

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6309

69th Legislature
2026 Regular Session

Passed by the Senate March 10, 2026
Yeas 30 Nays 19

President of the Senate

Passed by the House March 4, 2026
Yeas 56 Nays 38

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6309** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6309

AS AMENDED BY THE HOUSE

Passed Legislature - 2026 Regular Session

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 new sections 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 not involving compliance
2 with the Americans with disabilities act in order to accommodate
3 development of the facilities of the regional transit authority.

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

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

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

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

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

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

24 (e) Affordable housing;

25 (f) Parks and open space preservation;

26 (g) Phasing;

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

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

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

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

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

38 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, so long as the authority provides
4 proof of notice to the subject property owner at the time of
5 application;

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

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

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

19 A local government may issue a land use, construction, or
20 technical permit to a regional transit authority for development on
21 property that is not owned by the regional transit authority,
22 provided that the regional transit authority remains responsible for
23 obtaining the necessary property right or permission from the
24 property owner to proceed with the permitted work.

25 **Sec. 4.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to
26 read as follows:

27 (1) A valid and fully complete building permit application for a
28 structure, that is permitted under the zoning or other land use
29 control ordinances in effect on the date of the application shall be
30 considered under the building permit ordinance in effect at the time
31 of application, and the zoning or other land use control ordinances
32 in effect on the date of application.

33 (2) The requirements for a fully completed application shall be
34 defined by local ordinance (~~but for~~). A local government shall
35 accept applications from a regional transit authority established
36 under chapter 81.112 RCW regardless of whether the regional transit
37 authority owns or has possession and use of the property subject to
38 the application, so long as the application is otherwise complete.

1 For any construction project costing more than (~~five thousand~~
2 ~~dollars~~) \$5,000 the application shall include, at a minimum:

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

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

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

10 (d) Either:

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

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

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

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

28 (5) If any of the information required by subsection (2)(d) of
29 this section is not available at the time the application is
30 submitted, the applicant shall so state and the application shall be
31 processed forthwith and the permit issued as if the information had
32 been supplied, and the lack of the information shall not cause the
33 application to be deemed incomplete for the purposes of vesting under
34 subsection (1) of this section. However, the applicant shall provide
35 the remaining information as soon as the applicant can reasonably
36 obtain such information.

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

1 **Sec. 5.** RCW 36.70B.070 and 2023 c 338 s 6 are each amended to
2 read as follows:

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

6 (b) The written determination must state either:

7 (i) That the application is complete; or

8 (ii) That the application is incomplete and that the procedural
9 submission requirements of the local government have not been met.
10 The determination shall outline what is necessary to make the
11 application procedurally complete.

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

14 (d) To the extent known by the local government, the local
15 government shall identify other agencies of local, state, or federal
16 governments that may have jurisdiction over some aspect of the
17 application.

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

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

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

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

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

4 (d) The notice of application pursuant to the requirements in RCW
5 36.70B.110.

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

14 (b) Within 14 days after an applicant has submitted to a local
15 government additional information identified by the local government
16 as being necessary for a complete application, the local government
17 shall notify the applicant whether the application is complete or
18 what additional information is necessary.

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

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

23 The provisions of this chapter shall not apply to:

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

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

37 (3) Divisions made by testamentary provisions, or the laws of
38 descent;

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

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

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

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

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

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

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

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

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

13 **Sec. 7.** RCW 58.17.040 and 2025 c 208 s 3 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 chapter 64.90 RCW subsequent to the recording of a binding site plan
13 for all such land; (b) the improvements constructed or to be
14 constructed thereon are required by the provisions of the binding
15 site plan to be included in one or more condominiums, cooperatives,
16 or owned by an association or other legal entity in which the owners
17 of units therein or their owners associations have a membership or
18 other 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, cooperatives,
30 or owned by an association or other legal entity in which the owners
31 of units therein or their owners associations have a membership or
32 other legal or beneficial interest. This binding site plan shall be
33 binding upon all now or hereafter having any interest in the land
34 described herein." The binding site plan may, but need not, depict or
35 describe the boundaries of the lots or tracts resulting from
36 subjecting a portion of the land to chapter 64.90 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 a regional transit authority as defined
3 in chapter 81.112 RCW that is acquiring land to build facilities as
4 defined in RCW 81.112.020.

5 NEW SECTION. **Sec. 8.** Section 6 of this act expires January 1,
6 2028.

7 NEW SECTION. **Sec. 9.** Section 7 of this act takes effect January
8 1, 2028.

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