
SENATE BILL 5552

State of Washington

66th Legislature

2019 Regular Session

By Senators Lias, Warnick, Van De Wege, Short, Rolfes, Schoesler, Wagoner, and Honeyford

Read first time 01/23/19. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to the protection of native pollinators,
2 including bees; amending RCW 15.60.021, 17.10.145, 79.10.120,
3 79.10.200, 79.10.280, 79A.05.305, 47.40.040, and 47.40.100;
4 reenacting and amending RCW 79A.15.010; adding a new section to
5 chapter 43.23 RCW; adding a new section to chapter 77.12 RCW; adding
6 a new section to chapter 15.58 RCW; adding new sections to chapter
7 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding a new
8 section to chapter 36.34 RCW; creating new sections; and providing an
9 expiration date.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that more than
12 three-fourths of the world's flowering plants and about thirty-five
13 percent of the world's food crops depend on pollinators to reproduce.
14 In Washington state, honey bees and other pollinators are responsible
15 for the production of tree fruits, small fruits, and other crops,
16 with the value in 2016 of crops pollinated by bees exceeding three
17 billion dollars. The legislature further finds that, beyond
18 agriculture, pollinators are keystone species in the terrestrial
19 ecosystems of Washington, with fruit and seeds derived from insect
20 pollination providing a major part of the diet of numerous bird and
21 mammal species. The state has experienced pollinator habitat loss

1 through property conversion, fragmentation, and degradation of land,
2 and with the state's population continuing to grow at a fast pace,
3 the additional loss of habitat is a significant concern.

4 Therefore, the legislature intends by this act to initiate a
5 concerted effort to protect and expand the native habitat upon which
6 pollinators depend, by providing technical and financial assistance
7 to public and private landowners, and by coordinating with other
8 state agencies and local governments in promoting practices to ensure
9 sustainable, healthy populations of managed and native pollinators.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.23
11 RCW to read as follows:

12 The department shall establish a program to promote and protect
13 native pollinator habitat and the health and sustainability of
14 pollinator species. As funds are made available, the program must
15 provide technical and financial assistance to state agencies, local
16 governments, and private landowners to implement practices that
17 promote habitat for native and managed pollinators, as well as
18 beekeeper and grower best management practices. The program must be
19 administered in coordination with the apiary program established in
20 chapter 15.60 RCW, the honey bee commission authorized in chapter
21 15.62 RCW, and programs administered by the conservation commission
22 and conservation districts.

23 NEW SECTION. **Sec. 3.** (1) The department of agriculture shall
24 create and chair a pollinator health task force. The department of
25 agriculture shall appoint the members of the task force, which must
26 include but is not limited to representatives of the following
27 interests, organizations, and state agencies:

- 28 (a) The conservation commission;
- 29 (b) The department of natural resources;
- 30 (c) The department of fish and wildlife;
- 31 (d) The state parks and recreation commission;
- 32 (e) The Washington state department of transportation;
- 33 (f) The state noxious weed control board;
- 34 (g) The tree fruit industry;
- 35 (h) Other agricultural industries dependent upon pollinators;
- 36 (i) Washington State University;
- 37 (j) Pesticide distributors and applicators;
- 38 (k) Conservation organizations;

1 (l) A member of the public from west of the crest of the Cascade
2 mountains; and

3 (m) A member of the public from east of the crest of the Cascade
4 mountains.

5 (2) One or more representatives of Washington tribes must also be
6 invited to participate on the task force.

7 (3) One youth representative from an organization that encourages
8 students to engage in agricultural education must also be invited to
9 participate on the task force when available.

10 (4) The task force shall build upon existing pollinator and
11 pollinator habitat plans at the national and state level to develop a
12 state pollinator health strategy that includes, but is not limited
13 to, the following elements:

14 (a) A research action plan to focus state efforts on
15 understanding, preventing, and recovering from pollinator losses;

16 (b) A plan to expand and coordinate public education programs
17 outlining steps that individuals and businesses can take to help
18 address the loss of pollinators;

19 (c) Recommendations for developing public and private
20 partnerships to encourage pollinator protection and increase the
21 quality and amount of habitat and forage for pollinators;

22 (d) Specific targets and plans that state agencies should adopt
23 to enhance pollinator habitat on their managed lands and facilities;

24 (e) Recommendations for promoting seed banks and native plants
25 beneficial for pollinators; and

26 (f) Recommendations for legislative, administrative, or budgetary
27 actions necessary to implement the strategy.

28 (5) The department of agriculture shall provide the strategy to
29 the appropriate committees of the senate and house of representatives
30 by December 31, 2019, in compliance with RCW 43.01.036.

31 (6) This section expires January 1, 2020.

32 **Sec. 4.** RCW 15.60.021 and 2000 c 100 s 3 are each amended to
33 read as follows:

34 (1) Each person owning one or more hives with bees, brokers
35 renting hives, and apiarists resident in other states who operate
36 hives in Washington shall register with the director by April 1st
37 each year.

38 (2) The registration application shall include:

- 1 (a) The name, address, and phone number of the apiarist or
2 broker;
- 3 (b) The number of colonies of bees to be owned, brokered, or
4 operated in Washington that year;
- 5 (c) A registration fee as prescribed in rule by the director,
6 with the advice of the apiary advisory committee; and
- 7 (d) Any other information required by the department by rule.
- 8 (3) The director shall issue to each apiarist or broker
9 registered with the department an apiarist identification number.
- 10 (4) The director must maintain a map of the location of apiaries
11 and make this information accessible to the public on the internet.

12 **Sec. 5.** RCW 17.10.145 and 2016 c 44 s 2 are each amended to read
13 as follows:

14 (1) All state agencies shall control noxious weeds on lands they
15 own, lease, or otherwise control through integrated pest management
16 practices. Agencies shall develop plans in cooperation with county
17 noxious weed control boards to control noxious weeds in accordance
18 with standards in this chapter.

19 (2) All state agencies' lands must comply with this chapter,
20 regardless of noxious weed control efforts on adjacent lands.

21 (3) While conducting planned projects to ensure compliance with
22 this chapter, all agencies must give preference, when deemed
23 appropriate by the acting agency for the project and targeted
24 resource management goals, to replacing (~~pollen-rich or nectar-~~
25 ~~rich~~) noxious weeds with native forage plants that are pollen-rich
26 or nectar-rich and beneficial for all pollinators, including honey
27 bees.

28 **Sec. 6.** RCW 79.10.120 and 2014 c 114 s 4 are each amended to
29 read as follows:

30 Multiple uses additional to and compatible with those basic
31 activities necessary to fulfill the financial obligations of trust
32 management may include but are not limited to:

- 33 (1) Recreational areas;
- 34 (2) Recreational trails for both vehicular and nonvehicular uses
35 developed or maintained consistent with RCW 79.10.500;
- 36 (3) Special educational or scientific studies;
- 37 (4) Experimental programs by the various public agencies;
- 38 (5) Special events;

1 (6) Hunting and fishing and other sports activities;

2 (7) Maintenance of pollinator habitat and habitat beneficial for
3 the feeding, nesting, and reproduction of native pollinators,
4 including bees;

5 (8) Nonconsumptive wildlife activities as defined by the board of
6 natural resources;

7 ((+8)) (9) Maintenance of scenic areas;

8 ((+9)) (10) Maintenance of historical sites;

9 ((+10)) (11) Municipal or other public watershed protection;

10 ((+11)) (12) Greenbelt areas;

11 ((+12)) (13) Public rights-of-way;

12 ((+13)) (14) Other uses or activities by public agencies((+)).

13 If such additional uses are not compatible with the financial
14 obligations in the management of trust land they may be permitted
15 only if there is compensation from such uses satisfying the financial
16 obligations.

17 **Sec. 7.** RCW 79.10.200 and 2003 c 334 s 542 are each amended to
18 read as follows:

19 The department may adopt a multiple use land resource allocation
20 plan for all or portions of the lands under its jurisdiction
21 providing for the identification and establishment of areas of land
22 uses and identifying those uses which are best suited to achieve the
23 purposes of RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120,
24 79.10.130, 79.10.200 through 79.10.330, 79.44.003, and ((79.90.456))
25 79.105.050. Such plans shall take into consideration the various
26 ecological conditions, elevations, soils, natural features,
27 vegetative cover, pollinator habitat, climate, geographical location,
28 values, public use potential, accessibility, economic uses,
29 recreational potentials, local and regional land use plans or zones,
30 local, regional, state, and federal comprehensive land use plans or
31 studies, and all other factors necessary to achieve the purposes of
32 RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120, 79.10.130,
33 79.10.200 through 79.10.330, 79.44.003, and ((79.90.456)) 79.105.050.

34 **Sec. 8.** RCW 79.10.280 and 2003 c 334 s 545 are each amended to
35 read as follows:

36 (1) The department shall design expansion of its land use data
37 bank to include additional information that will assist in the
38 formulation, evaluation, and updating of intermediate and long-range

1 goals and policies for land use, population growth and distribution,
2 urban expansion, open space, resource preservation and utilization,
3 and other factors which shape statewide development patterns and
4 significantly influence the quality of the state's environment. The
5 system shall be designed to permit inclusion of other lands in the
6 state and will do so as financing and time permit.

7 (2) Such data bank shall contain any information relevant to the
8 future growth of agriculture, forestry, industry, business,
9 residential communities, and recreation; the wise use of land and
10 other natural resources which are in accordance with their character
11 and adaptability; the conservation and protection of the soil, air,
12 water, pollinator habitat, and forest resources; the protection of
13 the beauty of the landscape; and the promotion of the efficient and
14 economical uses of public resources.

15 The information shall be assembled from all possible sources,
16 including but not limited to, the federal government and its
17 agencies, all state agencies, all political subdivisions of the
18 state, all state operated universities and colleges, and any source
19 in the private sector. All state agencies, all political subdivisions
20 of the state, and all state universities and colleges are directed to
21 cooperate to the fullest extent in the collection of data in their
22 possession. Information shall be collected on all areas of the state
23 but collection may emphasize one region at a time.

24 (3) The data bank shall make maximum use of computerized or other
25 advanced data storage and retrieval methods. The department is
26 authorized to engage consultants in data processing to ensure that
27 the data bank will be as complete and efficient as possible.

28 (4) The data shall be made available for use by any governmental
29 agency, research organization, university or college, private
30 organization, or private person as a tool to evaluate the range of
31 alternatives in land and resource planning in the state.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 77.12
33 RCW to read as follows:

34 The department must implement practices necessary to maintain
35 native pollinator habitat on department-owned and managed
36 agricultural and grazing lands where practicable. For the purposes of
37 this section, "native pollinator habitat" means an area of land that
38 is or may be developed as habitat beneficial for the feeding,

1 nesting, and reproduction of native pollinators, including bees, as
2 determined by the department.

3 **Sec. 10.** RCW 79A.05.305 and 1984 c 82 s 2 are each amended to
4 read as follows:

5 The legislature declares that it is the continuing policy of the
6 state of Washington to set aside and manage certain lands within the
7 state for public park purposes. To comply with public park purposes,
8 these lands shall be acquired and managed to:

9 (1) Maintain and enhance ecological, aesthetic, and recreational
10 purposes;

11 (2) Preserve and maintain mature and old-growth forests
12 containing trees of over ninety years and other unusual ecosystems as
13 natural forests or natural areas, which may also be used for
14 interpretive purposes;

15 (3) Protect cultural and historical resources, locations, and
16 artifacts, which may also be used for interpretive purposes;

17 (4) Provide a variety of recreational opportunities to the
18 public, including but not limited to use of developed recreation
19 areas, trails, and natural areas;

20 (5) Preserve and maintain habitat which will protect and promote
21 endangered, threatened, and sensitive plants, (~~and~~) endangered,
22 threatened, and sensitive animal species, and habitat beneficial for
23 the feeding, nesting, and reproduction of native pollinators,
24 including bees; and

25 (6) Encourage public participation in the formulation and
26 implementation of park policies and programs.

27 **Sec. 11.** RCW 47.40.040 and 1961 c 13 s 47.40.040 are each
28 amended to read as follows:

29 Each application for a permit to plant, cultivate and grow any
30 hedge, shade or ornamental trees or shrubbery along or upon the
31 right-of-way of any state highway or improve such right-of-way shall
32 be in writing, signed by the applicant, and shall describe the state
33 highway or portion thereof along or upon the right-of-way of which
34 permit to plant, cultivate, grow or improve is sought, by name,
35 number, or other reasonable description, and the lands bordering
36 thereon by governmental subdivisions, and shall state the names,
37 places or residence and post office addresses of the applicant or
38 applicants owning the land abutting upon such state highway or the

1 name of the person, firm, corporation, association or organization
2 applying for the permit and the names of its officers and their
3 places of residence and their post office addresses, and shall state
4 definitely the purpose for which the permit is sought, giving a
5 description of the kind of hedge, or variety of shrubbery or trees
6 desired to be planted or the kinds of crops to be grown, or
7 improvement to be made, with a diagram illustrating the location and
8 number of hedges, trees or shrubs or the area of cultivation desired
9 or plans of the improvement proposed to be made. Whenever possible,
10 applicants should use native forage plants that are pollen-rich or
11 nectar-rich and beneficial for all pollinators, including bees, in
12 order to develop habitat beneficial for the feeding, nesting, and
13 reproduction of pollinators.

14 **Sec. 12.** RCW 47.40.100 and 1995 c 106 s 1 are each amended to
15 read as follows:

16 (1) (a) The department of transportation shall establish a
17 statewide adopt-a-highway program. The purpose of the program is to
18 provide volunteers and businesses an opportunity to contribute to a
19 cleaner environment, enhanced roadsides, and protection of wildlife
20 habitats. Participating volunteers and businesses shall adopt
21 department-designated sections of state highways, rest areas, park
22 and ride lots, intermodal facilities, and any other facilities the
23 department deems appropriate, in accordance with rules adopted by the
24 department. The department may elect to coordinate a consortium of
25 participants for adopt-a-highway projects.

26 (b) The adopt-a-highway program shall include, at a minimum,
27 litter control for the adopted section, and may include additional
28 responsibilities such as planting and maintaining vegetation,
29 controlling weeds, graffiti removal, and any other roadside
30 improvement or clean-up activities the department deems appropriate.
31 Whenever possible, when planting and maintaining vegetation,
32 volunteers and businesses should use native forage plants that are
33 pollen-rich or nectar-rich and beneficial for all pollinators,
34 including bees, in order to develop habitat beneficial for the
35 feeding, nesting, and reproduction of pollinators. The department
36 shall not accept adopt-a-highway proposals that would have the effect
37 of terminating classified employees or classified employee positions.

38 (2) A volunteer group or business choosing to participate in the
39 adopt-a-highway program must submit a proposal to the department. The

1 department shall review the proposal for consistency with
2 departmental policy and rules. The department may accept, reject, or
3 modify an applicant's proposal.

4 (3) The department shall seek partnerships with volunteer groups
5 and businesses to facilitate the goals of this section. The
6 department may solicit funding for the adopt-a-highway program that
7 allows private entities to undertake all or a portion of financing
8 for the initiatives. The department shall develop guidelines
9 regarding the cash, labor, and in-kind contributions to be performed
10 by the participants.

11 (4) An organization whose name: (a) Endorses or opposes a
12 particular candidate for public office, (b) advocates a position on a
13 specific political issue, initiative, referendum, or piece of
14 legislation, or (c) includes a reference to a political party shall
15 not be eligible to participate in the adopt-a-highway program.

16 (5) In administering the adopt-a-highway program, the department
17 shall:

18 (a) Provide a standardized application form, registration form,
19 and contractual agreement for all participating groups. The forms
20 shall notify the prospective participants of the risks and
21 responsibilities to be assumed by the department and the
22 participants;

23 (b) Require all participants to be at least fifteen years of age;

24 (c) Require parental consent for all minors;

25 (d) Require at least one adult supervisor for every eight minors;

26 (e) Require one designated leader for each participating
27 organization, unless the department chooses to coordinate a
28 consortium of participants;

29 (f) Assign each participating organization a section or sections
30 of state highway, or other state-owned transportation facilities, for
31 a specified period of time;

32 (g) Recognize the efforts of a participating organization by
33 erecting and maintaining signs with the organization's name on both
34 ends of the organization's section of highway;

35 (h) Provide appropriate safety equipment. Safety equipment issued
36 to participating groups must be returned to the department upon
37 termination of the applicable adopt-a-highway agreement;

38 (i) Provide safety training for all participants;

1 (j) Pay any and all premiums or assessments required under RCW
2 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for
3 all volunteers participating in the program;

4 (k) Require participating businesses to pay all employer premiums
5 or assessments required to secure medical aid benefits under chapter
6 51.36 RCW for all employees or agents participating in the program;

7 (l) Maintain records of all injuries and accidents that occur;

8 (m) Adopt rules that establish a process to resolve any question
9 of an organization's eligibility to participate in the adopt-a-
10 highway program;

11 (n) Obtain permission from property owners who lease right-of-way
12 before allowing an organization to adopt a section of highway on such
13 leased property; and

14 (o) Establish procedures and guidelines for the adopt-a-highway
15 program.

16 (6) Nothing in this section affects the rights or activities of,
17 or agreements with, adjacent landowners, including the use of rights-
18 of-way and crossings, nor impairs these rights and uses by the
19 placement of signs.

20 **Sec. 13.** RCW 79A.15.010 and 2016 c 149 s 2 are each reenacted
21 and amended to read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

24 (1) "Acquisition" means the purchase on a willing seller basis of
25 fee or less than fee interests in real property. These interests
26 include, but are not limited to, options, rights of first refusal,
27 conservation easements, leases, and mineral rights.

28 (2) "Board" means the recreation and conservation funding board.

29 (3) "Confer" means a dialogue between project sponsors and local
30 county and city officials with the purpose of early review of
31 potential projects. The dialogue may include any matter relevant to a
32 particular project, which may include but need not be limited to:
33 Project purpose and scope; project elements; estimated project cost;
34 costs and benefits to the community; plans for project management and
35 maintenance; and public access.

36 (4) "Critical habitat" means lands important for the protection,
37 management, or public enjoyment of certain wildlife species or groups
38 of species, including, but not limited to, wintering range for deer,
39 elk, and other species, waterfowl and upland bird habitat, fish

1 habitat, and habitat for endangered, threatened, or sensitive
2 species. Critical habitat may include habitat beneficial for the
3 feeding, nesting, and reproduction of native pollinators, including
4 bees.

5 (5) "Farmlands" means any land defined as: (a) "Farm and
6 agricultural land" in RCW 84.34.020(2); and (b) "farm and
7 agricultural conservation land" in RCW 84.34.020(8). Farmlands may
8 include habitat beneficial for the feeding, nesting, and reproduction
9 of native pollinators, including bees.

10 (6) "Forestlands" means any land defined as "timberland" in RCW
11 84.34.020(3). Forestlands may include habitat beneficial for the
12 feeding, nesting, and reproduction of native pollinators, including
13 bees.

14 (7) "Local agencies" means a city, county, town, federally
15 recognized Indian tribe, special purpose district, port district, or
16 other political subdivision of the state providing services to less
17 than the entire state.

18 (8) "Multiple benefits" means recreational uses that are
19 compatible with habitat conservation or resources uses or management
20 practices that are compatible with and provide the ability to achieve
21 additional conservation benefits.

22 (9) "Natural areas" means areas that have, to a significant
23 degree, retained their natural character and are important in
24 preserving rare or vanishing flora, fauna, geological, natural
25 historical, or similar features of scientific or educational value.
26 Natural areas may include habitat beneficial for the feeding,
27 nesting, and reproduction of native pollinators, including bees.

28 (10) "Nonprofit nature conservancies" means organizations as
29 defined in RCW 84.34.250.

30 (11) "Riparian habitat" means land adjacent to water bodies, as
31 well as submerged land such as streambeds, which can provide
32 functional habitat for salmonids and other fish and wildlife species.
33 Riparian habitat includes, but is not limited to, shorelines and
34 near-shore marine habitat, estuaries, lakes, wetlands, streams, and
35 rivers. Riparian habitat may include habitat beneficial for the
36 feeding, nesting, and reproduction of native pollinators, including
37 bees.

38 (12) "Special needs populations" means physically restricted
39 people or people of limited means.

1 (13) "State agencies" means the state parks and recreation
2 commission, the department of natural resources, the department of
3 enterprise services, and the department of fish and wildlife.

4 (14) "Trails" means public ways constructed for and open to
5 pedestrians, equestrians, or bicyclists, or any combination thereof,
6 other than a sidewalk constructed as a part of a city street or
7 county road for exclusive use of pedestrians. Trails may include
8 habitat beneficial for the feeding, nesting, and reproduction of
9 native pollinators, including bees.

10 (15) "Urban wildlife habitat" means lands that provide habitat
11 important to wildlife in proximity to a metropolitan area. Urban
12 wildlife habitat may include habitat beneficial for the feeding,
13 nesting, and reproduction of native pollinators, including bees.

14 (16) "Water access" means boat or foot access to marine waters,
15 lakes, rivers, or streams.

16 NEW SECTION. Sec. 14. A new section is added to chapter 15.58
17 RCW to read as follows:

18 The department must develop educational materials regarding the
19 best practices for avoiding adverse effects from pesticides
20 including, but not limited to, neonicotinoids, on populations of bees
21 and other pollinating insects. The educational materials must
22 include, but not be limited to, measures that anyone applying
23 pesticides can take to protect bees. The department must design
24 requirements to ensure that any pesticide applicator applying or
25 supervising the application of a restricted-use pesticide is highly
26 knowledgeable regarding alternatives to, the appropriateness of, and
27 precautions for, the use of restricted-use pesticides that may be
28 injurious to the health of bees and other pollinating insects.

29 NEW SECTION. Sec. 15. A new section is added to chapter 35.21
30 RCW to read as follows:

31 (1) A city or town may, by ordinance, establish an urban
32 agriculture zone within the boundaries of the city or town.

33 (2) To establish an urban agriculture zone, the city or town must
34 conduct at least one public hearing on the question of whether to
35 establish the urban agriculture zone.

36 (3) An ordinance adopted pursuant to this section must not
37 prohibit the use of structures that support agricultural activity

1 including, without limitation, apiaries, toolsheds, greenhouses,
2 produce stands, and instructional spaces.

3 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.21
4 RCW to read as follows:

5 A city or town may authorize, by ordinance, the use of vacant or
6 blighted city land for the purpose of community gardening under the
7 terms and conditions established for the use of the city land set
8 forth by the ordinance. The ordinance may establish fees for the use
9 of the city land, provide requirements for liability insurance, and
10 provide requirements for a deposit to use the city land, which may be
11 refunded. The ordinance must require that a portion of the community
12 garden include habitat beneficial for the feeding, nesting, and
13 reproduction of native pollinators, including bees.

14 NEW SECTION. **Sec. 17.** A new section is added to chapter 35A.21
15 RCW to read as follows:

16 (1) A code city may, by ordinance, establish an urban agriculture
17 zone within the boundaries of the code city.

18 (2) To establish an urban agriculture zone, the code city must
19 conduct at least one public hearing on the question of whether to
20 establish the urban agriculture zone.

21 (3) An ordinance adopted pursuant to this section must not
22 prohibit the use of structures that support agricultural activity
23 including, without limitation, apiaries, toolsheds, greenhouses,
24 produce stands, and instructional spaces.

25 NEW SECTION. **Sec. 18.** A new section is added to chapter 35A.21
26 RCW to read as follows:

27 A code city may authorize, by ordinance, the use of vacant or
28 blighted city land for the purpose of community gardening under the
29 terms and conditions established for the use of the city land set
30 forth by the ordinance. The ordinance may establish fees for the use
31 of the city land, provide requirements for liability insurance, and
32 provide requirements for a deposit to use the city land, which may be
33 refunded. The ordinance must require that a portion of the community
34 garden include habitat beneficial for the feeding, nesting, and
35 reproduction of native pollinators, including bees.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 36.34
2 RCW to read as follows:
3 A county may, by ordinance, authorize the use of vacant or
4 blighted county land for the purpose of community gardening under the
5 terms and conditions established for the use of the county land set
6 forth by the ordinance. The ordinance may establish fees for the use
7 of the county land, provide requirements for liability insurance, and
8 provide requirements for a deposit to use the county land, which may
9 be refunded. The ordinance must require that a portion of the
10 community garden include habitat beneficial for the feeding, nesting,
11 and reproduction of native pollinators, including bees.

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