

SENATE BILL REPORT

SB 5055

As Reported by Senate Committee On:
Local Government, February 20, 2025

Title: An act relating to promoting agritourism in Washington.

Brief Description: Promoting agritourism in Washington.

Sponsors: Senators Warnick, Wagoner, Chapman, Dozier and Wellman.

Brief History:

Committee Activity: Local Government: 1/16/25, 2/20/25 [DPS].

Brief Summary of First Substitute Bill

- Establishes that agricultural buildings used for agritourism activities are not subject to building code standards that apply to a commercial building permit, except standards to meet all life and fire safety requirements, if the building is only used for agritourism activities six months or less every year.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass.

Signed by Senators Salomon, Chair; Lovelett, Vice Chair; Torres, Ranking Member; Bateman and Goehner.

Staff: Karen Epps (786-7424)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation for all Washington counties and cities, and additional planning duties for 29 counties, and the

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

cities within those counties, obligated to satisfy all planning requirements of the GMA.

Innovative Zoning Techniques. Counties and cities may consider innovative zoning techniques to conserve agricultural lands and encourage the agricultural economy. Allowable methods include agricultural zoning limiting density, cluster zoning, large lot zoning, quarter/quarter zoning, and sliding scale zoning.

Agricultural Accessory Uses. Counties and cities have authority to limit or exclude allowable accessory uses on agricultural lands. Allowable agricultural accessory uses and activities include those related to storage and distribution. Nonagricultural accessories and uses are allowed if they are consistent with the size, scale, and intensity of the existing agricultural use of the property and existing buildings onsite. Nonagricultural accessories may not extend beyond areas already developed for buildings and may not otherwise convert more than one acre of agricultural land to nonagricultural use.

State Building Code. The State Building Code establishes minimum performance standards and requirements for construction and construction materials in the state consistent with accepted standards of engineering, fire, and life safety. The code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act. Model codes and standards adopted in the act include the International Building Code, the International Residential Code, and the International Fire Code standards.

Agritourism. An agritourism professional is not liable for unintentional injury, loss, damage, or death resulting exclusively from the inherent risks of an agritourism activity. Agritourism activity is defined as any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to:

- farming, ranching;
- historic, cultural, and on-site educational programs;
- recreational farming programs that may include on-site hospitality services;
- guided and self-guided tours;
- petting zoos, farm festivals, corn mazes, hayrides;
- harvest-your-own operations;
- barn parties; and
- horseback riding, fishing, and camping.

Agritourism professionals are required to post a specified warning notice at the site of the agritourism activity and to include the warning notice in written contracts.

Summary of Bill (First Substitute): Agricultural buildings used for agritourism activities are not subject to building code standards that apply to a commercial building permit, expect standards to meet all life and fire safety requirements, if the building is only used for

agritourism activities six months or less every year.

EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):

- Clarifies that agricultural buildings used for agritourism activities are not subject to building code standards that apply to a commercial building permit, except standards to meet all life and fire safety requirements, if the building is only used for agritourism activities six months or less every year.
- Removes language allowing a county or city to use innovative zoning techniques for agritourism activities.
- Removes provisions requiring the LCB to issue a beer and wine license to an agritourism venue.
- Removes provisions allowing counties to adopt ordinances to permit agritourism activities that generate supplemental income for farms in agricultural zones and permit agritourism after consultation with neighboring landowners.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: I'm always interested in educating people about agriculture. Agriculture needs help, it is losing income more and more due to the cost of doing business and this is a way to be creative to allow for innovation. I appreciate the recognition of agritourism at the state level, it is not only important for farms that are trying to supplement their income, but also to introduce people to the lifestyle that agricultural communities have enjoyed for many years. Local government remains the best point to balance the spirit and intent of the Growth Management Act with local priorities and cultural expectations, section 2 should be analyzed to ensure that its implementation is consistent with the rest of the innovative zoning techniques. Having the liquor license option would be helpful to expand business opportunities.

CON: We have the public come out to our farm where they learn about the animals, how we operate and how the food gets from the field to their table. Section 2 of the bill makes it open to interpretation of counties and would be a lot more restrictive. The concern we have is including the language around hospitality because it opens it up to allowing bars and taverns that don't really associate with the underlying goals of that agricultural use. Commerce is doing a study around agritourism so we will also be looking to see what might come out of that. I have concerns around the six-month imposition in this bill because we

have three seasons of business on our farm. There are aspects of this bill that are helpful but what is not helpful is opening up our operations to everyone that surrounds us, we have the right to farm and should not have to ask permission from our neighbors to have a festival on the farm.

OTHER: Four years into running a pumpkin patch we got a cease and desist order from the county for using buildings that were permitted for residential use to sell pumpkins for a few days each year so we are in favor of having the commercial building code requirements removed for agritourism farms. Not in favor of section 2, it is vague and duplicative of county standards that are already in place. The concern we have is with section 2 that states the presence of agritourism activities may not be used as the basis to change the taxation category of land which is intended to allow for property participating in the open space current use exemption program. Assessors administer this program with direction from Department of Revenue and so it would be helpful to amend RCW 84.34 so that there is no conflict in the requirements.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Robby Rutledge; Cory Wright, Kittitas County.

CON: Scott Luckie, Luckie Farms; Bryce Yadon, Futurewise; Keith Stocker, Stocker Farms, Inc.

OTHER: Linda Hjelle, WA Association of County Assessors; Hilary Jensen, Jensen Farms.

Persons Signed In To Testify But Not Testifying: No one.