended provisions of the WUIC. In addition, it would also include an emergency clause where the code cannot go into effect until a new map is completed, based on risk by DNR. We're hopeful that this bill passes and are thankful to the legislature that has proved that they listen and respond to its' constituents.</p> <p>If the Council adopts the removal of defensible space, it will further illustrate the stronghold environmental activists have on this Council illuminating the politicization of a council that is supposed to be made up of subject matter, technical experts free of bias. Thanks for your time today.</p>
Lyn Fitz-Hugh	<p>Lynn Fitz-Hugh, Restoring Earth Connection. I appreciate the time that was spent at the November meeting hashing out all these amendments and as these are the ones that went out for the Public Comment, I think it is important to not start tinkering with them, as they represent what you could agree on in November, and what the public has now sent positive comment for.</p> <p>I appreciate that you improved the tree spacing and that you took into account the Association of Washington Cities comments about what is not needed when there is an adequate water supply for a fire department. You know and we know that there needs to be a better map. There is nothing in the previous statue to prevent you from asking DNR for exactly what you need.</p> <p>You have one choice to make today whether you are going with Option 1 or Option 2. Friends of Trees, Whatcom Million Trees Campaign in the Audubon Chapters Support Option 2. Option 1 left things as it was, but I want to remind you that the Association of Washington Cities and Brad Medrud, who just spoke before me, have pointed out to you that Option 1 depends upon an appendix from the International WUIC, which you did not pass. Without that, Option 1 offers a path to remedy that is actually a road to nowhere. We also favor Option 2 because it gives more decision making to the cities and frankly, local jurisdictions know better what is happening in their location. We are not a one size fits all state. So I hope next week you will vote for all these amendments as is and for Option 2. We feel this is the best way to avoid violating the</p>

	<p>seven Washington environmental laws and regulation which we have tried to hold up to you throughout this process.</p> <p>Finally, should you be revising the WUIC for the next code cycle, which could possibly be as soon as this year, I respectfully ask that you invite in to either serve on the TAG or at least give a presentation, someone who is familiar with the most recent forest fire science. I want to be clear that that is different than a seasoned firefighter. Most firefighters fight fires in cities and even those who have fought them in forests do not necessarily know what the forensics show about what causes more loss to property and life during a forest fire. The code passed in December 2022 was lacking because it did not understand these factors. So, let's not repeat that going forward. Similarly, there does not seem to be people selected for TAGs who bring a climate change lens to your decision making process and I hope that that, too, can be remedied in the next cycle. Before a code leaves a TAG, how can there an examination of whether it violates seven Washington environmental laws? It is easier to fix in the TAG than on the floor of the Council. So, having this kind of lens in the TAG will be very helpful. Thank you.</p>
Wendy Larson	<p>Hello, my name is Wendy Larson and I live in Bellingham, Washington. I am speaking as a resident and as a representative for Whatcom Million Trees Project in Bellingham.</p> <p>Our request is simple. Please pass your current set of proposed amendments, including Option 2. A locally-based process will be superior to any "one size fits all" state mandate when it comes to assessing the most appropriate response for homes and surrounding landscape regarding wildfire risk.</p> <p>Please also step forward to formally request from DNR a much better map of wildfire risk areas. Afterall, DNR itself has publicly admitted their current map is deficient. With Option 2 approved, plus a better map, there is hope that improving the wildfire resilience of our truly at-risk communities can be appropriately accomplished without conflicting with other State laws and goals for carbon sequestration, environmental protection and more. Thank you.</p>
Lisa Harbert	<p>I guess my only two things and I don't know all the stuff but I've got a project that has tree houses coming up. Are we not going to be able to allow tree houses in non-forested areas, I guess? And then how are we going to shade the houses? We don't have air conditioning in a lot of areas. That's all I wanted to say.</p>
Kara Whittaker	<p>Good morning, Chair Doyle and Council members, my name is Kara Whittaker, Land Use Conservation and Policy Section Manager for the Washington Department of Fish and Wildlife. We fully support the need to mitigate wildfire hazard to people and property as reflected by the intent of the proposed WUI code amendments to chapters 3 and 6. However, the new WUI bill currently in the legislature, SB 6120, is well on its way to becoming</p>

	<p>law and when effective, you will not have the authority to adopt either of these amended chapters. We recommend further delaying the effective date of any amendments to the state WUI code until your rulemaking can fully reflect SB 6120 as amended and passed by the legislature.</p> <p>Additionally, we feel it is appropriate that the new WUI bill eliminates the mandate that all cities and counties adopt WUI codes requiring large defensible spaces with uncertain habitat impacts. However, local jurisdictions may still choose to adopt defensible space standards, and many have already. Our primary concern is the potential for local jurisdictions to confuse building code authority compared to critical area code authority, and we would like to ensure that critical areas continue to be protected as intended. For example, trees in riparian management zones, Oregon White Oak trees, and other Priority Habitats and Species in defensible spaces may be at risk of being removed without compensatory mitigation for lost habitat value as required under the Growth Management and Shoreline Management Acts.</p> <p>To help alleviate any regulatory uncertainty and unintended habitat impacts, we recommend the formation of a Technical Advisory Committee consisting of state agency representatives and other Subject Matter Experts to write clear guidance for implementing local WUI codes with defensible space provisions. WUI code guidance should be based on the best available science and placed in the context of existing state land use statutes including the Growth Management and Shoreline Management Acts. This way, we can fulfill the need to mitigate wildfire hazard in careful balance with the needs of fish, wildlife, and ecosystems.</p> <p>Thank you for the opportunity to testify today and I'm happy to answer any of your questions.</p>
Charlotte Persons	<p>I am Charlotte Persons, and I live in Olympia. I represent today Black Hills Audubon Society, a chapter of the National Audubon Society. We have about 1300 members in Lewis, Mason, and Thurston Counties.</p> <p>We ask you to pass, as it is written, the language posted November 29 that amends the 2021 Wildland Urban Interface Code Amendments. Adopting that proposed language is necessary to comply with all applicable statutes.</p> <p>The proposed language modifies defensible space requirements so that homes will still be protected from wildfire. However, thousands of trees will not be removed. Preserving trees will prevent the Wildland Urban Interface Codes from conflicting with at least seven state laws that protect trees because of their many environmental services to us humans.</p> <p>Protecting trees around residences will also preserve wildlife habitat in both rural and urban landscapes. The 2015 update of</p>

Washington's State Wildlife Action Plan devotes part of Chapter 4 to ecosystems in developed areas. These developed areas include urban areas and land zoned for agriculture. Surprisingly, 28 species of greatest concern for conservation are associated with developed areas.

Chapter 4 discusses at length the need to protect salmon-bearing streams that run through developed areas, often multiple developed areas. Trees shade salmon-bearing streams and keep them cool so that the juveniles do not die off.

Audubon chapters across the country focus on preserving bird habitat. Because of human development and climate change, the total number of birds in the western states has been reduced by about 25% in the last thirty years. As you are well aware Washington State's population is predicted to increase by 2 million by 2050. As develop occurs, we must work hard to preserve our urban and rural bird habitats so we do not lose 40 to 60% of our birds like states on the eastern side of the Rockies.

Trees in urban and rural areas provide habitat for many birds. Birds use trees for perching and surveying their territories, foraging for insects and seeds, protection from predators, and nesting. Most species of songbirds, even those who live in open ecosystems, use trees on a daily basis. Even some shorebirds, such as Great Blue Herons, nest in trees or roost in trees at night.

As the state of Washington adds new housing for the predicted growth in our population, the proposed language will protect human residences and at the same time protect the trees that are so important for both humans and wildlife.

Please vote for the proposed language.
However, your work will not be finished with adoption of that language.

What is not addressed in the proposed language is improving the WA DNR map referenced in the 2021 WUI Code Amendments. The Department of Natural Resources, in talks with Washington Sen. Van De Wege's office, has admitted that there were many problems with that map. SBCC should be part of the process of improving.

While the WUI codes allow local jurisdictions to create their own maps, representatives from small cities and counties testified to you that they do not have the resources or staff time to make them. All western states are struggling to create useful, clear, and consistent maps of wildland-urban interface areas – we can learn from their examples. We have heard today about California's map, and last year the Oregon legislature directed a public university to create their map. Washingtonians deserve at least as good a map of wildland-urban interface areas as California or Oregon.

Thank you.

Dave Kokot

My name is Dave Kokot. I am the fire protection engineer of the Spokane Fire Department. I am also representative of the Washington State Association of Fire Marshals. I was one of the participants of the State Building Code Council Wildland Urban Interface Technical Advisor Group that developed the original language. Unlike the other members of that committee, I opposed the changes that came out of that original group. There were only three meetings in which discussions were held. It was obvious to me that we didn't have the proper stakeholders and there was some other committee members that have a specific agenda about what they wanted to be able to do.

I was very concerned also, and it is very interesting, that I do agree with BIAW and that was beyond the Legislative directive and mandate of the Council that they actually participated and did want to make particular changes to the code enough that Bill 6120 was put together. We were fortunate to get a pre-file version of that bill and I'm not sure if people are aware or not, the original language removed the Building Code Council from having any authority to be able to make any modifications to the Wildland Urban Interface Code. Our association was very concerned with that. We were bale to get that language removed and worked with the Senator very clearly to provide at least a clear path for moving forward in two different manners.

The option that he was pushing for very, very clearly was to just put the highest level of ignition resistance construction that could be what anybody could use, whatever area they're at, they would be able to meet that requirement. But there are other jurisdictions, such as the City of Spokane, that have adopted the IWUI Code that we do use the map. It isn't complete but it's fairly accurate. It works for us.

So the only concerns we have is the ability to be able to make our modifications and to be able to utilize it to the best of our abilities. Another part of this, it's become obviously a more critical part of Western or Eastern Washington, especially in Spokane County, as our city was bracketed by two major wildfires this last season. It was obvious to us what worked, what didn't work for the structs that survived, the ones that didn't survive. It is very clear, and we agree with Senator Van De Wege that there should be flexibility by the local jurisdictions to be able to adjust the codes for their local jurisdictions. The east side of the state is completely different than the west side of the state. There are different needs and there are different requirements. There are different ways to accommodate not only the environment, not only the wildlife, not only just the development but be able to make it work together.

At this point I am also concern that any action the Building Code Council takes is going to be overwritten by the action of the Legislature, but I'm hoping that the Council will take that into consideration and delay any implementation of the modification to

	<p>the WUI Code until the Legislative Session is completed and there is proper direction so that there is no conflict with the Legislature. The Council needs to work closer with the Legislature to address these particular issues. Thank you for your time.</p>
Eric Seibel	<p>My name is Eric Seibel and I live in Pierce County. I represent the Tahoma Audubon Society Conservation Committee. We're a chapter of the National Audubon Society. We have about 350 members in Pierce County and Tacoma environs.</p> <p>I'm testifying to ask you to pass the language dated November 27th that amends the 2021 Wildland Urban Interface Code amendments. This language modifies the defensible space requirement so that homes that will still be protected from wildfires, but thousands of trees will not be removed. This is our greatest concern that Audubon is preserving bird habitat and personally, as a citizen of the state, I'm concerned that trees which are best defense against climate change will be destroyed in mass if the provisions of the code passed, the one that predates November 27th.</p> <p>Preserving trees will prevent the Wildland Urban Interface codes from conflicting with State laws that protect trees. And you know trees, we feel must be protected around residences to preserve the wildlife habitat and also just because of their value to the community as a community asset.</p> <p>Audubon chapters across the country are focusing on preserving bird habitat. Human development and climate change has reduced the total number of birds in the Western States by more than 25% in the last 30 years. And given that Washington's population is going to increase, we are working hard to preserve our urban and bird habitats. So, what I understand is that the State of Washington needs to build new houses and create conditions for new housing for the predicted growth in our population but we must preserve our trees as a vital infrastructure against climate change and for the betterment of our nature. Please vote for the proposed language. Thank you and thank you so much for taking my comment.</p>
	<p>The hearing was paused at 10:32 a.m. and 10:42 a.m. to wait for additional comments.</p>
Adjourned	<p>The hearing adjourned at 12:00 p.m.</p>