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**SENATE BILL 6024**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Trudeau and Saldaña; by request of Office of the Governor  
Prefiled 01/05/24.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (18) "Floor area ratio" means a measure of development intensity  
13 equal to building square footage, excluding areas used for parking,  
14 interior openings in floor plates, such as vent shafts, stairwells,  
15 and elevator shafts, and mechanical floors or areas, divided by the  
16 developable property square footage. Developable property excludes  
17 lots or portions of lots with critical areas and critical area  
18 buffers as designated in RCW 36.70A.060, as well as public  
19 facilities.

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

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

1 infrastructure that are used in the fabrication, processing, storage,  
2 and transport of coal, liquefied natural gas, or "crude oil" as  
3 defined in RCW 90.56.010.

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

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

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

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

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

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

37 ~~((25))~~ (26) "Major transit stop" means:

- 38 (a) A stop on a high capacity transportation system funded or  
39 expanded under the provisions of chapter 81.104 RCW;
- 40 (b) Commuter rail stops;

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

2 (d) Stops on bus rapid transit routes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

18        (ii) Fully or partially within:

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

22        (B) One-quarter mile walking distance of a stop on a bus rapid  
23 transit route that features fixed transit assets that indicate  
24 permanent, high capacity service including, but not limited to,  
25 elevated platforms or enhanced stations, off-board fare collection,  
26 dedicated lanes, busways, or traffic signal priority.

27        (b) A city planning under RCW 36.70A.040 may adopt a station area  
28 variance to alter the station area designation, but only after  
29 consultation with and approval by the department.

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

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

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

1 cleaning services, fire and police protection services, public  
2 transit services, and other public utilities associated with urban  
3 areas and normally not associated with rural areas.

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

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

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

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

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

35 (i) Racial or ethnic minorities;

36 (ii) Low-income populations; and

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

39 ~~((48))~~ (50) "Wetland" or "wetlands" means areas that are  
40 inundated or saturated by surface water or groundwater at a frequency

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

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

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

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

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

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

29 (ii) At least 2.5 floor area ratio, on average, within one-  
30 quarter mile walking distance of a stop on a bus rapid transit route.

31 (b) Cities planning under RCW 36.70A.040 may not enact or enforce  
32 any development regulation that imposes:

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

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

38 (3) For the purposes of this section:

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

3 (b) "Stop" includes any existing stop and any stop funded for  
4 development and projected for construction within an applicable six-  
5 year transit plan under RCW 35.58.2795. "Stop" does not include a  
6 stop used exclusively for bus service, including express bus service  
7 operated by a regional transit agency as defined under chapter 81.104  
8 RCW, unless the stop also serves a bus rapid transit route.

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

12 (5) Within any station area, any building in which all units are  
13 affordable housing for at least 50 years or are dedicated to  
14 permanent supportive housing, an additional 1.5 floor area ratio must  
15 be permitted. If a city has enacted or expands a program under RCW  
16 36.70A.540 in an area where development regulations must comply with  
17 this section, that program, including the amount of affordable  
18 housing required either on-site or through an in-lieu payment,  
19 governs to the extent it varies from the requirements of this  
20 subsection.

21 (6) Any floor area within a building located in a station area  
22 that is reserved for residential units in multifamily housing that  
23 includes at least three bedrooms must not be counted toward  
24 applicable floor area ratio limits. A city may require the  
25 residential units to comply with affordability requirements to be  
26 eligible for an exclusion from the applicable floor area ratio  
27 limits.

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

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

38 (a) The building is constructed on a lot in which a density that  
39 meets or exceeds the transit-oriented development density in

1 subsection (2) of this section was authorized prior to January 1,  
2 2024;

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

6 (c) A city has enacted or expands a mandatory program under RCW  
7 36.70A.540 that requires a minimum amount of affordable housing that  
8 must be provided by residential development, either on-site or  
9 through an in-lieu payment as allowed by RCW 36.70A.540, in an area  
10 where development regulations must comply with this section. Such  
11 mandatory program may be enacted, modified, or expanded by a city in  
12 coordination with adopting regulations to comply with this act, and  
13 may require an amount of affordable housing that differs or exceeds  
14 the amount required. An optional program established under RCW  
15 36.70A.540 does not meet the requirements of this subsection (8)(c).

16 (9)(a) No later than the deadlines established in subsection (14)  
17 of this section, cities planning under RCW 36.70A.040 must act to  
18 modify or repeal any existing development regulations applicable in a  
19 station area that, alone or in combination, are inconsistent with  
20 this section.

21 (b) After the effective date of this section, cities planning  
22 under RCW 36.70A.040 may not enact any development regulations  
23 applicable in a station area that, alone or in combination with other  
24 development regulations, are inconsistent with this section.

25 (c) This subsection (9) does not apply to development regulations  
26 that are generally applicable health and safety standards, including  
27 building code standards and fire and life safety standards.

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

33 (11) Nothing in this section requires alteration, displacement,  
34 or limitation of industrial or agricultural uses or industrial or  
35 agricultural areas within the urban growth area.

36 (12) Nothing in this section requires a city to issue a building  
37 permit if other federal, state, and local requirements for a building  
38 permit are not met.

39 (13) Cities planning under RCW 36.70A.040 may exclude from the  
40 requirements in this section any lot or portion of a lot that:

1 (a) Is designated as a shoreline environment governed by a  
2 shoreline master program or as a critical area governed by a critical  
3 area ordinance;

4 (b) Is nonconforming with development regulations governing lot  
5 dimensions including, but not limited to, standards related to lot  
6 width, area, geometry, or street access, unless an applicant  
7 demonstrates that the nonconforming lot may be developed in  
8 compliance with the development regulations governing lot dimensions  
9 by obtaining any modification, deviation, variance, or similar code  
10 departure approval allowed under the development regulations;

11 (c) Contains a designated landmark or is located within a  
12 historic district established under a local preservation ordinance  
13 adopted prior to the effective date of this section;

14 (d) Has been designated as containing urban separators by  
15 countywide planning policies as of the effective date of this  
16 section; or

17 (e) Is an industrial or agricultural designated lot that either  
18 is limited to one dwelling unit per lot or only allows housing for  
19 individuals and their families responsible for caretaking, farm work,  
20 security, or maintenance.

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

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

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

39 (15)(a)(i) No later than August 1, 2024, the governor shall  
40 convene a work group to develop a list of antidisplacement guiding

1 principles and strategies. The work group must be comprised, at a  
2 minimum, of the following members:

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

6 (B) A representative of impacted tenants;

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

8 (D) A representative of an organization advocating for affordable  
9 housing;

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

11 (F) A representative with experience developing affordable  
12 housing;

13 (G) A representative of an organization advocating for nonprofit  
14 builders of affordable housing;

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

16 (I) Other representatives with experience developing or  
17 implementing antidisplacement strategies.

18 (ii) The work group must:

19 (A) Develop definitions for displacement and gentrification;

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

23 (C) Identify the potential costs and funding sources to implement  
24 the strategies.

25 (iii) By September 30, 2024, the work group must submit a report  
26 of its findings and recommendations to the department.

27 (b) No later than October 15, 2024, the department shall develop,  
28 and make available to cities, antidisplacement guiding principles and  
29 a list of potential strategies.

30 (16)(a) A city may seek an extension from the transit-oriented  
31 development density requirements of this section by applying to the  
32 department for an extension in any areas that are at risk of  
33 displacement on the statewide antidisplacement map created by the  
34 department, another map based on quantifiable data demonstrating the  
35 risk of displacement, or areas of lower opportunity based on income,  
36 access to resources, and other economic factors according to  
37 quantitative and statistically valid data.

38 (b) The department must certify an extension from the  
39 requirements of this section for areas at risk of displacement as  
40 determined by the antidisplacement analysis that a jurisdiction is

1 required to complete under RCW 36.70A.070(2) or an antidisplacement  
2 map as described in (a) of this subsection.

3 (c) The city and the department must agree on the city plan to  
4 mitigate the impacts of displacement and an implementation plan that  
5 includes specific antidisplacement policies. The plan must include  
6 strategies from the list developed by the work group in subsection  
7 (15) of this section unless the city can demonstrate that another  
8 strategy would mitigate the impact of displacement.

9 (d) In addition to antidisplacement policies, the city may  
10 implement alternative floor area ratio requirements in areas deemed  
11 at greater risk of displacement under an antidisplacement analysis,  
12 including reducing floor area ratios or applying varying floor area  
13 ratios within the station area for as long as the area remains at  
14 risk of displacement.

15 (17)(a)(i) The department may approve actions under this  
16 subsection (17) for cities that have, by January 1, 2024, adopted a  
17 plan and implementing development regulations for a specific station  
18 area that are substantially similar to the requirements of this  
19 section for that station area. In determining whether a city's  
20 adopted plan and development regulations are substantially similar,  
21 the department's evaluation may include, but not be limited to, if:

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

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

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

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

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

36 (c) The department's final decision to approve or reject actions  
37 by cities under this subsection (17) may be appealed to the growth  
38 management hearings board by filing a petition as provided in RCW  
39 36.70A.290.



1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 44.28  
2    RCW to read as follows:

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

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

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

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

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

15       (a) The effects on housing supply, including the supply of  
16    affordable housing;

17       (b) The implementation of transit-oriented development density  
18    regulations; and

19       (c) How statewide transit-oriented development density  
20    regulations are interacting with residential housing construction and  
21    development in specific cities, including at least one city located  
22    east of the crest of the Cascade mountains, at least one city located  
23    in a county with a population greater than 900,000 but less than  
24    1,000,000, and at least one city located in a county with a  
25    population greater than 800,000 but less than 900,000.

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

28       (a) Representatives of the department of commerce;

29       (b) Representatives of the Washington state housing finance  
30    commission;

31       (c) Representatives of the University of Washington's Runstad  
32    department of real estate;

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

35       (e) Representatives of transit agencies serving areas that  
36    include cities with station areas;

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

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

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

3 (i) Representatives of cities located east of the crest of the  
4 Cascade mountains; and

5 (j) Representatives of cities located west of the crest of the  
6 Cascade mountains.

7 (4) The joint committee must complete the review and evaluation  
8 required under this section by June 30, 2035.

9 **Sec. 6.** RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each  
10 amended to read as follows:

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

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

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

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

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

36 (a) Demonstrate that it will prepare an environmental analysis  
37 pursuant to chapter 43.21C RCW and subsection (2) of this section  
38 that is integrated with a comprehensive plan, subarea plan, plan  
39 element, countywide planning policy, development regulations,

1 monitoring program, or other planning activity adopted under or  
2 implementing this chapter;

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

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

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

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

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

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

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

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

28 (c) Coordination with state, federal, and tribal governments in  
29 project review;

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

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

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

39 (g) Programs to identify environmental impacts and establish  
40 mitigation measures that provide effective means to satisfy

1 concurrency requirements and establish project consistency with the  
2 plans; or

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

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

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

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

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

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

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

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

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

1 (b) The proximity and quality of transit access in the area. For  
2 purposes of this subsection, "transit access" includes walkable  
3 access to light rail and other fixed guideway rail systems and bus  
4 rapid transit;

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

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

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

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

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

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

16 **Sec. 7.** RCW 36.70A.620 and 2020 c 173 s 3 are each amended to  
17 read as follows:

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

22 ~~(1) For housing units that are affordable to very low-income or~~  
23 ~~extremely low-income individuals and that are located within one-~~  
24 ~~quarter mile of a transit stop that receives transit service at least~~  
25 ~~two times per hour for twelve or more hours per day, minimum~~  
26 ~~residential parking requirements may be no greater than one parking~~  
27 ~~space per bedroom or .75 space per unit. A city may require a~~  
28 ~~developer to record a covenant that prohibits the rental of a unit~~  
29 ~~subject to this parking restriction for any purpose other than~~  
30 ~~providing for housing for very low-income or extremely low-income~~  
31 ~~individuals. The covenant must address price restrictions and~~  
32 ~~household income limits and policies if the property is converted to~~  
33 ~~a use other than for low-income housing. A city may establish a~~  
34 ~~requirement for the provision of more than one parking space per~~  
35 ~~bedroom or .75 space per unit if the jurisdiction has determined a~~  
36 ~~particular housing unit to be in an area with a lack of access to~~  
37 ~~street parking capacity, physical space impediments, or other reasons~~  
38 ~~supported by evidence that would make on-street parking infeasible~~  
39 ~~for the unit.~~

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

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

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

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

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

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

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

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

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

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

23 **Sec. 8.** RCW 43.21C.229 and 2023 c 368 s 1 are each amended to  
24 read as follows:

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

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

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

38 (i) Residential development;

39 (ii) Mixed-use development; or

1 (iii) Commercial development up to 65,000 square feet, excluding  
2 retail development;

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

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

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

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

20 (3) All project actions that propose to develop one or more  
21 residential housing units within the incorporated areas in an urban  
22 growth area designated pursuant to RCW 36.70A.110 or middle housing  
23 within the unincorporated areas in an urban growth area designated  
24 pursuant to RCW 36.70A.110, and that meet the criteria identified in  
25 (a) and (b) of this subsection, are categorically exempt from the  
26 requirements of this chapter. For purposes of this section, "middle  
27 housing" has the same meaning as in RCW 36.70A.030 as amended by  
28 chapter 332, Laws of 2023. Jurisdictions shall satisfy the following  
29 criteria prior to the adoption of the categorical exemption under  
30 this subsection (3):

31 (a) The city or county shall find that the proposed development  
32 is consistent with all development regulations implementing an  
33 applicable comprehensive plan adopted according to chapter 36.70A RCW  
34 by the jurisdiction in which the development is proposed, with the  
35 exception of any development regulation that is inconsistent with  
36 applicable provisions of chapter 36.70A RCW; and

37 (b) The city or county has prepared environmental analysis that  
38 considers the proposed use or density and intensity of use in the  
39 area proposed for an exemption under this section and analyzes  
40 multimodal transportation impacts, including impacts to neighboring



1 jurisdictions, transit facilities, and the state transportation  
2 system.

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

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

26 (iii) The categorical exemption is effective 30 days following  
27 action by a city or county pursuant to (b)(ii) of this subsection  
28 (3).

29 (4) Until September 30, 2025, all project actions that propose to  
30 develop one or more residential housing or middle housing units  
31 within a city west of the crest of the Cascade mountains with a  
32 population of 700,000 or more are categorically exempt from the  
33 requirements of this chapter. After September 30, 2025, project  
34 actions that propose to develop one or more residential housing or  
35 middle housing units within the city may utilize the categorical  
36 exemption in subsection (3) of this section.

37 (5) All project actions that propose to develop residential or  
38 mixed-use development within any station area up to the transit-  
39 oriented development density required under section 4 of this act are  
40 categorically exempt from the requirements of this chapter.

1       (6) Any categorical exemption adopted by a city or county under  
2 this section applies even if it differs from the categorical  
3 exemptions adopted by rule of the department under RCW  
4 43.21C.110(1)(a). Nothing in this section shall invalidate  
5 categorical exemptions or environmental review procedures adopted by  
6 a city or county under a planned action pursuant to RCW 43.21C.440.  
7 However, any categorical exemption adopted by a city or county under  
8 this section shall be subject to the rules of the department adopted  
9 according to RCW 43.21C.110(1)(a) that provide exceptions to the use  
10 of categorical exemptions adopted by the department.

11       NEW SECTION.   **Sec. 9.** A new section is added to chapter 64.38  
12 RCW to read as follows:

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

20       NEW SECTION.   **Sec. 10.** A new section is added to chapter 64.90  
21 RCW to read as follows:

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

29       NEW SECTION.   **Sec. 11.** A new section is added to chapter 64.34  
30 RCW to read as follows:

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

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 64.32  
2    RCW to read as follows:

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

--- **END** ---