
SENATE BILL 5466

State of Washington

68th Legislature

2023 Regular Session

By Senators Lias, Gildon, Kuderer, Lovelett, MacEwen, Mullet, Braun, Billig, Dhingra, Frame, Hunt, Kauffman, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Shewmake, Stanford, Valdez, Van De Wege, and C. Wilson; by request of Office of the Governor

Read first time 01/19/23. Referred to Committee on Local Government, Land Use & Tribal Affairs.

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

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

9 NEW SECTION. **Sec. 1.** The legislature finds that the state has
10 made groundbreaking investments in state-of-the-art mass transit and
11 intermodal infrastructure. The legislature finds that to maximize the
12 state's return on these investments, land use policies and practices
13 must keep pace with progress being implemented in transportation
14 infrastructure development.

15 The legislature recognizes that cities planning under chapter
16 36.70A RCW require direction and technical assistance to ensure the
17 benefits of state transportation investments are maximized and shared
18 equitably while avoiding unnecessary programmatic and cost burdens to
19 local governments in their comprehensive planning, code enactment,
20 and permit processing workloads. The legislature further recognizes

1 that regulatory flexibility and local control are also important
2 features of optimal planning outcomes.

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

5 (1) The department must create a new division within its agency
6 or expand an existing division within its agency to do the following:

7 (a) Provide technical assistance and award planning grants to
8 cities to implement the requirements under section 6 of this act;

9 (b) Provide compliance review of any transit-oriented development
10 regulations adopted consistent with section 6 of this act; and

11 (c) Mediate or help resolve disputes between the department,
12 local governments, and project proponents regarding land use
13 decisions and processing development permit applications.

14 (2) The department must adopt any rules necessary to implement
15 this section.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.01
17 RCW to read as follows:

18 (1) The department, in consultation with the department of
19 commerce, must establish and administer a competitive grant program
20 to assist in the financing of housing projects within rapid transit
21 corridors.

22 (2) Entities eligible to receive grant awards are state agencies,
23 local governments, and nonprofit or for-profit housing developers.
24 Eligible uses of grant awards include project capital costs and
25 infrastructure costs and addressing gaps in project financing that
26 would prevent ongoing or complete project construction.

27 (3) Eligible housing projects must meet the following
28 requirements:

29 (a) Be within one-quarter mile of a rapid transit corridor. For
30 purposes of this subsection, "rapid transit corridor" includes light
31 rail, commuter rail, bus rapid transit, ferry terminals, and bus
32 stops that meet certain high-use thresholds as defined in rule;

33 (b) Comply with floor area ratio or net density minimums as
34 defined in rule;

35 (c) Produce at least 100 units of housing; and

36 (d) Include a covenant on the property requiring at least 20
37 percent of units remain affordable for households with incomes at or
38 below 80 percent of area median income for at least 99 years.

1 (4) The department must prioritize eligible projects by occupancy
2 date, with a target occupancy date of December 31, 2025. The
3 department must also consider the following criteria when
4 prioritizing projects:

5 (a) Are comprised of the largest percentage of affordable units;

6 (b) Have a high concentration of units affordable to households
7 with incomes at or below 50 percent area median income;

8 (c) Do not include costs related to land acquisition;

9 (d) Include land acquired at a reduced price or without cost;

10 (e) Abide by antidisplacement measures, if appropriate;

11 (f) Submitted by community-based housing developers;

12 (g) Include units with additional bedrooms or intended for
13 occupancy by families with multiple dependents; or

14 (h) Have acquired all necessary permits.

15 (5) The department may adopt any necessary rules to implement the
16 competitive grant program under this section, including any
17 additional project eligibility criteria and prioritization criteria.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.01
19 RCW to read as follows:

20 (1) The transit-oriented development housing partnership account
21 is created in the custody of the state treasurer.

22 (2) Revenues to the account must consist of appropriations by the
23 legislature and any gifts, grants, donations, or other private
24 contribution received by the secretary for the purposes set forth in
25 subsection (3) of this section.

26 (3) Expenditures from the account may be used only for the
27 following:

28 (a) Administration of the competitive grant program under section
29 3 of this act, including any technical assistance provided by the
30 department to eligible entities; and

31 (b) Costs related to technical assistance, awarding planning
32 grants, compliance review, and resolution services provided by the
33 department under section 2 of this act.

34 (4) Only the secretary or the secretary's designee may authorize
35 expenditures from the account. The account is subject to allotment
36 procedures under chapter 43.88 RCW, but an appropriation is not
37 required for expenditures.

1 **Sec. 5.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Adopt a comprehensive land use plan" means to enact a new
6 comprehensive land use plan or to update an existing comprehensive
7 land use plan.

8 (2) "Affordable housing" means, unless the context clearly
9 indicates otherwise, residential housing whose monthly costs,
10 including utilities other than telephone, do not exceed thirty
11 percent of the monthly income of a household whose income is:

12 (a) For rental housing, sixty percent of the median household
13 income adjusted for household size, for the county where the
14 household is located, as reported by the United States department of
15 housing and urban development; or

16 (b) For owner-occupied housing, (~~eighty~~) 80 percent of the
17 median household income adjusted for household size, for the county
18 where the household is located, as reported by the United States
19 department of housing and urban development.

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

27 (4) "City" means any city or town, including a code city.

28 (5) "Comprehensive land use plan," "comprehensive plan," or
29 "plan" means a generalized coordinated land use policy statement of
30 the governing body of a county or city that is adopted pursuant to
31 this chapter.

32 (6) "Critical areas" include the following areas and ecosystems:

33 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
34 used for potable water; (c) fish and wildlife habitat conservation
35 areas; (d) frequently flooded areas; and (e) geologically hazardous
36 areas. "Fish and wildlife habitat conservation areas" does not
37 include such artificial features or constructs as irrigation delivery
38 systems, irrigation infrastructure, irrigation canals, or drainage
39 ditches that lie within the boundaries of and are maintained by a
40 port district or an irrigation district or company.

1 (7) "Department" means the department of commerce.

2 (8) "Development regulations" or "regulation" means the controls
3 placed on development or land use activities by a county or city,
4 including, but not limited to, zoning ordinances, critical areas
5 ordinances, shoreline master programs, official controls, planned
6 unit development ordinances, subdivision ordinances, and binding site
7 plan ordinances together with any amendments thereto. A development
8 regulation does not include a decision to approve a project permit
9 application, as defined in RCW 36.70B.020, even though the decision
10 may be expressed in a resolution or ordinance of the legislative body
11 of the county or city.

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

18 (10) "Emergency shelter" means a facility that provides a
19 temporary shelter for individuals or families who are currently
20 homeless. Emergency shelter may not require occupants to enter into a
21 lease or an occupancy agreement. Emergency shelter facilities may
22 include day and warming centers that do not provide overnight
23 accommodations.

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

30 (12) "Floor area ratio" means a measure of development intensity
31 equal to building square footage divided by property square footage.

32 (13) "Forestland" means land primarily devoted to growing trees
33 for long-term commercial timber production on land that can be
34 economically and practically managed for such production, including
35 Christmas trees subject to the excise tax imposed under RCW 84.33.100
36 through 84.33.140, and that has long-term commercial significance. In
37 determining whether forestland is primarily devoted to growing trees
38 for long-term commercial timber production on land that can be
39 economically and practically managed for such production, the
40 following factors shall be considered: (a) The proximity of the land

1 to urban, suburban, and rural settlements; (b) surrounding parcel
2 size and the compatibility and intensity of adjacent and nearby land
3 uses; (c) long-term local economic conditions that affect the ability
4 to manage for timber production; and (d) the availability of public
5 facilities and services conducive to conversion of forestland to
6 other uses.

7 ~~((13))~~ (14) "Freight rail dependent uses" means buildings and
8 other infrastructure that are used in the fabrication, processing,
9 storage, and transport of goods where the use is dependent on and
10 makes use of an adjacent short line railroad. Such facilities are
11 both urban and rural development for purposes of this chapter.
12 "Freight rail dependent uses" does not include buildings and other
13 infrastructure that are used in the fabrication, processing, storage,
14 and transport of coal, liquefied natural gas, or "crude oil" as
15 defined in RCW 90.56.010.

16 ~~((14))~~ (15) "Geologically hazardous areas" means areas that
17 because of their susceptibility to erosion, sliding, earthquake, or
18 other geological events, are not suited to the siting of commercial,
19 residential, or industrial development consistent with public health
20 or safety concerns.

21 ~~((15))~~ (16) "Long-term commercial significance" includes the
22 growing capacity, productivity, and soil composition of the land for
23 long-term commercial production, in consideration with the land's
24 proximity to population areas, and the possibility of more intense
25 uses of the land.

26 ~~((16))~~ (17) "Low-income household" means a single person,
27 family, or unrelated persons living together whose adjusted income is
28 at or below ~~((eighty))~~ 80 percent of the median household income
29 adjusted for household size, for the county where the household is
30 located, as reported by the United States department of housing and
31 urban development.

32 ~~((17))~~ (18) "Major transit station" means a site within an
33 urban growth area that is, or has been funded for development as:

34 (a) A stop on a high capacity transportation system funded or
35 expanded under chapter 81.104 RCW;

36 (b) A commuter rail stop; or

37 (c) A stop on rail or fixed guideway systems, including
38 transitways.

39 (19) "Major transit stop" means a site within an urban growth
40 area that is, or has been funded for development as:

1 (a) A major transit station;

2 (b) A stop on a bus rapid transit route or a route that runs on
3 high occupancy vehicle lanes;

4 (c) A stop for a bus or other transit mode providing a minimum of
5 seven days per week of actual fixed route service at intervals as
6 defined pursuant to planning documents of the applicable local
7 transit agency; or

8 (d) A ferry terminal operated by Washington state or any county.

9 (20) "Minerals" include gravel, sand, and valuable metallic
10 substances.

11 ~~((18))~~ (21) "Moderate-income household" means a single person,
12 family, or unrelated persons living together whose adjusted income is
13 at or below 120 percent of the median household income adjusted for
14 household size, for the county where the household is located, as
15 reported by the United States department of housing and urban
16 development.

17 ~~((19))~~ (22) "Permanent supportive housing" is subsidized,
18 leased housing with no limit on length of stay that prioritizes
19 people who need comprehensive support services to retain tenancy and
20 utilizes admissions practices designed to use lower barriers to entry
21 than would be typical for other subsidized or unsubsidized rental
22 housing, especially related to rental history, criminal history, and
23 personal behaviors. Permanent supportive housing is paired with on-
24 site or off-site voluntary services designed to support a person
25 living with a complex and disabling behavioral health or physical
26 health condition who was experiencing homelessness or was at imminent
27 risk of homelessness prior to moving into housing to retain their
28 housing and be a successful tenant in a housing arrangement, improve
29 the resident's health status, and connect the resident of the housing
30 with community-based health care, treatment, or employment services.
31 Permanent supportive housing is subject to all of the rights and
32 responsibilities defined in chapter 59.18 RCW.

33 ~~((20))~~ (23) "Public facilities" include streets, roads,
34 highways, sidewalks, street and road lighting systems, traffic
35 signals, domestic water systems, storm and sanitary sewer systems,
36 parks and recreational facilities, and schools.

37 ~~((21))~~ (24) "Public services" include fire protection and
38 suppression, law enforcement, public health, education, recreation,
39 environmental protection, and other governmental services.

1 ~~((22))~~ (25) "Recreational land" means land so designated under
2 RCW 36.70A.1701 and that, immediately prior to this designation, was
3 designated as agricultural land of long-term commercial significance
4 under RCW 36.70A.170. Recreational land must have playing fields and
5 supporting facilities existing before July 1, 2004, for sports played
6 on grass playing fields.

7 ~~((23))~~ (26) "Rural character" refers to the patterns of land
8 use and development established by a county in the rural element of
9 its comprehensive plan:

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

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

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

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

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

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

22 (g) That are consistent with the protection of natural surface
23 water flows and groundwater and surface water recharge and discharge
24 areas.

25 ~~((24))~~ (27) "Rural development" refers to development outside
26 the urban growth area and outside agricultural, forest, and mineral
27 resource lands designated pursuant to RCW 36.70A.170. Rural
28 development can consist of a variety of uses and residential
29 densities, including clustered residential development, at levels
30 that are consistent with the preservation of rural character and the
31 requirements of the rural element. Rural development does not refer
32 to agriculture or forestry activities that may be conducted in rural
33 areas.

34 ~~((25))~~ (28) "Rural governmental services" or "rural services"
35 include those public services and public facilities historically and
36 typically delivered at an intensity usually found in rural areas, and
37 may include domestic water systems, fire and police protection
38 services, transportation and public transit services, and other
39 public utilities associated with rural development and normally not

1 associated with urban areas. Rural services do not include storm or
2 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

3 ~~((26))~~ (29) "Short line railroad" means those railroad lines
4 designated class II or class III by the United States surface
5 transportation board.

6 ~~((27))~~ (30) "Station area" means all parcels that are (a) fully
7 within an urban growth area and (b) fully or partially within a
8 three-quarter mile radius of a major transit stop, except that the
9 station area excludes any parcels without possible or practicable
10 pedestrian access to the applicable major transit stop except by
11 travel outside of the station area, such as the intervening presence
12 of river or interstate highway that prevents direct pedestrian access
13 between the parcel in question and the applicable major transit stop.

14 (31) "Station hub" means all parcels that are (a) fully within an
15 urban growth area and (b) fully or partially within a one-quarter
16 mile radius of a major transit station, except that the station hub
17 excludes any parcels without possible or practicable pedestrian
18 access to the applicable major transit station except by travel
19 outside of the station hub.

20 (32) "Transit-oriented density" means a floor area ratio of at
21 least 4.0 for all uses that are permitted in the station area, and a
22 floor area of at least 6.0 for all uses that are permitted in the
23 station hub.

24 (33) "Urban governmental services" or "urban services" include
25 those public services and public facilities at an intensity
26 historically and typically provided in cities, specifically including
27 storm and sanitary sewer systems, domestic water systems, street
28 cleaning services, fire and police protection services, public
29 transit services, and other public utilities associated with urban
30 areas and normally not associated with rural areas.

31 ~~((28))~~ (34) "Urban growth" refers to growth that makes
32 intensive use of land for the location of buildings, structures, and
33 impermeable surfaces to such a degree as to be incompatible with the
34 primary use of land for the production of food, other agricultural
35 products, or fiber, or the extraction of mineral resources, rural
36 uses, rural development, and natural resource lands designated
37 pursuant to RCW 36.70A.170. A pattern of more intensive rural
38 development, as provided in RCW 36.70A.070(5)(d), is not urban
39 growth. When allowed to spread over wide areas, urban growth
40 typically requires urban governmental services. "Characterized by

1 urban growth" refers to land having urban growth located on it, or to
2 land located in relationship to an area with urban growth on it as to
3 be appropriate for urban growth.

4 ~~((29))~~ (35) "Urban growth areas" means those areas designated
5 by a county pursuant to RCW 36.70A.110.

6 ~~((30))~~ (36) "Very low-income household" means a single person,
7 family, or unrelated persons living together whose adjusted income is
8 at or below ~~((fifty))~~ 50 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 ~~((31))~~ (37) "Wetland" or "wetlands" means areas that are
13 inundated or saturated by surface water or groundwater at a frequency
14 and duration sufficient to support, and that under normal
15 circumstances do support, a prevalence of vegetation typically
16 adapted for life in saturated soil conditions. Wetlands generally
17 include swamps, marshes, bogs, and similar areas. Wetlands do not
18 include those artificial wetlands intentionally created from
19 nonwetland sites, including, but not limited to, irrigation and
20 drainage ditches, grass-lined swales, canals, detention facilities,
21 wastewater treatment facilities, farm ponds, and landscape amenities,
22 or those wetlands created after July 1, 1990, that were
23 unintentionally created as a result of the construction of a road,
24 street, or highway. Wetlands may include those artificial wetlands
25 intentionally created from nonwetland areas created to mitigate
26 conversion of wetlands.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A
28 RCW to read as follows:

29 (1) Cities planning under RCW 36.70A.040 may not enact or enforce
30 any development regulation within a station area that would prohibit
31 the siting of multifamily residential housing on parcels where any
32 other residential use is permissible.

33 (2) Within any station area or station hub, any maximum floor
34 area ratio otherwise enacted or enforceable under this section must
35 include an increased density bonus of 50 percent for affordable
36 housing for households with incomes at or below 60 percent area
37 median income or for long-term inpatient care as defined in RCW
38 71.24.025. Any floor area within a station area that is reserved for
39 use by (a) a child care facility as defined in RCW 35.63.170 or (b) a

1 small business as defined in RCW 19.85.020, and residential units in
2 multifamily housing that includes at least three bedrooms, must not
3 be counted toward applicable floor area ratio limits.

4 (3)(a) Except as provided in (c) of this subsection, cities
5 planning under RCW 36.70A.040 may not enact any new development
6 regulation that imposes a maximum floor area ratio of less than the
7 applicable transit-oriented density for any use otherwise permitted
8 within a station area or station hub.

9 (b) Cities planning under RCW 36.70A.040 may not enact any new
10 development regulation that imposes a maximum residential density,
11 measured in residential units per acre or other metric of land area
12 within a station area or station hub.

13 (c) As an alternative to (a) of this subsection, cities planning
14 under RCW 36.70A.040 may by ordinance designate parts of a station
15 area or station hub in which to enact or enforce floor area ratios
16 that are more or less than the applicable transit-oriented density,
17 if:

18 (i) The average maximum floor area ratio of all buildable land
19 within a station area or station hub is no less than the applicable
20 transit-oriented density; and

21 (ii) No part of a station hub is subject to a maximum floor area
22 ratio that is less than 1.0, and no part of a station area is subject
23 to a maximum floor area ratio that is less than 0.5.

24 (4) Any city planning under RCW 36.70A.040 that has, as of the
25 effective date of this section, enacted any development regulation
26 that imposes within any station area or station hub (a) a maximum
27 floor area ratio of less than the applicable transit-oriented density
28 or (b) a maximum residential density measured in residential units
29 per acre or other metric of land area, the city must enforce and
30 apply such development regulation consistent with the requirements of
31 this section.

32 (5)(a) Except as provided in (b) of this subsection, cities
33 planning under RCW 36.70A.040 may not enforce upon any parcel in a
34 station area any development standard that renders it impracticable
35 on that parcel to build a usable structure for the permitted uses at
36 the (i) applicable transit-oriented density or (ii) applicable floor
37 area ratio imposed under subsection (3)(c) of this section.

38 (b) This subsection (5) does not apply to development standards
39 contained in a shoreline master program or critical area ordinance,
40 or to any parcel that:

1 (i) Is nonconforming, legally or otherwise, with applicable local
2 subdivision standards including, but not limited to, standards
3 related to lot width, area, geometry, or street access; or

4 (ii) Is listed in the Washington heritage register described in
5 RCW 27.34.220 or the national register of historic places.

6 (6) Any city subject to the requirements of this section that has
7 not adopted local antidisplacement measures as a portion of the
8 city's mandatory housing element under RCW 36.70A.070(2) must, within
9 nine months of the effective date of this section, perform the
10 actions specified in RCW 36.70A.070(2) (e) through (h) within a
11 station area.

12 (7) Any city subject to the requirements of this section may
13 apply to the department of transportation for planning grants and
14 consult with the department of transportation for purposes of
15 obtaining technical assistance and compliance review with development
16 regulation adoption, pursuant to section 2 of this act.

17 (8) Nothing in this section requires alteration, displacement, or
18 limitation of industrial uses or industrial areas within the urban
19 growth area.

20 (9) (a) This section does not limit the amount of affordable
21 housing that a city may require to be provided, either on-site or
22 through an in-lieu payment, pursuant to a program enacted or expanded
23 under RCW 36.70A.540.

24 (b) This section does not modify, limit, or supersede
25 requirements under chapter 64.55 RCW.

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

28 (1) The department of commerce shall provide management services
29 for the growth management planning and environmental review fund
30 created by RCW 36.70A.490. The department shall establish procedures
31 for fund management. The department shall encourage participation in
32 the grant or loan program by other public agencies. The department
33 shall develop the grant or loan criteria, monitor the grant or loan
34 program, and select grant or loan recipients in consultation with
35 state agencies participating in the grant or loan program through the
36 provision of grant or loan funds or technical assistance.

37 (2) A grant or loan may be awarded to a county or city that is
38 required to or has chosen to plan under RCW 36.70A.040 and that is
39 qualified pursuant to this section. The grant or loan shall be

1 provided to assist a county or city in paying for the cost of
2 preparing an environmental analysis under chapter 43.21C RCW, that is
3 integrated with a comprehensive plan, subarea plan, plan element,
4 countywide planning policy, development regulation, monitoring
5 program, or other planning activity adopted under or implementing
6 this chapter that:

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

9 (b) Encourages use of plans and information developed for
10 purposes of complying with this chapter to satisfy requirements of
11 other state programs.

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

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

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

24 (c) Demonstrate that procedures for review of development permit
25 applications will be based on the integrated plans and environmental
26 analysis;

27 (d) Include mechanisms to monitor the consequences of growth as
28 it occurs in the plan area and to use the resulting data to update
29 the plan, policy, or implementing mechanisms and associated
30 environmental analysis;

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

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

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

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

3 (b) Identification and monitoring of system capacities for
4 elements of the built environment, and to the extent appropriate, of
5 the natural environment;

6 (c) Coordination with state, federal, and tribal governments in
7 project review;

8 (d) Furtherance of important state objectives related to economic
9 development, protection of areas of statewide significance, and
10 siting of essential public facilities;

11 (e) Programs to improve the efficiency and effectiveness of the
12 permitting process by greater reliance on integrated plans and
13 prospective environmental analysis;

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

17 (g) Programs to identify environmental impacts and establish
18 mitigation measures that provide effective means to satisfy
19 concurrency requirements and establish project consistency with the
20 plans; or

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

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

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

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

1 (b) Grant awards under this subsection (7) may only fund efforts
2 that address environmental impacts and consequences, alternatives,
3 and mitigation measures in sufficient detail to allow the analysis to
4 be adopted in whole or in part by applicants for development permits
5 within the geographic area analyzed in the plan.

6 (8) In consultation with the department of transportation, the
7 department shall prioritize applications for grants to facilitate
8 transit-oriented development under subsection (7) of this section
9 that maximize the following policy objectives in the area covered by
10 a proposal:

11 (a) The total number of housing units authorized for new
12 development in station areas, with specific attention to station
13 hubs;

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

15 (c) Plans that exceed applicable transit-oriented densities for
16 station areas and station hubs;

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

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

20 (f) Existence or establishment of incentive zoning, inclusionary
21 housing, use of the multifamily tax exemption, or other tools to
22 promote low-income housing in the area;

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

25 (h) Plans designed to maximize and increase the variety of
26 allowable housing types and expected sale or rental rates; and

27 (i) Organization planning and financing of housing benefit
28 districts.

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

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

32 (b) Bus rapid transit;

33 (c) High frequency bus service; or

34 (d) Park and ride lots.

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

37 ~~((In counties and cities planning under RCW 36.70A.040, minimum~~
38 ~~residential parking requirements mandated by municipal zoning~~

1 ~~ordinances for housing units constructed after July 1, 2019, are~~
2 ~~subject to the following requirements:~~

3 ~~(1) For housing units that are affordable to very low-income or~~
4 ~~extremely low-income individuals and that are located within one-~~
5 ~~quarter mile of a transit stop that receives transit service at least~~
6 ~~two times per hour for twelve or more hours per day, minimum~~
7 ~~residential parking requirements may be no greater than one parking~~
8 ~~space per bedroom or .75 space per unit. A city may require a~~
9 ~~developer to record a covenant that prohibits the rental of a unit~~
10 ~~subject to this parking restriction for any purpose other than~~
11 ~~providing for housing for very low-income or extremely low-income~~
12 ~~individuals. The covenant must address price restrictions and~~
13 ~~household income limits and policies if the property is converted to~~
14 ~~a use other than for low-income housing. A city may establish a~~
15 ~~requirement for the provision of more than one parking space per~~
16 ~~bedroom or .75 space per unit if the jurisdiction has determined a~~
17 ~~particular housing unit to be in an area with a lack of access to~~
18 ~~street parking capacity, physical space impediments, or other reasons~~
19 ~~supported by evidence that would make on-street parking infeasible~~
20 ~~for the unit.~~

21 ~~(2) For housing units that are specifically for seniors or people~~
22 ~~with disabilities, that are located within one-quarter mile of a~~
23 ~~transit stop that receives transit service at least four times per~~
24 ~~hour for twelve or more hours per day, a city may not impose minimum~~
25 ~~residential parking requirements for the residents of such housing~~
26 ~~units, subject to the exceptions provided in this subsection. A city~~
27 ~~may establish parking requirements for staff and visitors of such~~
28 ~~housing units. A city may establish a requirement for the provision~~
29 ~~of one or more parking space per bedroom if the jurisdiction has~~
30 ~~determined a particular housing unit to be in an area with a lack of~~
31 ~~access to street parking capacity, physical space impediments, or~~
32 ~~other reasons supported by evidence that would make on-street parking~~
33 ~~infeasible for the unit. A city may require a developer to record a~~
34 ~~covenant that prohibits the rental of a unit subject to this parking~~
35 ~~restriction for any purpose other than providing for housing for~~
36 ~~seniors or people with disabilities.~~

37 ~~(3) For market rate multifamily housing units that are located~~
38 ~~within one-quarter mile of a transit stop that receives transit~~
39 ~~service from at least one route that provides service at least four~~
40 ~~times per hour for twelve or more hours per day, minimum residential~~

1 parking requirements may be no greater than one parking space per
2 bedroom or .75 space per unit. A city or county may establish a
3 requirement for the provision of more than one parking space per
4 bedroom or .75 space per unit if the jurisdiction has determined a
5 particular housing unit to be in an area with a lack of access to
6 street parking capacity, physical space impediments, or other reasons
7 supported by evidence that would make on-street parking infeasible
8 for the unit.)) To encourage transit-oriented development and transit
9 use and resulting substantial environmental benefits, counties and
10 cities planning under RCW 36.70A.040 may not require off-street
11 parking as a condition of permitting development within a station
12 area, except for off-street parking that is permanently marked for
13 the exclusive use of individuals with disabilities.

14 If a project permit application within a station area, as defined
15 in RCW 36.70B.020, does not provide parking in compliance with this
16 section, the proposed absence of parking may not be treated as a
17 basis for issuance of a determination of significance pursuant to
18 chapter 43.21C RCW.

19 **Sec. 9.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to
20 read as follows:

21 (1) ~~((In order))~~ The purpose of this section is to provide cities
22 and counties with additional flexibility to accommodate infill
23 development, as well as to facilitate the timely and certain
24 deployment of sustainable transit-oriented development, and thereby
25 realize the goals and policies of comprehensive plans adopted
26 according to chapter 36.70A RCW((7-a)).

27 (2) A city or county planning under RCW 36.70A.040 ((is
28 authorized by this section to)) may establish categorical exemptions
29 from the requirements of this chapter((. An exemption adopted under
30 this section applies even if it differs from the categorical
31 exemptions adopted by rule of the department under RCW
32 43.21C.110(1)(a). An exemption may be adopted by a city or county
33 under this section)) if it meets the following criteria:

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

1 (i) Residential development;
2 (ii) Mixed-use development; or
3 (iii) Commercial development up to (~~sixty-five thousand~~) 65,000
4 square feet, excluding retail development;

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

9 (c) The local government considers the specific probable adverse
10 environmental impacts of the proposed action and determines that
11 these specific impacts are adequately addressed by the development
12 regulations or other applicable requirements of the comprehensive
13 plan, subarea plan element of the comprehensive plan, planned action
14 ordinance, or other local, state, or federal rules or laws; and

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

19 (ii) The city or county has prepared an environmental impact
20 statement that considers the proposed use or density and intensity of
21 use in the area proposed for an exemption under this (~~section~~)
22 subsection.

23 (~~(2) Any~~) (3) Any project action that meets the following
24 criteria is categorically exempt from the requirements of this
25 chapter:

26 (a) It is related to a proposed development that would fill in a
27 station hub or station area as defined in RCW 36.70A.030;

28 (b) It is related to a proposed:

29 (i) Multifamily residential development;

30 (ii) Mixed-use development; or

31 (iii) Commercial development; and

32 (c) It is not inconsistent with the applicable comprehensive
33 plan, and does not clearly exceed the density or intensity of use
34 called for in the goals and policies of the applicable comprehensive
35 plan.

36 (4) Any categorical exemption under this section applies even if
37 it differs from the categorical exemptions adopted by rule of the
38 department of ecology under RCW 43.21C.110(1)(a). However, any
39 categorical exemption (~~adopted by a city or county~~) under this
40 section (~~shall be~~) is subject to the rules of the department

1 adopted according to RCW 43.21C.110(1)(a) that provide exceptions to
2 the use of categorical exemptions adopted by the department.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 64.38
4 RCW to read as follows:

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

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 64.90
13 RCW to read as follows:

14 Declarations and governing documents created after the effective
15 date of this section and applicable to a common interest community
16 located fully or partially within a station area as defined in RCW
17 36.70A.030 may not prohibit the construction or development of
18 multifamily housing or transit-oriented density that must be
19 permitted by cities under section 6 of this act or require off-street
20 parking inconsistent or in conflict with RCW 36.70A.620.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 64.34
22 RCW to read as follows:

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

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

32 A declaration created after the effective date of this section
33 and applicable to an association of apartment owners located fully or
34 partially within a station area as defined in RCW 36.70A.030 may not
35 prohibit the construction or development of multifamily housing or
36 transit-oriented density that must be permitted by cities under

1 section 6 of this act or require off-street parking inconsistent or
2 in conflict with RCW 36.70A.620.

--- **END** ---