

Effect:

- 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 application to include pollinator friendly plants in any landscaped area to the extent practicable by:
 - o Providing the list of native forage plants developed by the Department of Agriculture;
 - o Providing information regarding the benefits of pollinators and pollinator habitat: and
 - o 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.

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:

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

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

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

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

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

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

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

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

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

(3) For the purposes of this section:

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

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

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

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

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

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

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

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

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

(3) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

(e) "Wildfire ignition resistant landscaping" includes:

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

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

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

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

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