

# HOUSE BILL REPORT

## SSB 6214

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to horticultural facilities.

**Brief Description:** Defining a temporary growing structure.

**Sponsors:** Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Snyder, Newhouse, Rasmussen, Morton, Prince and Hargrove).

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/14/96, 2/21/96 [DPA].

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass as amended. Signed by 16 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Clements; Delvin; R. Fisher; Honeyford; Johnson; Mastin; Murray; Ogden; Regala; Robertson; Rust and Schoesler.

**Staff:** Kenneth Hirst (786-7105).

**Background:** With certain exceptions, the State Building Code Act adopts by reference the Uniform Building Code and Uniform Building Code Standards of the International Conference of Building Officials as the state's building code. The state's Building Code Council has the authority to maintain and amend this code. The code applies statewide; however, the governing body of a city or town may amend the state code, as long as the performance standards and objectives of the state code remain as minimum standards and objectives. Local amendments to the code regarding residential buildings must be reviewed by the state council for approval.

Standards for horticultural greenhouse and crop protection structures are identified in an optional appendix to the 1994 Uniform Building Code that has not been adopted by this state. Under this part of the code, buildings using plastics must comply with certain standards; however, except where designs must consider snow loads, plastics

less than 20 mil (0.51 mm) thick may be used without regard to structural considerations. The structural frame of the building, however, must comply.

**Summary of Amended Bill:** The State Building Code Act does not apply to "temporary growing structures" used solely for the commercial production of horticultural plants. Such a structure is one the sides and roof of which are covered with polyethylene, polyvinyl, or similar flexible synthetic material, and is used to provide plants with either frost protection or increased heat retention.

**Amended Bill Compared to Substitute Bill:** The amendment clarifies that the materials that may cover a temporary growing structure are flexible synthetic materials.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (1) These types of growing structures are exempted from building code requirements in Oregon and British Columbia, from which nurseries in this state receive fierce competition; the exemption gives nurseries in those areas a competitive edge. (2) Some counties view these structures as buildings, but the industry and at least one federal court view them as equipment. (3) One county wanted to know where the facilities for the handicapped were to be located in such a growing structure and wanted engineered blueprints for it. An exemption for these structures should apply uniformly throughout the state.

**Testimony Against:** (1) Such an exemption can be provided without exposing people to fire or safety problems if the Building Code Council or a county adopts the appendix to the uniform code regarding such structures. (2) The public should not have access to these structures. (3) These structures should also be exempted from building set-back requirements.

**Testified:** Steve McGonigal, Washington State Nursery and Landscape Association; Dixie Edwards, Watershed Garden Works; Bruce Briggs, Briggs Nursery; and Jim Youngsman, Skagit Gardens (in favor). Larry Ward, State Building Code Council; and Blair Patrick, Washington Association of Building Officials (opposed).