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**SUBSTITUTE SENATE BILL 6309**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Local Government (originally sponsored by Senators Lias, Alvarado, and Saldaña)

READ FIRST TIME 02/03/26.

1 AN ACT Relating to enhanced municipal permitting tools for high  
2 capacity transit projects; amending RCW 36.70B.170, 19.27.095,  
3 36.70B.070, 58.17.040, and 58.17.040; adding a new section to chapter  
4 81.112 RCW; providing an effective date; and providing an expiration  
5 date.

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

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

9 (1) A local government may enter into a development agreement  
10 with a person having ownership or control of real property within its  
11 jurisdiction. A city may enter into a development agreement for real  
12 property outside its boundaries as part of a proposed annexation or a  
13 service agreement. A development agreement must set forth the  
14 development standards and other provisions that shall apply to and  
15 govern and vest the development, use, and mitigation of the  
16 development of the real property for the duration specified in the  
17 agreement. A development agreement shall be consistent with  
18 applicable development regulations adopted by a local government  
19 planning under chapter 36.70A RCW, except that a development  
20 agreement with a regional transit authority established under chapter  
21 81.112 RCW may set forth development standards that vary from

1 otherwise applicable development regulations 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 authority provides  
2 proof of notice to the subject property owner at the time of  
3 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 authority provides proof  
7 of notice to the subject property owner at the time of the  
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 **Sec. 3.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to  
16 read as follows:

17 (1) A valid and fully complete building permit application for a  
18 structure, that is permitted under the zoning or other land use  
19 control ordinances in effect on the date of the application shall be  
20 considered under the building permit ordinance in effect at the time  
21 of application, and the zoning or other land use control ordinances  
22 in effect on the date of application.

23 (2) The requirements for a fully completed application shall be  
24 defined by local ordinance (~~(but for)~~). A local government shall  
25 accept applications from a regional transit authority established  
26 under chapter 81.112 RCW regardless of whether the regional transit  
27 authority owns or has possession and use of the property subject to  
28 the application, so long as the application is otherwise complete.  
29 For any construction project costing more than (~~(five thousand~~  
30 ~~dollars)) \$5,000 the application shall include, at a minimum:~~

31 (a) The legal description, or the tax parcel number assigned  
32 pursuant to RCW 84.40.160, and the street address if available, and  
33 may include any other identification of the construction site by the  
34 prime contractor;

35 (b) The property owner's name, address, and phone number;

36 (c) The prime contractor's business name, address, phone number,  
37 current state contractor registration number; and

38 (d) Either:

1 (i) The name, address, and phone number of the office of the  
2 lender administering the interim construction financing, if any; or

3 (ii) The name and address of the firm that has issued a payment  
4 bond, if any, on behalf of the prime contractor for the protection of  
5 the owner, if the bond is for an amount not less than (~~fifty~~) 50  
6 percent of the total amount of the construction project.

7 (3) The information required on the building permit application  
8 by subsection (2)(a) through (d) of this section shall be set forth  
9 on the building permit document which is issued to the owner, and on  
10 the inspection record card which shall be posted at the construction  
11 site.

12 (4) The information required by subsection (2) of this section  
13 and information supplied by the applicant after the permit is issued  
14 under subsection (5) of this section shall be kept on record in the  
15 office where building permits are issued and made available to any  
16 person on request. If a copy is requested, a reasonable charge may be  
17 made.

18 (5) If any of the information required by subsection (2)(d) of  
19 this section is not available at the time the application is  
20 submitted, the applicant shall so state and the application shall be  
21 processed forthwith and the permit issued as if the information had  
22 been supplied, and the lack of the information shall not cause the  
23 application to be deemed incomplete for the purposes of vesting under  
24 subsection (1) of this section. However, the applicant shall provide  
25 the remaining information as soon as the applicant can reasonably  
26 obtain such information.

27 (6) The limitations imposed by this section shall not restrict  
28 conditions imposed under chapter 43.21C RCW.

29 **Sec. 4.** RCW 36.70B.070 and 2023 c 338 s 6 are each amended to  
30 read as follows:

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

34 (b) The written determination must state either:

35 (i) That the application is complete; or

36 (ii) That the application is incomplete and that the procedural  
37 submission requirements of the local government have not been met.  
38 The determination shall outline what is necessary to make the  
39 application procedurally complete.

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

3 (d) To the extent known by the local government, the local  
4 government shall identify other agencies of local, state, or federal  
5 governments that may have jurisdiction over some aspect of the  
6 application.

7 (2) A project permit application is complete for purposes of this  
8 section when it meets the procedural submission requirements of the  
9 local government, as outlined on the project permit application. A  
10 local government shall accept applications from a regional transit  
11 authority established under chapter 81.112 RCW regardless of whether  
12 the regional transit authority owns or has possession and use of the  
13 property subject to the application, so long as the application is  
14 otherwise complete. Additional information or studies may be required  
15 or project modifications may be undertaken subsequent to the  
16 procedural review of the application by the local government. The  
17 determination of completeness shall not preclude the local government  
18 from requesting additional information or studies either at the time  
19 of the notice of completeness or subsequently if new information is  
20 required or substantial changes in the proposed action occur.  
21 However, if the procedural submission requirements, as outlined on  
22 the project permit application have been provided, the need for  
23 additional information or studies may not preclude a completeness  
24 determination.

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

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

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

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

32 (d) The notice of application pursuant to the requirements in RCW  
33 36.70B.110.

34 (4)(a) An application shall be deemed procedurally complete on  
35 the 29th day after receiving a project permit application under this  
36 section if the local government does not provide a written  
37 determination to the applicant that the application is procedurally  
38 incomplete as provided in subsection (1)(b)(ii) of this section. When  
39 the local government does not provide a written determination, they

1 may still seek additional information or studies as provided for in  
2 subsection (2) of this section.

3 (b) Within 14 days after an applicant has submitted to a local  
4 government additional information identified by the local government  
5 as being necessary for a complete application, the local government  
6 shall notify the applicant whether the application is complete or  
7 what additional information is necessary.

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

10 **Sec. 5.** RCW 58.17.040 and 2025 c 208 s 2 are each amended to  
11 read as follows:

12 The provisions of this chapter shall not apply to:

13 (1) Cemeteries and other burial plots while used for that  
14 purpose;

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

26 (3) Divisions made by testamentary provisions, or the laws of  
27 descent;

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

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

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

7 (7) Divisions of land into lots or tracts if: (a) Such division  
8 is the result of subjecting a portion of a parcel or tract of land to  
9 either chapter 64.32 or 64.34 RCW subsequent to the recording of a  
10 binding site plan for all such land; (b) the improvements constructed  
11 or to be constructed thereon are required by the provisions of the  
12 binding site plan to be included in one or more condominiums or owned  
13 by an association or other legal entity in which the owners of units  
14 therein or their owners' associations have a membership or other  
15 legal or beneficial interest; (c) a city, town, or county has  
16 approved the binding site plan for all such land; (d) such approved  
17 binding site plan is recorded in the county or counties in which such  
18 land is located; and (e) the binding site plan contains thereon the  
19 following statement: "All development and use of the land described  
20 herein shall be in accordance with this binding site plan, as it may  
21 be amended with the approval of the city, town, or county having  
22 jurisdiction over the development of such land, and in accordance  
23 with such other governmental permits, approvals, regulations,  
24 requirements, and restrictions that may be imposed upon such land and  
25 the development and use thereof. Upon completion, the improvements on  
26 the land shall be included in one or more condominiums or owned by an  
27 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. This binding site plan shall be binding  
30 upon all now or hereafter having any interest in the land described  
31 herein." The binding site plan may, but need not, depict or describe  
32 the boundaries of the lots or tracts resulting from subjecting a  
33 portion of the land to either chapter 64.32 or 64.34 RCW. A site plan  
34 shall be deemed to have been approved if the site plan was approved  
35 by a city, town, or county: (i) In connection with the final approval  
36 of a subdivision plat or planned unit development with respect to all  
37 of such land; or (ii) in connection with the issuance of building  
38 permits or final certificates of occupancy with respect to all of  
39 such land; or (iii) if not approved pursuant to (i) and (ii) of this  
40 subsection (7)(e), then pursuant to such other procedures as such

1 city, town, or county may have established for the approval of a  
2 binding site plan;

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

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

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

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

1       **Sec. 6.** RCW 58.17.040 and 2025 c 208 s 3 are each amended to  
2 read as follows:

3       The provisions of this chapter shall not apply to:

4       (1) Cemeteries and other burial plots while used for that  
5 purpose;

6       (2) Divisions of land into lots or tracts each of which is one-  
7 one hundred twenty-eighth of a section of land or larger, or five  
8 acres or larger if the land is not capable of description as a  
9 fraction of a section of land, unless the governing authority of the  
10 city, town, or county in which the land is situated shall have  
11 adopted a subdivision ordinance requiring plat approval of such  
12 divisions: PROVIDED, That for purposes of computing the size of any  
13 lot under this item which borders on a street or road, the lot size  
14 shall be expanded to include that area that would be bounded by the  
15 center line of the road or street and the side lot lines of the lot  
16 running perpendicular to such center line;

17       (3) Divisions made by testamentary provisions, or the laws of  
18 descent;

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

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

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

37       (7) Divisions of land into lots or tracts if: (a) Such division  
38 is the result of subjecting a portion of a parcel or tract of land to  
39 chapter 64.90 RCW subsequent to the recording of a binding site plan  
40 for all such land; (b) the improvements constructed or to be

1 constructed thereon are required by the provisions of the binding  
2 site plan to be included in one or more condominiums, cooperatives,  
3 or owned by an association or other legal entity in which the owners  
4 of units therein or their owners associations have a membership or  
5 other legal or beneficial interest; (c) a city, town, or county has  
6 approved the binding site plan for all such land; (d) such approved  
7 binding site plan is recorded in the county or counties in which such  
8 land is located; and (e) the binding site plan contains thereon the  
9 following statement: "All development and use of the land described  
10 herein shall be in accordance with this binding site plan, as it may  
11 be amended with the approval of the city, town, or county having  
12 jurisdiction over the development of such land, and in accordance  
13 with such other governmental permits, approvals, regulations,  
14 requirements, and restrictions that may be imposed upon such land and  
15 the development and use thereof. Upon completion, the improvements on  
16 the land shall be included in one or more condominiums, cooperatives,  
17 or owned by an association or other legal entity in which the owners  
18 of units therein or their owners associations have a membership or  
19 other legal or beneficial interest. This binding site plan shall be  
20 binding upon all now or hereafter having any interest in the land  
21 described herein." The binding site plan may, but need not, depict or  
22 describe the boundaries of the lots or tracts resulting from  
23 subjecting a portion of the land to chapter 64.90 RCW. A site plan  
24 shall be deemed to have been approved if the site plan was approved  
25 by a city, town, or county: (i) In connection with the final approval  
26 of a subdivision plat or planned unit development with respect to all  
27 of such land; or (ii) in connection with the issuance of building  
28 permits or final certificates of occupancy with respect to all of  
29 such land; or (iii) if not approved pursuant to (i) and (ii) of this  
30 subsection (7)(e), then pursuant to such other procedures as such  
31 city, town, or county may have established for the approval of a  
32 binding site plan;

33 (8) A division for the purpose of leasing land for facilities  
34 providing personal wireless services while used for that purpose.  
35 "Personal wireless services" means any federally licensed personal  
36 wireless service. "Facilities" means unstaffed facilities that are  
37 used for the transmission or reception, or both, of wireless  
38 communication services including, but not necessarily limited to,  
39 antenna arrays, transmission cables, equipment shelters, and support  
40 structures;

1 (9) A division of land into lots or tracts of less than three  
2 acres that is recorded in accordance with chapter 58.09 RCW and is  
3 used or to be used for the purpose of establishing a site for  
4 construction and operation of consumer-owned or investor-owned  
5 electric utility facilities. For purposes of this subsection,  
6 "electric utility facilities" means unstaffed facilities, except for  
7 the presence of security personnel, that are used for or in  
8 connection with or to facilitate the transmission, distribution,  
9 sale, or furnishing of electricity including, but not limited to,  
10 electric power substations. This subsection does not exempt a  
11 division of land from the zoning and permitting laws and regulations  
12 of cities, towns, counties, and municipal corporations. Furthermore,  
13 this subsection only applies to electric utility facilities that will  
14 be placed into service to meet the electrical needs of a utility's  
15 existing and new customers. New customers are defined as electric  
16 service locations not already in existence as of the date that  
17 electric utility facilities subject to the provisions of this  
18 subsection are planned and constructed; and

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

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

31 NEW SECTION. **Sec. 7.** Section 5 of this act expires January 1,  
32 2028.

33 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect January  
34 1, 2028.

--- END ---