

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5120**

Chapter 362, Laws of 2009

61st Legislature  
2009 Regular Session

AGRICULTURAL STRUCTURES--FEES

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 20, 2009  
YEAS 48 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 15, 2009  
YEAS 96 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 6, 2009, 2:04 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5120** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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**SENATE BILL 5120**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senators Fairley, McDermott, and Holmquist

Read first time 01/14/09. Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to agricultural structures; amending RCW 19.27.015  
2 and 19.27.100; adding a new section to chapter 19.27 RCW; creating new  
3 sections; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature finds that permit and  
6 inspection fees for new agricultural structures should not exceed the  
7 direct and indirect costs associated with reviewing permit  
8 applications, conducting inspections, and preparing specific  
9 environmental documents.

10           **Sec. 2.** RCW 19.27.015 and 1996 c 157 s 1 are each amended to read  
11 as follows:

12           As used in this chapter:

13           (1) "Agricultural structure" means a structure designed and  
14 constructed to house farm implements, hay, grain, poultry, livestock,  
15 or other horticultural products. This structure may not be a place of  
16 human habitation or a place of employment where agricultural products  
17 are processed, treated, or packaged, nor may it be a place used by the  
18 public;

1       (2) "City" means a city or town;

2       (~~(+2)~~) (3) "Multifamily residential building" means common wall  
3 residential buildings that consist of four or fewer units, that do not  
4 exceed two stories in height, that are less than five thousand square  
5 feet in area, and that have a one-hour fire-resistive occupancy  
6 separation between units; and

7       (~~(+3)~~) (4) "Temporary growing structure" means a structure that  
8 has the sides and roof covered with polyethylene, polyvinyl, or similar  
9 flexible synthetic material and is used to provide plants with either  
10 frost protection or increased heat retention.

11       NEW SECTION.   **Sec. 3.** A new section is added to chapter 19.27 RCW  
12 to read as follows:

13       Permitting and plan review fees under this chapter for agricultural  
14 structures may only cover the costs to counties, cities, towns, and  
15 other municipal corporations of processing applications, inspecting and  
16 reviewing plans, preparing detailed statements required by chapter  
17 43.21C RCW, and performing necessary inspections under this chapter.

18       **Sec. 4.** RCW 19.27.100 and 1975 1st ex.s. c 8 s 1 are each amended  
19 to read as follows:

20       Except for permitting fees for agricultural structures under  
21 section 3 of this act, nothing in this chapter shall prohibit a city,  
22 town, or county of the state from imposing fees different from those  
23 set forth in the state building code.

24       NEW SECTION.   **Sec. 5.** (1) The state auditor, in accordance with  
25 RCW 43.09.470, must conduct a performance audit of the reasonableness  
26 of building and inspection fees permitted under RCW 82.02.020 that are  
27 imposed by eight counties, as determined by the auditor. In selecting  
28 counties for the audit, the auditor must choose four counties located  
29 west of the crest of the Cascade mountain range, and four counties  
30 located east of the crest of the Cascade mountain range. The selected  
31 counties must represent a diversity of agricultural economies. In  
32 completing the audit, the state auditor must include guidance on  
33 determining allowable costs, and methodologies for allocating costs to  
34 specific projects. The state auditor, when developing written cost

1 allocation guidance, must consider variances in the sizes of local  
2 government entities.

3 (2) In completing the audit report required by this section, the  
4 state auditor must establish and consult with a county government  
5 advisory committee. The advisory committee must consist of members  
6 from county and city governments and other interested parties, as  
7 determined by the auditor.

8 (3) The state auditor must provide a final audit report to the  
9 appropriate committees of the house of representatives and the senate  
10 by December 31, 2009.

11 (4) Revenues from the performance audits of the government account  
12 created in RCW 43.09.475 must be used for the audit required by this  
13 section.

14 (5) This section expires July 1, 2011.

Passed by the Senate April 20, 2009.

Passed by the House April 15, 2009.

Approved by the Governor May 6, 2009.

Filed in Office of Secretary of State May 8, 2009.