
SUBSTITUTE HOUSE BILL 2160

State of Washington

68th Legislature

2024 Regular Session

By House Housing (originally sponsored by Representatives Reed, Fey, Mena, Alvarado, Berry, Bateman, Ormsby, Ramel, Macri, Street, Peterson, Gregerson, Ryu, Cortes, Riccelli, Doglio, and Pollet; by request of Office of the Governor)

READ FIRST TIME 01/17/24.

1 AN ACT Relating to promoting community and transit-oriented
2 housing development; amending RCW 36.70A.500, 36.70A.620, and
3 43.21C.229; reenacting and amending RCW 36.70A.030; adding a new
4 section to chapter 47.01 RCW; adding new sections to chapter 36.70A
5 RCW; adding a new section to chapter 44.28 RCW; adding a new section
6 to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW;
7 adding a new section to chapter 64.34 RCW; adding a new section to
8 chapter 64.32 RCW; and creating a new section.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that the state has
11 made groundbreaking investments in state-of-the-art mass transit and
12 intermodal infrastructure. The legislature finds that to maximize the
13 state's return on these investments, land use policies and practices
14 must allow housing development to keep pace with progress being
15 implemented in transportation infrastructure development. The
16 legislature also intends new development to reflect the state's
17 commitment to affordable housing and vibrant, walkable, accessible
18 urban environments that improve health, expand multimodal
19 transportation options, and include varied community facilities,
20 parks, and green spaces that are open to people of all income levels.

1 The legislature recognizes that cities planning under chapter
2 36.70A RCW require direction and technical assistance to ensure the
3 benefits of state transportation investments are maximized and shared
4 equitably while avoiding unnecessary programmatic and cost burdens to
5 local governments in their comprehensive planning, code enactment,
6 and permit processing workloads. The legislature further recognizes
7 that regulatory flexibility and local control are also important
8 features of optimal planning outcomes.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01
10 RCW to read as follows:

11 (1) The department must create a new division within its agency
12 or expand an existing division within its agency and designate a
13 liaison to serve as a point of contact and resource for the
14 department, local governments, and project proponents regarding land
15 use decisions and processing development permit applications. The
16 liaison's priority must be to facilitate and expedite any department
17 decisions required for project approval.

18 (2) The department must adopt any rules necessary to implement
19 this section.

20 **Sec. 3.** RCW 36.70A.030 and 2023 c 332 s 2 and 2023 c 228 s 14
21 are each reenacted and amended to read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Active transportation" means forms of pedestrian mobility
25 including walking or running, the use of a mobility assistive device
26 such as a wheelchair, bicycling and cycling irrespective of the
27 number of wheels, and the use of small personal devices such as foot
28 scooters or skateboards. Active transportation includes both
29 traditional and electric assist bicycles and other devices. Planning
30 for active transportation must consider and address accommodation
31 pursuant to the Americans with disabilities act and the distinct
32 needs of each form of active transportation.

33 (2) "Active transportation facilities" means facilities provided
34 for the safety and mobility of active transportation users including,
35 but not limited to, trails, as defined in RCW 47.30.005, sidewalks,
36 bike lanes, shared-use paths, and other facilities in the public
37 right-of-way.

1 (3) "Administrative design review" means a development permit
2 process whereby an application is reviewed, approved, or denied by
3 the planning director or the planning director's designee based
4 solely on objective design and development standards without a public
5 predecision hearing, unless such review is otherwise required by
6 state or federal law, or the structure is a designated landmark or
7 historic district established under a local preservation ordinance. A
8 city may utilize public meetings, hearings, or voluntary review
9 boards to consider, recommend, or approve requests for variances from
10 locally established design review standards.

11 (4) "Adopt a comprehensive land use plan" means to enact a new
12 comprehensive land use plan or to update an existing comprehensive
13 land use plan.

14 (5) "Affordable housing" means, unless the context clearly
15 indicates otherwise, residential housing whose monthly costs,
16 including utilities other than telephone, do not exceed (~~thirty~~) 30
17 percent of the monthly income of a household whose income is:

18 (a) For rental housing, 60 percent of the median household income
19 adjusted for household size, for the county where the household is
20 located, as reported by the United States department of housing and
21 urban development; or

22 (b) For owner-occupied housing, 80 percent of the median
23 household income adjusted for household size, for the county where
24 the household is located, as reported by the United States department
25 of housing and urban development.

26 (6) "Agricultural land" means land primarily devoted to the
27 commercial production of horticultural, viticultural, floricultural,
28 dairy, apiary, vegetable, or animal products or of berries, grain,
29 hay, straw, turf, seed, Christmas trees not subject to the excise tax
30 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
31 hatcheries, or livestock, and that has long-term commercial
32 significance for agricultural production.

33 (7) "City" means any city or town, including a code city.

34 (8) "Comprehensive land use plan," "comprehensive plan," or
35 "plan" means a generalized coordinated land use policy statement of
36 the governing body of a county or city that is adopted pursuant to
37 this chapter.

38 (9) "Cottage housing" means residential units on a lot with a
39 common open space that either: (a) Is owned in common; or (b) has

1 units owned as condominium units with property owned in common and a
2 minimum of 20 percent of the lot size as open space.

3 (10) "Courtyard apartments" means up to four attached dwelling
4 units arranged on two or three sides of a yard or court.

5 (11) "Critical areas" include the following areas and ecosystems:

6 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
7 used for potable water; (c) fish and wildlife habitat conservation
8 areas; (d) frequently flooded areas; and (e) geologically hazardous
9 areas. "Fish and wildlife habitat conservation areas" does not
10 include such artificial features or constructs as irrigation delivery
11 systems, irrigation infrastructure, irrigation canals, or drainage
12 ditches that lie within the boundaries of and are maintained by a
13 port district or an irrigation district or company.

14 (12) "Department" means the department of commerce.

15 (13) "Development regulations" or "regulation" means the controls
16 placed on development or land use activities by a county or city,
17 including, but not limited to, zoning ordinances, critical areas
18 ordinances, shoreline master programs, official controls, planned
19 unit development ordinances, subdivision ordinances, and binding site
20 plan ordinances together with any amendments thereto. A development
21 regulation does not include a decision to approve a project permit
22 application, as defined in RCW 36.70B.020, even though the decision
23 may be expressed in a resolution or ordinance of the legislative body
24 of the county or city.

25 (14) "Emergency housing" means temporary indoor accommodations
26 for individuals or families who are homeless or at imminent risk of
27 becoming homeless that is intended to address the basic health, food,
28 clothing, and personal hygiene needs of individuals or families.
29 Emergency housing may or may not require occupants to enter into a
30 lease or an occupancy agreement.

31 (15) "Emergency shelter" means a facility that provides a
32 temporary shelter for individuals or families who are currently
33 homeless. Emergency shelter may not require occupants to enter into a
34 lease or an occupancy agreement. Emergency shelter facilities may
35 include day and warming centers that do not provide overnight
36 accommodations.

37 (16) "Environmental justice" means the fair treatment and
38 meaningful involvement of all people regardless of race, color,
39 national origin, or income with respect to development,
40 implementation, and enforcement of environmental laws, regulations,

1 and policies. Environmental justice includes addressing
2 disproportionate environmental and health impacts in all laws, rules,
3 and policies with environmental impacts by prioritizing vulnerable
4 populations and overburdened communities and the equitable
5 distribution of resources and benefits.

6 (17) "Extremely low-income household" means a single person,
7 family, or unrelated persons living together whose adjusted income is
8 at or below (~~(thirty)~~) 30 percent of the median household income
9 adjusted for household size, for the county where the household is
10 located, as reported by the United States department of housing and
11 urban development.

12 (18) "Floor area ratio" means a measure of development intensity
13 equal to building square footage divided by the developable property
14 square footage. Developable property excludes public facilities and
15 portions of lots with critical areas and critical area buffers as
16 designated in RCW 36.70A.060, except for critical aquifer recharge
17 areas where a single-family detached house is an allowed use provided
18 that any requirements to maintain aquifer recharge are met.

19 (19) "Forestland" means land primarily devoted to growing trees
20 for long-term commercial timber production on land that can be
21 economically and practically managed for such production, including
22 Christmas trees subject to the excise tax imposed under RCW 84.33.100
23 through 84.33.140, and that has long-term commercial significance. In
24 determining whether forestland is primarily devoted to growing trees
25 for long-term commercial timber production on land that can be
26 economically and practically managed for such production, the
27 following factors shall be considered: (a) The proximity of the land
28 to urban, suburban, and rural settlements; (b) surrounding parcel
29 size and the compatibility and intensity of adjacent and nearby land
30 uses; (c) long-term local economic conditions that affect the ability
31 to manage for timber production; and (d) the availability of public
32 facilities and services conducive to conversion of forestland to
33 other uses.

34 (~~(19)~~) (20) "Freight rail dependent uses" means buildings and
35 other infrastructure that are used in the fabrication, processing,
36 storage, and transport of goods where the use is dependent on and
37 makes use of an adjacent short line railroad. Such facilities are
38 both urban and rural development for purposes of this chapter.
39 "Freight rail dependent uses" does not include buildings and other
40 infrastructure that are used in the fabrication, processing, storage,

1 and transport of coal, liquefied natural gas, or "crude oil" as
2 defined in RCW 90.56.010.

3 ~~((20))~~ (21) "Geologically hazardous areas" means areas that
4 because of their susceptibility to erosion, sliding, earthquake, or
5 other geological events, are not suited to the siting of commercial,
6 residential, or industrial development consistent with public health
7 or safety concerns.

8 ~~((21))~~ (22) "Green infrastructure" means a wide array of
9 natural assets and built structures within an urban growth area
10 boundary, including parks and other areas with protected tree canopy,
11 and management practices at multiple scales that manage wet weather
12 and that maintain and restore natural hydrology by storing,
13 infiltrating, evapotranspiring, and harvesting and using stormwater.

14 ~~((22))~~ (23) "Green space" means an area of land, vegetated by
15 natural features such as grass, trees, or shrubs, within an urban
16 context and less than one acre in size that creates public value
17 through one or more of the following attributes:

- 18 (a) Is accessible to the public;
- 19 (b) Promotes physical and mental health of residents;
- 20 (c) Provides relief from the urban heat island effects;
- 21 (d) Promotes recreational and aesthetic values;
- 22 (e) Protects streams or water supply; or
- 23 (f) Preserves visual quality along highway, road, or street
24 corridors.

25 ~~((23))~~ (24) "Long-term commercial significance" includes the
26 growing capacity, productivity, and soil composition of the land for
27 long-term commercial production, in consideration with the land's
28 proximity to population areas, and the possibility of more intense
29 uses of the land.

30 ~~((24))~~ (25) "Low-income household" means a single person,
31 family, or unrelated persons living together whose adjusted income is
32 at or below ~~((eighty))~~ 80 percent of the median household income
33 adjusted for household size, for the county where the household is
34 located, as reported by the United States department of housing and
35 urban development.

36 ~~((25))~~ (26) "Major transit stop" means:
37 (a) A stop on a high capacity transportation system funded or
38 expanded under the provisions of chapter 81.104 RCW;
39 (b) Commuter rail stops;
40 (c) Stops on rail or fixed guideway systems; or

1 (d) Stops on bus rapid transit routes.

2 ~~((26))~~ (27) "Middle housing" means buildings that are
3 compatible in scale, form, and character with single-family houses
4 and contain two or more attached, stacked, or clustered homes
5 including duplexes, triplexes, fourplexes, fiveplexes, sixplexes,
6 townhouses, stacked flats, courtyard apartments, and cottage housing.

7 ~~((27))~~ (28) "Minerals" include gravel, sand, and valuable
8 metallic substances.

9 ~~((28))~~ (29) "Moderate-income household" means a single person,
10 family, or unrelated persons living together whose adjusted income is
11 at or below 120 percent of the median household income adjusted for
12 household size, for the county where the household is located, as
13 reported by the United States department of housing and urban
14 development.

15 ~~((29))~~ (30) "Overburdened community" means a geographic area
16 where vulnerable populations face combined, multiple environmental
17 harms and health impacts, and includes, but is not limited to, highly
18 impacted communities as defined in RCW 19.405.020.

19 ~~((30))~~ (31) "Per capita vehicle miles traveled" means the
20 number of miles traveled using cars and light trucks in a calendar
21 year divided by the number of residents in Washington. The
22 calculation of this value excludes vehicle miles driven conveying
23 freight.

24 ~~((31))~~ (32) "Permanent supportive housing" is subsidized,
25 leased housing with no limit on length of stay that prioritizes
26 people who need comprehensive support services to retain tenancy and
27 utilizes admissions practices designed to use lower barriers to entry
28 than would be typical for other subsidized or unsubsidized rental
29 housing, especially related to rental history, criminal history, and
30 personal behaviors. Permanent supportive housing is paired with on-
31 site or off-site voluntary services designed to support a person
32 living with a complex and disabling behavioral health or physical
33 health condition who was experiencing homelessness or was at imminent
34 risk of homelessness prior to moving into housing to retain their
35 housing and be a successful tenant in a housing arrangement, improve
36 the resident's health status, and connect the resident of the housing
37 with community-based health care, treatment, or employment services.
38 Permanent supportive housing is subject to all of the rights and
39 responsibilities defined in chapter 59.18 RCW.

1 (~~(32)~~) (33) "Public facilities" include streets, roads,
2 highways, sidewalks, street and road lighting systems, traffic
3 signals, domestic water systems, storm and sanitary sewer systems,
4 parks and recreational facilities, and schools.

5 (~~(33)~~) (34) "Public services" include fire protection and
6 suppression, law enforcement, public health, education, recreation,
7 environmental protection, and other governmental services.

8 (~~(34)~~) (35) "Recreational land" means land so designated under
9 RCW 36.70A.1701 and that, immediately prior to this designation, was
10 designated as agricultural land of long-term commercial significance
11 under RCW 36.70A.170. Recreational land must have playing fields and
12 supporting facilities existing before July 1, 2004, for sports played
13 on grass playing fields.

14 (~~(35)~~) (36) "Rural character" refers to the patterns of land
15 use and development established by a county in the rural element of
16 its comprehensive plan:

17 (a) In which open space, the natural landscape, and vegetation
18 predominate over the built environment;

19 (b) That foster traditional rural lifestyles, rural-based
20 economies, and opportunities to both live and work in rural areas;

21 (c) That provide visual landscapes that are traditionally found
22 in rural areas and communities;

23 (d) That are compatible with the use of the land by wildlife and
24 for fish and wildlife habitat;

25 (e) That reduce the inappropriate conversion of undeveloped land
26 into sprawling, low-density development;

27 (f) That generally do not require the extension of urban
28 governmental services; and

29 (g) That are consistent with the protection of natural surface
30 water flows and groundwater and surface water recharge and discharge
31 areas.

32 (~~(36)~~) (37) "Rural development" refers to development outside
33 the urban growth area and outside agricultural, forest, and mineral
34 resource lands designated pursuant to RCW 36.70A.170. Rural
35 development can consist of a variety of uses and residential
36 densities, including clustered residential development, at levels
37 that are consistent with the preservation of rural character and the
38 requirements of the rural element. Rural development does not refer
39 to agriculture or forestry activities that may be conducted in rural
40 areas.

1 ~~((37))~~ (38) "Rural governmental services" or "rural services"
2 include those public services and public facilities historically and
3 typically delivered at an intensity usually found in rural areas, and
4 may include domestic water systems and fire and police protection
5 services associated with rural development and normally not
6 associated with urban areas. Rural services do not include storm or
7 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

8 ~~((38))~~ (39) "Short line railroad" means those railroad lines
9 designated class II or class III by the United States surface
10 transportation board.

11 ~~((39))~~ (40) "Single-family zones" means those zones where
12 single-family detached housing is the predominant land use.

13 ~~((40))~~ (41) "Stacked flat" means dwelling units in a
14 residential building of no more than three stories on a residential
15 zoned lot in which each floor may be separately rented or owned.

16 ~~((41))~~ (42) "Station area" means all lots that are:

17 (a) Fully within an urban growth area; and

18 (b) Fully or partially within:

19 (i) One-half mile walking distance of an entrance to a train
20 station with a stop on a light rail system, a commuter rail stop, or
21 a stop on rail or fixed guideway systems; or

22 (ii) One-quarter mile walking distance of a stop on a fixed route
23 bus system that is funded in part or in full by the United States
24 department of transportation funding for bus rapid transit and
25 features fixed transit assets that indicate permanent, high capacity
26 service including, but not limited to, elevated platforms or enhanced
27 stations, off-board fare collection, dedicated lanes, busways, or
28 traffic signal priority.

29 (43) "Townhouses" means buildings that contain three or more
30 attached single-family dwelling units that extend from foundation to
31 roof and that have a yard or public way on not less than two sides.

32 ~~((42))~~ (44) "Transportation system" means all infrastructure
33 and services for all forms of transportation within a geographical
34 area, irrespective of the responsible jurisdiction or transportation
35 provider.

36 ~~((43))~~ (45) "Urban governmental services" or "urban services"
37 include those public services and public facilities at an intensity
38 historically and typically provided in cities, specifically including
39 storm and sanitary sewer systems, domestic water systems, street
40 cleaning services, fire and police protection services, public

1 transit services, and other public utilities associated with urban
2 areas and normally not associated with rural areas.

3 ~~((44))~~ (46) "Urban growth" refers to growth that makes
4 intensive use of land for the location of buildings, structures, and
5 impermeable surfaces to such a degree as to be incompatible with the
6 primary use of land for the production of food, other agricultural
7 products, or fiber, or the extraction of mineral resources, rural
8 uses, rural development, and natural resource lands designated
9 pursuant to RCW 36.70A.170. A pattern of more intensive rural
10 development, as provided in RCW 36.70A.070(5)(d), is not urban
11 growth. When allowed to spread over wide areas, urban growth
12 typically requires urban governmental services. "Characterized by
13 urban growth" refers to land having urban growth located on it, or to
14 land located in relationship to an area with urban growth on it as to
15 be appropriate for urban growth.

16 ~~((45))~~ (47) "Urban growth areas" means those areas designated
17 by a county pursuant to RCW 36.70A.110.

18 ~~((46))~~ (48) "Very low-income household" means a single person,
19 family, or unrelated persons living together whose adjusted income is
20 at or below ~~((fifty))~~ 50 percent of the median household income
21 adjusted for household size, for the county where the household is
22 located, as reported by the United States department of housing and
23 urban development.

24 ~~((47))~~ (49)(a) "Vulnerable populations" means population groups
25 that are more likely to be at higher risk for poor health outcomes in
26 response to environmental harms, due to: (i) Adverse socioeconomic
27 factors, such as unemployment, high housing and transportation costs
28 relative to income, limited access to nutritious food and adequate
29 health care, linguistic isolation, and other factors that negatively
30 affect health outcomes and increase vulnerability to the effects of
31 environmental harms; and (ii) sensitivity factors, such as low birth
32 weight and higher rates of hospitalization.

33 (b) "Vulnerable populations" includes, but is not limited to:

34 (i) Racial or ethnic minorities;

35 (ii) Low-income populations; and

36 (iii) Populations disproportionately impacted by environmental
37 harms.

38 ~~((48))~~ (50) "Wetland" or "wetlands" means areas that are
39 inundated or saturated by surface water or groundwater at a frequency
40 and duration sufficient to support, and that under normal

1 circumstances do support, a prevalence of vegetation typically
2 adapted for life in saturated soil conditions. Wetlands generally
3 include swamps, marshes, bogs, and similar areas. Wetlands do not
4 include those artificial wetlands intentionally created from
5 nonwetland sites, including, but not limited to, irrigation and
6 drainage ditches, grass-lined swales, canals, detention facilities,
7 wastewater treatment facilities, farm ponds, and landscape amenities,
8 or those wetlands created after July 1, 1990, that were
9 unintentionally created as a result of the construction of a road,
10 street, or highway. Wetlands may include those artificial wetlands
11 intentionally created from nonwetland areas created to mitigate
12 conversion of wetlands.

13 ~~((49))~~ (51) "Wildland urban interface" means the geographical
14 area where structures and other human development meets or
15 intermingles with wildland vegetative fuels.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
17 RCW to read as follows:

18 (1) Cities planning under RCW 36.70A.040 may not enact or enforce
19 any development regulation within a station area that would prohibit
20 the siting of multifamily residential housing on lots where any other
21 residential use is permissible.

22 (2)(a) Cities planning under RCW 36.70A.040 must allow new
23 residential and mixed-use development within any station area at the
24 transit-oriented development density of:

25 (i) At least 3.5 floor area ratio, on average, within one-half
26 mile walking distance of an entrance to a train station with a stop
27 on a light rail system, a commuter rail stop, or a stop on rail or
28 fixed guideway systems; and

29 (ii) At least 2.5 floor area ratio, on average, within one-
30 quarter mile walking distance of a stop on a fixed route bus system
31 that is funded in part or in full by the United States department of
32 transportation funding for bus rapid transit and features fixed
33 transit assets that indicate permanent, high capacity service
34 including, but not limited to, elevated platforms or enhanced
35 stations, off-board fare collection, dedicated lanes, busways, or
36 traffic signal priority.

37 (b) A city planning under RCW 36.70A.040 may adopt a modification
38 to a station area designation, but only after consultation with and
39 approval by the department.

1 (c) Cities planning under RCW 36.70A.040 may not enact or enforce
2 any development regulation that imposes:

3 (i) A maximum floor area ratio of less than the transit-oriented
4 development density in this subsection for any residential or mixed-
5 use development within a station area; or

6 (ii) A maximum residential density, measured in residential units
7 per acre or other metric of land area within a station area.

8 (3) For the purposes of this section:

9 (a) "Mixed-use development" means a building with more than 50
10 percent of the gross floor area dedicated to residential uses.

11 (b) "Stop" includes any existing stop and any stop funded for
12 development and projected for construction within an applicable six-
13 year transit plan under RCW 35.58.2795. "Stop" does not include a
14 stop used exclusively for bus service, including express bus service
15 operated by a regional transit agency as defined under chapter 81.104
16 RCW and trolley buses, unless the stop also serves a fixed route bus
17 system that is funded in part or in full by the United States
18 department of transportation funding for bus rapid transit and
19 features fixed transit assets that indicate permanent, high capacity
20 service including, but not limited to, elevated platforms or enhanced
21 stations, off-board fare collection, dedicated lanes, busways, or
22 traffic signal priority.

23 (4) The department must develop guidance to convert different
24 types of planning measurements to the transit-oriented development
25 density requirements and applicable floor area ratios.

26 (5) Within any station area, any building in which all units are
27 affordable housing for at least 50 years or are dedicated to
28 permanent supportive housing, an additional 1.5 floor area ratio in
29 excess of the transit-oriented development density required under
30 subsection (2)(a) of this section must be permitted. If a city has
31 enacted or expands a program under RCW 36.70A.540 in an area where
32 development regulations must comply with this section, that program,
33 including the amount of affordable housing required either on-site or
34 through an in-lieu payment, governs to the extent it varies from the
35 requirements of this subsection.

36 (6) Any floor area within a building located in a station area
37 that is reserved for residential units in multifamily housing that
38 includes at least three bedrooms must not be counted toward
39 applicable floor area ratio limits. A city may require the
40 residential units to comply with affordability requirements to be

1 eligible for an exclusion from the applicable floor area ratio
2 limits.

3 (7) Cities planning under RCW 36.70A.040 may by ordinance
4 designate parts of a station area in which to enact or enforce floor
5 area ratios for residential or mixed-use development that are more or
6 less than the applicable transit-oriented development density, if the
7 average maximum floor area ratio of all residential and mixed-use
8 areas within a station area is no less than the applicable transit-
9 oriented development density.

10 (8) At least 10 percent of all residential units in buildings
11 constructed within a station area must be maintained as affordable
12 housing for at least 50 years, unless:

13 (a) The building is constructed on a lot in which a density that
14 meets or exceeds the transit-oriented development density in
15 subsection (2) of this section was authorized prior to January 1,
16 2024;

17 (b) The building is subject to affordability requirements with a
18 lower income threshold or a greater amount of required affordable
19 housing that were enacted by a city prior to January 1, 2024; or

20 (c) A city has enacted or expands a mandatory program under RCW
21 36.70A.540 that requires a minimum amount of affordable housing that
22 must be provided by residential development, either on-site or
23 through an in-lieu payment as allowed by RCW 36.70A.540, in an area
24 where development regulations must comply with this section. Such
25 mandatory program may be enacted, modified, or expanded by a city in
26 coordination with adopting regulations to comply with this act, and
27 may require an amount of affordable housing that differs or exceeds
28 the amount required. An optional program established under RCW
29 36.70A.540 does not meet the requirements of this subsection (8)(c).

30 (9) A city that has enacted an incentive program prior to January
31 1, 2024, that requires public benefits, such as school capacity,
32 greater amounts of affordable housing, green space, or green
33 infrastructure, in return for additional height or floor area ratio,
34 may continue to require such public benefits if complying with the
35 requirements of this section provides additional development capacity
36 that would have triggered the public benefits requirements.

37 (10)(a) No later than the deadlines established in subsection
38 (16) of this section, cities planning under RCW 36.70A.040 must act
39 to modify or repeal any existing development regulations applicable
40 in a station area that, alone or in combination, are inconsistent

1 with this section, and may not enact any development regulations
2 applicable in a station area that, alone or in combination with other
3 development regulations, are inconsistent with this section.

4 (b) This subsection (10) does not apply to development
5 regulations that are generally applicable health and safety
6 standards, including building code standards and fire and life safety
7 standards.

8 (11) Any city subject to the requirements of this section may
9 apply to the department for planning grants and consult with the
10 department for purposes of obtaining technical assistance and
11 compliance review with development regulation adoption, pursuant to
12 RCW 36.70A.500(7).

13 (12) Nothing in this section requires alteration, displacement,
14 or limitation of industrial or agricultural uses or industrial,
15 manufacturing, or agricultural areas within the urban growth area.

16 (13) Nothing in this section requires a city to issue a building
17 permit if other federal, state, and local requirements for a building
18 permit are not met.

19 (14) Cities planning under RCW 36.70A.040 may exclude from the
20 requirements in this section any portion of a lot that is designated
21 as a shoreline environment governed by a shoreline master program or
22 as a critical area governed by a critical area ordinance, except for
23 critical aquifer recharge areas where a single-family detached house
24 is an allowed use provided that any requirements to maintain aquifer
25 recharge are met, and any lot that:

26 (a) Is nonconforming with development regulations governing lot
27 dimensions including, but not limited to, standards related to lot
28 width, area, geometry, or street access, unless an applicant
29 demonstrates that the nonconforming lot may be developed in
30 compliance with the development regulations governing lot dimensions
31 by obtaining any modification, deviation, variance, or similar code
32 departure approval allowed under the development regulations;

33 (b) Contains a designated landmark or is located within a
34 historic district established under a local preservation ordinance
35 adopted prior to the effective date of this section;

36 (c) Has been designated as containing urban separators by
37 countywide planning policies as of the effective date of this
38 section; or

39 (d) Is an industrial, manufacturing, or agricultural designated
40 lot that either is limited to one dwelling unit per lot or only

1 allows housing for individuals and their families responsible for
2 caretaking, farm work, security, or maintenance.

3 (15) For cities subject to a growth target adopted under RCW
4 36.70A.210 that limits the maximum residential capacity of the
5 jurisdiction, any additional residential capacity required by this
6 section may not be considered an inconsistency with the countywide
7 planning policies, multicounty planning policies, or growth targets
8 adopted under RCW 36.70A.210.

9 (16)(a) Any city that is required to review its comprehensive
10 plan by December 31, 2024, as specified in RCW 36.70A.130(5)(a), must
11 comply with the requirements of this section by the earlier of
12 December 31, 2029, or its first implementation progress report due
13 after December 31, 2024, as specified in RCW 36.70A.130(9), and
14 thereafter at each comprehensive plan update or implementation
15 progress report following the completion or funding of any transit
16 stop that would create a new station area within the jurisdiction.

17 (b) Any city that is required to review its comprehensive plan
18 after December 31, 2024, as specified in RCW 36.70A.130(5)(b), (c),
19 or (d), must comply with the requirements of this section no later
20 than six months after its first comprehensive plan update due after
21 December 31, 2024, and thereafter at each comprehensive plan update
22 or implementation progress report following the completion or funding
23 of any transit stop that would create a new station area within the
24 jurisdiction.

25 (c) A federally recognized Indian tribe may voluntarily choose to
26 participate in the planning process to implement the requirements of
27 this section in accordance with RCW 36.70A.040(8).

28 (17)(a) The department must publish a model transit-oriented
29 development ordinance no later than six months following the
30 effective date of this section.

31 (b) In any city subject to this section that has not passed
32 ordinances, regulations, or other official controls by the deadlines
33 required under subsection (16) of this section, the model ordinance
34 supersedes, preempts, and invalidates local development regulations
35 until the city takes all actions necessary to implement this section.

36 (18) A city may seek an extension from the transit-oriented
37 development density requirements of this section by applying to the
38 department for an extension in any areas that are at high risk of
39 displacement based on a city's antidisplacement analysis or an
40 antidisplacement map. The department must review the city's analysis

1 and certify a five-year extension from the requirements of this
2 section for areas at high risk of displacement. The city must create
3 an implementation plan that identifies the antidisplacement policies
4 available to residents to mitigate displacement risk. During the
5 extension, the city may delay implementation or enact alternative
6 floor area ratio requirements within any areas at high risk of
7 displacement. The department may recertify an extension for
8 additional five-year periods based on evidence of ongoing
9 displacement risk in the area.

10 (19)(a)(i) The department may approve actions under this
11 subsection (19) for cities that have, by January 1, 2024, adopted a
12 plan and implementing development regulations for a specific station
13 area that are substantially similar to the requirements of this
14 section for that station area. In determining whether a city's
15 adopted plan and development regulations are substantially similar,
16 the department's evaluation may include, but not be limited to, if:

17 (A) The regulations will provide a development capacity and allow
18 the opportunity for creation of affordable housing that is at least
19 equivalent to the amount of development capacity and affordable
20 housing that would be allowed in that station area if the specific
21 provisions of this section were adopted;

22 (B) The jurisdiction offers a way to achieve buildings that
23 exceed 85 feet in height; and

24 (C) No lot within the station area is zoned exclusively for
25 detached single-family residences.

26 (ii) The department must establish by rule any standards or
27 procedures necessary to implement (a) of this subsection.

28 (b) Any local actions approved by the department pursuant to (a)
29 of this subsection are exempt from appeals under this chapter and
30 chapter 43.21C RCW.

31 (c) The department's final decision to approve or reject actions
32 by cities under this subsection (19) may be appealed to the growth
33 management hearings board by filing a petition as provided in RCW
34 36.70A.290.

35 (20)(a)(i) No later than August 1, 2024, the governor shall
36 convene a work group to develop a list of antidisplacement guiding
37 principles and strategies. The work group must be comprised, at a
38 minimum, of the following members:

1 (A) Representatives of impacted cities, including at least one
2 representative of a city that does not have extensive staffing or
3 resources;

4 (B) A representative of impacted tenants;

5 (C) A representative of ethnic or cultural associations;

6 (D) A representative of an organization advocating for affordable
7 housing;

8 (E) A representative of an association representing tenants;

9 (F) A representative with experience developing affordable
10 housing;

11 (G) A representative of an organization advocating for nonprofit
12 builders of affordable housing;

13 (H) A representative from a development industry association; and

14 (I) Other representatives with experience developing or
15 implementing antidisplacement strategies.

16 (ii) The work group must:

17 (A) Develop definitions for displacement and gentrification;

18 (B) Develop a list of recommended antidisplacement strategies,
19 including strategies that mitigate the impacts of displacement and
20 protect against gentrification; and

21 (C) Identify the potential costs and funding sources to implement
22 the strategies.

23 (iii) By September 30, 2025, the work group must submit a report
24 of its findings and recommendations to the department.

25 (b) No later than October 15, 2025, the department shall develop,
26 and make available to cities, antidisplacement guiding principles and
27 a list of potential strategies.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
29 RCW to read as follows:

30 Subject to appropriation, the department must establish and
31 administer a capital grant program to assist cities in providing the
32 infrastructure necessary to accommodate development at transit-
33 oriented development densities within station areas, including water,
34 sewer, stormwater, and transportation infrastructure and parks and
35 recreation facilities.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 44.28
37 RCW to read as follows:

1 (1) The joint committee shall review jurisdictions' experiences
2 with:

3 (a) The effects of the 10 percent affordable housing requirement
4 under section 4 of this act;

5 (b) In-lieu payment options for affordable housing requirements,
6 including how such payments were structured and the amount of housing
7 created using in-lieu payments; and

8 (c) Requirements for transit-oriented development density around
9 fixed route transit stops providing frequent bus service.

10 (2) In evaluating the impacts under this section, the joint
11 committee must conduct case studies that consider the following
12 factors:

13 (a) The effects on housing supply, including the supply of
14 affordable housing;

15 (b) The implementation of transit-oriented development density
16 regulations; and

17 (c) How statewide transit-oriented development density
18 regulations are interacting with residential housing construction and
19 development in specific cities, including at least one city located
20 east of the crest of the Cascade mountains, at least one city located
21 in a county with a population greater than 900,000 but less than
22 1,000,000, and at least one city located in a county with a
23 population greater than 800,000 but less than 900,000.

24 (3) In conducting its evaluation, the joint committee must
25 consult with the following entities:

26 (a) Representatives of the department of commerce;

27 (b) Representatives of the Washington state housing finance
28 commission;

29 (c) Representatives of the University of Washington's Runstad
30 department of real estate;

31 (d) Representatives of regional transportation planning
32 organizations that include cities with station areas;

33 (e) Representatives of transit agencies serving areas that
34 include cities with station areas;

35 (f) Representatives of affordable housing advocacy organizations
36 working in cities with station areas;

37 (g) Representatives of the for-profit housing development
38 industry working in cities with station areas;

39 (h) Representatives of the nonprofit housing development industry
40 working in cities with station areas;

- 1 (i) Representatives of cities located east of the crest of the
2 Cascade mountains; and
3 (j) Representatives of cities located west of the crest of the
4 Cascade mountains.
5 (4) The joint committee must complete the review and evaluation
6 required under this section by June 30, 2035.

7 **Sec. 7.** RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each
8 amended to read as follows:

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

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

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

29 (b) Encourages use of plans and information developed for
30 purposes of complying with this chapter to satisfy requirements of
31 other state programs.

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

34 (a) Demonstrate that it will prepare an environmental analysis
35 pursuant to chapter 43.21C RCW and subsection (2) of this section
36 that is integrated with a comprehensive plan, subarea plan, plan
37 element, countywide planning policy, development regulations,
38 monitoring program, or other planning activity adopted under or
39 implementing this chapter;

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

5 (c) Demonstrate that procedures for review of development permit
6 applications will be based on the integrated plans and environmental
7 analysis;

8 (d) Include mechanisms to monitor the consequences of growth as
9 it occurs in the plan area and to use the resulting data to update
10 the plan, policy, or implementing mechanisms and associated
11 environmental analysis;

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

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

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

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

23 (b) Identification and monitoring of system capacities for
24 elements of the built environment, and to the extent appropriate, of
25 the natural environment;

26 (c) Coordination with state, federal, and tribal governments in
27 project review;

28 (d) Furtherance of important state objectives related to economic
29 development, protection of areas of statewide significance, and
30 siting of essential public facilities;

31 (e) Programs to improve the efficiency and effectiveness of the
32 permitting process by greater reliance on integrated plans and
33 prospective environmental analysis;

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

37 (g) Programs to identify environmental impacts and establish
38 mitigation measures that provide effective means to satisfy
39 concurrency requirements and establish project consistency with the
40 plans; ((~~o~~))

1 (h) Environmental review that addresses the impacts of increased
2 density or intensity of comprehensive plans, subarea plans, or
3 receiving areas designated by a city or town under the regional
4 transfer of development rights program in chapter 43.362 RCW;

5 (i) Plans that implement or comply with antidisplacement
6 policies; or

7 (j) Plans that address infrastructure needs in station areas.

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

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

15 (7)(a) Subject to the availability of amounts appropriated to the
16 growth management planning and environmental review fund established
17 in RCW 36.70A.490, the department may:

18 (i) Award grants to cities to facilitate transit-oriented
19 development consistent with subsection (8) of this section. Cities
20 may use such grants to pay for the costs associated with the
21 preparation of state environmental policy act environmental impact
22 statements, planned action ordinances, subarea plans, costs
23 associated with the utilization of other tools under this chapter or
24 the state environmental policy act, and the costs of local code
25 adoption and implementation of such efforts; and

26 (ii) Provide technical assistance and award planning grants to
27 cities to implement the requirements under section 4 of this act and
28 provide compliance review of any transit-oriented development
29 regulations adopted consistent with section 4 of this act.

30 (b) Grant awards under (a)(i) of this subsection may only fund
31 efforts that address environmental impacts and consequences,
32 alternatives, and mitigation measures in sufficient detail to allow
33 the analysis to be adopted in whole or in part by applicants for
34 development permits within the geographic area analyzed in the plan.

35 (8) In consultation with the department of transportation, the
36 department shall prioritize applications for grants under subsection
37 (7)(a)(i) of this section that maximize the following policy
38 principles in the area covered by a proposal:

39 (a) The total number of housing units authorized for new
40 development in station areas;

1 (b) The proximity and quality of transit access in the area. For
2 purposes of this subsection, "transit access" includes walkable
3 access to light rail, other fixed guideway rail systems, and fixed
4 route bus systems that are funded in part or in full by the United
5 States department of transportation funding for bus rapid transit and
6 feature fixed transit assets that indicate permanent, high capacity
7 service including, but not limited to, elevated platforms or enhanced
8 stations, off-board fare collection, dedicated lanes, busways, or
9 traffic signal priority;

10 (c) Plans that exceed applicable transit-oriented development
11 densities for station areas;

12 (d) Plans that authorize, but do not mandate, ground floor retail
13 with housing above;

14 (e) Plans in areas that eliminate on-site parking requirements;

15 (f) Existence or establishment of incentive zoning, inclusionary
16 housing, or other tools to promote low-income housing in the area;

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

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

21 **Sec. 8.** RCW 36.70A.620 and 2020 c 173 s 3 are each amended to
22 read as follows:

23 ~~((In counties and cities planning under RCW 36.70A.040, minimum~~
24 ~~residential parking requirements mandated by municipal zoning~~
25 ~~ordinances for housing units constructed after July 1, 2019, are~~
26 ~~subject to the following requirements:~~

27 ~~(1) For housing units that are affordable to very low-income or~~
28 ~~extremely low-income individuals and that are located within one-~~
29 ~~quarter mile of a transit stop that receives transit service at least~~
30 ~~two times per hour for twelve or more hours per day, minimum~~
31 ~~residential parking requirements may be no greater than one parking~~
32 ~~space per bedroom or .75 space per unit. A city may require a~~
33 ~~developer to record a covenant that prohibits the rental of a unit~~
34 ~~subject to this parking restriction for any purpose other than~~
35 ~~providing for housing for very low-income or extremely low-income~~
36 ~~individuals. The covenant must address price restrictions and~~
37 ~~household income limits and policies if the property is converted to~~
38 ~~a use other than for low-income housing. A city may establish a~~
39 ~~requirement for the provision of more than one parking space per~~

1 bedroom or .75 space per unit if the jurisdiction has determined a
2 particular housing unit to be in an area with a lack of access to
3 street parking capacity, physical space impediments, or other reasons
4 supported by evidence that would make on-street parking infeasible
5 for the unit.

6 (2) For housing units that are specifically for seniors or people
7 with disabilities, that are located within one-quarter mile of a
8 transit stop that receives transit service at least four times per
9 hour for twelve or more hours per day, a city may not impose minimum
10 residential parking requirements for the residents of such housing
11 units, subject to the exceptions provided in this subsection. A city
12 may establish parking requirements for staff and visitors of such
13 housing units. A city may establish a requirement for the provision
14 of one or more parking space per bedroom if the jurisdiction has
15 determined a particular housing unit to be in an area with a lack of
16 access to street parking capacity, physical space impediments, or
17 other reasons supported by evidence that would make on-street parking
18 infeasible for the unit. A city may require a developer to record a
19 covenant that prohibits the rental of a unit subject to this parking
20 restriction for any purpose other than providing for housing for
21 seniors or people with disabilities.

22 (3) For market rate multifamily housing units that are located
23 within one-quarter mile of a transit stop that receives transit
24 service from at least one route that provides service at least four
25 times per hour for twelve or more hours per day, minimum residential
26 parking requirements may be no greater than one parking space per
27 bedroom or .75 space per unit. A city or county may establish a
28 requirement for the provision of more than one parking space per
29 bedroom or .75 space per unit if the jurisdiction has determined a
30 particular housing unit to be in an area with a lack of access to
31 street parking capacity, physical space impediments, or other reasons
32 supported by evidence that would make on-street parking infeasible
33 for the unit.)

34 (1) To encourage transit-oriented development and
35 transit use and resulting substantial environmental benefits, cities
36 planning under RCW 36.70A.040 may not require off-street automobile
37 parking as a condition of permitting residential or mixed-use
38 development within a station area as defined in RCW 36.70A.030,
39 except for off-street automobile parking that is permanently marked
for the exclusive use of individuals with disabilities or parking

1 that is permanently marked for the short-term exclusive use of
2 delivery vehicles.

3 (2) If a project permit application within a station area, as
4 defined in RCW 36.70B.020, does not provide parking in compliance
5 with this section, the proposed absence of parking may not be treated
6 as a basis for issuance of a determination of significance pursuant
7 to chapter 43.21C RCW.

8 (3) The parking provisions of this section do not apply:

9 (a) If a local government submits to the department an empirical
10 study prepared by a credentialed transportation or land use planning
11 expert that clearly demonstrates, and the department finds and
12 certifies, that the application of the parking limitations under
13 subsection (1) of this section will be significantly less safe for
14 automobile drivers or passengers, pedestrians, or bicyclists than if
15 the jurisdiction's parking requirements were applied to the same
16 location. The department must develop guidance to assist cities and
17 counties on items to include in the study; or

18 (b) To portions of cities within a one-mile radius of a
19 commercial airport in Washington with at least 9,000,000 annual
20 enplanements.

21 (4) If a residential or mixed-use development provides parking
22 for residential uses in excess of what is required in subsection (1)
23 of this section, cities planning under RCW 36.70A.040 may enact or
24 enforce development regulations to:

25 (a) Require a share of any provided residential parking to be
26 distributed between units designated as affordable housing and units
27 offered at market rate; and

28 (b) Include all or a portion of the cost of unbundled parking
29 charges into the monthly cost for rental units designated as
30 affordable housing.

31 **Sec. 9.** RCW 43.21C.229 and 2023 c 368 s 1 are each amended to
32 read as follows:

33 (1) The purpose of this section is to accommodate infill and
34 housing development and thereby realize the goals and policies of
35 comprehensive plans adopted according to chapter 36.70A RCW.

36 (2) A city or county planning under RCW 36.70A.040 is authorized
37 by this section to establish categorical exemptions from the
38 requirements of this chapter. An exemption may be adopted by a city
39 or county under this subsection if it meets the following criteria:

1 (a) It categorically exempts government action related to
2 development proposed to fill in an urban growth area, designated
3 according to RCW 36.70A.110, where current density and intensity of
4 use in the area is roughly equal to or lower than called for in the
5 goals and policies of the applicable comprehensive plan and the
6 development is either:

7 (i) Residential development;

8 (ii) Mixed-use development; or

9 (iii) Commercial development up to 65,000 square feet, excluding
10 retail development;

11 (b) It does not exempt government action related to development
12 that is inconsistent with the applicable comprehensive plan or would
13 clearly exceed the density or intensity of use called for in the
14 goals and policies of the applicable comprehensive plan;

15 (c) The local government considers the specific probable adverse
16 environmental impacts of the proposed action and determines that
17 these specific impacts are adequately addressed by the development
18 regulations or other applicable requirements of the comprehensive
19 plan, subarea plan element of the comprehensive plan, planned action
20 ordinance, or other local, state, or federal rules or laws; and

21 (d) (i) The city or county's applicable comprehensive plan was
22 previously subjected to environmental analysis through an
23 environmental impact statement under the requirements of this chapter
24 prior to adoption; or

25 (ii) The city or county has prepared an environmental impact
26 statement that considers the proposed use or density and intensity of
27 use in the area proposed for an exemption under this section.

28 (3) All project actions that propose to develop one or more
29 residential housing units within the incorporated areas in an urban
30 growth area designated pursuant to RCW 36.70A.110 or middle housing
31 within the unincorporated areas in an urban growth area designated
32 pursuant to RCW 36.70A.110, and that meet the criteria identified in

33 (a) and (b) of this subsection, are categorically exempt from the
34 requirements of this chapter. For purposes of this section, "middle
35 housing" has the same meaning as in RCW 36.70A.030 as amended by
36 chapter 332, Laws of 2023. Jurisdictions shall satisfy the following
37 criteria prior to the adoption of the categorical exemption under
38 this subsection (3):

39 (a) The city or county shall find that the proposed development
40 is consistent with all development regulations implementing an

1 applicable comprehensive plan adopted according to chapter 36.70A RCW
2 by the jurisdiction in which the development is proposed, with the
3 exception of any development regulation that is inconsistent with
4 applicable provisions of chapter 36.70A RCW; and

5 (b) The city or county has prepared environmental analysis that
6 considers the proposed use or density and intensity of use in the
7 area proposed for an exemption under this section and analyzes
8 multimodal transportation impacts, including impacts to neighboring
9 jurisdictions, transit facilities, and the state transportation
10 system.

11 (i) Such environmental analysis shall include documentation that
12 the requirements for environmental analysis, protection, and
13 mitigation for impacts to elements of the environment have been
14 adequately addressed for the development exempted. The requirements
15 may be addressed in locally adopted comprehensive plans, subarea
16 plans, adopted development regulations, other applicable local
17 ordinances and regulations, or applicable state and federal
18 regulations. The city or county must document its consultation with
19 the department of transportation on impacts to state-owned
20 transportation facilities including consideration of whether
21 mitigation is necessary for impacts to transportation facilities.

22 (ii) Before finalizing the environmental analysis pursuant to
23 (b)(i) of this subsection (3), the city or county shall provide a
24 minimum of 60 days' notice to affected tribes, relevant state
25 agencies, other jurisdictions that may be impacted, and the public.
26 If a city or county identifies that mitigation measures are necessary
27 to address specific probable adverse impacts, the city or county must
28 address those impacts by requiring mitigation identified in the
29 environmental analysis pursuant to this subsection (3)(b) through
30 locally adopted comprehensive plans, subarea plans, development
31 regulations, or other applicable local ordinances and regulations.
32 Mitigation measures shall be detailed in an associated environmental
33 determination.

34 (iii) The categorical exemption is effective 30 days following
35 action by a city or county pursuant to (b)(ii) of this subsection
36 (3).

37 (4) Until September 30, 2025, all project actions that propose to
38 develop one or more residential housing or middle housing units
39 within a city west of the crest of the Cascade mountains with a
40 population of 700,000 or more are categorically exempt from the

1 requirements of this chapter. After September 30, 2025, project
2 actions that propose to develop one or more residential housing or
3 middle housing units within the city may utilize the categorical
4 exemption in subsection (3) of this section.

5 (5) All project actions that propose to develop residential or
6 mixed-use development within a station area are categorically exempt
7 from the requirements of this chapter.

8 (6) Any categorical exemption adopted by a city or county under
9 this section applies even if it differs from the categorical
10 exemptions adopted by rule of the department under RCW
11 43.21C.110(1)(a). Nothing in this section shall invalidate
12 categorical exemptions or environmental review procedures adopted by
13 a city or county under a planned action pursuant to RCW 43.21C.440.
14 However, any categorical exemption adopted by a city or county under
15 this section shall be subject to the rules of the department adopted
16 according to RCW 43.21C.110(1)(a) that provide exceptions to the use
17 of categorical exemptions adopted by the department.

18 NEW SECTION. Sec. 10. A new section is added to chapter 64.38
19 RCW to read as follows:

20 Governing documents created after the effective date of this
21 section and applicable to associations located fully or partially
22 within a station area as defined in RCW 36.70A.030 may not prohibit
23 the construction or development of multifamily housing or transit-
24 oriented development density that must be permitted by cities under
25 section 4 of this act or require off-street parking inconsistent or
26 in conflict with RCW 36.70A.620.

27 NEW SECTION. Sec. 11. A new section is added to chapter 64.90
28 RCW to read as follows:

29 Declarations and governing documents created after the effective
30 date of this section and applicable to a common interest community
31 located fully or partially within a station area as defined in RCW
32 36.70A.030 may not prohibit the construction or development of
33 multifamily housing or transit-oriented development density that must
34 be permitted by cities under section 4 of this act or require off-
35 street parking inconsistent or in conflict with RCW 36.70A.620.

36 NEW SECTION. Sec. 12. A new section is added to chapter 64.34
37 RCW to read as follows:

1 A declaration created after the effective date of this section
2 and applicable to an association located fully or partially within a
3 station area as defined in RCW 36.70A.030 may not prohibit the
4 construction or development of multifamily housing or transit-
5 oriented development density that must be permitted by cities under
6 section 4 of this act or require off-street parking inconsistent or
7 in conflict with RCW 36.70A.620.

8 NEW SECTION. **Sec. 13.** A new section is added to chapter 64.32
9 RCW to read as follows:

10 A declaration created after the effective date of this section
11 and applicable to an association of apartment owners located fully or
12 partially within a station area as defined in RCW 36.70A.030 may not
13 prohibit the construction or development of multifamily housing or
14 transit-oriented development density that must be permitted by cities
15 under section 4 of this act or require off-street parking
16 inconsistent or in conflict with RCW 36.70A.620.

--- END ---