

SENATE BILL REPORT

SB 6219

As of January 23, 2024

Title: An act relating to promoting agritourism in Washington.

Brief Description: Promoting agritourism.

Sponsors: Senators Warnick, Schoesler, Dozier, Wilson, J., Salomon, McCune, Wilson, L., Holy, Torres, Padden, Fortunato, Braun, King, Short, Rivers, Wagoner, Hasegawa, Lovelett and Stanford.

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 1/23/24.

Brief Summary of Bill

- Allows a county or city to use innovative zoning techniques for commercial uses and activities that generate supplemental income for farms and are conducted for enjoyment, education, and active involvement of visitors including direct agricultural marketing and agritourism, but not including private events.
- Exempts agricultural buildings also used for agritourism purposes from additional commercial standards under the State Building Code if the venue is only open six months or less every year.
- Requires the Liquor and Cannabis Board to issue a beer and wine license to an agritourism venue for the sale of beer, strong beer, and wine for on-premises consumption.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Staff: Karen Epps (786-7424)

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.

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation for all Washington counties and cities, and additional planning duties for 29 counties, and the 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.

Liquor Licenses and Permits. The Liquor and Cannabis Board (LCB) issues a variety of liquor licenses and permits authorizing the service, sale, or use of alcoholic beverages in different circumstances.

Permits. Examples of available permits include a banquet permit, a permit for an event held at a business without a liquor license, a permit for nonprofit organizations to auction wine, and a permit for bed and breakfast lodging facilities. Fees from liquor licenses and permits are deposited into the Liquor Revolving Fund.

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 includes any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and that 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: Innovative zoning techniques a county or city may consider including is amended to add commercial uses and activities that generate supplemental income for farms and are conducted for enjoyment, education, and active involvement of visitors including direct agricultural marketing and agritourism, but not including private events.

Agricultural buildings also used for agritourism purposes must not be required to meet additional commercial standards under the State Building Code if the venue is only open six months or less every year.

LCB must issue a beer and wine license to an agritourism venue for the sale of beer, strong beer, and wine for on-premises consumption.

Agritourism venues may sell beer and wine for off-premises consumption if the beer and wine is manufactured by a microbrewery or craft winery located within the state.

Agritourism venues must provide a plan to prevent minors from unlawfully accessing alcoholic beverages.

Appropriation: None.

Fiscal Note: Requested on January 17, 2024.

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: PRO: There are smaller producers that want to invite people to learn what agriculture is all about on their farm. This bill opens other opportunities for farmers to increase their profitability. This bill provides farmers with options so they can stay in business. Through agritourism, farmers showcase their farm and show their community how to grow flowers and food and take care of animals. This bill will help support year-round agricultural crops and commodities, while seasonally providing opportunities to promote agricultural activities for families to enjoy. Agritourism allows farms to provide a hands-on experience. This bill will help farms continue to provide the

agricultural experience. Counties do not know how to handle agritourism businesses. Banquet liquor permits do not allow for the sale of alcohol, so they do not work for agritourism operations. Agritourism is a great way to teach folks about farming and getting food to the table. This bill will allow for complimentary tourism operations to agriculture and keep farmland in production. This bill gives counties a great tool to assist farmers.

CON: There are concerns about how activities related to agritourism are being defined. There is concern about allowing commercial uses in agricultural areas.

OTHER: There is support for allowing nonaccessory uses as a way to support the agricultural industry. There is some concern that the new provisions could allow some uses to grow in a way that might create conversion or operational interference with adjacent uses.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Andrew Miller; LARRY JENSEN, Washington Farm Bureau (Skagit County); Commissioner Amanda McKinney, Yakima County District 1; Sandi Gienger; Brian Anderson, Knutson Farms Inc; Hilary Jensen, Jensen Farms.

CON: Bryce Yadon, Futurewise .

OTHER: Dave Andersen, Washington Department of Commerce.

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