

SB 5943 - S AMD TO AMD TO AMS S5226.3 900

By Senator Braun

ADOPTED 08/28/2024

1 On page 1, line 10, after , strike everything, and insert

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

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

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

13 (iii) Offering incentives for permit applicants to provide
14 pollinator habitat; and

15 (iv) Recognizing pollinator friendly permittees.

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

18 (3) For 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.

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

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

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

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

9 (ii) Providing information regarding the benefits of
10 pollinators and pollinator habitat;

11 (iii) Offering incentives for permit applicants to provide
12 pollinator habitat; and

13 (iv) Recognizing pollinator friendly permittees.

14 (b) The code city must provide the list of native forage plants
15 as developed by the department of agriculture in compliance with RCW
16 39.04.410 to applicants for project permits.

17 (2) A code city may set restrictions related to bee-hives, but
18 may not adopt an ordinance banning bee hives.

19 (3) For purposes of this section:

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

22 (b) "Pollinator habitat" means an area of land that is or may be
23 developed as habitat beneficial for the feeding, nesting, and
24 reproduction of all pollinators.

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

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28 NEW SECTION. Sec. 3. A new section is added to chapter 36.70 RCW
29 to read as follows:

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

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

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

6 (iii) Offering incentives for permit applicants to provide
7 pollinator habitat; and

8 (iv) Recognizing pollinator friendly permittees.

9 (b) The county must provide the list of native forage plants as
10 developed by the department of agriculture in compliance with RCW
11 39.04.410 to the applicant of the permit.

12 (2) A county may set restrictions related to beehives, but may
13 not adopt an ordinance banning bee hives.

14 (3) For purposes of this section:

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

17 (b) "Pollinator habitat" means an area of land that is or may be
18 developed as habitat beneficial for the feeding, nesting, and
19 reproduction of all pollinators.

20 (c) "Project permit" has the same meaning as defined in RCW
21 36.70B.020.

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

25 (1) The governing documents may not prohibit the installation of
26 drought resistant landscaping, pollinator habitat, including beehives
27 compliant with local regulation, or wildfire ignition resistant
28 landscaping. However, the governing documents may include reasonable
29 rules regarding the placement and aesthetic appearance of drought
30 resistant landscaping, pollinator habitat, or wildfire ignition
31 resistant landscaping, as long as the rules do not render the use of
32 drought resistant landscaping, pollinator habitat, or wildfire
33 ignition resistant landscaping unreasonably costly or otherwise
34 effectively infeasible.

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

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

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

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

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

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

22 (d) "Wildfire ignition resistant landscaping" includes:

23 (i) Any landscaping tools or techniques, or noninvasive
24 vegetation, that do not readily ignite from a flame or other ignition
25 source; or

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

28 (e) "Pollinator habitat" means an area of land that is or may be
29 developed as habitat beneficial for the feeding, nesting, and
30 reproduction of all pollinators.

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

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1 (1) The declaration of a common interest ownership and any
2 governing documents adopted by an association may not prohibit the
3 installation of drought resistant landscaping, pollinator habitat,
4 including beehives compliant with local regulation, or wildfire
5 ignition resistant landscaping. However, the declaration or governing
6 documents may include reasonable rules regarding the placement and
7 aesthetic appearance of drought resistant landscaping, pollinator
8 habitat, or wildfire ignition resistant landscaping unreasonably
9 costly or otherwise effectively infeasible.

10 (2) If a property is located within the geographic designation of
11 an order of a drought condition issued by the department of ecology
12 under RCW 43.83B.405, an association may not impose a fine or
13 assessment against an owner, or resident on the owner's drought
14 resistant landscaping, pollinator habitat, or wildfire ignition
15 resistant landscaping, as long as the rules do not render the use of
16 property, for reducing or eliminating the watering of vegetation or
17 lawns for the duration of the drought condition order.

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

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

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

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

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

33 (d) "Wildfire ignition resistant landscaping" includes:
34

1 (i) Any landscaping tools or techniques, or noninvasive
2 vegetation, that do not readily ignite from a flame or other ignition
3 source; or

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

6 (e) "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.

EFFECT: Includes pollinator habitat in HOA sections.

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