

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2022-021 Wildland Urban Interface Code Amendments

Description: Consider amendments to Title 25 of the City Code to address wildfire risk and wildfire mitigation by adding definitions and adjusting ordinance to improve planning and evacuation risk concerns.

Proposed Language: See attached draft ordinance and background information.

Summary of proposed code amendment

- Access Streets: Allow a single-access street to be longer than 2,000 feet and serve more than 30 dwellings if the access street does not cross an area identified as Wildland-Urban Interface as shown on the Austin Fire Department Wildfire Risk map (as described in the Land Development Code 25-4-157).

The application of this change prevents AFD from creating unsafe conditions for evacuation. Determining a cost impact is difficult without having specific items or examples to review. The safe evacuation of residents is the highest priority.

- Add mitigation of wildfire risk to the list of enumerated purposes in the General Planning Requirements Chapter (as described in the Land Development Code 25-1-21).

Given the significant wildfire risk in the Austin area, adding wildfire risk mitigation to the list of enumerated purposes for planning gives all stakeholders the best information to plan a safe and well-designed development. Determining a fiscal impact may be difficult but from a prevention, recovery and life safety standpoint the resiliency built into the community serves to minimize the fiscal impact of an adverse event. This is a direct response to the CPAW plan by directing responsible growth into safe areas.

- Right-Of-Way Dedication and Improvement Right-of-Way Alignment: Require the director to base right-of-way alignment on engineering criteria related to the safe use and maintenance of public right-of-way, including grade, sight distance, turning radii, curvature, existing green infrastructure, and the existence of flood plain or wildfire hazards. These criteria are to be the primary considerations used in determining right-of-way alignment and are controlling over other criteria in the event of conflict (as described in the Land Development Code Section 25-6-54).

This is another case where adding wildfire consideration to a long list of concerns that need to be addressed in planning safe use and design of public right of ways could improve community safety. The addition of “wildfire hazards” can help relieve some current concerns regarding evacuation and ensure wildfire risk takes its proper place on the list of significant considerations in future roadway planning, design and improvement. Assigning a cost to a consideration is difficult, however, the potential to improve evacuation routes and road designs will create a safer community.

Delaying implementation of this consideration will add to the lack of evacuation and response routes AFD is currently dealing with. Right-Of-Way consideration need to be included in the planning process to reduce life safety risk during potential evacuations.

- **General Definitions:** Define "Fire Protection Plan" as a document prepared for a specific project or development proposed for the wildland-urban interface area that describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing the effect on the community's fire protection delivery system (as described in the Land Development Code Section 25-1-21). Define "Wildland-Urban Interface Area" as an area designated by the city council as one where conditions affecting the combustibility of both wildland and built fuels allow for the ignition and spread of fire through the combined fuel complex(25-1-21) (consistent with the definition already adopted in [City Code 25-12-183](#)).

Background: Initiated by City Council Resolution 20220609-021.

In June 2022, City Council issued a resolution that directed staff to modify the Land development code to reduce wildfire risk.

Staff Recommendation: Recommended

The Austin Fire Department currently does not have any concerns with the proposed adjustments. Alignment of the Land development Code and the Wildland Urban interface code is a logical step in our work toward risk reduction and preservation of life and property.

Board and Commission Actions

March 15, 2023: Commissioner Azhar made a friendly amendment to Commissioner Greenberg's original amendment to move staff approval with looking at 25-4-157 - Subdivision Access Streets (C)(3) to make sure it is aligned with existing code language to ensure that does not lead to duplication and to consider the amendment language as made by Commissioner Greenberg to amend 25-4-157 - Subdivision Access Streets (C)(2)(a) to replace "with a high wildland fire protection rating, as determined in accordance with the National Fire Protection Association Bulletin 299, "Protection of Life and Property from Wildfire", published in 1992" to "identified as a Wildfire Urban Interface Area as shown on the Austin Fire Department Wildfire Risk map". Vote: 5-0

March 28, 2023: A public hearing will be held by Planning Commission.

Council Action

April 13, 2023: A public hearing has been scheduled.

Ordinance Number: NA

City Staff: Thomas Vocke **Phone:** (512) 974-0266 **Email:** tom.vocke@austintexas.gov

RESOLUTION NO. 20220616-055

WHEREAS, wildfire is one of the top natural disaster risks to the City of Austin, and the City has one of the highest risks of wildfire in the nation by structure reconstruction cost, according to the most recent CoreLogic report; and

WHEREAS, the City adopted part of the International Wildland Urban Interface Code (WUIC) in 2020; and

WHEREAS, the WUIC contains provisions addressing fire spread, accessibility, defensible space, water supply, and more for buildings constructed near wildland areas; and

WHEREAS, since the adoption of the partial WUIC, the City has conducted extensive outreach to residents and stakeholders regarding its implementation, and is permitting 300 units a month under WUIC provisions; and

WHEREAS, certain provisions of the WUIC were not included in the adopted version and were intended to be included as amendments to the Land Development Code in a parallel process; and

WHEREAS, the adoption of those items will provide needed protections within the Wildland-Urban Interface Area and bring the City closer to full WUIC adoption; and

NOW, THEREFORE, BE IT RESOLVED BY THE AUSTIN CITY COUNCIL

The City Council initiates amendments to City Code Title 25 (Land Development Code) to address wildfire risk and wildfire mitigation, and directs the City Manager to prepare an ordinance that addresses the provisions listed in Exhibit A of this Resolution, and any other International WUIC elements deemed necessary

by the Fire Marshall and informed by the experience implementing the WUIC to date.

BE IT FURTHER RESOLVED

The City Council directs the City Manager to conduct an affordability impact analysis and a fiscal impact analysis for each proposed code or process change resulting from this Resolution.

ADOPTED: June 16, 2022

ATTEST:



Myrna Rios
City Clerk

EXHIBIT A

1. Project Assessments: Specify that project assessments may be used to determine whether a site is located in a “**wildfire risk area**” as well as a floodplain (as described in the Land Development Code Revision Section 23-2C-1060).
2. Access Streets: Allow a single-access street to be longer than 2,000 feet and serve more than 30 **dwelling**s if the access street does not cross an area identified as Wildland-Urban Interface as shown on the Austin Fire Department **Wildfire Risk map** (as described in the Land Development Code Revision Section 23-8F-3030).
3. Purpose: Add **mitigation of wildfire risk** to the list of enumerated purposes in the General Planning Requirements Chapter (as described in the Land Development Code Revision Section 23-4A-1010).
4. Right-Of-Way Dedication and Improvement Right-of-Way Alignment: Require the director to base right-of-way alignment on engineering criteria related to the safe use and maintenance of public right-of-way, including grade, sight distance, turning radii, curvature, existing green infrastructure, and the existence of flood plain **or wildfire hazards**. These criteria are to be the primary considerations to be used in determining right-of-way alignment and are controlling over other criteria in the event of conflict (as described in the Land Development Code Revision Section 23-8B-2040).
5. General Definitions:

Define “Fire Protection Plan” as a document prepared for a specific project or development proposed for the **wildland-urban interface area** that describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing the effect on the community’s fire protection delivery system (as described in the Land Development Code Revision Section 23-12A-1030).

Define “Wildland-Urban Interface Area” as an area designated by the city council as one where conditions affecting the combustibility of both wildland and built fuels allow for the ignition and spread of fire through the combined fuel complex (consistent with the definition already adopted in City Code 25-12-183).

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-1-21 (*Definitions*) is amended to add new definitions for “Fire Protection Plan” and “Wildland-Urban Interface Area” to read as follows and to renumber the remaining definitions accordingly:

(41) FIRE PROTECTION PLAN means a document prepared for a specific project or development proposed for the wildland-urban interface area that describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing the effect on the community's fire protection delivery system.

(133) WILDLAND-URBAN INTERFACE AREA means an area designated by the city council as one where conditions affecting the combustibility of both wildland and built fuels allow for the ignition and spread of fire through the combined fuel complex.

PART 2. Subsection (D) of City Code Section 25-1-63 (*Project Assessments*) is amended to read:

(D) A project assessment includes:

- (1) an explanation of the procedures and requirements of this title for the subdivision;
- (2) an identification of potential major issues for the project, including whether:
 - (a) the proposed land use conforms to the Comprehensive Plan and current zoning;
 - (b) proposed arterials, if any, comply with the Transportation Plan;
 - (c) proposed collector streets, if any, are adequate for the projected traffic;
 - (d) there are significant environmental issues;

(e) there is an official floodplain map delineated;

(f) there is a wildfire risk area map delineated;

(g)[(f)] adequate utilities are available; and

(h)[(g)] the proposed density is:

(i) consistent with the requirements of this title;

(ii) appropriate, considering the surrounding land use or zoning; and

(iii) consistent with watershed requirements.

PART 3. City Code Section 25-4-157 (*Access Streets*) is amended to add a new Subsection (C), to renumber existing Subsection (C) as Subsection (D), and to renumber the remaining subsections accordingly:

(C) A single-access street may be longer than 2,000 feet and serve more than 30 dwellings if the access street does not cross an area identified as an Wildland-Urban Interface Area as shown on the Austin Fire Department Wildfire Risk map.

PART 4. Subsection (B) of the City Code Section 25-6-54 (*Alignment*) is amended to read:

(B) The alignment of reserved right-of-way is based on:

(1) the alignment established in the Transportation Plan, collector plan, or capital improvement project; and

(2) engineering criteria related to the safe use and maintenance of public right-of-way, including grade, sight distance, turning radii, curvature, existing green infrastructure, and the existence of a flood plain or wildfire hazards.

PART 5. This ordinance takes effect on _____, 20__.

PASSED AND APPROVED

_____, 20____

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§

Kirk Watson
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Myrna Rios
City Clerk



**HOUSING &
PLANNING**

Affordability Impact Statement

Proposed Amendments to City Code Section 25

Submitting Department: Austin Fire Department

Initiated by: Resolution No. 20220616-055

3/21/2023

Proposed Regulation

The proposed amendments would modify city code sections 25-1-21, 25-1-63, 25-4-157, and 25-6-54 relating to mitigation of wildfire risk.

Impact on Housing Affordability

Housing and Planning staff find that the proposed regulation will have a **neutral** impact to housing affordability.

Manager's Signature _____

Stephen Guba

Division Manager,
Inclusive Planning 3/21/2023