

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5207 SB	<b>Title:</b> Wildland urban interface
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## Estimated Cash Receipts

NONE

## Estimated Expenditures

NONE

Local Gov. Courts *									
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Impact

NONE

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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5207 SB	<b>Title:</b> Wildland urban interface	<b>Agency:</b> 150-Dept of General Administration
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## Part I: Estimates

☒ No Fiscal Impact

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Karen Epps	Phone: 360-786-7424	Date: 01/25/2011
Agency Preparation: Chris Stevenson	Phone: 360-902-0926	Date: 01/31/2011
Agency Approval: Bob Van Schoorl	Phone: 360-902-7336	Date: 01/31/2011
OFM Review: Mike Steenhout	Phone: 360-902-0554	Date: 01/31/2011

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

This bill adds the International Wildland Urban Interface Code to the list of model codes adopted by reference by the State Building Code Council. This code provides an additional set of regulations for buildings constructed in areas impacted by forest/wild fires outside the usual urban/suburban fire districts. Any fiscal impact implementing this code would be absorbed into the costs of the regular rulemaking process.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact

NONE

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

<b>Bill Number:</b> 5207 SB	<b>Title:</b> Wildland urban interface
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## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☒ Cities: Cities and counties would be required to adopt the International Wildland Urban Interface (WUI) Code, designate and map WUI areas within their jurisdictions and enforce the code within those designated areas.
- ☒ Counties: As above
- ☒ Special Districts: Fire protection districts could become involved with designating WUI areas and enforcing the code through interagency agreements with counties and/or cities.
- ☐ Specific jurisdictions only:
- ☒ Variance occurs due to: Expenditure impacts would vary widely by jurisdiction depending on the extent of WUI areas designations, severity of fire hazards, enforcement activities, and other factors.

## Part II: Estimates

- ☐ No fiscal impacts.
- ☒ Expenditures represent one-time costs: Initial designation and mapping of WUI areas would be a one-time cost.
- ☐ Legislation provides local option: Implementation/enforcement would be ongoing costs.
- ☒ Key variables cannot be estimated with certainty at this time: Local government expenditure impacts would include costs to enact the code, designate WUI areas, conduct education and outreach, train staff, and implement ongoing permitting, inspection and enforcement activities. Cities and counties with WUI areas would be authorized to recover ongoing permitting and inspection costs through fees. Expenditure and revenue impacts would depend on individual circumstances and future decisions, so cannot be reasonably estimated.

### Estimated revenue impacts to:

<b>Indeterminate Impact</b>
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### Estimated expenditure impacts to:

<b>Indeterminate Impact</b>
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## Part III: Preparation and Approval

Fiscal Note Analyst: Aaron Nickell	Phone: 360/725-2733	Date: 02/09/2011
Leg. Committee Contact: Karen Epps	Phone: 360-786-7424	Date: 01/25/2011
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/09/2011
OFM Review: Mike Steenhout	Phone: 360-902-0554	Date: 02/09/2011

## Part IV: Analysis

### A. SUMMARY OF BILL

*Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.*

The proposed legislation would amend RCW 19.27.031 to add the International Wildland Urban Interface Code (WUI code) to the state building code.

#### BACKGROUND

RCW 19.27.060 provides that counties and cities may amend the state building code as applied within their respective jurisdictions.

However, amendments may not result in a code that is less than the minimum performance standards and objectives contained in the state building code.

### B. SUMMARY OF EXPENDITURE IMPACTS

*Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.*

The proposed legislation would have an indeterminate impact on local government expenditures. Implementation costs for individual counties and cities would range from minor (less than \$50,000), to moderate (greater than \$50,000 but likely less than \$250,000) depending on the extent of fire hazards in the jurisdiction, the extent to which existing fire protection plans and building regulations match the provisions of the WUI code, and other factors. Costs would generally be higher for counties than cities, and urbanized cities could potentially have negligible expenditures only.

Ongoing expenses for communities with significant wildland urban interface areas, including costs for planning/permitting staff, building inspectors and code enforcement officials are estimated to range up to \$50,000 per year. In some jurisdictions, ongoing costs would be offset wholly or partly by new fee revenue charged for permits and inspections authorized under the WUI code. Substantial long-term savings could also potentially occur to the extent that implementation of the WUI code reduces the frequency of wildfires started by house fires and prevents injuries to firefighters when fires do occur. The magnitude of such indirect savings cannot be reasonably estimated.

#### DISCUSSION

Counties and cities would incur expenditures including:

- 1) to enact ordinances adopting the WUI code and amending local building codes as needed;
- 2) to designate and map wildland urban interface areas (WUI areas), and subsequently review designations every three years;
- 3) to conduct outreach and education activities, inform residents about the new code and train staff; and
- 4) increased workload for building inspectors, planning/permitting staff and code enforcement officials to implement and enforce the WUI code.

##### 1) Enacting ordinances

The WUI code would automatically become a minimum standard of local building codes once adopted at the state level. Many counties and cities would pass ordinances to enact the code within their jurisdiction, potentially making amendments. The 2010 Local Government Fiscal Note (LGFN) ordinance cost model estimates the average expenditure to pass a large or complex ordinance to be \$3,689. This figure includes staff time and other costs to draft an ordinance and staff report, hold meetings with stakeholders, conduct one or more public hearing, and present the ordinance at up to four county commission or city council meetings. Jurisdictions needing to make significant amendments to existing building and fire codes could incur additional costs for revisions.

##### 2) Designating and mapping WUI area

Chapter 3 of the WUI code requires local governments to "declare the wildland-urban interface areas within the jurisdiction [based] on findings of fact." The code provides guidelines for the rulemaking which include consideration of climatic, geographical and topological issues. The process would involve assessment of hazards down to the parcel-level in some cases and likely require the work of experienced planners and fire protection staff. Local governments would also need to map WUI areas and make the information accessible to the public. To reduce costs, designation could potentially occur on a region-wide basis, and involve interagency agreements between cities, counties and special fire districts. Expenditures would vary by jurisdiction depending on factors such as the extent of existing fire planning, the level of fire hazards identified in the area, whether the jurisdiction uses GIS mapping and whether the jurisdiction would need to contract with an outside expert to complete the designation/mapping.

Local building and planning officials estimated the cost to range from negligible for local governments that have voluntarily adopted the WUI code or lack WUI areas, to minor (less than \$50,000) for jurisdictions that already have suitably-detailed fire plans in place, to moderate (over \$100,000) for counties that would need to contract externally for assistance with designation and mapping. Subsequently, jurisdictions would review and, if necessary, revise WUI area categorizations on a three-year basis. Costs are assumed to be minor except in cases where

significant population growth or other circumstances require WUI area designations to be substantially rewritten.

### 3) Outreach and education activities, and staff training

Jurisdictions that designate WUI areas would incur expenses to educate residents and developers about the new code's requirements. For example, Yakima County voluntarily adopted the WUI code in 2001 and indicated that it undertook a stakeholder process lasting more than a year. The amount of expenditures for outreach and education would be up to the discretion of each jurisdiction. Cities and counties would also have training costs for building inspectors, planning/permitting staff and code enforcement officials. Costs would vary depending on the number and salary of staff to be trained, so cannot be determined. For reference, the 2010 LGFN staff cost model shows that wages and benefits for a senior planner range from \$40 to \$43 per hour on average for cities and from \$33 to \$41 per hour on average for counties.

### 4) Workload to implement the WUI code

The increased workload required to implement the code would vary by jurisdiction based on the extent of WUI areas and local discretion, so ongoing statewide impacts cannot be reasonably estimated. Because residents, contractors and developers would initially lack familiarity with the new code, workloads for building inspectors and planning/permitting staff would likely be greatest in the first several years after the code's adoption.

Yakima County indicated that staff spend significant time explaining WUI code requirements to customers and working with permit applicants who request variances or challenge the code's application. For each permit, county staff look up the property's location on the WUI map and determine the level of fire hazard. Staff time then varies depending on the level of hazard. Yakima County estimated that permit staff spend up to one hour on applications for properties in low-risk areas and an average of approximately five hours for properties located in high-risk areas, though individual projects can be much more time-intensive. Additional building site inspections for moderate- to high-risk areas can also be necessary, lasting between one and three hours depending on travel time.

For the purpose of estimating the incremental impact of each application in a WUI area, and assuming that staff wages and benefits average \$40 per hour, increased expenditures would range from \$40 to over \$320 per applicant. (1 hour X \$40 for permitting a low-risk applicant with no inspection = \$40; 5 hours for permitting and 3 hours for inspection for a high-risk applicant X \$40 = \$320.)

## C. SUMMARY OF REVENUE IMPACTS

*Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.*

The proposed legislation would have no direct impact on local government revenue but would expand local government revenue authority. The WUI code would authorize counties and cities to adopt fees, including for permits and inspections, and would let each jurisdiction set its own fee schedule. Jurisdictions that designate WUI areas as described above would likely adopt fees to recover some or all of the ongoing cost of implementing the code. Revenue that would be generated from the fee authority would vary by jurisdiction and depend on future fee schedules, so cannot be reasonably estimated.

### SOURCES

State Building Code Council

Yakima County, Building and Fire Safety Division

City of Spokane Valley

City of Lacey

City of Kent

Department of Commerce fiscal note

2009 International Wildland Urban Interface Code

Department of Natural Resources - "Recommendations of the Forest Fire Prevention and Protection Work Group, September 2008"

([http://www.dnr.wa.gov/Publications/rp\\_fire\\_ffpa\\_ffppwg\\_2009\\_final\\_rpt.pdf](http://www.dnr.wa.gov/Publications/rp_fire_ffpa_ffppwg_2009_final_rpt.pdf))

2010 LGFN fiscal note HB 2383

2010 LGFN ordinance cost model

2010 LGFN staff cost model