

# SENATE BILL REPORT

## SSB 6214

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As Passed Senate, January 29, 1996

**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 & Agricultural Trade & Development: 1/16/96, 1/18/96 [DPS].

Passed Senate, 1/29/96, 42-0.

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### SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; A. Anderson, Bauer, Morton, Newhouse and Snyder.

**Staff:** Bob Lee (786-7404)

**Background:** There are at least two common types of structures that are used for the growing of plants: (1) those "greenhouses" that fit the dictionary definition of "a glassed enclosure used for the cultivation or protection of tender plants," and (2) a framework that is covered with a light plastic sheeting. The glassed enclosure is a more permanent structure whereas the light plastic sheeting deteriorates in a year or two when exposed to ultraviolet rays and wind.

Appendix chapter 3 of the 1994 Uniform Building Code contains standards for horticultural structures including "greenhouses." This appendix can be used at the option of the local building department. The appendix does not contain a definition of "greenhouse" to determine whether structures with plastic sheeting are included.

There is an administrative process whereby persons may request a change to the State Building Code. That process requires a petition to the State Building Code Council. The council is on a three-year cycle for making changes to the code. Any code revisions that are adopted must sit through a legislative session before they become effective. Changes made through this process would take effect in mid-year of 1998.

**Summary of Bill:** A separate definition is established in the State Building Code statute for "temporary growing structures." It is defined as a structure that has the sides and roof

covered with plastic material and is used to provide plants with frost protection or increased heat.

Temporary growing structures that are solely used for commercial production of horticultural plants are exempt from the requirements of the State Building Code. The structures continue to be subject to requirements adopted by local jurisdictions, including local zoning and building setbacks.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** There has not been a uniform interpretation by local building code officials as to whether structures built with plastic sheeting used to grow nursery plants are subject to the state building code. Such structures are temporary, built inexpensively and are not expected to withstand heavy snow loads and thus should not be required to be constructed to state building code standards. Oregon has passed a similar law to exempt these structures which puts Washington nursery growers at a competitive disadvantage if required to meet more costly standards.

**Testimony Against:** There may be reasons for local building officials to apply different requirements to these types of temporary structures.

**Testified:** Bruce Briggs, Briggs Nursery (pro); Steve McGonigal, Dixie Edwards, WA State Nursery and Landscape Assn. (pro); Bill Garvin, Linda Johnson, WA State Farm Bureau (pro); Blair Patrick, WA Assn. of Building Officials (con).

**House Amendment(s):** It is clarified that the types of materials that may cover a temporary growing structure are flexible synthetic materials.