
SENATE BILL 6309

State of Washington

69th Legislature

2026 Regular Session

By Senators Lias, Alvarado, and Saldaña

Read first time 01/26/26. Referred to Committee on Local Government.

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 19.27.095; adding a new section 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

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:

1 (1) Apply for land use and construction permits for its
2 facilities before acquiring the real property on which the facilities
3 will be constructed or operated;

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; and

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

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

15 The provisions of this chapter shall not apply to:

16 (1) Cemeteries and other burial plots while used for that
17 purpose;

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

29 (3) Divisions made by testamentary provisions, or the laws of
30 descent;

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

37 (5) A division for the purpose of lease when no residential
38 structure other than mobile homes, tiny houses or tiny houses with
39 wheels as defined in RCW 35.21.686, or travel trailers are permitted

1 to be placed upon the land when the city, town, or county has
2 approved a binding site plan for the use of the land in accordance
3 with local regulations;

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

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

1 permits or final certificates of occupancy with respect to all of
2 such land; or (iii) if not approved pursuant to (i) and (ii) of this
3 subsection (7)(e), then pursuant to such other procedures as such
4 city, town, or county may have established for the approval of a
5 binding site plan;

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

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

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

1 (11) A division of land caused by the acquisition of a portion of
2 an existing lot or tract by an agency with condemnation authority
3 that is acquiring land to build an essential public facility as
4 described in RCW 36.70A.200.

5 **Sec. 4.** RCW 58.17.040 and 2025 c 208 s 3 are each amended to
6 read as follows:

7 The provisions of this chapter shall not apply to:

8 (1) Cemeteries and other burial plots while used for that
9 purpose;

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

21 (3) Divisions made by testamentary provisions, or the laws of
22 descent;

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

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

35 (6) A division made for the purpose of alteration by adjusting
36 boundary lines, between platted or unplatted lots or both, which does
37 not create any additional lot, tract, parcel, site, or division nor
38 create any lot, tract, parcel, site, or division (~~which~~) that

1 contains insufficient area and dimension to meet minimum requirements
2 for width and area for a building site;

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

39 (8) A division for the purpose of leasing land for facilities
40 providing personal wireless services while used for that purpose.

1 "Personal wireless services" means any federally licensed personal
2 wireless service. "Facilities" means unstaffed facilities that are
3 used for the transmission or reception, or both, of wireless
4 communication services including, but not necessarily limited to,
5 antenna arrays, transmission cables, equipment shelters, and support
6 structures;

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

25 (10) A division of land into lots or tracts of less than two
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 a rural fire district station, provided
29 the proposed lots or tracts contain sufficient area and dimensions to
30 meet minimum building site width and area requirements, and
31 appropriate provisions are made for potable water supplies and
32 sanitary wastes.

33 (11) A division of land caused by the acquisition of a portion of
34 an existing lot or tract by an agency with condemnation authority
35 that is acquiring land to build an essential public facility as
36 described in RCW 36.70A.200.

37 **Sec. 5.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to
38 read as follows:

1 (1) A valid and fully complete building permit application for a
2 structure, that is permitted under the zoning or other land use
3 control ordinances in effect on the date of the application shall be
4 considered under the building permit ordinance in effect at the time
5 of application, and the zoning or other land use control ordinances
6 in effect on the date of application.

7 (2) The requirements for a fully completed application shall be
8 defined by local ordinance but for any construction project costing
9 more than (~~five thousand dollars~~) \$5,000 the application shall
10 include, at a minimum:

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

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

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

18 (d) Either:

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

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

25 (3) The information required on the building permit application
26 by subsection (2)(a) through (d) of this section shall be set forth
27 on the building permit document (~~which~~) that is issued to the
28 owner, and on the inspection record card which shall be posted at the
29 construction site.

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

36 (5) If any of the information required by subsection (2)(d) of
37 this section is not available at the time the application is
38 submitted, the applicant shall so state and the application shall be
39 processed forthwith and the permit issued as if the information had
40 been supplied, and the lack of the information shall not cause the

1 application to be deemed incomplete for the purposes of vesting under
2 subsection (1) of this section. However, the applicant shall provide
3 the remaining information as soon as the applicant can reasonably
4 obtain such information.

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

7 (7) Applications submitted by a regional transit authority
8 created under chapter 81.112 RCW for permits issued by cities and
9 counties under the state building code shall be considered under the
10 ordinances in effect pursuant to RCW 19.27.031 and 19.27.040 at the
11 time the board of the regional transit authority chooses the route
12 alignment and station locations of a rail fixed guideway system.

13 NEW SECTION. **Sec. 6.** Section 3 of this act expires January 1,
14 2028.

15 NEW SECTION. **Sec. 7.** Section 4 of this act takes effect January
16 1, 2028.

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