

**RCW 7.48.305 Agricultural activities and forest practices—
Presumed reasonable and not a nuisance—Exception—Damages.** (1)

Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on public health and safety.

(2) Agricultural activities and forest practices undertaken in conformity with all applicable laws and rules are presumed to be good agricultural and forest practices not adversely affecting the public health and safety for purposes of this section and RCW 7.48.300. An agricultural activity that is in conformity with such laws and rules shall not be restricted as to the hours of the day or day or days of the week during which it may be conducted.

(3) The act of owning land upon which a growing crop of trees is located, even if the tree growth is being managed passively and even if the owner does not indicate the land's status as a working forest, is considered to be a forest practice occurring on the land if the crop of trees is located on land that is capable of supporting a merchantable stand of timber that is not being actively used for a use that is incompatible with timber growing. If the growing of trees has been established prior to surrounding nonforestry activities, then the act of tree growth is considered a necessary part of any other subsequent stages of forest practices necessary to bring a crop of trees from its planting to final harvest and is included in the provisions of this section.

(4) Nothing in this section shall affect or impair any right to sue for damages. [2009 c 200 s 2; 2007 c 331 s 2. Prior: 1992 c 151 s 1; 1992 c 52 s 3; 1979 c 122 s 2.]

Intent—2009 c 200: "Commercial forestry produces jobs and revenue while also providing clean water and air, wildlife habitat, open space, and carbon storage. Maintaining a base of forestlands that can be utilized for commercial forestry is of utmost importance for the state.

As the population of the state increases, forestlands are converted to residential, suburban, and urban uses. The encroachment of these other uses into neighboring forestlands often makes it more difficult for forestland owners to continue practicing commercial forestry. It is the legislature's intent that a forestland owner's right to practice commercial forestry in a manner consistent with the state forest practices laws be protected and preserved." [2009 c 200 s 1.]

Findings—Intent—2007 c 331: "The legislature finds that agricultural activities are often subjected to nuisance lawsuits. The legislature also finds that such lawsuits hasten premature conversion of agricultural lands to other uses. The legislature further finds that agricultural activities must be able to adopt new technologies and diversify into new crops and products if the agricultural industry is to survive and agricultural lands are to be conserved. Therefore, the legislature intends to enhance the protection of agricultural activities from nuisance lawsuits, and to further the clear legislative directive of the state growth management act to maintain

and enhance the agricultural industry and conserve productive agricultural lands." [2007 c 331 s 1.]