

HOUSE BILL REPORT

HB 2767

As Reported by House Committee On:
Local Government

Title: An act relating to specialty agricultural structures.

Brief Description: Exempting specialty agricultural structures from building code requirements.

Sponsors: Representatives Blake, Kretz, Grant, VanDeWege, Orcutt, McCoy, Hailey, Pettigrew, Kenney, Loomis, Pearson and Newhouse.

Brief History:

Committee Activity:

Local Government: 1/31/08, 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Limits building permit costs for qualifying specialty agricultural buildings to the costs incurred by the local government for processing the permit and performing associated inspections.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Eddy and Nelson.

Minority Report: Without recommendation. Signed by 2 members: Representatives Schindler, Assistant Ranking Minority Member; Schmick.

Staff: Ethan Moreno (786-7386).

Background:

The State Building Code Council (Council) was created to provide analysis and advice to the Legislature and the Governor's Office on state building code issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements by reviewing, developing, and modifying the code provisions that comprise the state building code (SBC). The SBC describes the powers and duties of fire code officials and building

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officials and must be enforced by counties and cities. Subject to statutory limitations, however, these local governments may amend the SBC as it applies within their jurisdiction.

Summary of Substitute Bill:

A provision limiting certain permit charges is established in the SBC. The permit charge that may be imposed for specialty agricultural buildings constructed on a commercial agricultural operation may not exceed the costs incurred by the local government for processing the permit and performing associated inspections. Specialty agricultural structures are those that are designed and constructed to house farm equipment, hay, grain, poultry, livestock, or other horticultural products. Human habitation, public use, and employment where agricultural products are processed, treated, or packaged are not permitted uses of a specialty agricultural buildings.

"Commercial agricultural operation" is defined as an operation that generates an average of at least \$10,000 gross income per year from the sale of agricultural products.

Substitute Bill Compared to Original Bill:

Deletes all provisions of the underlying bill exempting qualifying specialty agricultural buildings from the SBC and related permit requirements. Adds a provision limiting the charge for permits for specialty agricultural buildings constructed on a commercial agricultural operation to the costs incurred by the local government for processing the permit and performing associated inspections.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The intent of this bill is to keep using agricultural lands for agricultural practices. If you encourage farmers to invest in agricultural buildings, the likelihood of continuing to use the agricultural land for agricultural practices increases. Supporters of the bill are willing to work on new language that would add electrical safety provisions and require local official to be notified of new buildings. The costs of agricultural building permits in Washington are very high when compared with those of Oregon and Idaho. Chicken production will not expand in Washington if it is prohibitively expensive to do so. Washington is the only state on the west coast that does not have statewide exemptions for agricultural buildings. The costs of an agricultural building permit in the state can equal 25 percent of the construction costs, yet the issuing county will derive tax roll benefits from the completed construction. If the permit cost is too high, farmers will not construct the buildings and counties will lose

potential revenue. Local governments have concerns about buildings that would be constructed under less stringent regulations, but agricultural buildings will be constructed safely and will comply with code requirements. Farmers need agricultural buildings and the logic behind high permit fees is questionable.

(Concerns) County assessors work from building permit data: this bill could interfere with their efforts to fulfill professional obligations.

(Opposed) Concerns exist about the bill and its effect on the underground construction industry. If a permit is not required, unlicensed contractors will be used for the construction. This bill will encourage the construction of unsafe buildings. The SBC is designed to protect firefighters. This bill will require code officials to ask farmers for income information; a question that will not be welcomed. Buildings that people work in should not be exempted from the SBC. If there are concerns about fees, agricultural buildings should be exempted from permit fees instead of the SBC and its safety requirements. Counties are concerned about the preemption provision of the bill. Counties may adopt fee exemptions for agricultural buildings; eight already do. County exemptions are usually developed in consultation with local fire officials. Counties use permit fees to recover costs in today's tight fiscal environment. This bill is viewed as a public safety issue. Farm buildings are not required to be designed by architects. Changes that will encourage the construction of unsafe buildings are opposed.

Persons Testifying: (In support) Representative Blake, prime sponsor; Chris Cheney, Washington Fryer Commission; Jay Gordan, Washington Dairy Federation; Bryan Henke, Henke Farms; Louis Farrar; and Jim Burnett, All-Purpose Structures.

(Concerns) Robert Carlton, Washington State Association of County Assessors.

(Opposed) John Neff, Washington Association of Building Officials; Mike Brown, Washington Fire Chiefs; Eric Johnson, Washington State Association of Counties; Bob Johnson, Lewis County; and Stan Bowman, American Institute of Architects - Washington Council.

Persons Signed In To Testify But Not Testifying: None.