

WUI Code Environmental Commission Conditions

AFD inclusion of Environmental Commission Conditions in Wildland-Urban Interface Code (WUIC):

Of the 24 conditions on the Environmental Commission’s September 18, 2019 motion recommending support of the WUIC:

- 7 will be addressed through administrative rules,
- 4 were addressed by revising the draft code,
- 6 are clarified by AFD,
- 2 are part of existing processes,
- 1 is in existing regulations, and
- 4 would be part of AFD’s education and outreach campaign.

Summary of AFD response to Environmental Commission conditions:

1 Admin rules	2 Admin rules	3 Existing process
4 Existing process	5 Admin rules	6 Existing regulations
7 Education and Outreach	8 Admin rules	9 Revised draft code
10 Clarified by AFD	11 Clarified by AFD	12 Admin rules
13 Education and Outreach	14 Admin rules	15 Revised draft code
16 Clarified by AFD	17 Clarified by AFD	18 Clarified by AFD
19 Revised draft code	20 Clarified by AFD	21 Admin rules
22 Revised draft code	23 AFD program	24 AFD program

AFD responses (in red):

1. Within six months from Council approval of an ordinance, develop best management practices for the WUI Code that shall be added to the City’s technical manual through the rules process. Include the public in several working group meetings prior to the standard rules meeting. **AFD has begun drafting rules and will include public where appropriate. Timing is contingent on City rules adoption schedule. Emergency rules are expected to be used on January 1, 2021 while permanent rules are adopted with the Development Services Department rules adoption schedule for Quarter 1.**
2. Establish a proactive Firewise process where AFD assesses the fire risk on site for new construction or remodels, prior to doing any tree or vegetation work in defensible space. Do not allow tree or vegetation removal to create defensible space or creation of shaded fuel breaks without prior AFD Firewise assessment. **AFD will consider this process during administrative rules development. Existing regulations for vegetation clearing and tree removal will apply.**
3. Require hardening new or remodeled buildings and structures before removing trees or vegetation in the defensible space. **AFD adopted this approach with support from stakeholders including the Environmental Commission.**

WUI Code Environmental Commission Conditions

4. Staff shall proactively review site plans and proposed remodels to avoid removing or damaging trees to provide water or access for emergency vehicles. **AFD does not expect site plan review for WUIC elements to interfere with existing tree protection regulations.**
5. AFD Wildfire Staff shall present to the Environmental Commission soon after completion of the citizens working group discussion, and prior to the recommendations being adopted into the Technical Manual. **Acknowledged and agreed.**
6. Staff shall ensure that Firewise principles are used prior to creating defensible space to protect preserves and public land from unnecessary removal of trees and vegetation. **Vegetation management on preserves and public land is addressed in land management plans and City regulations relating to trees and vegetation.**
7. Educate the public so trees and other vegetation are not unnecessarily removed. Promote hardening the home as the primary fire protection method. Enforce the protective tree ordinances. **AFD has plans for education and outreach prior to implementation of the WUIC. Program will expand on existing efforts to promote Firewise principles including structure hardening as a priority. The WUC will not overrule existing regulations for tree protection.**
8. Provide clear instructions on vegetation management. **Expected with rules development.**
9. Clarify in Section 102.4.2 that heritage tree protections will have precedence over this ordinance. **102.4.2 revised to make this clear in the WUIC.**
10. In Section 604.4 Trees, add Any tree work for native trees over 8” for the purpose of creating a defensible space shall be performed or overseen by a certified arborist trained by the Texas Forest Service in Firewise tree management (add to page 14, 604.4 Trees). **AFD will strongly recommend this and address it in administrative rules, however there is no precedence for it being a requirement other than as a condition of a permit for tree or vegetation removal or impacts.**
11. In Section 604.4 Trees, “In accordance with industry standards for tree care.” change to “In accordance with ANSI 300 tree pruning standards and COA Oak Wilt standards, including no pruning period, proper cuts, and tool cleaning.” **Similar to condition 10, these standards will be strongly recommended but are generally not used except for permits for tree or vegetation removal or impacts.**
12. Clarify what “details for vegetation within 300 feet of the lot line” will need to be included in the Vicinity Plan. Clarify if a tree survey of any tree larger than 8 inches will be required. Clarify the process if portions, or all, of the 300 feet are in public land or in another homeowner property. (Page 5, 108.7 Vicinity Plan). **To be addressed with rules. Expected to be general vegetation description to identify wildfire fuels adjacent to proposed development.**

WUI Code Environmental Commission Conditions

13. Consolidate information, tables, and definitions for easy reference. Copy sections of the 2015 International WUI code into this WUI code. **AFD made every effort possible to simplify tables and definitions. Additional definitions expected in administrative rules. AFD expects to offer an unprecedented document for a technical building code that would include local amendments with the model code for use by the general public.**
14. Define terms such as vegetation management plan, defensible space, hazard, 30 feet moderate hazard, 50 feet high hazard, 100 feet extreme hazard, findings of fact, undeveloped land, fuel reduction treatment, shaded fuel breaks, and ladder fuels. Be consistent with using these terms. Ex: Distinct hazard vs. hazard. **To be addressed in administrative rules.**
15. Clarify that defensible space shall be required by this WUI Code only for structures (new or remodeled) located within 50 feet or closer from 40 acres of contiguous areas of light, medium and or heavy fuel; page 14, 603.2.3 Groundcover; and page 14, 604.4 Trees). **AFD revised the draft to allow defensible space to mitigate an extreme hazard severity condition that would not allow a permit to be issued on a property. Extreme hazard severity per table 502.1 would be properties within 150 feet of a 40 acre or larger wildland area and having historic heavy (forest cover) or medium (brush cover) fuel models.**
16. Clarify that ignition resistant construction requirements also applies to remodels and not just to construction. Change from “buildings and structures located in the WUI shall be constructed in accordance to” to “buildings and structures located in the WUI within 50 feet or closer to a 40 acres or greater continuous area of light, medium and/or heavy fuels shall be constructed or remodeled in accordance to,” (Page 8, 501.1 Scope). **Remodels are covered by section 101.5. Section 501.1 requires all structures in the WUIC areas to provide ignition resistant construction. Section 504 specifies additional standards for structures within 50 feet of 40 acre or larger wildland areas.**
17. In Table 502.1 Fire Hazard Severity, change 150 feet to 100 feet to be consistent with Firewise defensible space of 30 feet, 50 feet, and 100 feet. **AFD considered this request carefully but decided to keep the 150 feet dimension in table 502.1 as a minimum standard for hazard severity. 150 feet is considered a community protection zone. Property owners will have the option to use the form in Appendix C to have hazard severity reduced.**
18. Map needs to clearly depict the fire risk in the 35-50-100 feet Firewise defensible space, not just the 150 feet arbitrary distance that was imposed by the fire model. **The WUIC areas map is defined simply as developable properties within 150 feet of a 40 acre or larger wildland area or within 1.5 miles of a 750 acre or larger wildland area. The dimensions are related to hazard severity and ember exposure, not fire models.**
19. Change requirement for one hour fire resistance rated construction (such as fire-retardant wood) of unenclosed structures attached to buildings (decks and fences) from

WUI Code Environmental Commission Conditions

10 feet to 30 feet This is to avoid having to prune or remove trees that are close to decks and fences up to 30 feet from the home (Page 12, 504.7 Appendages and Structures). AFD revised section 504.7 to require entire appendages and structures to be fire resistant but offered an exception to fences. This is expected to be further addressed in the rules and is not expected to require tree pruning over flammable portions of fences.

20. Promote defensible landscape design and educate the public against the misconception that creating a barren landscape, the stripping of trees and plants, is necessary. This is ongoing and a big part of AFD's promotion of Firewise principles used with best management practices for central Texas vegetation types. Maintaining shade is recognized as an important way to meet the Firewise objective of reducing rate of spread and intensity of wildfire.
21. Retain some healthy young trees in the defensible space. Do not remove every tree less than 8 inches in diameter in the defensible space (Page 14, 604.4 Trees). This can be addressed in administrative rules and would correspond at least with new Land Development Code regulations proposed for tree identification and protection.
22. Allow 1-2 inches of vegetative debris (dead leaves, fallen deadwood, mulch) on the ground in the defensible space to improve soil and tree health, and for invertebrates to live. Many trees will die if bare soil is exposed in the defensible space (Page 14, 604.4 Ground Cover). Section 603.2.3 was revised to allow "leaf litter, and mulch that does not form in a manner that transmits fire to tree canopies". AFD expects to address this in more detail in administrative rules.
23. Explore opportunities for grants, rebates, and/or tax incentives to help homeowners with the additional expense for ignition-resistant construction and/or landscape and tree work in the defensible space. AFD expects to take advantage of new national standards to provide assistance for pre-disaster mitigation and has worked with Austin Energy's Green Building program to create incentives for Wildfire risk reduction.
24. Provide extensive public education and outreach such as town hall meetings on the new code to assist the public in identifying fire hazards before they take action. AFD has plans to do this.