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**HOUSE BILL 1491**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Reed and Richards

1 AN ACT Relating to promoting community and transit-oriented  
2 housing development; amending RCW 36.70A.030 and 43.21C.229; adding  
3 new sections to chapter 36.70A RCW; adding a new section to chapter  
4 64.38 RCW; adding a new section to chapter 64.90 RCW; adding a new  
5 section to chapter 64.34 RCW; adding a new section to chapter 64.32  
6 RCW; creating a new section; and providing expiration dates.

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

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

19 The legislature recognizes that cities planning under chapter  
20 36.70A RCW require direction and technical assistance to ensure the  
21 benefits of state transportation investments are maximized and shared

1 equitably while avoiding unnecessary programmatic and cost burdens to  
2 local governments in their comprehensive planning, code enactment,  
3 and permit processing workloads. The legislature further recognizes  
4 that regulatory flexibility and local control are also important  
5 features of optimal planning outcomes.

6 **Sec. 2.** RCW 36.70A.030 and 2024 c 152 s 1 are each amended to  
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

10 (1) "Active transportation" means forms of pedestrian mobility  
11 including walking or running, the use of a mobility assistive device  
12 such as a wheelchair, bicycling and cycling irrespective of the  
13 number of wheels, and the use of small personal devices such as foot  
14 scooters or skateboards. Active transportation includes both  
15 traditional and electric assist bicycles and other devices. Planning  
16 for active transportation must consider and address accommodation  
17 pursuant to the Americans with disabilities act and the distinct  
18 needs of each form of active transportation.

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

24 (3) "Administrative design review" means a development permit  
25 process whereby an application is reviewed, approved, or denied by  
26 the planning director or the planning director's designee based  
27 solely on objective design and development standards without a public  
28 predecision hearing, unless such review is otherwise required by  
29 state or federal law, or the structure is a designated landmark or  
30 historic district established under a local preservation ordinance. A  
31 city may utilize public meetings, hearings, or voluntary review  
32 boards to consider, recommend, or approve requests for variances from  
33 locally established design review standards.

34 (4) "Adopt a comprehensive land use plan" means to enact a new  
35 comprehensive land use plan or to update an existing comprehensive  
36 land use plan.

37 (5) "Affordable housing" means, unless the context clearly  
38 indicates otherwise, residential housing whose monthly costs,

1 including utilities other than telephone, do not exceed (~~thirty~~) 30  
2 percent of the monthly income of a household whose income is:

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

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

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

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

19 (8) "Comprehensive land use plan," "comprehensive plan," or  
20 "plan" means a generalized coordinated land use policy statement of  
21 the governing body of a county or city that is adopted pursuant to  
22 this chapter.

23 (9) "Cottage housing" means residential units on a lot with a  
24 common open space that either: (a) Is owned in common; or (b) has  
25 units owned as condominium units with property owned in common and a  
26 minimum of 20 percent of the lot size as open space.

27 (10) "Courtyard apartments" means attached dwelling units  
28 arranged on two or three sides of a yard or court.

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

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

39 (13) "Development regulations" or "regulation" means the controls  
40 placed on development or land use activities by a county or city,

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

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

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

21 (16) "Environmental justice" means the fair treatment and  
22 meaningful involvement of all people regardless of race, color,  
23 national origin, or income with respect to development,  
24 implementation, and enforcement of environmental laws, regulations,  
25 and policies. Environmental justice includes addressing  
26 disproportionate environmental and health impacts in all laws, rules,  
27 and policies with environmental impacts by prioritizing vulnerable  
28 populations and overburdened communities and the equitable  
29 distribution of resources and benefits.

30 (17) "Extremely low-income household" means a single person,  
31 family, or unrelated persons living together whose adjusted income is  
32 at or below (~~thirty~~) 30 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 (18) "Forestland" means land primarily devoted to growing trees  
37 for long-term commercial timber production on land that can be  
38 economically and practically managed for such production, including  
39 Christmas trees subject to the excise tax imposed under RCW 84.33.100  
40 through 84.33.140, and that has long-term commercial significance. In

1 determining whether forestland is primarily devoted to growing trees  
2 for long-term commercial timber production on land that can be  
3 economically and practically managed for such production, the  
4 following factors shall be considered: (a) The proximity of the land  
5 to urban, suburban, and rural settlements; (b) surrounding parcel  
6 size and the compatibility and intensity of adjacent and nearby land  
7 uses; (c) long-term local economic conditions that affect the ability  
8 to manage for timber production; and (d) the availability of public  
9 facilities and services conducive to conversion of forestland to  
10 other uses.

11 (19) "Freight rail dependent uses" means buildings and other  
12 infrastructure that are used in the fabrication, processing, storage,  
13 and transport of goods where the use is dependent on and makes use of  
14 an adjacent short line railroad. Such facilities are both urban and  
15 rural development for purposes of this chapter. "Freight rail  
16 dependent uses" does not include buildings and other infrastructure  
17 that are used in the fabrication, processing, storage, and transport  
18 of coal, liquefied natural gas, or "crude oil" as defined in RCW  
19 90.56.010.

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

25 (21) "Green infrastructure" means a wide array of natural assets  
26 and built structures within an urban growth area boundary, including  
27 parks and other areas with protected tree canopy, and management  
28 practices at multiple scales that manage wet weather and that  
29 maintain and restore natural hydrology by storing, infiltrating,  
30 evapotranspiring, and harvesting and using stormwater.

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

- 35 (a) Is accessible to the public;
- 36 (b) Promotes physical and mental health of residents;
- 37 (c) Provides relief from the urban heat island effects;
- 38 (d) Promotes recreational and aesthetic values;
- 39 (e) Protects streams or water supply; or

1 (f) Preserves visual quality along highway, road, or street  
2 corridors.

3 (23) "Long-term commercial significance" includes the growing  
4 capacity, productivity, and soil composition of the land for long-  
5 term commercial production, in consideration with the land's  
6 proximity to population areas, and the possibility of more intense  
7 uses of the land.

8 (24) "Low-income household" means a single person, family, or  
9 unrelated persons living together whose adjusted income is at or  
10 below (~~eighty~~) 80 percent of the median household income adjusted  
11 for household size, for the county where the household is located, as  
12 reported by the United States department of housing and urban  
13 development.

14 (25) "Major transit stop" means:

15 (a) A stop on a high capacity transportation system funded or  
16 expanded under the provisions of chapter 81.104 RCW;

17 (b) Commuter rail stops;

18 (c) Stops on rail or fixed guideway systems; or

19 (d) Stops on bus rapid transit routes, including those stops that  
20 are under construction.

21 (26) "Middle housing" means buildings that are compatible in  
22 scale, form, and character with single-family houses and contain two  
23 or more attached, stacked, or clustered homes including duplexes,  
24 triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked  
25 flats, courtyard apartments, and cottage housing.

26 (27) "Minerals" include gravel, sand, and valuable metallic  
27 substances.

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

34 (29) "Overburdened community" means a geographic area where  
35 vulnerable populations face combined, multiple environmental harms  
36 and health impacts, and includes, but is not limited to, highly  
37 impacted communities as defined in RCW 19.405.020.

38 (30) "Per capita vehicle miles traveled" means the number of  
39 miles traveled using cars and light trucks in a calendar year divided

1 by the number of residents in Washington. The calculation of this  
2 value excludes vehicle miles driven conveying freight.

3 (31) "Permanent supportive housing" is subsidized, leased housing  
4 with no limit on length of stay that prioritizes people who need  
5 comprehensive support services to retain tenancy and utilizes  
6 admissions practices designed to use lower barriers to entry than  
7 would be typical for other subsidized or unsubsidized rental housing,  
8 especially related to rental history, criminal history, and personal  
9 behaviors. Permanent supportive housing is paired with on-site or  
10 off-site voluntary services designed to support a person living with  
11 a complex and disabling behavioral health or physical health  
12 condition who was experiencing homelessness or was at imminent risk  
13 of homelessness prior to moving into housing to retain their housing  
14 and be a successful tenant in a housing arrangement, improve the  
15 resident's health status, and connect the resident of the housing  
16 with community-based health care, treatment, or employment services.  
17 Permanent supportive housing is subject to all of the rights and  
18 responsibilities defined in chapter 59.18 RCW.

19 (32) "Public facilities" include streets, roads, highways,  
20 sidewalks, street and road lighting systems, traffic signals,  
21 domestic water systems, storm and sanitary sewer systems, parks and  
22 recreational facilities, and schools.

23 (33) "Public services" include fire protection and suppression,  
24 law enforcement, public health, education, recreation, environmental  
25 protection, and other governmental services.

26 (34) "Recreational land" means land so designated under RCW  
27 36.70A.1701 and that, immediately prior to this designation, was  
28 designated as agricultural land of long-term commercial significance  
29 under RCW 36.70A.170. Recreational land must have playing fields and  
30 supporting facilities existing before July 1, 2004, for sports played  
31 on grass playing fields.

32 (35) "Rural character" refers to the patterns of land use and  
33 development established by a county in the rural element of its  
34 comprehensive plan:

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

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

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

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

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

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

7 (g) That are consistent with the protection of natural surface  
8 water flows and groundwater and surface water recharge and discharge  
9 areas.

10 (36) "Rural development" refers to development outside the urban  
11 growth area and outside agricultural, forest, and mineral resource  
12 lands designated pursuant to RCW 36.70A.170. Rural development can  
13 consist of a variety of uses and residential densities, including  
14 clustered residential development, at levels that are consistent with  
15 the preservation of rural character and the requirements of the rural  
16 element. Rural development does not refer to agriculture or forestry  
17 activities that may be conducted in rural areas.

18 (37) "Rural governmental services" or "rural services" include  
19 those public services and public facilities historically and  
20 typically delivered at an intensity usually found in rural areas, and  
21 may include domestic water systems and fire and police protection  
22 services associated with rural development and normally not  
23 associated with urban areas. Rural services do not include storm or  
24 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

25 (38) "Short line railroad" means those railroad lines designated  
26 class II or class III by the United States surface transportation  
27 board.

28 (39) "Single-family zones" means those zones where single-family  
29 detached housing is the predominant land use.

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

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

36 (42) "Transportation system" means all infrastructure and  
37 services for all forms of transportation within a geographical area,  
38 irrespective of the responsible jurisdiction or transportation  
39 provider.



1 (43) "Urban governmental services" or "urban services" include  
2 those public services and public facilities at an intensity  
3 historically and typically provided in cities, specifically including  
4 storm and sanitary sewer systems, domestic water systems, street  
5 cleaning services, fire and police protection services, public  
6 transit services, and other public utilities associated with urban  
7 areas and normally not associated with rural areas.

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

21 (45) "Urban growth areas" means those areas designated by a  
22 county pursuant to RCW 36.70A.110.

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

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

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

- 39 (i) Racial or ethnic minorities;  
40 (ii) Low-income populations; and

1 (iii) Populations disproportionately impacted by environmental  
2 harms.

3 (48) "Wetland" or "wetlands" means areas that are inundated or  
4 saturated by surface water or groundwater at a frequency and duration  
5 sufficient to support, and that under normal circumstances do  
6 support, a prevalence of vegetation typically adapted for life in  
7 saturated soil conditions. Wetlands generally include swamps,  
8 marshes, bogs, and similar areas. Wetlands do not include those  
9 artificial wetlands intentionally created from nonwetland sites,  
10 including, but not limited to, irrigation and drainage ditches,  
11 grass-lined swales, canals, detention facilities, wastewater  
12 treatment facilities, farm ponds, and landscape amenities, or those  
13 wetlands created after July 1, 1990, that were unintentionally  
14 created as a result of the construction of a road, street, or  
15 highway. Wetlands may include those artificial wetlands intentionally  
16 created from nonwetland areas created to mitigate conversion of  
17 wetlands.

18 (49) "Wildland urban interface" means the geographical area where  
19 structures and other human development meets or intermingles with  
20 wildland vegetative fuels.

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

28 (51) "Station area" means all lots that are:

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

30 (b) Fully or partially within:

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

34 (ii) One-quarter mile walking distance of a stop on a fixed route  
35 bus system that is designated as a bus rapid transit stop in the  
36 transit development plan as required in RCW 35.58.2795, for which an  
37 environmental determination has been issued as required under chapter  
38 43.21C RCW, and that features fixed transit assets that indicate  
39 permanent, high capacity service including, but not limited to,

1 elevated platforms or enhanced stations, off-board fare collection,  
2 dedicated lanes, busways, or transit signal priority.

3 (52) "Workforce housing" means rental housing with monthly costs  
4 that do not exceed 30 percent of the monthly income of a household  
5 whose income is at or below 80 percent of the median household income  
6 adjusted for household size, for the county where the household is  
7 located, as reported by the United States department of housing and  
8 urban development.

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

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

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

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

22 (ii) At least 2.5 floor area ratio, on average, or at least a 3.0  
23 floor area ratio, on average if a city exempts up to 25 percent of  
24 station areas, within one-quarter mile walking distance of a stop on  
25 a fixed route bus system that is designated as a bus rapid transit  
26 stop in the transit development plan as required in RCW 35.58.2795,  
27 for which an environmental determination has been issued as required  
28 under chapter 43.21C RCW, and that features fixed transit assets that  
29 indicate permanent, high capacity service including, but not limited  
30 to, elevated platforms or enhanced stations, off-board fare  
31 collection, dedicated lanes, busways, or transit signal priority.

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

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

37 (i) A maximum floor area ratio of less than the transit-oriented  
38 development density in this subsection for any residential or mixed-

1 use development within a station area, unless a city has adopted an  
2 exemption for the station area under (a) (ii) of this subsection; or  
3 (ii) A maximum residential density, measured in residential units  
4 per acre or other metric of land area within a station area.  
5 (3) For the purposes of this section:  
6 (a) "Mixed-use development" means a building with more than 50  
7 percent of the gross floor area dedicated to residential uses.  
8 (b) "Stop" includes any existing stop and any stop funded for  
9 development and projected for construction within an applicable six-  
10 year transit development plan under RCW 35.58.2795. "Stop" does not  
11 include a stop used exclusively for bus service, including express  
12 bus service operated by a regional transit agency as defined under  
13 chapter 81.104 RCW and trolley buses, unless the stop also serves a  
14 fixed route bus system as a designated bus rapid transit stop in the  
15 transit development plan as required in RCW 35.58.2795, for which an  
16 environmental determination has been issued as required under chapter  
17 43.21C RCW, and that features fixed transit assets that indicate  
18 permanent, high capacity service including, but not limited to,  
19 elevated platforms or enhanced stations, off-board fare collection,  
20 dedicated lanes, busways, or transit signal priority.  
21 (4) The department must develop guidance to convert different  
22 types of planning measurements to the transit-oriented development  
23 density requirements and applicable floor area ratios.  
24 (5) Within any station area, any building in which all units are  
25 affordable or workforce housing for at least 50 years or are  
26 dedicated to permanent supportive housing, an additional 1.5 floor  
27 area ratio in excess of the transit-oriented development density  
28 required under subsection (2) (a) of this section must be permitted.  
29 If a city has enacted or expands a program under RCW 36.70A.540 in an  
30 area where development regulations must comply with this section,  
31 that program, including the amount of affordable or workforce housing  
32 required either on-site or through an in-lieu payment, governs to the  
33 extent it varies from the requirements of this subsection.  
34 (6) Any floor area within a building located in a station area  
35 that is reserved for residential units in multifamily housing that  
36 includes at least three bedrooms must not be counted toward  
37 applicable floor area ratio limits. A city may require the  
38 residential units to comply with affordability requirements to be  
39 eligible for an exclusion from the applicable floor area ratio  
40 limits.

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

8 (8) (a) Buildings constructed within a station area must maintain  
9 10 percent of all residential units as affordable housing or 20  
10 percent of all residential units as workforce housing for at least 50  
11 years, unless:

12 (i) The building is constructed on a lot in which a density that  
13 meets or exceeds the transit-oriented development density in  
14 subsection (2) of this section was authorized prior to January 1,  
15 2025;

16 (ii) The building is subject to affordability requirements with a  
17 lower income threshold or a greater amount of required affordable  
18 housing that were enacted by a city prior to January 1, 2025; or

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

30 (b) For each building that is exempt from the requirements for  
31 affordable or workforce housing in this subsection, the city must  
32 identify the density and affordability requirements that apply to the  
33 building or parcel in its comprehensive planning documents.

34 (9) Nothing in this section prohibits a city from approving an  
35 exemption under chapter 84.14 RCW for multifamily residential housing  
36 within a station area that meets the affordability requirements in  
37 subsection (8) of this section and the requirements of chapter 84.14  
38 RCW.

39 (10) A city that has enacted an incentive program prior to  
40 January 1, 2025, that requires public benefits, such as school

1 capacity, greater amounts of affordable housing, green space, or  
2 green infrastructure, in return for additional development  
3 allowances, may continue to require such public benefits if complying  
4 with the requirements of this section provides additional development  
5 capacity that would have triggered the public benefits requirements.

6 (11)(a) No later than the deadlines established in subsection  
7 (16) of this section, cities planning under RCW 36.70A.040 must act  
8 to modify or repeal any existing development regulations applicable  
9 in a station area that, alone or in combination, are inconsistent  
10 with this section, and may not enact any development regulations  
11 applicable in a station area that, alone or in combination with other  
12 development regulations, are inconsistent with this section.

13 (b) A city may apply any objective development regulations within  
14 a station area that are required for other multifamily residential  
15 uses in the same zone, including tree canopy and retention  
16 requirements.

17 (c) This subsection (11) does not apply to development  
18 regulations that are generally applicable health and safety  
19 standards, including building code standards and fire and life safety  
20 standards.

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

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

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

34 (a) Is nonconforming with development regulations governing lot  
35 dimensions including, but not limited to, standards related to lot  
36 width, area, geometry, or street access, unless an applicant  
37 demonstrates that the nonconforming lot may be developed in  
38 compliance with the development regulations governing lot dimensions  
39 by obtaining any modification, deviation, variance, or similar code  
40 departure approval allowed under the development regulations;

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

4 (c) Has been designated as containing urban separators by  
5 countywide planning policies as of the effective date of this  
6 section; or

7 (d) Is an industrial, manufacturing, or agricultural designated  
8 lot that either is limited to one dwelling unit per lot or only  
9 allows housing for individuals and their families responsible for  
10 caretaking, farm work, security, or maintenance.

11 (15) For cities subject to a growth target adopted under RCW  
12 36.70A.210 that limits the maximum residential capacity of the  
13 jurisdiction, any additional residential capacity required by this  
14 section may not be considered an inconsistency with the countywide  
15 planning policies, multicounty planning policies, or growth targets  
16 adopted under RCW 36.70A.210.

17 (16)(a) Any city that is required to review its comprehensive  
18 plan by the deadlines specified in RCW 36.70A.130(5)(a) must comply  
19 with the requirements of this section by the earlier of December 31,  
20 2029, or its first implementation progress report due after December  
21 31, 2024 as specified in RCW 36.70A.130(9), and thereafter at each  
22 comprehensive plan update or implementation progress report following  
23 the completion or funding of any transit stop that would create a new  
24 station area within the jurisdiction.

25 (b) Any city that is required to review its comprehensive plan by  
26 the deadlines specified in RCW 36.70A.130(5)(b), (c), or (d) must  
27 comply with the requirements of this section no later than six months  
28 after its first comprehensive plan update due after December 31,  
29 2024, and thereafter at each comprehensive plan update or  
30 implementation progress report following the completion or funding of  
31 any transit stop that would create a new station area within the  
32 jurisdiction.

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

36 (17)(a) The department must publish a model transit-oriented  
37 development ordinance by June 30, 2027.

38 (b) In any city subject to this section that has not passed  
39 ordinances, regulations, or other official controls by the deadlines  
40 required under subsection (16) of this section, the model ordinance

1 supersedes, preempts, and invalidates local development regulations  
2 until the city takes all actions necessary to implement this section.

3 (18) A city may seek an extension from the transit-oriented  
4 development density requirements of this section by applying to the  
5 department for an extension in any areas that are at high risk of  
6 displacement based on a city's antidisplacement analysis or an  
7 antidisplacement map. The department must review the city's analysis  
8 and certify a five-year extension from the requirements of this  
9 section for areas at high risk of displacement. The city must create  
10 an implementation plan that identifies the antidisplacement policies  
11 available to residents to mitigate displacement risk. During the  
12 extension, the city may delay implementation or enact alternative  
13 floor area ratio requirements within any areas at high risk of  
14 displacement. The department may recertify an extension for  
15 additional five-year periods based on evidence of ongoing  
16 displacement risk in the area.

17 (19) (a) (i) The department may approve actions under this  
18 subsection (19) for cities that have, by June 30, 2026, adopted a  
19 plan and implementing development regulations for a specific station  
20 area that are substantially similar to the requirements of this  
21 section for that station area. In determining whether a city's  
22 adopted plan and development regulations are substantially similar,  
23 the department's evaluation may include, but not be limited to, if:

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

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

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

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

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

38 (c) The department's final decision to approve or reject actions  
39 by cities under this subsection (19) may be appealed to the growth



1 management hearings board by filing a petition as provided in RCW  
2 36.70A.290.

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

5 Subject to appropriation, the department must establish and  
6 administer a capital grant program to assist cities in providing the  
7 infrastructure necessary to accommodate development at transit-  
8 oriented development densities within station areas, including water,  
9 sewer, stormwater, and transportation infrastructure and parks and  
10 recreation facilities.

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

13 (1) To encourage transit-oriented development and transit use and  
14 resulting substantial environmental benefits, cities planning under  
15 RCW 36.70A.040 may not require off-street automobile parking as a  
16 condition of permitting residential or mixed-use development within a  
17 station area as defined in RCW 36.70A.030, except for off-street  
18 automobile parking that is permanently marked for the exclusive use  
19 of individuals with disabilities or parking that is permanently  
20 marked for the short-term exclusive use of delivery vehicles.

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

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

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

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

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

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

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

11 **Sec. 6.** RCW 43.21C.229 and 2023 c 368 s 1 are each amended to  
12 read as follows:

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

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

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

26 (i) Residential development;

27 (ii) Mixed-use development; or

28 (iii) Commercial development up to 65,000 square feet, excluding  
29 retail development;

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

34 (c) The local government considers the specific probable adverse  
35 environmental impacts of the proposed action and determines that  
36 these specific impacts are adequately addressed by the development  
37 regulations or other applicable requirements of the comprehensive  
38 plan, subarea plan element of the comprehensive plan, planned action  
39 ordinance, or other local, state, or federal rules or laws; and

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

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

8 (3) All project actions that propose to develop one or more  
9 residential housing units within the incorporated areas in an urban  
10 growth area designated pursuant to RCW 36.70A.110 or middle housing  
11 within the unincorporated areas in an urban growth area designated  
12 pursuant to RCW 36.70A.110, and that meet the criteria identified in  
13 (a) and (b) of this subsection, are categorically exempt from the  
14 requirements of this chapter. For purposes of this section, "middle  
15 housing" has the same meaning as in RCW 36.70A.030 as amended by  
16 chapter 332, Laws of 2023. Jurisdictions shall satisfy the following  
17 criteria prior to the adoption of the categorical exemption under  
18 this subsection (3):

19 (a) The city or county shall find that the proposed development  
20 is consistent with all development regulations implementing an  
21 applicable comprehensive plan adopted according to chapter 36.70A RCW  
22 by the jurisdiction in which the development is proposed, with the  
23 exception of any development regulation that is inconsistent with  
24 applicable provisions of chapter 36.70A RCW; and

25 (b) The city or county has prepared environmental analysis that  
26 considers the proposed use or density and intensity of use in the  
27 area proposed for an exemption under this section and analyzes  
28 multimodal transportation impacts, including impacts to neighboring  
29 jurisdictions, transit facilities, and the state transportation  
30 system.

31 (i) Such environmental analysis shall include documentation that  
32 the requirements for environmental analysis, protection, and  
33 mitigation for impacts to elements of the environment have been  
34 adequately addressed for the development exempted. The requirements  
35 may be addressed in locally adopted comprehensive plans, subarea  
36 plans, adopted development regulations, other applicable local  
37 ordinances and regulations, or applicable state and federal  
38 regulations. The city or county must document its consultation with  
39 the department of transportation on impacts to state-owned

1 transportation facilities including consideration of whether  
2 mitigation is necessary for impacts to transportation facilities.

3 (ii) Before finalizing the environmental analysis pursuant to  
4 (b)(i) of this subsection (3), the city or county shall provide a  
5 minimum of 60 days' notice to affected tribes, relevant state  
6 agencies, other jurisdictions that may be impacted, and the public.  
7 If a city or county identifies that mitigation measures are necessary  
8 to address specific probable adverse impacts, the city or county must  
9 address those impacts by requiring mitigation identified in the  
10 environmental analysis pursuant to this subsection (3)(b) through  
11 locally adopted comprehensive plans, subarea plans, development  
12 regulations, or other applicable local ordinances and regulations.  
13 Mitigation measures shall be detailed in an associated environmental  
14 determination.

15 (iii) The categorical exemption is effective 30 days following  
16 action by a city or county pursuant to (b)(ii) of this subsection  
17 (3).

18 (4) Until September 30, 2025, all project actions that propose to  
19 develop one or more residential housing or middle housing units  
20 within a city west of the crest of the Cascade mountains with a  
21 population of 700,000 or more are categorically exempt from the  
22 requirements of this chapter. After September 30, 2025, project  
23 actions that propose to develop one or more residential housing or  
24 middle housing units within the city may utilize the categorical  
25 exemption in subsection (3) of this section.

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

29 (6) Any categorical exemption adopted by a city or county 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). Nothing in this section shall invalidate  
33 categorical exemptions or environmental review procedures adopted by  
34 a city or county under a planned action pursuant to RCW 43.21C.440.  
35 However, any categorical exemption adopted by a city or county under  
36 this section shall be subject to the rules of the department adopted  
37 according to RCW 43.21C.110(1)(a) that provide exceptions to the use  
38 of categorical exemptions adopted by the department.

1        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 64.38  
2 RCW to read as follows:

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

10        (2) This section expires January 1, 2028.

11        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 64.90  
12 RCW to read as follows:

13        Declarations and governing documents created after the effective  
14 date of this section and applicable to a common interest community  
15 located fully or partially within a station area as defined in RCW  
16 36.70A.030 may not prohibit the construction or development of  
17 multifamily housing or transit-oriented development density that must  
18 be permitted by cities under section 3 of this act or require off-  
19 street parking inconsistent or in conflict with section 5 of this  
20 act.

21        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 64.34  
22 RCW to read as follows:

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

30        (2) This section expires January 1, 2028.

31        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 64.32  
32 RCW to read as follows:

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

1 permitted by cities under section 3 of this act or require off-street  
2 parking inconsistent or in conflict with section 5 of this act.

3 (2) This section expires January 1, 2028.

--- **END** ---