

1 1954-S AAS 4/5/91

2 SHB 1954 - S COMM AMD

3 By Committee on Agriculture & Water Resources

4 Adopted as Amended 4/5/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 7.48.305 and 1979 c 122 s 2 are each amended to read
8 as follows:

9 Notwithstanding any other provision of this chapter, agricultural
10 activities conducted on farmland, if consistent with good agricultural
11 practices and established prior to surrounding nonagricultural
12 activities, are presumed to be reasonable and ~~((de))~~ shall not be found
13 to constitute a nuisance unless the activity has a substantial adverse
14 effect on the public health and safety.

15 If that agricultural activity is undertaken in conformity with
16 federal, state, and local laws and regulations, it is presumed to be
17 good agricultural practice and not adversely affecting the public
18 health and safety, and as such shall not be restricted to time of day,
19 or day or days of the week."

20 "Sec. 2. RCW 7.48.310 and 1979 c 122 s 3 are each amended to read
21 as follows:

22 As used in RCW 7.48.305:

23 (1) "Agricultural activity" means a condition or activity which
24 occurs on a farm in connection with the commercial production of farm
25 products and includes, but is not limited to, ~~((the growing or raising~~
26 of horticultural and viticultural crops, berries, poultry, livestock,
27 grain, mint, hay, and dairy products)) marketed produce at roadside

1 stands or farm markets; noise; odors; dust; fumes; operation of
2 machinery and irrigation pumps; movement, including, but not limited
3 to, use of current county road ditches, streams, rivers, canals, and
4 drains, and use of water for agricultural activities; ground and aerial
5 application of seed, fertilizers, conditioners, and plant protection
6 products; employment and use of labor; roadway movement of equipment
7 and livestock; protection from damage by wildlife; prevention of
8 trespass; construction and maintenance of buildings, fences, roads,
9 bridges, ponds, drains, waterways, and similar features and maintenance
10 of streambanks and watercourses; and conversion from one agricultural
11 activity to another.

12 (2) "Farm" means the land, buildings, freshwater ponds, freshwater
13 culturing and growing facilities, and machinery used in the commercial
14 production of farm products.

15 (3) "Farmland" means land or freshwater ponds devoted primarily to
16 the production, for commercial purposes, of livestock, freshwater
17 aquacultural, or other agricultural commodities.

18 (4) "Farm product" means those plants and animals useful to humans
19 and includes, but is not limited to, forages and sod crops, dairy and
20 dairy products, poultry and poultry products, livestock, including
21 breeding, grazing, and recreational equine use, fruits, vegetables,
22 flowers, seeds, grasses, trees, freshwater fish and fish products,
23 apiaries, equine and other similar products, or any other product which
24 incorporates the use of food, feed, fiber, or fur."

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27 Adopted 4/5/91 - Voice Vote

28 On page 1, line 1 of the title, after "nuisances;" strike the
29 remainder of the title and insert "and amending RCW 7.48.305 and

1 7.48.310."