
SUBSTITUTE SENATE BILL 5934

State of Washington

68th Legislature

2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Padden, Van De Wege, Dhingra, Liias, Salomon, and Warnick)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to pollinator habitat; amending RCW 64.38.057 and
2 64.90.512; adding a new section to chapter 35.63 RCW; adding a new
3 section to chapter 35A.63 RCW; and adding a new section to chapter
4 36.70 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63
7 RCW to read as follows:

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

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

14 (b) Providing information regarding the benefits of pollinators
15 and pollinator habitat; and

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

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

21 (3) For the purposes of this section:

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

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

6 (c) "Project permit" has the same meaning as defined in RCW
7 36.70B.020.

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

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

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

16 (b) Providing information regarding the benefits of pollinators
17 and pollinator habitat; and

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

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

23 (3) For the purposes of this section:

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

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

29 (c) "Project permit" has the same meaning as defined in RCW
30 36.70B.020.

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

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

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

1 (b) Providing information regarding the benefits of pollinators
2 and pollinator habitat; and

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

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

8 (3) For the purposes of this section:

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

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

14 (c) "Project permit" has the same meaning as defined in RCW
15 36.70B.020.

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

18 (1) The governing documents may not prohibit the installation of
19 drought resistant landscaping, pollinator habitat, including beehives
20 compliant with local regulation, or wildfire ignition resistant
21 landscaping. However, the governing documents may include reasonable
22 rules regarding the placement and aesthetic appearance of drought
23 resistant landscaping, pollinator habitat, or wildfire ignition
24 resistant landscaping, as long as the rules do not render the use of
25 drought resistant landscaping, pollinator habitat, or wildfire
26 ignition resistant landscaping unreasonably costly or otherwise
27 effectively infeasible.

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

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

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

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

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

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

11 (d) "Pollinator habitat" means an area of land that is or may be
12 developed as habitat beneficial for the feeding, nesting, and
13 reproduction of all pollinators.

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

15 (i) Any landscaping tools or techniques, or noninvasive
16 vegetation, that do not readily ignite from a flame or other ignition
17 source; or

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

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

22 (1) The declaration of a common interest ownership and any
23 governing documents adopted by an association may not prohibit the
24 installation of drought resistant landscaping, pollinator habitat,
25 including beehives compliant with local regulation, or wildfire
26 ignition resistant landscaping. However, the declaration or governing
27 documents may include reasonable rules regarding the placement and
28 aesthetic appearance of drought resistant landscaping, pollinator
29 habitat, or wildfire ignition resistant landscaping, as long as the
30 rules do not render the use of drought resistant landscaping,
31 pollinator habitat, or wildfire ignition resistant landscaping
32 unreasonably costly or otherwise effectively infeasible.

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

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

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

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

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

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

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

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

20 (i) Any landscaping tools or techniques, or noninvasive
21 vegetation, that do not readily ignite from a flame or other ignition
22 source; or

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

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