
SENATE BILL 5312

State of Washington

67th Legislature

2021 Regular Session

By Senators Mullet, Liias, and Van De Wege

Read first time 01/20/21. Referred to Committee on Housing & Local Government.

1 AN ACT Relating to facilitating transit-oriented development and
2 increasing housing inventory; and amending RCW 36.70A.500.

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

4 **Sec. 1.** RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each
5 amended to read as follows:

6 (1) The department of commerce shall provide management services
7 for the growth management planning and environmental review fund
8 created by RCW 36.70A.490. The department shall establish procedures
9 for fund management. The department shall encourage participation in
10 the grant or loan program by other public agencies. The department
11 shall develop the grant or loan criteria, monitor the grant or loan
12 program, and select grant or loan recipients in consultation with
13 state agencies participating in the grant or loan program through the
14 provision of grant or loan funds or technical assistance.

15 (2) A grant or loan may be awarded to a county or city that is
16 required to or has chosen to plan under RCW 36.70A.040 and that is
17 qualified pursuant to this section. The grant or loan shall be
18 provided to assist a county or city in paying for the cost of
19 preparing an environmental analysis under chapter 43.21C RCW, that is
20 integrated with a comprehensive plan, subarea plan, plan element,
21 countywide planning policy, development regulation, monitoring

1 program, or other planning activity adopted under or implementing
2 this chapter that:

3 (a) Improves the process for project permit review while
4 maintaining environmental quality; or

5 (b) Encourages use of plans and information developed for
6 purposes of complying with this chapter to satisfy requirements of
7 other state programs.

8 (3) In order to qualify for a grant or loan, a county or city
9 shall:

10 (a) Demonstrate that it will prepare an environmental analysis
11 pursuant to chapter 43.21C RCW and subsection (2) of this section
12 that is integrated with a comprehensive plan, subarea plan, plan
13 element, countywide planning policy, development regulations,
14 monitoring program, or other planning activity adopted under or
15 implementing this chapter;

16 (b) Address environmental impacts and consequences, alternatives,
17 and mitigation measures in sufficient detail to allow the analysis to
18 be adopted in whole or in part by applicants for development permits
19 within the geographic area analyzed in the plan;

20 (c) Demonstrate that procedures for review of development permit
21 applications will be based on the integrated plans and environmental
22 analysis;

23 (d) Include mechanisms to monitor the consequences of growth as
24 it occurs in the plan area and to use the resulting data to update
25 the plan, policy, or implementing mechanisms and associated
26 environmental analysis;

27 (e) Demonstrate substantial progress towards compliance with the
28 requirements of this chapter. A county or city that is more than six
29 months out of compliance with a requirement of this chapter is deemed
30 not to be making substantial progress towards compliance; and

31 (f) Provide local funding, which may include financial
32 participation by the private sector.

33 (4) In awarding grants or loans, the department shall give
34 preference to proposals that include one or more of the following
35 elements:

36 (a) Financial participation by the private sector, or a public/
37 private partnering approach;

38 (b) Identification and monitoring of system capacities for
39 elements of the built environment, and to the extent appropriate, of
40 the natural environment;

1 (c) Coordination with state, federal, and tribal governments in
2 project review;

3 (d) Furtherance of important state objectives related to economic
4 development, protection of areas of statewide significance, and
5 siting of essential public facilities;

6 (e) Programs to improve the efficiency and effectiveness of the
7 permitting process by greater reliance on integrated plans and
8 prospective environmental analysis;

9 (f) Programs for effective citizen and neighborhood involvement
10 that contribute to greater likelihood that planning decisions can be
11 implemented with community support;

12 (g) Programs to identify environmental impacts and establish
13 mitigation measures that provide effective means to satisfy
14 concurrency requirements and establish project consistency with the
15 plans; or

16 (h) Environmental review that addresses the impacts of increased
17 density or intensity of comprehensive plans, subarea plans, or
18 receiving areas designated by a city or town under the regional
19 transfer of development rights program in chapter 43.362 RCW.

20 (5) If the local funding includes funding provided by other state
21 functional planning programs, including open space planning and
22 watershed or basin planning, the functional plan shall be integrated
23 into and be consistent with the comprehensive plan.

24 (6) State agencies shall work with grant or loan recipients to
25 facilitate state and local project review processes that will
26 implement the projects receiving grants or loans under this section.

27 (7)(a) Appropriations to the growth management planning and
28 environmental review fund established in RCW 36.70A.490 for the
29 purpose of grants to cities to facilitate transit-oriented
30 development may be used to pay for the costs associated with the
31 preparation of state environmental policy act environmental impact
32 statements, planned action ordinances, subarea plans, costs
33 associated with the utilization of other tools under the state
34 environmental policy act, and the costs of local code adoption and
35 implementation of such efforts.

36 (b) Grant awards may only fund efforts that address environmental
37 impacts and consequences, alternatives, and mitigation measures in
38 sufficient detail to allow the analysis to be adopted in whole or in
39 part by applicants for development permits within the geographic area
40 analyzed in the plan.

1 (8) The department shall prioritize applications for grants to
2 facilitate transit-oriented development that maximize the following
3 policy objectives in the area covered by a proposal:

4 (a) The total number of housing units authorized for new
5 development;

6 (b) The proximity and quality of transit access in the area;

7 (c) Plans that authorize up to six stories of building height;

8 (d) Plans that authorize ground floor retail with housing above;

9 (e) Plans in areas that minimize or eliminate on-site parking
10 requirements;

11 (f) Existence or establishment of incentive zoning, mandatory
12 affordability, or other tools to promote low-income housing in the
13 area;

14 (g) Plans that include dedicated policies to support public or
15 nonprofit funded low-income or workforce housing; and

16 (h) Plans designed to maximize and increase the variety of
17 allowable housing types and expected sale or rental rates.

18 (9) For purposes of this section, "transit access" includes
19 walkable access to:

20 (a) Light rail and other fixed guideway rail systems;

21 (b) Bus rapid transit;

22 (c) High frequency bus service; or

23 (d) Park and ride lots.

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