

SSB 5934 - H COMM AMD
By Committee on Local Government

ADOPTED 03/01/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63
4 RCW to read as follows:

5 (1) A city may encourage an applicant of a project permit or
6 commercial building permit to include pollinator friendly plants in
7 any landscaped area to the extent practicable by:

8 (a) Providing the list of native forage plants as developed by
9 the department of agriculture in compliance with RCW 39.04.410 to
10 applicants for project permits;

11 (b) Providing information regarding the benefits of pollinators
12 and pollinator habitat; and

13 (c) Offering incentives, including expedited processing or
14 reduced application fees, for permit applicants that include
15 pollinator habitat as part of the permit application.

16 (2) A city may set restrictions related to beehives, but may not
17 adopt an ordinance banning beehives.

18 (3) For the purposes of this section:

19 (a) "Commercial building permit" has the same meaning as defined
20 in RCW 19.27.015.

21 (b) "Pollinator habitat" means an area of land that is or may be
22 developed as habitat beneficial for the feeding, nesting, and
23 reproduction of all pollinators. "Pollinator habitat" does not
24 include beehives, except for mason bee houses.

25 (c) "Project permit" has the same meaning as defined in RCW
26 36.70B.020.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63
28 RCW to read as follows:

29 (1) A code city may encourage an applicant of a project permit or
30 commercial building permit to include pollinator friendly plants in
31 any landscaped area to the extent practicable by:

1 (a) Providing the list of native forage plants as developed by
2 the department of agriculture in compliance with RCW 39.04.410 to
3 applicants for project permits;

4 (b) Providing information regarding the benefits of pollinators
5 and pollinator habitat; and

6 (c) Offering incentives, including expedited processing or
7 reduced application fees, for permit applicants that include
8 pollinator habitat as part of the permit application.

9 (2) A code city may set restrictions related to beehives, but may
10 not adopt an ordinance banning beehives.

11 (3) For the purposes of this section:

12 (a) "Commercial building permit" has the same meaning as defined
13 in RCW 19.27.015.

14 (b) "Pollinator habitat" means an area of land that is or may be
15 developed as habitat beneficial for the feeding, nesting, and
16 reproduction of all pollinators. "Pollinator habitat" does not
17 include beehives, except for mason bee houses.

18 (c) "Project permit" has the same meaning as defined in RCW
19 36.70B.020.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70
21 RCW to read as follows:

22 (1) A county may encourage an applicant of a project permit or
23 commercial building permit to include pollinator friendly plants in
24 any landscaped area to the extent practicable by:

25 (a) Providing the list of native forage plants as developed by
26 the department of agriculture in compliance with RCW 39.04.410 to
27 applicants for project permits;

28 (b) Providing information regarding the benefits of pollinators
29 and pollinator habitat; and

30 (c) Offering incentives, including expedited processing or
31 reduced application fees, for permit applicants that include
32 pollinator habitat as part of the permit application.

33 (2) A county may set restrictions related to beehives, but may
34 not adopt an ordinance banning beehives.

35 (3) For the purposes of this section:

36 (a) "Commercial building permit" has the same meaning as defined
37 in RCW 19.27.015.

38 (b) "Pollinator habitat" means an area of land that is or may be
39 developed as habitat beneficial for the feeding, nesting, and

1 reproduction of all pollinators. "Pollinator habitat" does not
2 include beehives, except for mason bee houses.

3 (c) "Project permit" has the same meaning as defined in RCW
4 36.70B.020.

5 **Sec. 4.** RCW 64.38.057 and 2020 c 9 s 2 are each amended to read
6 as follows:

7 (1) The governing documents may not prohibit the installation of
8 drought resistant landscaping, pollinator habitat, including beehives
9 compliant with local regulation, or wildfire ignition resistant
10 landscaping. However, the governing documents may include reasonable
11 rules regarding the placement and aesthetic appearance of drought
12 resistant landscaping, pollinator habitat, or wildfire ignition
13 resistant landscaping, as long as the rules do not render the use of
14 drought resistant landscaping, pollinator habitat, or wildfire
15 ignition resistant landscaping unreasonably costly or otherwise
16 effectively infeasible.

17 (2) If a property is located within the geographic designation of
18 an order of a drought condition issued by the department of ecology
19 under RCW 43.83B.405, an association may not sanction or impose a
20 fine or assessment against an owner, or resident on the owner's
21 property, for reducing or eliminating the watering of vegetation or
22 lawns for the duration of the drought condition order.

23 (3) Nothing in this section may be construed to prohibit or
24 restrict the establishment and maintenance of a fire buffer within
25 the building ignition zone.

26 (4) The definitions in this subsection apply throughout this
27 section unless the context clearly requires otherwise.

28 (a) "Building ignition zone" means a building and surrounding
29 area up to two hundred feet from the foundation.

30 (b) "Drought resistant landscaping" means the use of any
31 noninvasive vegetation adapted to arid or dry conditions, stone, or
32 landscaping rock.

33 (c) "Firewise" means the firewise communities program developed
34 by the national fire protection association, which encourages local
35 solutions for wildfire safety by involving homeowners, community
36 leaders, planners, developers, firefighters, and others in the effort
37 to protect people and property from wildfire risks.

38 (d) "Pollinator habitat" means an area of land that is or may be
39 developed as habitat beneficial for the feeding, nesting, and

1 reproduction of all pollinators. "Pollinator habitat" does not
2 include beehives, except for mason bee houses.

3 (e) "Wildfire ignition resistant landscaping" includes:

4 (i) Any landscaping tools or techniques, or noninvasive
5 vegetation, that do not readily ignite from a flame or other ignition
6 source; or

7 (ii) The use of firewise methods to reduce ignition risk in a
8 building ignition zone.

9 **Sec. 5.** RCW 64.90.512 and 2020 c 9 s 4 are each amended to read
10 as follows:

11 (1)(a) The declaration of a common interest ownership and any
12 governing documents adopted by an association may not prohibit the
13 installation of drought resistant landscaping, pollinator habitat,
14 including beehives compliant with local regulation, or wildfire
15 ignition resistant landscaping. However, the declaration or governing
16 documents may include reasonable rules regarding the placement and
17 aesthetic appearance of drought resistant landscaping, pollinator
18 habitat, or wildfire ignition resistant landscaping, as long as the
19 rules do not render the use of drought resistant landscaping,
20 pollinator habitat, or wildfire ignition resistant landscaping
21 unreasonably costly or otherwise effectively infeasible.

22 (b) This subsection does not apply to condominium associations.

23 (2) If a property is located within the geographic designation of
24 an order of a drought condition issued by the department of ecology
25 under RCW 43.83B.405, an association may not impose a fine or
26 assessment against an owner, or resident on the owner's property, for
27 reducing or eliminating the watering of vegetation or lawns for the
28 duration of the drought condition order.

29 (3) Nothing in this section may be construed to prohibit or
30 restrict the establishment and maintenance of a fire buffer within
31 the building ignition zone.

32 (4) The definitions in this subsection apply throughout this
33 section unless the context clearly requires otherwise.

34 (a) "Building ignition zone" means a building and surrounding
35 area up to two hundred feet from the foundation.

36 (b) "Drought resistant landscaping" means the use of any
37 noninvasive vegetation adapted to arid or dry conditions, stone, or
38 landscaping rock.

1 (c) "Firewise" means the firewise communities program developed
2 by the national fire protection association, which encourages local
3 solutions for wildfire safety by involving homeowners, community
4 leaders, planners, developers, firefighters, and others in the effort
5 to protect people and property from wildfire risks.

6 (d) "Pollinator habitat" means an area of land that is or may be
7 developed as habitat beneficial for the feeding, nesting, and
8 reproduction of all pollinators. "Pollinator habitat" does not
9 include beehives, except for mason bee houses.

10 (e) "Wildfire ignition resistant landscaping" includes:

11 (i) Any landscaping tools or techniques, or noninvasive
12 vegetation, that do not readily ignite from a flame or other ignition
13 source; or

14 (ii) The use of firewise methods to reduce ignition risk in a
15 building ignition zone."

16 Correct the title.

EFFECT: Specifies that pollinator habitat does not include
beehives, except for mason bee houses. Allows condominium
associations to prohibit drought resistant landscaping, pollinator
habitat, and wildfire ignition resistant landscaping.

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