
SECOND SUBSTITUTE HOUSE BILL 2517

State of Washington

69th Legislature

2026 Regular Session

By House Appropriations (originally sponsored by Representatives Fitzgibbon, Reed, Springer, Berg, Duerr, Ryu, Zahn, Kloba, Berry, Scott, Thomas, Reeves, Doglio, Nance, Macri, and Street)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to enhanced municipal permitting tools for high
2 capacity transit projects; amending RCW 36.70B.170, 58.17.040,
3 58.17.040, and 36.70B.070; adding new sections to chapter 81.112 RCW;
4 providing an effective date; and providing an expiration date.

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

6 **Sec. 1.** RCW 36.70B.170 and 1995 c 347 s 502 are each amended to
7 read as follows:

8 (1) A local government may enter into a development agreement
9 with a person having ownership or control of real property within its
10 jurisdiction. A city may enter into a development agreement for real
11 property outside its boundaries as part of a proposed annexation or a
12 service agreement. A development agreement must set forth the
13 development standards and other provisions that shall apply to and
14 govern and vest the development, use, and mitigation of the
15 development of the real property for the duration specified in the
16 agreement. A development agreement shall be consistent with
17 applicable development regulations adopted by a local government
18 planning under chapter 36.70A RCW, except that a development
19 agreement with a regional transit authority created under chapter
20 81.112 RCW may set forth development standards that vary from
21 otherwise applicable development regulations not involving compliance

1 with the Americans with disabilities act in order to accommodate
2 development of the facilities of the regional transit authority.

3 (2) RCW 36.70B.170 through 36.70B.190 and section 501, chapter
4 347, Laws of 1995 do not affect the validity of a contract rezone,
5 concomitant agreement, annexation agreement, or other agreement in
6 existence on July 23, 1995, or adopted under separate authority, that
7 includes some or all of the development standards provided in
8 subsection (3) of this section.

9 (3) For the purposes of this section, "development standards"
10 includes, but is not limited to:

11 (a) Project elements such as permitted uses, residential
12 densities, and nonresidential densities and intensities or building
13 sizes;

14 (b) The amount and payment of impact fees imposed or agreed to in
15 accordance with any applicable provisions of state law, any
16 reimbursement provisions, other financial contributions by the
17 property owner, inspection fees, or dedications;

18 (c) Mitigation measures, development conditions, and other
19 requirements under chapter 43.21C RCW;

20 (d) Design standards such as maximum heights, setbacks, drainage
21 and water quality requirements, landscaping, and other development
22 features;

23 (e) Affordable housing;

24 (f) Parks and open space preservation;

25 (g) Phasing;

26 (h) Review procedures and standards for implementing decisions;

27 (i) A build-out or vesting period for applicable standards; and

28 (j) Any other appropriate development requirement or procedure.

29 (4) The execution of a development agreement is a proper exercise
30 of county and city police power and contract authority. A development
31 agreement may obligate a party to fund or provide services,
32 infrastructure, or other facilities. A development agreement shall
33 reserve authority to impose new or different regulations to the
34 extent required by a serious threat to public health and safety.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.112
36 RCW to read as follows:

37 A regional transit authority may:

38 (1) Apply for land use and construction permits for its
39 facilities before acquiring the real property on which the facilities

1 will be constructed or operated, so long as the regional transit
2 authority provides proof of notice to the subject property owner at
3 the time of application;

4 (2) Apply for construction and technical permits for its
5 facilities before the local government makes a land use decision
6 regarding those facilities, so long as the regional transit authority
7 provides proof of notice to the subject property owner at the time of
8 application; and

9 (3) Construct facilities of a rail fixed guideway system as
10 defined in RCW 81.104.015 that exceed the height limits and setback
11 requirements of local development regulations so long as the regional
12 transit authority complies with those development regulations to the
13 extent practicable given the need to construct and operate the rail
14 fixed guideway system.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 81.112
16 RCW to read as follows:

17 A local government may not issue a land use, construction, or
18 technical permit to a regional transit authority for development on
19 property that is not owned by the regional transit authority unless
20 the regional transit authority has written permission from the
21 property owner.

22 **Sec. 4.** RCW 58.17.040 and 2025 c 208 s 2 are each amended to
23 read as follows:

24 The provisions of this chapter shall not apply to:

25 (1) Cemeteries and other burial plots while used for that
26 purpose;

27 (2) Divisions of land into lots or tracts each of which is one-
28 one hundred twenty-eighth of a section of land or larger, or five
29 acres or larger if the land is not capable of description as a
30 fraction of a section of land, unless the governing authority of the
31 city, town, or county in which the land is situated shall have
32 adopted a subdivision ordinance requiring plat approval of such
33 divisions: PROVIDED, That for purposes of computing the size of any
34 lot under this item which borders on a street or road, the lot size
35 shall be expanded to include that area that would be bounded by the
36 center line of the road or street and the side lot lines of the lot
37 running perpendicular to such center line;

1 (3) Divisions made by testamentary provisions, or the laws of
2 descent;

3 (4) Divisions of land into lots or tracts classified for
4 industrial or commercial use when the city, town, or county has
5 approved a binding site plan for the use of the land in accordance
6 with local regulations. For the purposes of this section,
7 commercially zoned property includes property that is zoned to permit
8 or conditionally permit any multifamily residential uses;

9 (5) A division for the purpose of lease when no residential
10 structure other than mobile homes, tiny houses or tiny houses with
11 wheels as defined in RCW 35.21.686, or travel trailers are permitted
12 to be placed upon the land when the city, town, or county has
13 approved a binding site plan for the use of the land in accordance
14 with local regulations;

15 (6) A division made for the purpose of alteration by adjusting
16 boundary lines, between platted or unplatted lots or both, which does
17 not create any additional lot, tract, parcel, site, or division nor
18 create any lot, tract, parcel, site, or division (~~which~~) that
19 contains insufficient area and dimension to meet minimum requirements
20 for width and area for a building site;

21 (7) Divisions of land into lots or tracts if: (a) Such division
22 is the result of subjecting a portion of a parcel or tract of land to
23 either chapter 64.32 or 64.34 RCW subsequent to the recording of a
24 binding site plan for all such land; (b) the improvements constructed
25 or to be constructed thereon are required by the provisions of the
26 binding site plan to be included in one or more condominiums or owned
27 by an association or other legal entity in which the owners of units
28 therein or their owners' associations have a membership or other
29 legal or beneficial interest; (c) a city, town, or county has
30 approved the binding site plan for all such land; (d) such approved
31 binding site plan is recorded in the county or counties in which such
32 land is located; and (e) the binding site plan contains thereon the
33 following statement: "All development and use of the land described
34 herein shall be in accordance with this binding site plan, as it may
35 be amended with the approval of the city, town, or county having
36 jurisdiction over the development of such land, and in accordance
37 with such other governmental permits, approvals, regulations,
38 requirements, and restrictions that may be imposed upon such land and
39 the development and use thereof. Upon completion, the improvements on
40 the land shall be included in one or more condominiums or owned by an

1 association or other legal entity in which the owners of units
2 therein or their owners' associations have a membership or other
3 legal or beneficial interest. This binding site plan shall be binding
4 upon all now or hereafter having any interest in the land described
5 herein." The binding site plan may, but need not, depict or describe
6 the boundaries of the lots or tracts resulting from subjecting a
7 portion of the land to either chapter 64.32 or 64.34 RCW. A site plan
8 shall be deemed to have been approved if the site plan was approved
9 by a city, town, or county: (i) In connection with the final approval
10 of a subdivision plat or planned unit development with respect to all
11 of such land; or (ii) in connection with the issuance of building
12 permits or final certificates of occupancy with respect to all of
13 such land; or (iii) if not approved pursuant to (i) and (ii) of this
14 subsection (7)(e), then pursuant to such other procedures as such
15 city, town, or county may have established for the approval of a
16 binding site plan;

17 (8) A division for the purpose of leasing land for facilities
18 providing personal wireless services while used for that purpose.
19 "Personal wireless services" means any federally licensed personal
20 wireless service. "Facilities" means unstaffed facilities that are
21 used for the transmission or reception, or both, of wireless
22 communication services including, but not necessarily limited to,
23 antenna arrays, transmission cables, equipment shelters, and support
24 structures;

25 (9) A division of land into lots or tracts of less than three
26 acres that is recorded in accordance with chapter 58.09 RCW and is
27 used or to be used for the purpose of establishing a site for
28 construction and operation of consumer-owned or investor-owned
29 electric utility facilities. For purposes of this subsection,
30 "electric utility facilities" means unstaffed facilities, except for
31 the presence of security personnel, that are used for or in
32 connection with or to facilitate the transmission, distribution,
33 sale, or furnishing of electricity including, but not limited to,
34 electric power substations. This subsection does not exempt a
35 division of land from the zoning and permitting laws and regulations
36 of cities, towns, counties, and municipal corporations. Furthermore,
37 this subsection only applies to electric utility facilities that will
38 be placed into service to meet the electrical needs of a utility's
39 existing and new customers. New customers are defined as electric
40 service locations not already in existence as of the date that

1 electric utility facilities subject to the provisions of this
2 subsection are planned and constructed; and

3 (10) A division of land into lots or tracts of less than two
4 acres that is recorded in accordance with chapter 58.09 RCW and is
5 used or to be used for the purpose of establishing a site for
6 construction and operation of a rural fire district station, provided
7 the proposed lots or tracts contain sufficient area and dimensions to
8 meet minimum building site width and area requirements, and
9 appropriate provisions are made for potable water supplies and
10 sanitary wastes.

11 (11) A division of land caused by the acquisition of a portion of
12 an existing lot or tract by a regional transit authority as defined
13 in chapter 81.112 RCW that is acquiring land to build facilities as
14 defined in RCW 81.112.020.

15 **Sec. 5.** RCW 58.17.040 and 2025 c 208 s 3 are each amended to
16 read as follows:

17 The provisions of this chapter shall not apply to:

18 (1) Cemeteries and other burial plots while used for that
19 purpose;

20 (2) Divisions of land into lots or tracts each of which is one-
21 one hundred twenty-eighth of a section of land or larger, or five
22 acres or larger if the land is not capable of description as a
23 fraction of a section of land, unless the governing authority of the
24 city, town, or county in which the land is situated shall have
25 adopted a subdivision ordinance requiring plat approval of such
26 divisions: PROVIDED, That for purposes of computing the size of any
27 lot under this item which borders on a street or road, the lot size
28 shall be expanded to include that area that would be bounded by the
29 center line of the road or street and the side lot lines of the lot
30 running perpendicular to such center line;

31 (3) Divisions made by testamentary provisions, or the laws of
32 descent;

33 (4) Divisions of land into lots or tracts classified for
34 industrial or commercial use when the city, town, or county has
35 approved a binding site plan for the use of the land in accordance
36 with local regulations. For the purposes of this section,
37 commercially zoned property includes property that is zoned to permit
38 or conditionally permit any multifamily residential uses;

1 (5) A division for the purpose of lease when no residential
2 structure other than mobile homes, tiny houses or tiny houses with
3 wheels as defined in RCW 35.21.686, or travel trailers are permitted
4 to be placed upon the land when the city, town, or county has
5 approved a binding site plan for the use of the land in accordance
6 with local regulations;

7 (6) A division made for the purpose of alteration by adjusting
8 boundary lines, between platted or unplatted lots or both, which does
9 not create any additional lot, tract, parcel, site, or division nor
10 create any lot, tract, parcel, site, or division (~~which~~) that
11 contains insufficient area and dimension to meet minimum requirements
12 for width and area for a building site;

13 (7) Divisions of land into lots or tracts if: (a) Such division
14 is the result of subjecting a portion of a parcel or tract of land to
15 chapter 64.90 RCW subsequent to the recording of a binding site plan
16 for all such land; (b) the improvements constructed or to be
17 constructed thereon are required by the provisions of the binding
18 site plan to be included in one or more condominiums, cooperatives,
19 or owned by an association or other legal entity in which the owners
20 of units therein or their owners associations have a membership or
21 other legal or beneficial interest; (c) a city, town, or county has
22 approved the binding site plan for all such land; (d) such approved
23 binding site plan is recorded in the county or counties in which such
24 land is located; and (e) the binding site plan contains thereon the
25 following statement: "All development and use of the land described
26 herein shall be in accordance with this binding site plan, as it may
27 be amended with the approval of the city, town, or county having
28 jurisdiction over the development of such land, and in accordance
29 with such other governmental permits, approvals, regulations,
30 requirements, and restrictions that may be imposed upon such land and
31 the development and use thereof. Upon completion, the improvements on
32 the land shall be included in one or more condominiums, cooperatives,
33 or owned by an association or other legal entity in which the owners
34 of units therein or their owners associations have a membership or
35 other legal or beneficial interest. This binding site plan shall be
36 binding upon all now or hereafter having any interest in the land
37 described herein." The binding site plan may, but need not, depict or
38 describe the boundaries of the lots or tracts resulting from
39 subjecting a portion of the land to chapter 64.90 RCW. A site plan
40 shall be deemed to have been approved if the site plan was approved

1 by a city, town, or county: (i) In connection with the final approval
2 of a subdivision plat or planned unit development with respect to all
3 of such land; or (ii) in connection with the issuance of building
4 permits or final certificates of occupancy with respect to all of
5 such land; or (iii) if not approved pursuant to (i) and (ii) of this
6 subsection (7)(e), then pursuant to such other procedures as such
7 city, town, or county may have established for the approval of a
8 binding site plan;

9 (8) A division for the purpose of leasing land for facilities
10 providing personal wireless services while used for that purpose.
11 "Personal wireless services" means any federally licensed personal
12 wireless service. "Facilities" means unstaffed facilities that are
13 used for the transmission or reception, or both, of wireless
14 communication services including, but not necessarily limited to,
15 antenna arrays, transmission cables, equipment shelters, and support
16 structures;

17 (9) A division of land into lots or tracts of less than three
18 acres that is recorded in accordance with chapter 58.09 RCW and is
19 used or to be used for the purpose of establishing a site for
20 construction and operation of consumer-owned or investor-owned
21 electric utility facilities. For purposes of this subsection,
22 "electric utility facilities" means unstaffed facilities, except for
23 the presence of security personnel, that are used for or in
24 connection with or to facilitate the transmission, distribution,
25 sale, or furnishing of electricity including, but not limited to,
26 electric power substations. This subsection does not exempt a
27 division of land from the zoning and permitting laws and regulations
28 of cities, towns, counties, and municipal corporations. Furthermore,
29 this subsection only applies to electric utility facilities that will
30 be placed into service to meet the electrical needs of a utility's
31 existing and new customers. New customers are defined as electric
32 service locations not already in existence as of the date that
33 electric utility facilities subject to the provisions of this
34 subsection are planned and constructed; and

35 (10) A division of land into lots or tracts of less than two
36 acres that is recorded in accordance with chapter 58.09 RCW and is
37 used or to be used for the purpose of establishing a site for
38 construction and operation of a rural fire district station, provided
39 the proposed lots or tracts contain sufficient area and dimensions to
40 meet minimum building site width and area requirements, and

1 appropriate provisions are made for potable water supplies and
2 sanitary wastes.

3 (11) A division of land caused by the acquisition of a portion of
4 an existing lot or tract by a regional transit authority as defined
5 in chapter 81.112 RCW that is acquiring land to build facilities as
6 defined in RCW 81.112.020.

7 **Sec. 6.** RCW 36.70B.070 and 2023 c 338 s 6 are each amended to
8 read as follows:

9 (1)(a) Within 28 days after receiving a project permit
10 application, a local government planning pursuant to RCW 36.70A.040
11 shall provide a written determination to the applicant.

12 (b) The written determination must state either:

13 (i) That the application is complete; or

14 (ii) That the application is incomplete and that the procedural
15 submission requirements of the local government have not been met.
16 The determination shall outline what is necessary to make the
17 application procedurally complete.

18 (c) The number of days shall be calculated by counting every
19 calendar day.

20 (d) To the extent known by the local government, the local
21 government shall identify other agencies of local, state, or federal
22 governments that may have jurisdiction over some aspect of the
23 application.

24 (2) A project permit application is complete for purposes of this
25 section when it meets the procedural submission requirements of the
26 local government, as outlined on the project permit application,
27 provided that a local government shall accept applications from a
28 regional transit authority created under chapter 81.112 RCW
29 regardless of whether the regional transit authority owns or has
30 possession and use of the property subject to the application, so
31 long as the application is otherwise complete. Additional information
32 or studies may be required or project modifications may be undertaken
33 subsequent to the procedural review of the application by the local
34 government. The determination of completeness shall not preclude the
35 local government from requesting additional information or studies
36 either at the time of the notice of completeness or subsequently if
37 new information is required or substantial changes in the proposed
38 action occur. However, if the procedural submission requirements, as
39 outlined on the project permit application have been provided, the

1 need for additional information or studies may not preclude a
2 completeness determination.

3 (3) The determination of completeness may include or be combined
4 with the following:

5 (a) A preliminary determination of those development regulations
6 that will be used for project mitigation;

7 (b) A preliminary determination of consistency, as provided under
8 RCW 36.70B.040;

9 (c) Other information the local government chooses to include; or

10 (d) The notice of application pursuant to the requirements in RCW
11 36.70B.110.

12 (4)(a) An application shall be deemed procedurally complete on
13 the 29th day after receiving a project permit application under this
14 section if the local government does not provide a written
15 determination to the applicant that the application is procedurally
16 incomplete as provided in subsection (1)(b)(ii) of this section. When
17 the local government does not provide a written determination, they
18 may still seek additional information or studies as provided for in
19 subsection (2) of this section.

20 (b) Within 14 days after an applicant has submitted to a local
21 government additional information identified by the local government
22 as being necessary for a complete application, the local government
23 shall notify the applicant whether the application is complete or
24 what additional information is necessary.

25 (c) The notice of application shall be provided within 14 days
26 after the determination of completeness pursuant to RCW 36.70B.110.

27 NEW SECTION. **Sec. 7.** Section 4 of this act expires January 1,
28 2028.

29 NEW SECTION. **Sec. 8.** Section 5 of this act takes effect January
30 1, 2028.

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