

SENATE BILL REPORT

SB 5934

As Reported by Senate Committee On:
Local Government, Land Use & Tribal Affairs, January 30, 2024

Title: An act relating to pollinator habitat.

Brief Description: Concerning pollinator habitat.

Sponsors: Senators Padden, Van De Wege, Dhingra, Liias, Salomon and Warnick.

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 1/11/24, 1/30/24
[DPS, w/oRec].

Brief Summary of First Substitute Bill

- Establishes that a city, code city, and county may encourage a project permit applicant or commercial building permit applicant to include pollinator friendly plants in any landscaped areas.
- Authorizes a city, code city, or county to set restrictions related to beehives, but not adopt an ordinance banning beehives.
- Provides that governing documents for a homeowners' association or common interest community may not prohibit the installation of pollinator habitat, including beehives compliant with local regulation.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Majority Report: That Substitute Senate Bill No. 5934 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lovelett, Chair; Salomon, Vice Chair; Torres, Ranking Member; Short.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: That it be referred without recommendation.

Signed by Senator Kauffman.

Staff: Karen Epps (786-7424)

Background: Washington State Department of Agriculture Pollinator Health Program. The Department of Agriculture (WSDA) promotes and protects pollinator habitat and the health and sustainability of pollinator species by providing technical and financial assistance to state agencies, local governments, and private landowners to implement practices promoting habitat for managed pollinators, as well as beekeeper and grower best management practices.

Pollinator Habitat. The Department of Natural Resources, the Department of Fish and Wildlife (WDFW), the Department of Transportation, State Parks, and the Recreation and Conservation Funding Board must consider pollinator habitat when managing lands or habitat. WDFW must evaluate various restoration techniques with the goal of improving habitat for native pollinators where practicable when making habitat improvements or for riparian restoration.

If a public works project includes landscaping, at least 25 percent of the planted area must be pollinator habitat to the extent practicable. WSDA, in consultation with the State Conservation Commission (Commission) and WDFW, must develop a list of native forage plants that are pollen-rich or nectar-rich and beneficial for all pollinators, including honey bees.

The Commission provides grant funding to conservation districts to educate residents and community groups in urban, suburban, and rural nonfarm areas about the value of pollinator habitat for both managed and native pollinators. Educational efforts include the benefits of habitat diversity, especially pollen-rich and nectar-rich flowering forbs and shrubs.

Summary of Bill (First Substitute): A city, code city, and county may encourage a project permit applicant or commercial building permit applicant to include pollinator friendly plants in any landscaped area to the extent practicable by:

- Providing the list of native forage plants developed by the Department of Agriculture;
- Providing information regarding the benefits of pollinators and pollinator habitat; and
- Offering incentives, including expedited processing or reduced application fees, for permit applicants that include pollinator habitat as part of the permit application.

A city, code city, or county may set restrictions related to beehives, but may not adopt an ordinance banning beehives.

The governing documents for a homeowners' association or a common interest community may not prohibit the installation of pollinator habitat, including beehives compliant with local regulation. The governing documents may include reasonable rules regarding the

placement and aesthetic appearance of pollinator habitat as long as the rules do not render the use of pollinator habitat unreasonably costly or otherwise effectively infeasible.

EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS COMMITTEE (First Substitute):

- Removes the requirement that a local government require a permit applicant of certain permits with landscaping to include at least 25 percent of the planted area as pollinator habitat to the extent practicable.
- Establishes that a city, code city, and county may encourage a project permit applicant or commercial building permit applicant to include pollinator friendly plants in any landscaped area to the extent practicable by:
 1. providing the list of native forage plants developed by the Department of Agriculture;
 2. providing information regarding the benefits of pollinators and pollinator habitat: and
 3. offering incentives, including expedited processing or reduced application fees, for permit applicants that include pollinator habitat as part of the permit application.
- Establishes that a city, code city, and county may set restrictions related to beehives, but may not adopt an ordinance banning beehives.
- Provides that the governing documents for a home owners' association or a common interest community may not prohibit the installation of pollinator habitat, including beehives compliant with local regulation. Allows the governing documents to include reasonable rules regarding the placement and aesthetic appearance of pollinator habitat as long as the rules do not render the use of pollinator habitat unreasonably costly or otherwise effectively infeasible.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill idea came from a constituent who is a girl scout and is getting an award from Girl Scouts of America for her work on this. Pollinators are a tremendous asset and play a vital role to our agricultural community. This bill is modeled after a bill from a few years ago for public works. The bill focuses on habitat for bees, butterflies, moths, wasps, flies, beetles, and other bird species, including bats. The bill is designed to address pollinator decline in both butterfly and bee species and the creation of more pollinator habitat will help increase these populations.

Planting pollinator-friendly plants cause gardens to thrive and most pollinating plants are less expensive than nonnative plants. Placing the cost of purchasing the pollinator friendly plants on the permit applicant will make the bill relatively inexpensive to implement and the benefits to the ecosystem outweigh potential negatives. This bill will help create more pollinator habitat and conserving, expanding, and creating pollinator habitat continues to be the best method of helping all pollinators. This bill is positive for all parties involved and could include conventional landscaping with pollinator plants, rain gardens, bee lawns, native plant landscaping, food gardens, xeriscaping, and wildlife habitat. Incorporating more flowering plants assists pollinators and is more attractive to prospective homebuyers.

CON: 25 percent of a lot is a lot of the property to be designated for pollinator habitat. There are many reasons that this bill does not work. There are often tree retention requirements, but there are many trees that plants won't grow under. There are also long-term maintenance issues and HOA requirements that impact landscaping decisions.

OTHER: There are concerns about mandating 25 percent of all projects in Washington State. Bees are important for our economy, but the 25 percent mandate raises concerns. Making WSDA's list public would be helpful and having engagement around pollinator habitat would be better.

Persons Testifying: PRO: Senator Mike Padden, Prime Sponsor; Julia Costello, Girl Scouts; Katie Buckley, WSDA; Noella Johnson; Jasmine Alsorour.

CON: Jan Himebaugh.

OTHER: Morgan Irwin, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: No one.