



Existing Agricultural Activities within Critical Areas

Certain agricultural activities are exempt from the provisions of Pierce County Code [Title 18E](#), Critical Areas Regulations. These existing agricultural activities¹ are those established prior to February 2, 1992, that meet **all** of the following criteria:

- The agricultural activities do not cause permanent conversion of a critical area through actions such as filling, ditching, draining, clearing, grading, etc;
- The agricultural activities do not expand beyond the specific geographic area upon which the lawfully established activities are being conducted. An agricultural activity that is determined to be existing within one portion of a property does not necessarily extend to other portions of the property;
- The agricultural activities do not cause greater impact to the functions or values of a critical area and its associated buffer;
- The activities and structures comply with the provisions of Pierce County Code [Title 18E.70](#), Flood Hazard Areas; **and**
- The land upon which the agricultural activity has been conducted has not lain idle for more than five years after February 2, 1992, unless the idle land is registered in a federal or state soils conservation program.

How may the existing agricultural activity exemption be applied?

The following scenarios are examples of how the existing agricultural activity exemption may be applied.

Scenario 1. Farmer Bob grazes 25 head of cattle in the same area his father was grazing in 1950. Farmer Bob has critical areas on his property: a stream and a wetland. The cows have always been fenced out of a *portion* of the wetland, stream, and buffers. However, the cows have grazed in the unfenced portion of the wetland, stream, and buffers since 1950.

Farmer Bob's grazing activities in the unfenced portion of the wetland and stream buffer are existing and not subject to the provisions of Title 18E. Farmer Bob may continue to graze his cattle where he has always grazed them.

¹ "Agricultural activities" means the normal actions associated with the production of crops such as: plowing, cultivating, minor drainage, and harvesting; and/or raising or keeping of livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and normal operation, maintenance, and repair of existing serviceable agricultural structures, facilities, or improved areas.



Scenario 2. Farmer Jane buys the land from Farmer Bob, and continues to graze approximately 25 head of cattle in the *same* areas that Farmer Bob did.

This is an existing agricultural activity and is not subject to the provisions of Title 18E. Farmer Jane may continue to allow the cattle to graze where they have always grazed.

Scenario 3. Farmer Jane decides she wants to significantly increase the size of the herd. She also wants to build a barn and commercial feedlot in the wetland and stream buffer where the cows have previously grazed.

These are not existing agricultural activities because they 1) cause greater impact to the functions or values of a critical area and its associated buffer; and 2) result in permanent conversion of a critical area. Farmer Jane's proposal would be subject to the provisions of Title 18E.

Scenario 4. Farmer Jane continues to graze approximately 25 head of cattle, but wants to expand into the portion of the wetland, stream, and buffers where the cattle had not grazed before.

This is not considered an existing agricultural activity because the activity is expanding beyond the specific geographic area upon which the lawfully established activity was conducted. Farmer Jane's proposal would be subject to the provisions of Title 18E.

Scenario 5. Farmer Jane bought the property from Farmer Bob in 2002, but did not engage in any agricultural activity until 2013 when she decided to reintroduce 25 head of cattle in the same areas as Farmer Bob.

This is not considered an existing agricultural activity because there has been a break of more than five years, so the proposed grazing in the wetland, stream, and buffers would be subject to the provisions of Title 18E. If Farmer Jane had registered the land in a soil conservation program, the proposed agricultural activity would be considered existing and would be exempt from the provisions of Title 18E.





Scenario 6. Farmer Jane wants to convert from cattle grazing to row crops within the same area that the cows have grazed since 1950.

Converting to row crops may or may not be an existing agricultural activity. If the conversion within the critical area causes greater impacts to the functions or values of the critical area and its associated buffer or results in permanent conversion of a critical area, Farmer Jane's proposal would be subject to the provisions of Title 18E. Whether or not a proposed conversion is subject to the provisions of Title 18E is determined by county staff on a case-by-case basis.

Scenario 7. Farmer John buys some property. There is a wetland and buffer in the northern corner of the property. Farmer John wants to plant row crops on the entire property, including the wetland and its buffer. No one has ever conducted agricultural activities on this property except the previous owner who had a couple of goats in the southern corner of the property about 10 years ago. No goats were in the wetland or its buffer.

Farmer John's proposed agricultural activity would not be considered existing on this parcel. Therefore, Farmer John's proposal would be subject to the provisions of Title 18E.

How do I determine if I have an existing agricultural activity?

It can be challenging to determine whether something is an existing agricultural activity. Pierce County staff is available to help you.

For help or more information:

- Contact a Pierce County Biologist at (253) 798-7005
- Visit the Development Center, Monday – Friday between 9 am and 2 pm, at 2401 South 35th Street, Tacoma, WA 98409

This is a reference tool only, and is not a substitute for codes and critical area regulations. You must ensure that your project meets the requirements of all applicable codes and regulations.

