

**Meeting Location:**

Hybrid meeting format; ZOOM link below

In-person location:

City Hall, Council Chambers
216 Prospect Street
Port Orchard, WA 98366

Contact us:

Phone (360) 874-5533

Email planning@portorchardwa.gov
www.portorchardwa.gov

**Planning Commission
Regular Meeting
Tuesday, June 2, 2026
6:00 PM**

Attendees and Planning Commission members may attend in person at City Hall or via Zoom.

Pursuant to the Open Public Meetings Act, Chapter 42.30 RCW, the City Council is conducting its public meeting in a hybrid format with options for in-person attendance in the Council Chambers at City Hall or remote viewing and participation via Zoom (link below). The meeting is streamed live on the City's YouTube channel, click [here](#).

Remote Access

Link: <https://us02web.zoom.us/j/86180242823>

Zoom Call-In: 1 253 215 8782

Webinar ID: 861 8024 2823

- 1. Call to Order**
 - A. Pledge of Allegiance
 - B. Welcome and Introduction
- 2. Approval of Agenda**
- 3. Public Hearing**

(Accepting public testimony from citizens limited to the specific items listed.)
- 4. Audience Comments**
- 5. Approval of Minutes**
- 6. Business Items**
 - A. Sherman Avenue Stormwater Park
 - B. 2026 Legislative Session
 - 1) HB 2266 Encouraging permanent supportive housing
 - 2) HB 2418 Concerning permit review processes
 - 3) HB 1859 Affordable housing on religious-owned properties

C. Survey Results Code Efficiency

7. Director's Report
 8. Good of the Order
 9. Next Planning Commission Meeting
 10. Adjournment
-

ADA Requirements

In compliance with the American with Disabilities Act, if you need accommodations to participate in this meeting, please contact the City Clerk's office at (360) 876-4407. Notification at least 48 hours in advance of meeting will enable the City to make arrangements to assure accessibility to this meeting.

Reminder: Please silence all electronic devices while Planning Commission is in session.

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For current City Council member and contact information, please visit <https://portorchardwa.gov/departments/city-council/>.

For Committee Membership please visit <https://portorchardwa.gov/city-council-advisory-committees/>.



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Business Items: 6.A. Sherman Avenue Stormwater Park

Meeting Date: June 2, 2026

Presenter: Connor Dahlquist, Associate Planner

Summary and Background:

In 2022, the City of Port Orchard purchased a 30-acre property at the south end of Sherman Avenue near Blackjack Creek to support development of a regional stormwater facility, pedestrian improvements, and a future neighborhood park. The property is identified as a resource conservancy and neighborhood park in the Parks, Recreation, and Open Space (PROS) Plan and is currently going through a public outreach and master planning process. A Public Participation Plan (PPP) for this project was approved in 2024, identifying outreach objectives, audiences, methods, and schedule for developing a park master plan.

Consistent with the PPP, staff conducted a multi-phase outreach program which included approximately 900 direct mailers, 600 door hangers, and poster outreach to 20 businesses surrounding the neighborhood. Digital outreach consisted of a project webpage, an online survey, and social media announcements. The website includes a project timeline, regional case studies, prior outreach summaries, and a park project-specific email list sign-up option. The survey, which was available winter 2024/2025, received 80 individual responses. The City's Communications Specialist advertised engagement opportunities through the City's Facebook and Instagram.

The survey revealed several clear themes about park use, preferences, and concerns. Many respondents reported visiting community parks weekly, while those who rarely visited cited issues such as poor maintenance, inconvenient locations, safety concerns, and limited offerings. Most households currently drive to parks, though a majority expressed a preference for being able to walk instead. Walking and running trails emerged as the most desired amenity, followed by community gardens, playground equipment, sports courts, and picnic shelters, while features like skate parks and pump tracks were least favored. When asked about the desired level of design intensity, respondents preferred a balanced approach that combines recreation space, amenities, and conservation, with the second-highest preference being a more natural landscape focused on passive recreation. Access and parking were identified as the most significant site challenges, and many respondents emphasized traffic and pedestrian safety issues along Sherman Avenue as an important neighborhood consideration. Overall,

participants expressed strong interest in continued engagement, with many willing to attend future workshops or provide additional input as the project progresses.

With the survey results providing clear direction on community preferences and priorities, the project is now in the concept design phase. Staff used the strongest themes (high interest in walking trails, support for natural areas, desire for family-friendly amenities, and the community's emphasis on safety and accessibility) to shape three preliminary park alternatives. Each option offers a distinct approach to balancing recreation, conservation, and community gathering needs, allowing residents to react to different development intensities and program combinations.

The three design alternatives include:

Trails and Conservation Park. A focus on a quiet, natural setting with soft trails, overlooks, and native vegetation. It reflects survey support for walking trails and a more natural landscape with minimal development.

Family Nature Park. A balanced approach with open lawns, nature play, picnic areas, and looped walking paths. This option aligns with the community's top-ranked preference for a mix of recreation, amenities, and conservation.

Community Garden and Recreation Park. The most active layout featuring garden plots, courts, and gathering spaces. It responds to high interest in community gardens and recreation facilities while creating a more social and structured park environment.

These alternatives will be presented at the May 28th community workshop as part of the ongoing outreach effort described in the PPP. The engagement opportunity will present precedents, possible amenities, site plans, concept perspective renderings, and interactive polling to help determine which elements resonate most with the neighborhood before a preferred alternative is developed

Relationship to Comprehensive Plan:

Recommendation: N/A

Motion for Consideration:

Has item been presented to Committee/Work Study? Yes

If so, which one: Sherman Ave Stormwater Park Steering Committee

Fiscal Impact:

Alternatives:

Attachments:

1. 6a_ParkAlternatives

Alternative 1: Trails and Conservation Park

Natural setting and habitat space, soft trails, overlook points, and low maintenance

Precedents



Clear Creek - Silverdale, WA



Stormwater Wetland Park - Arlington, WA

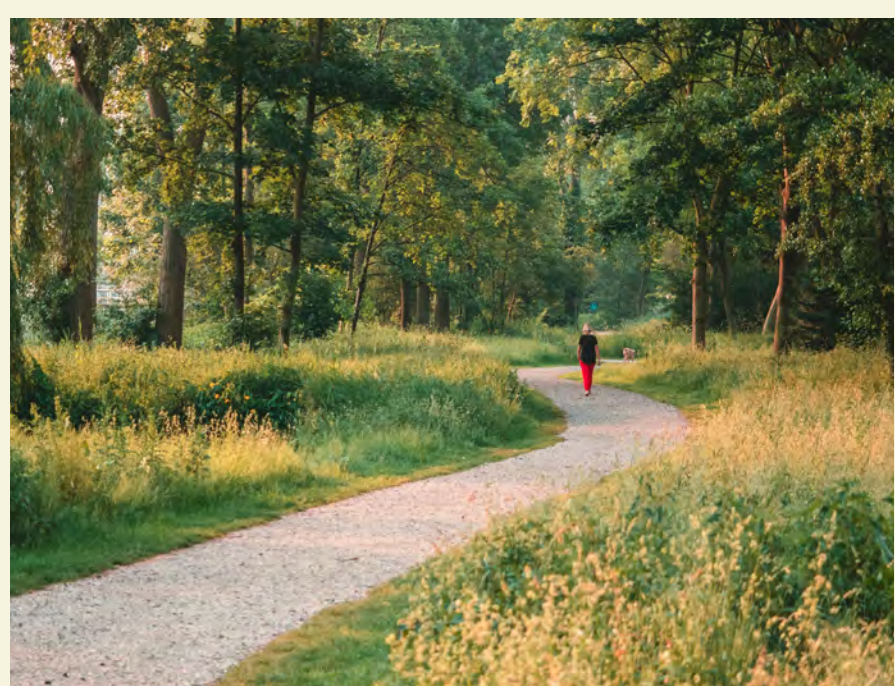


Madison Valley Stormwater Park - Seattle, WA



Mountain Aire Stormwater Pond - Poulsbo, WA

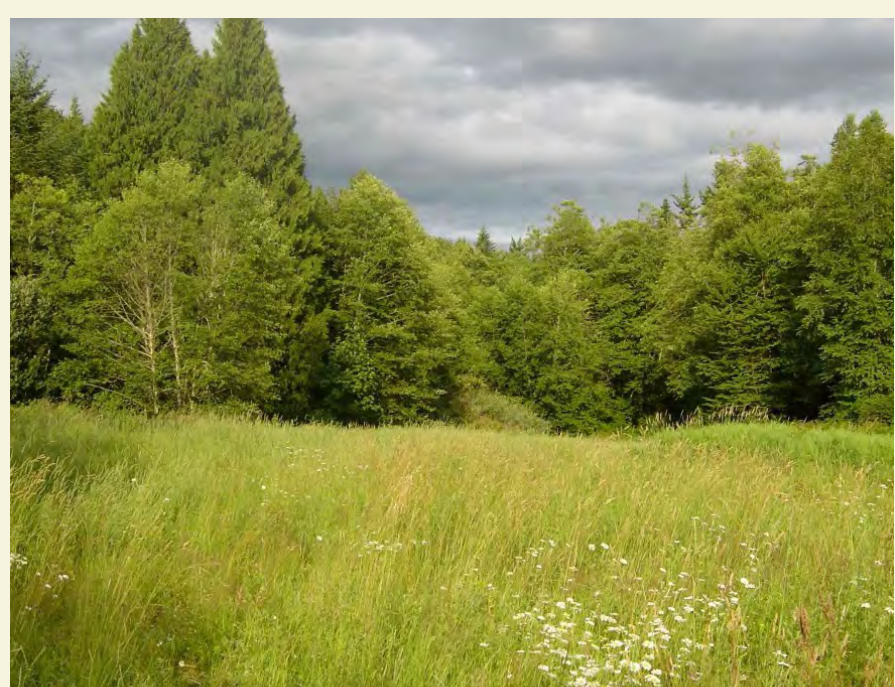
Amenities



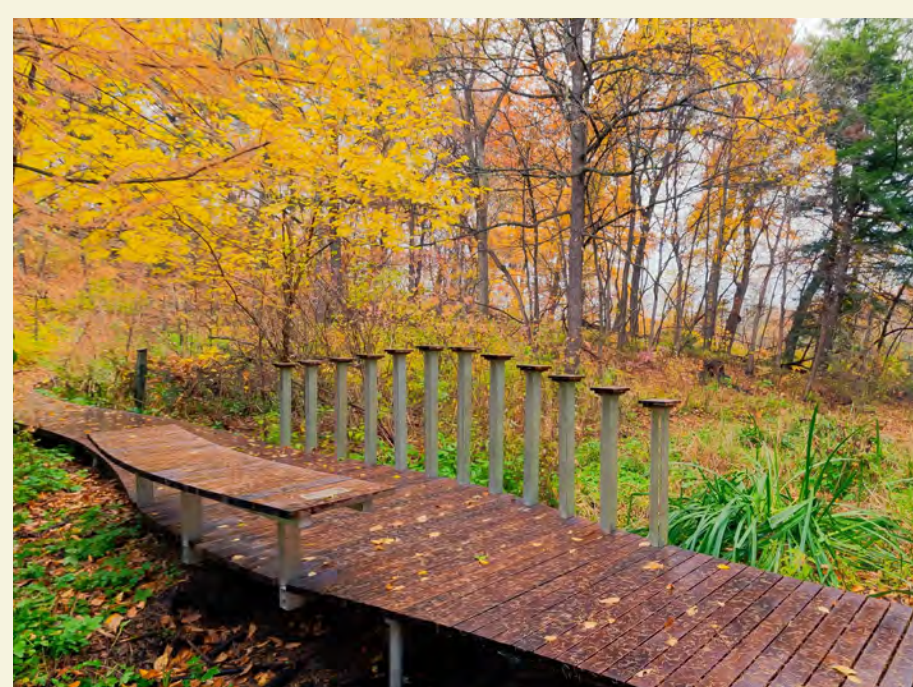
Paved and natural pathways



Interpretive signage



Natural open space



Wetland boardwalks



Wetland Boardwalk



Alternative 2: Family Nature Park

Balance of open lawn, nature play, picnic spots, looped walking paths, viewing platforms, educational signage

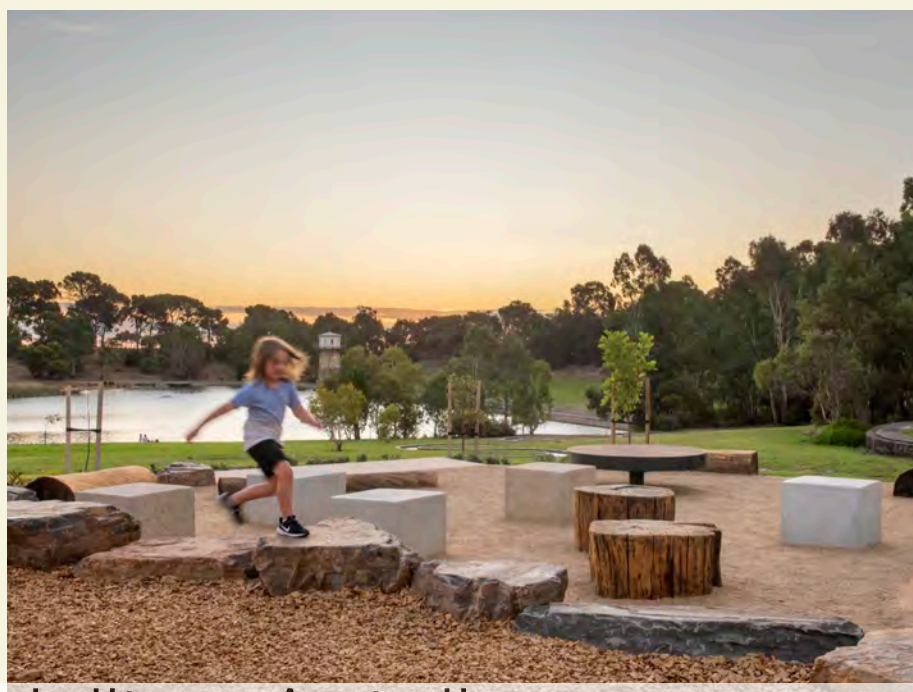
Precedents



Menomonee Valley Community Park - Milwaukee, WI



Thorndon Park - Campbelltown, Australia



Amenities



Open lawn space



Picnic Shelters



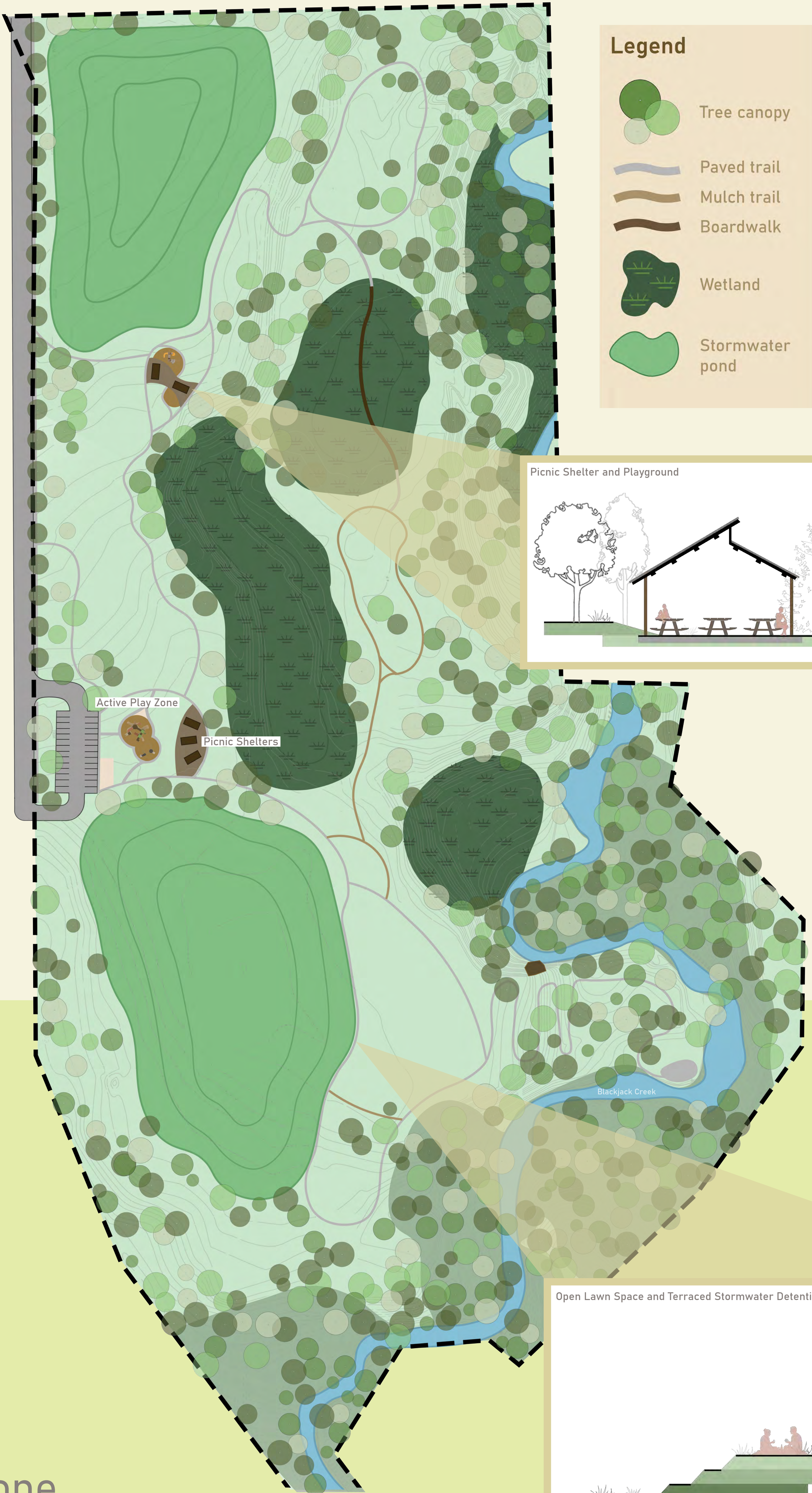
Kids Nature Play



Playgrounds

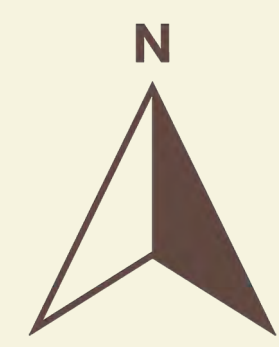


Active
Play Zone



Legend

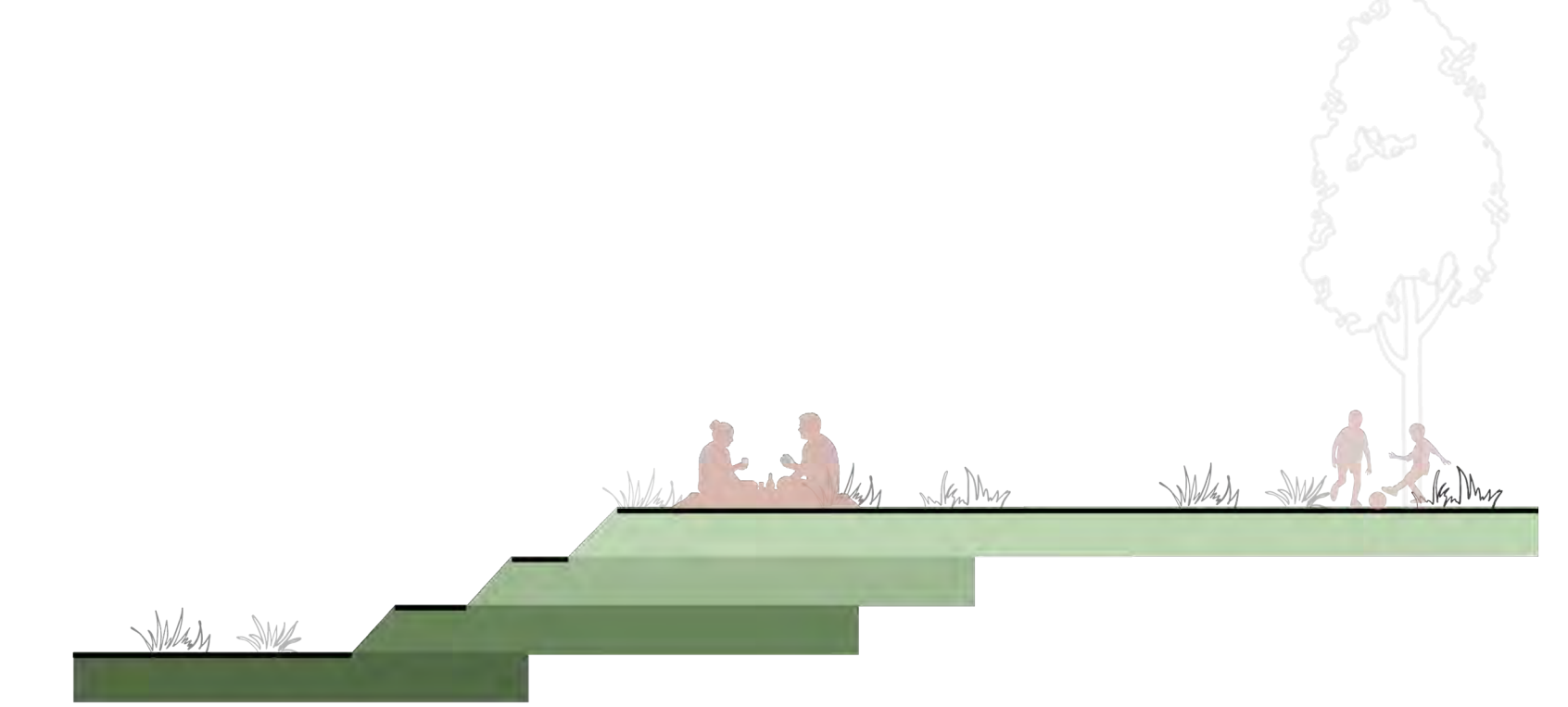
- Tree canopy
- Paved trail
- Mulch trail
- Boardwalk
- Wetland
- Stormwater pond



Picnic Shelter and Playground



Open Lawn Space and Terraced Stormwater Detention Pond



Alternative 3: Community Garden and Recreation Park

Emphasis on active recreation, garden plots, courts, and gathering spaces. Prioritized social and community connection focus.

Precedents



Ocala Wetland Park - Ocala, FL



John McBride Community Garden - Vancouver, BC



Downtown Cary Park - Cary, NC



McCormick Village Park - Port Orchard, WA

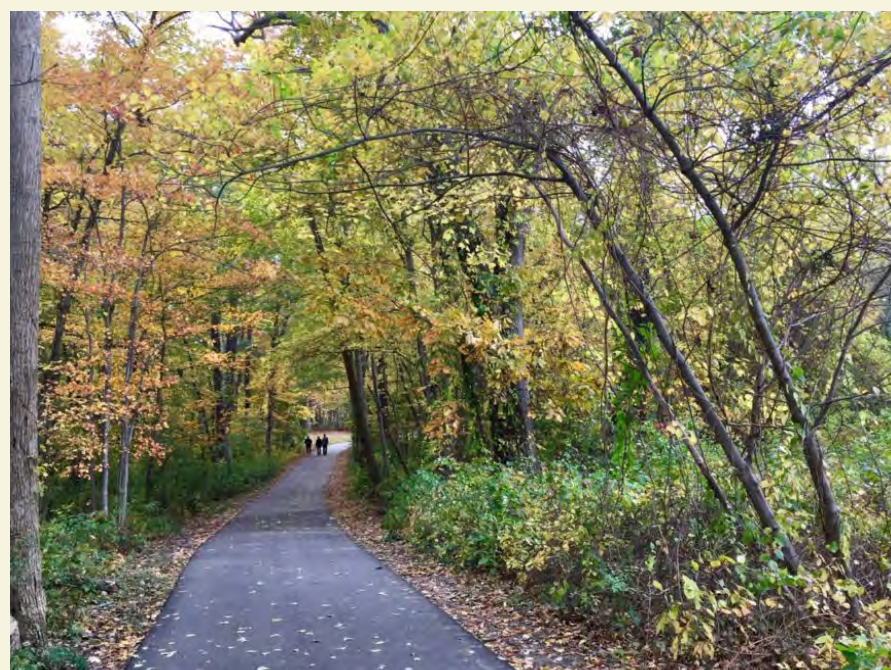
Amenities



Community Garden



Sports Courts



Exercise pathways



Playground

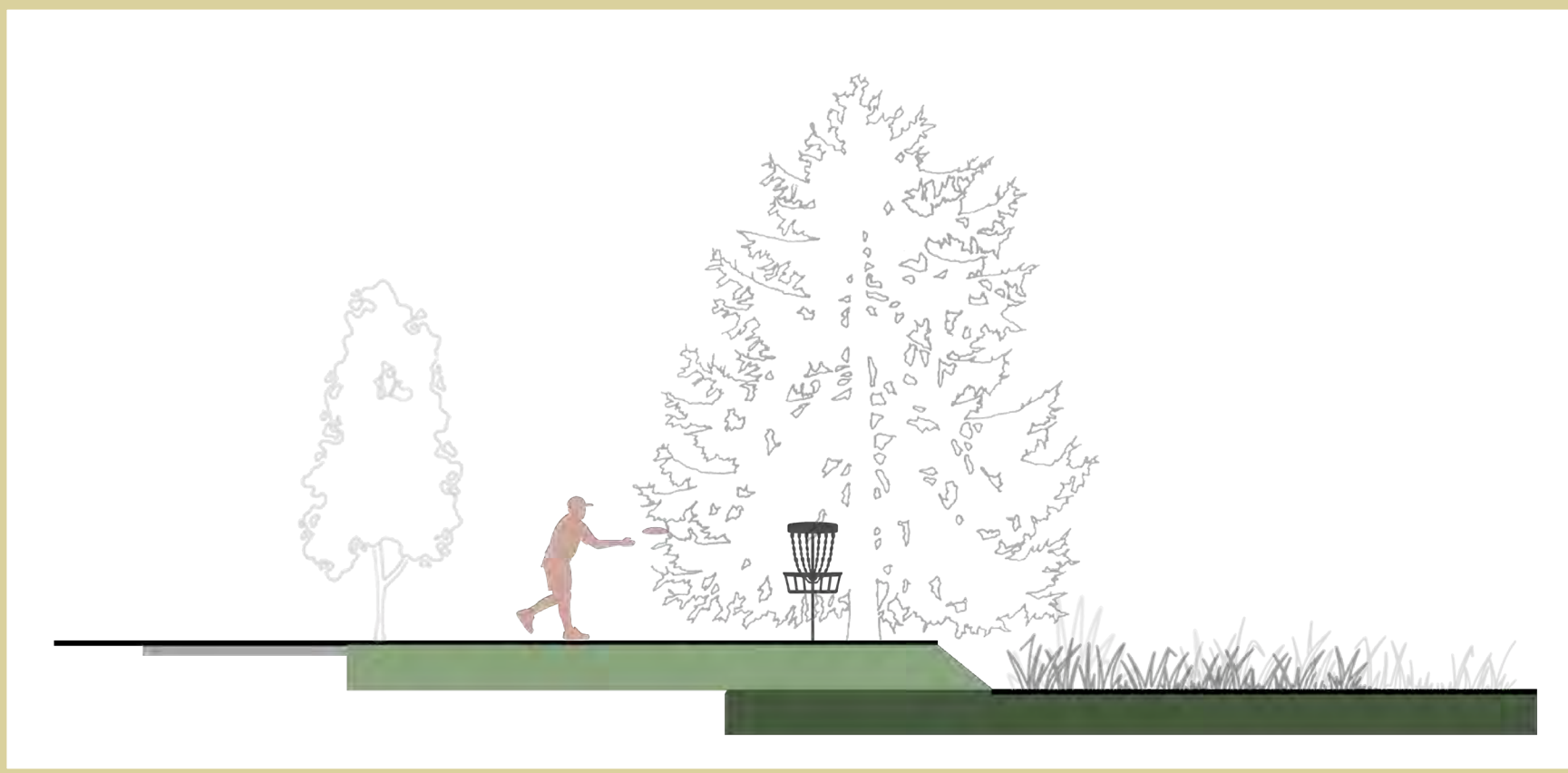
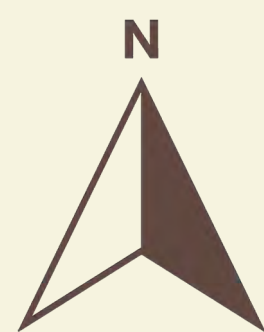


Neighborhood Garden



Legend

- Tree canopy
- Paved trail
- Mulch trail
- Boardwalk
- Wetland
- Stormwater pond





City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
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Agenda Staff Report

Business Items: 6.B. 2026 Legislative Session
Meeting Date: June 2, 2026
Presenter: Jim Fisk, Principal Planner

Summary and Background:

The purpose of this report is to introduce the Planning Commission to three bills adopted during the Washington State Legislature's 2026 Session that require amendments to the Port Orchard Municipal Code (POMC). Over the next one to two years, the Commission will review these mandated changes, conduct public hearings, and provide recommendations to the City Council.

This introductory briefing provides:

- A summary of each bill
- The statutory deadlines for adoption
- An outline of the review and amendment process
- The adopted bill text (provided separately as attachments)

This overview is intended to prepare the Commission for upcoming work items and to inform long-range scheduling and prioritization.

During the 2026 Legislative Session, the Washington State Legislature adopted several bills affecting local planning, permitting, and development regulations. Three of these bills, HB 2266, HB 2418, and HB 1859, require local jurisdictions, including the City of Port Orchard, to adopt implementing regulations within specified timelines.

Each bill mandates amendments to the POMC. However, the City of Port Orchard has already taken steps to implement much of the current bills' content and foresee some of the work to be clean-up to address any additional requirements of these bills supplementing completed work from past legislative actions. The Planning Commission is responsible for reviewing draft amendments, conducting public hearings, issuing SEPA determinations, and forwarding recommendations to the City Council. The Department of Commerce must also receive the proposed amendments for the required 60-day review period prior to adoption.

Because the bills have different statutory deadlines, the City will prioritize work based on the

required adoption dates.

Bill	Deadline	Priority Level	Notes
HB 1859	Within 90 days of request	High (Conditional)	Must be completed rapidly if triggered; timeline depends on when a qualifying request is received
HB 2418	June 30, 2027	High (Time-certain)	Earliest fixed deadline; requires proactive scheduling to ensure timely adoption
HB 2266	June 11, 2028	Medium	Longer implementation window allows for integration with other planning efforts

Each of the mandated amendments will move through the City’s standard legislative review process, beginning with Planning Commission consideration. For each bill, staff will prepare draft code amendments and present them to the Commission for discussion and refinement. Once the Commission is satisfied with the proposed language, it will hold a public hearing to receive community input before forwarding a formal recommendation to the City Council.

As part of this process, the City must complete environmental review under the State Environmental Policy Act (SEPA). Depending on the nature of the amendment, this may involve issuing a Determination of Non-Significance or another appropriate threshold determination. In addition, all proposed amendments must be transmitted to the Washington State Department of Commerce for the required 60-day review period before final adoption. After these steps are completed, the City Council will consider the amendments and take final legislative action through ordinance.

Within the June Planning Commission packet, each of these Bills are provided to the Commission for their review. In the coming months, staff will provide the Planning Commission with the adopted text of HB 2266, HB 2418, and HB 1859, along with any available

implementation guidance from the Department of Commerce. Each amendment to the Port Orchard Municipal Code in adoption of these bills will appear as unique issues on future agendas, allowing the Commission to focus on one legislative mandate at a time and to track progress according to the statutory deadlines.

Staff will return to the Commission with draft code amendments, supporting analysis, and recommended approaches for each bill. As timelines differ significantly among the three mandates, staff will structure the Commission's work plan to ensure that the most time-sensitive items are addressed first. Throughout this process, staff will coordinate with affected departments and partner agencies to ensure that proposed amendments are workable, compliant, and aligned with broader City planning efforts.

At this stage, no action is requested from the Planning Commission. This report is intended solely to introduce the legislative mandates adopted during the 2026 Session and to prepare the Commission for the work that will occur over the next one to two years. As staff brings forward individual code amendments for each bill, the Commission will have opportunities to review draft language, conduct public hearings, and develop recommendations for City Council consideration.

Relationship to Comprehensive Plan:

Recommendation: Consider the provided Bills and provide feedback to staff at future meetings developing amendments to the Port Orchard Municipal Code for compliance with recent legislative action.

Motion for Consideration:

Has item been presented to Committee/Work Study? Yes

If so, which one: Land Use

Fiscal Impact:

Alternatives:

Attachments:

None

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2266

Chapter 232, Laws of 2026

69th Legislature
2026 Regular Session

PERMANENT SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, INDOOR EMERGENCY
HOUSING, AND INDOOR EMERGENCY SHELTERS—SITING AND PERMITTING

EFFECTIVE DATE: June 11, 2026

Passed by the House March 9, 2026
Yeas 56 Nays 39

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2026
Yeas 29 Nays 20

DENNY HECK

President of the Senate

Approved March 27, 2026 11:22 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2266** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 31, 2026

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2266

AS AMENDED BY THE SENATE

Passed Legislature - 2026 Regular Session

State of Washington

69th Legislature

2026 Regular Session

By House Housing (originally sponsored by Representatives Peterson, Macri, Ryu, Parshley, Ramel, Scott, Mena, Reed, Obras, Fitzgibbon, Street, Thomas, Taylor, Doglio, Gregerson, Ormsby, Goodman, Reeves, Farivar, Fosse, Bergquist, Salahuddin, Hill, Pollet, and Wylie)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to encouraging permanent supportive housing,
2 transitional housing, indoor emergency housing, and indoor emergency
3 shelters; amending RCW 35.21.683, 35A.21.430, and 36.130.020;
4 reenacting and amending RCW 36.70A.030; adding a new section to
5 chapter 36.70A RCW; and creating new sections.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that Washington
8 state faces an acute shortage of housing affordable to households at
9 all income levels, resulting in housing insecurity and a growing
10 number of people experiencing homelessness. The legislature further
11 finds that local regulatory barriers, inconsistent siting standards,
12 and discretionary review processes have constrained the timely
13 development of permanent supportive housing, transitional housing,
14 indoor emergency housing, and indoor emergency shelters. It is the
15 intent of the legislature to increase housing supply and advance fair
16 housing by requiring these housing types to be permitted in urban
17 areas on the same terms as other types of lodging and residential
18 development, subject only to objective and nondiscriminatory
19 development standards necessary to protect public health and safety.
20 By streamlining permitting processes and ensuring consistent
21 treatment across jurisdictions, the legislature intends to avoid

unnecessary cost increases associated with delays and to facilitate the prompt delivery of safe, dignified, and stable housing and to support statewide efforts to address homelessness and the housing crisis.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) A county or city planning under RCW 36.70A.040 must allow:

(i) Transitional housing or permanent supportive housing in any zones within an urban growth area in which residential dwelling units or hotels are allowed; and

(ii) Indoor emergency shelters and indoor emergency housing in any zones within an urban growth area in which hotels are allowed. Nothing in this subsection allows a county or city to limit indoor emergency shelters and indoor emergency housing in a manner where the capacity of indoor emergency shelters and indoor emergency housing is insufficient to meet the projected needs identified under RCW 36.70A.070(2)(a)(ii). A county or city must allow indoor emergency shelters and indoor emergency housing in additional types of zones when necessary to meet projected needs identified in RCW 36.70A.070(2)(a)(ii).

(b) A county or city may not require transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters to be located in a zone within an urban growth area zoned for industrial use.

(2) Except as provided in subsections (5) through (7) of this section, a county or city may not require through development regulations, ordinances, or legal agreements any standards, conditions, or requirements for transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters that are more restrictive than those required for other types of lodging or residential development within the same zone, but may apply any objective development regulations, including form-based codes, that are required for lodging or residential development including, but not limited to, density limits, dimensional standards, height restrictions, floor area ratio, setback, lot coverage, stormwater, clearing, and tree canopy and retention requirements.

(3) Except as provided in subsections (5) through (7) of this section, a county or city shall only apply the same development permit and environmental review processes to transitional housing,

1 permanent supportive housing, indoor emergency shelters, and indoor
2 emergency housing that apply to other types of lodging or residential
3 development within the same zone, unless otherwise required by state
4 law including, but not limited to, shoreline regulations under
5 chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy
6 codes under chapter 19.27A RCW, or electrical codes under chapter
7 19.28 RCW.

8 (4) If applying design review for transitional housing, permanent
9 supportive housing, indoor emergency shelters, and indoor emergency
10 housing, only administrative design review may be required.

11 (5)(a) For an indoor emergency shelter or indoor emergency
12 housing, a county or city may require the sponsor or managing agency
13 to certify in writing that it has, between the date the permit
14 application was approved and the date the certificate of occupancy
15 was issued:

16 (i) Provided the name, if any, of the facility and the name and
17 headquarters address of the managing entity;

18 (ii) Provided a description of any other programs operating in
19 the building and copies of the applicable licenses and certifications
20 held by the program;

21 (iii) Notified residents within 500 feet of the indoor emergency
22 shelter or indoor emergency housing;

23 (iv) Conducted more than one community meeting;

24 (v) Designated at least one point of contact authorized to make
25 decisions and take corrective action in the case of an emergency, and
26 provided at least one telephone number to be used in emergencies; and

27 (vi) Provided documentation of the sponsor's or managing agency's
28 operational policies or procedures for:

29 (A) Promoting and addressing health and safety inside the
30 building and in areas immediately adjacent to the building;

31 (B) Admissions, including a description of the populations the
32 project will serve and potential sources of referral;

33 (C) Program exit or transfer;

34 (D) Handling complaints and grievances from occupants;

35 (E) Health, fire, safety, and occupancy; and

36 (F) Staffing to provide services and resources to the population
37 being served comparable to standard or customary practices for the
38 particular type of housing being provided. The staffing policy or
39 procedure may include, but is not limited to, the number of staff or
40 volunteers present during daytime and nighttime operations, staff or

1 volunteer training, and other processes to provide services and
2 resources to the populations being served.

3 (b) The written certification by the sponsor or managing entity
4 constitutes full compliance with (a) of this subsection. A county or
5 city may not require the sponsor or managing agency to provide
6 additional certifications outside of what is allowed under (a) of
7 this subsection (5) or to repeat or revise any of the items in (a)(i)
8 through (vi) of this subsection (5). Nothing in this subsection (b)
9 prohibits the sponsor or managing agency from voluntarily updating
10 any of the information submitted under (a)(i) through (vi) of this
11 subsection (5).

12 (6) Nothing in this section requires a city or county to approve
13 a permit application for permanent supportive housing, transitional
14 housing, indoor emergency housing, or indoor emergency shelters that
15 are proposed in a critical area in which no lodging or residential
16 development is permitted, an area of natural hazards that generally
17 prohibit lodging or residential development, or on agricultural,
18 forest, or mineral lands of long-term commercial significance.

19 (7)(a) Upon receipt of a permit application for an indoor
20 emergency shelter or indoor emergency housing with a proposed
21 location within 500 feet of walking distance from another indoor
22 emergency shelter or other indoor emergency housing, or within 500
23 feet of walking distance from the physical grounds of a public school
24 as defined in RCW 28A.150.010 or a private school approved by the
25 board of education under chapter 28A.195 RCW that existed before an
26 indoor emergency shelter or indoor emergency housing is in operation
27 or has submitted a permit application, the city in which the indoor
28 emergency shelter or indoor emergency housing is proposed, or the
29 county if the indoor emergency shelter or indoor emergency housing is
30 not proposed in a city, may enter into good faith negotiations with
31 the sponsor of the indoor emergency shelter or indoor emergency
32 housing to establish additional and reasonable requirements
33 pertaining to health and safety protocols.

34 (b) If the parties are unable to come to an agreement under (a)
35 of this subsection (7) within 180 days of the permit being submitted,
36 the county or city may deny the permit. If a permit is denied under
37 this subsection, the county or city must assist the sponsor in
38 identifying suitable properties to site the indoor emergency shelter
39 or indoor emergency housing.

(c) This subsection (7) does not apply to an indoor emergency shelter or indoor emergency housing designated for individuals under the age of 18, families, or victims of domestic violence.

(d) Nothing in this subsection (7) allows a county or city to limit indoor emergency shelters or indoor emergency housing in a manner where the capacity of indoor emergency shelters and indoor emergency housing is insufficient to meet the projected needs identified under RCW 36.70A.070(2)(a)(ii).

Sec. 3. RCW 35.21.683 and 2021 c 254 s 4 are each amended to read as follows:

(1)(a) A city ((shall not prohibit transitional)) must allow:

(i) Transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed(~~(- Effective September 30, 2021, a city shall not prohibit indoor))~~; and

(ii) Indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed(~~(, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii))~~).
Nothing in this subsection allows a county or city to limit indoor emergency shelters and indoor emergency housing in a manner where the capacity of indoor emergency shelters and indoor emergency housing is insufficient to meet the projected needs identified under RCW 36.70A.070(2)(a)(ii). A county or city must allow indoor emergency shelters and indoor emergency housing in additional types of zones when necessary to meet projected needs identified in RCW 36.70A.070(2)(a)(ii).

(b) A city may not require transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters to be located in a zone within an area zoned for industrial use.

1 (2) Except as provided in subsections (5) through (7) of this
2 section, a city may not require through development regulations,
3 ordinances, or legal agreements any development or operating
4 standards, conditions, or requirements for transitional housing,
5 permanent supportive housing, indoor emergency housing, and indoor
6 emergency shelters that are more restrictive than those required for
7 other types of lodging or residential development within the same
8 zone, but may apply any objective development regulations, including
9 form-based codes, that are required for lodging or residential
10 development including, but not limited to, density limits,
11 dimensional standards, height restrictions, floor area ratio,
12 setback, lot coverage, stormwater, clearing, and tree canopy and
13 retention requirements.

14 (3) Except as provided in subsections (5) through (7) of this
15 section, a county or city shall only apply the same development
16 permit and environmental review processes to transitional housing,
17 permanent supportive housing, indoor emergency shelters, and indoor
18 emergency housing that apply to other types of lodging or residential
19 development within the same zone, unless otherwise required by state
20 law including, but not limited to, shoreline regulations under
21 chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy
22 codes under chapter 19.27A RCW, or electrical codes under chapter
23 19.28 RCW.

24 (4) If applying design review for transitional housing, permanent
25 supportive housing, indoor emergency shelters, and indoor emergency
26 housing, only administrative design review may be required. For the
27 purposes of this subsection, "administrative design review" means a
28 development permit process whereby an application is reviewed,
29 approved, or denied by the planning director or the planning
30 director's designee based solely on objective design and development
31 standards without a public predecision hearing, unless such review is
32 otherwise required by state or federal law, or the structure is a
33 designated landmark or within a historic district established under a
34 local preservation ordinance. A city may approve requests for
35 variances from locally established design review standards.

36 (5) (a) For an indoor emergency shelter or indoor emergency
37 housing, a city may require the sponsor or managing agency to certify
38 in writing that it has, between the date the permit application was
39 approved and the date the certificate of occupancy was issued:

1 (i) Provided the name, if any, of the facility and the name and
2 headquarters address of the managing entity;

3 (ii) Provided a description of any other programs operating in
4 the building and copies of the applicable licenses and certifications
5 held by the program;

6 (iii) Notified residents within 500 feet of the indoor emergency
7 shelter or indoor emergency housing;

8 (iv) Conducted more than one community meeting;

9 (v) Designated at least one point of contact authorized to make
10 decisions and take corrective action in the case of an emergency, and
11 provided at least one telephone number to be used in emergencies; and

12 (vi) Provided documentation of the sponsor's or managing agency's
13 operational policies or procedures for:

14 (A) Promoting and addressing health and safety inside the
15 building and in areas immediately adjacent to the building;

16 (B) Admissions, including a description of the populations the
17 project will serve and potential sources of referral;

18 (C) Program exit or transfer;

19 (D) Handling complaints and grievances from occupants;

20 (E) Health, fire, safety, and occupancy; and

21 (F) Staffing to provide services and resources to the population
22 being served comparable to standard or customary practices for the
23 particular type of housing being provided. The staffing policy or
24 procedure may include, but is not limited to, the number of staff or
25 volunteers present during daytime and nighttime operations, staff or
26 volunteer training, and other processes to provide services and
27 resources to the populations being served.

28 (b) The written certification by the sponsor or managing entity
29 constitutes full compliance with (a) of this subsection (5). A city
30 may not require the sponsor or managing agency to provide additional
31 certifications outside of what is allowed under (a) of this
32 subsection (5) or to repeat or revise any of the items in (a)(i)
33 through (vi) of this subsection (5). Nothing in this subsection (b)
34 prohibits the sponsor or managing agency from voluntarily updating
35 any of the information submitted under (a)(i) through (vi) of this
36 subsection (5).

37 (6) Nothing in this section requires a city to approve a permit
38 application for permanent supportive housing, transitional housing,
39 indoor emergency housing, or indoor emergency shelters that are
40 proposed in a critical area in which no lodging or residential

development is permitted, an area of natural hazards that generally prohibit lodging or residential development, or on agricultural, forest, or mineral lands of long-term commercial significance.

(7)(a) Upon receipt of a permit application for an indoor emergency shelter or indoor emergency housing with a proposed location within 500 feet of walking distance from another indoor emergency shelter or other indoor emergency housing, or within 500 feet of walking distance from the physical grounds of a public school as defined in RCW 28A.150.010 or a private school approved by the board of education under chapter 28A.195 RCW that existed before an indoor emergency shelter or indoor emergency housing is in operation or has submitted a permit application, a city may enter into good faith negotiations with the sponsor of the indoor emergency shelter or indoor emergency housing to establish additional and reasonable requirements pertaining to health and safety protocols.

(b) If the parties are unable to come to an agreement under (a) of this subsection (7) within 180 days of the permit being submitted, the city may deny the permit. If a permit is denied under this subsection, the city must assist the sponsor in identifying suitable properties to site the indoor emergency shelter or indoor emergency housing.

(c) This subsection (7) does not apply to an indoor emergency shelter or indoor emergency housing designated for individuals under the age of 18, families, or victims of domestic violence.

(d) Nothing in this subsection (7) allows a city to limit indoor emergency shelters or indoor emergency housing in a manner where the capacity of indoor emergency shelters and indoor emergency housing is insufficient to meet the projected needs identified under RCW 36.70A.070(2)(a)(ii).

(8) For purposes of this section, "emergency housing," "emergency shelter," "permanent supportive housing," and "transitional housing" have the same meaning as in RCW 36.70A.030.

Sec. 4. RCW 35A.21.430 and 2021 c 254 s 3 are each amended to read as follows:

(1)(a) A code city (~~(shall not prohibit transitional)~~) must allow:

(i) Transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed((-

Effective September 30, 2021, a code city shall not prohibit indoor)); and

(ii) Indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed(~~(, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii)).~~ Nothing in this subsection allows a county or city to limit indoor emergency shelters and indoor emergency housing in a manner where the capacity of indoor emergency shelters and indoor emergency housing is insufficient to meet the projected needs identified under RCW 36.70A.070(2)(a)(ii). A county or city must allow indoor emergency shelters and indoor emergency housing in additional types of zones when necessary to meet projected needs identified in RCW 36.70A.070(2)(a)(ii).

(b) A code city may not require transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters to be located in a zone within an area zoned for industrial use.

(2) Except as provided in subsections (5) through (7) of this section, a code city may not require through development regulations, ordinances, or legal agreements any development or operating standards, conditions, or requirements for transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters that are more restrictive than those required for other types of lodging or residential development within the same zone, but may apply any objective development regulations, including form-based codes, that are required for lodging or residential development including, but not limited to, density limits, dimensional standards, height restrictions, floor area ratio, setback, lot coverage, stormwater, clearing, and tree canopy and retention requirements.

1 (3) Except as provided in subsections (5) through (7) of this
2 section, a code city shall only apply the same development permit and
3 environmental review processes to transitional housing, permanent
4 supportive housing, indoor emergency shelters, and indoor emergency
5 housing that apply to other types of lodging or residential
6 development within the same zone, unless otherwise required by state
7 law including, but not limited to, shoreline regulations under
8 chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy
9 codes under chapter 19.27A RCW, or electrical codes under chapter
10 19.28 RCW.

11 (4) If applying design review for transitional housing, permanent
12 supportive housing, indoor emergency shelters, and indoor emergency
13 housing, only administrative design review may be required. For the
14 purposes of this subsection, "administrative design review" means a
15 development permit process whereby an application is reviewed,
16 approved, or denied by the planning director or the planning
17 director's designee based solely on objective design and development
18 standards without a public predecision hearing, unless such review is
19 otherwise required by state or federal law, or the structure is a
20 designated landmark or within a historic district established under a
21 local preservation ordinance. A city may approve requests for
22 variances from locally established design review standards.

23 (5)(a) For an indoor emergency shelter or indoor emergency
24 housing, a code city may require the sponsor or managing agency to
25 certify in writing that it has, between the date the permit
26 application was approved and the date the certificate of occupancy
27 was issued:

28 (i) Provided the name, if any, of the facility and the name and
29 headquarters address of the managing entity;

30 (ii) Provided a description of any other programs operating in
31 the building and copies of the applicable licenses and certifications
32 held by the program;

33 (iii) Notified residents within 500 feet of the indoor emergency
34 shelter or indoor emergency housing;

35 (iv) Conducted more than one community meeting;

36 (v) Designated at least one point of contact authorized to make
37 decisions and take corrective action in the case of an emergency, and
38 provided at least one telephone number to be used in emergencies; and

39 (vi) Provided documentation of the sponsor's or managing agency's
40 operational policies or procedures for:

1 (A) Promoting and addressing health and safety inside the
2 building and in areas immediately adjacent to the building;

3 (B) Admissions, including a description of the populations the
4 project will serve and potential sources of referral;

5 (C) Program exit or transfer;

6 (D) Handling complaints and grievances from occupants;

7 (E) Health, fire, safety, and occupancy; and

8 (F) Staffing to provide services and resources to the population
9 being served comparable to standard or customary practices for the
10 particular type of housing being provided. The staffing policy or
11 procedure may include, but is not limited to, the number of staff or
12 volunteers present during daytime and nighttime operations, staff or
13 volunteer training, and other processes to provide services and
14 resources to the populations being served.

15 (b) The written certification by the sponsor or managing entity
16 constitutes full compliance with (a) of this subsection (5). A code
17 city may not require the sponsor or managing agency to provide
18 additional certifications outside of what is allowed under (a) of
19 this subsection (5) or to repeat or revise any of the items in (a)(i)
20 through (vi) of this subsection (5). Nothing in this subsection (b)
21 prohibits the sponsor or managing agency from voluntarily updating
22 any of the information submitted under (a)(i) through (vi) of this
23 subsection (5).

24 (6) Nothing in this section requires a city to approve a permit
25 application for permanent supportive housing, transitional housing,
26 indoor emergency housing, or indoor emergency shelters that are
27 proposed in a critical area in which no lodging or residential
28 development is permitted, an area of natural hazards that generally
29 prohibit lodging or residential development, or on agricultural,
30 forest, or mineral lands of long-term commercial significance.

31 (7)(a) Upon receipt of a permit application for an indoor
32 emergency shelter or indoor emergency housing with a proposed
33 location within 500 feet of walking distance from another indoor
34 emergency shelter or other indoor emergency housing, or within 500
35 feet of walking distance from the physical grounds of a public school
36 as defined in RCW 28A.150.010 or a private school approved by the
37 board of education under chapter 28A.195 RCW that existed before an
38 indoor emergency shelter or indoor emergency housing is in operation
39 or has submitted a permit application, a code city may enter into
40 good faith negotiations with the sponsor of the indoor emergency

1 shelter or indoor emergency housing to establish additional and
2 reasonable requirements pertaining to health and safety protocols.

3 (b) If the parties are unable to come to an agreement under (a)
4 of this subsection (7) within 180 days of the permit being submitted,
5 the code city may deny the permit. If a permit is denied under this
6 subsection, the city must assist the sponsor in identifying suitable
7 properties to site the indoor emergency shelter or indoor emergency
8 housing.

9 (c) This subsection (7) does not apply to an indoor emergency
10 shelter or indoor emergency housing designated for individuals under
11 the age of 18, families, or victims of domestic violence.

12 (d) Nothing in this subsection (7) allows a code city to limit
13 indoor emergency shelters or indoor emergency housing in a manner
14 where the capacity of indoor emergency shelters and indoor emergency
15 housing is insufficient to meet the projected needs identified under
16 RCW 36.70A.070(2)(a)(ii).

17 (8) For purposes of this section, "emergency housing," "emergency
18 shelter," "permanent supportive housing," and "transitional housing"
19 have the same meaning as in RCW 36.70A.030.

20 **Sec. 5.** RCW 36.130.020 and 2008 c 118 s 3 are each amended to
21 read as follows:

22 (1) A city, county, or other local governmental entity or agency
23 may not adopt, impose, or enforce requirements on an affordable
24 housing development that are different than the requirements imposed
25 on housing developments generally.

26 (2) This section does not prohibit any city, county, or other
27 local governmental entity or agency from extending preferential
28 treatment to affordable housing developments intended for including,
29 but not limited to, occupancy by homeless persons, farmworkers,
30 persons with disabilities, senior citizens, or low-income households.
31 Preferential treatment may include, but is not limited to: A
32 reduction or waiver of fees or changes in applicable requirements
33 including, without limitation, architectural requirements, site
34 development requirements, property line requirements, building
35 setback requirements, or vehicle parking requirements; or other
36 treatment that reduces or is likely to reduce the development or
37 operating costs of an affordable housing development.

38 (3) A city, county, or other local governmental entity or agency
39 may impose and enforce income qualification, coordinated entry,

1 reporting, and monitoring requirements on affordable housing
2 developments as conditions of loans, grants, financial support, tax
3 benefits, subsidy funds, or sale or lease of public property, or as
4 conditions to eligibility for any affordable housing incentive
5 program under RCW 36.70A.540 or any other program involving bonus
6 density, transfer of development rights, waiver of development
7 regulations or fees, or other development incentives.

8 (4) (a) A county or city may enter into a contract with a sponsor
9 proposing transitional housing, permanent supportive housing, an
10 indoor emergency shelter, or indoor emergency housing to establish
11 additional and reasonable operational requirements pertaining to
12 health and safety protocols.

13 (b) Legal consideration for a contract entered into under this
14 subsection (4) on the part of the county or city must, at a minimum,
15 include:

16 (i) A donation of real property or a long-term lease of land at
17 least 50 years in length, to be used for the transitional housing,
18 permanent supportive housing, indoor emergency shelter, or indoor
19 emergency housing; or

20 (ii) A significant contribution from the general fund for capital
21 or operating expenses to be mutually determined by both parties.

22 (c) A county or city that unilaterally withdraws from or modifies
23 the consideration specified in (b) of this subsection (4) is in
24 material breach of the contract and the operational requirements
25 specified in the contract no longer apply to the transitional
26 housing, permanent supportive housing, indoor emergency shelter, or
27 indoor emergency housing.

28 (d) A county or city may not construe a sponsor's refusal to
29 accept contract terms pertaining to the consideration specified in
30 (b) of this subsection (4) as a failure to meet any of the
31 requirements of other fund sources available for the capital or
32 operational support, or of those otherwise allowed in RCW 35.21.683
33 or 35A.21.430 or section 2 of this act.

34 (e) Nothing in this subsection (4) requires a county or city to
35 enter into a contract under this subsection (4).

36 (f) For purposes of this subsection (4), "emergency housing,"
37 "emergency shelter," "permanent supportive housing," and
38 "transitional housing" have the same meanings as in RCW 36.70A.030.

1 **Sec. 6.** RCW 36.70A.030 and 2025 c 267 s 2 are each reenacted and
2 amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Active transportation" means forms of pedestrian mobility
6 including walking or running, the use of a mobility assistive device
7 such as a wheelchair, bicycling and cycling irrespective of the
8 number of wheels, and the use of small personal devices such as foot
9 scooters or skateboards. Active transportation includes both
10 traditional and electric assist bicycles and other devices. Planning
11 for active transportation must consider and address accommodation
12 pursuant to the Americans with disabilities act and the distinct
13 needs of each form of active transportation.

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

19 (3) "Administrative design review" means a development permit
20 process whereby an application is reviewed, approved, or denied by
21 the planning director or the planning director's designee based
22 solely on objective design and development standards without a public
23 predecision hearing, unless such review is otherwise required by
24 state or federal law, or the structure is a designated landmark or
25 historic district established under a local preservation ordinance. A
26 city may utilize public meetings, hearings, or voluntary review
27 boards to consider, recommend, or approve requests for variances from
28 locally established design review standards.

29 (4) "Adopt a comprehensive land use plan" means to enact a new
30 comprehensive land use plan or to update an existing comprehensive
31 land use plan.

32 (5) "Affordable housing" means, unless the context clearly
33 indicates otherwise, residential housing whose monthly costs,
34 including utilities other than telephone, do not exceed 30 percent of
35 the monthly income of a household whose income is:

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

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

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

(7) "Bus station area" means all lots that are:

(a) Fully within an urban growth area; and

(b) Fully or partially within one-quarter mile walking distance of a stop on a fixed route bus system that is designated as a bus rapid transit stop in the transit development plan as required in RCW 35.58.2795, for which an environmental determination has been issued as required under chapter 43.21C RCW, and that features fixed transit assets that indicate permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority.

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

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

(10) "Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(11) "Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court.

(12) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage

ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(13) "Department" means the department of commerce.

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

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

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

(17) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits.

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

1 (19) "Floor area ratio" means a measure of development intensity
2 equal to building square footage divided by the developable property
3 square footage. Developable property excludes public facilities and
4 portions of lots with critical areas and critical area buffers as
5 designated in RCW 36.70A.060, except for critical aquifer recharge
6 areas where a single-family detached house is an allowed use provided
7 that any requirements to maintain aquifer recharge are met.

8 (20) "Forestland" means land primarily devoted to growing trees
9 for long-term commercial timber production on land that can be
10 economically and practically managed for such production, including
11 Christmas trees subject to the excise tax imposed under RCW 84.33.100
12 through 84.33.140, and that has long-term commercial significance. In
13 determining whether forestland is primarily devoted to growing trees
14 for long-term commercial timber production on land that can be
15 economically and practically managed for such production, the
16 following factors shall be considered: (a) The proximity of the land
17 to urban, suburban, and rural settlements; (b) surrounding parcel
18 size and the compatibility and intensity of adjacent and nearby land
19 uses; (c) long-term local economic conditions that affect the ability
20 to manage for timber production; and (d) the availability of public
21 facilities and services conducive to conversion of forestland to
22 other uses.

23 (21) "Freight rail dependent uses" means buildings and other
24 infrastructure that are used in the fabrication, processing, storage,
25 and transport of goods where the use is dependent on and makes use of
26 an adjacent short line railroad. Such facilities are both urban and
27 rural development for purposes of this chapter. "Freight rail
28 dependent uses" does not include buildings and other infrastructure
29 that are used in the fabrication, processing, storage, and transport
30 of coal, liquefied natural gas, or "crude oil" as defined in RCW
31 90.56.010.

32 (22) "Geologically hazardous areas" means areas that because of
33 their susceptibility to erosion, sliding, earthquake, or other
34 geological events, are not suited to the siting of commercial,
35 residential, or industrial development consistent with public health
36 or safety concerns.

37 (23) "Green infrastructure" means a wide array of natural assets
38 and built structures within an urban growth area boundary, including
39 parks and other areas with protected tree canopy, and management
40 practices at multiple scales that manage wet weather and that

1 maintain and restore natural hydrology by storing, infiltrating,
2 evapotranspiring, and harvesting and using stormwater.

3 (24) "Green space" means an area of land, vegetated by natural
4 features such as grass, trees, or shrubs, within an urban context and
5 less than one acre in size that creates public value through one or
6 more of the following attributes:

- 7 (a) Is accessible to the public;
- 8 (b) Promotes physical and mental health of residents;
- 9 (c) Provides relief from the urban heat island effects;
- 10 (d) Promotes recreational and aesthetic values;
- 11 (e) Protects streams or water supply; or
- 12 (f) Preserves visual quality along highway, road, or street
13 corridors.

14 (25) "Long-term commercial significance" includes the growing
15 capacity, productivity, and soil composition of the land for long-
16 term commercial production, in consideration with the land's
17 proximity to population areas, and the possibility of more intense
18 uses of the land.

19 (26) "Low-income household" means a single person, family, or
20 unrelated persons living together whose adjusted income is at or
21 below 80 percent of the median household income adjusted for
22 household size, for the county where the household is located, as
23 reported by the United States department of housing and urban
24 development.

25 (27) "Major transit stop" means:

- 26 (a) A stop on a high capacity transportation system funded or
27 expanded under the provisions of chapter 81.104 RCW, except for any
28 stop that solely serves express bus service or serves express bus
29 service and other bus services not otherwise meeting the definition
30 of major transit stop;
- 31 (b) Commuter rail stops;
- 32 (c) Stops on rail or fixed guideway systems; or
- 33 (d) Stops on bus rapid transit routes, including those stops that
34 are under construction.

35 (28) "Middle housing" means buildings that are compatible in
36 scale, form, and character with single-family houses and contain two
37 or more attached, stacked, or clustered homes including duplexes,
38 triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked
39 flats, courtyard apartments, and cottage housing.

1 (29) "Minerals" include gravel, sand, and valuable metallic
2 substances.

3 (30) "Moderate-income household" means a single person, family,
4 or unrelated persons living together whose adjusted income is at or
5 below 120 percent of the median household income adjusted for
6 household size, for the county where the household is located, as
7 reported by the United States department of housing and urban
8 development.

9 (31) "Overburdened community" means a geographic area where
10 vulnerable populations face combined, multiple environmental harms
11 and health impacts, and includes, but is not limited to, highly
12 impacted communities as defined in RCW 19.405.020.

13 (32) "Per capita vehicle miles traveled" means the number of
14 miles traveled using cars and light trucks in a calendar year divided
15 by the number of residents in Washington. The calculation of this
16 value excludes vehicle miles driven conveying freight.

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

33 (34) "Public facilities" include streets, roads, highways,
34 sidewalks, street and road lighting systems, traffic signals,
35 domestic water systems, storm and sanitary sewer systems, parks and
36 recreational facilities, and schools.

37 (35) "Public services" include fire protection and suppression,
38 law enforcement, public health, education, recreation, environmental
39 protection, and other governmental services.

1 (36) "Rail station area" means all lots fully within an urban
2 growth area that are:

3 (a) Fully or partially within one-half mile walking distance of
4 an entrance to a train station with a stop on a light rail system, a
5 commuter rail stop in a city with a population greater than 15,000,
6 or a stop on a rail trolley operated west of the crest of the Cascade
7 mountains; or

8 (b) Fully or partially within one-quarter mile walking distance
9 of an entrance to a train station with a commuter rail stop in a city
10 with a population no greater than 15,000.

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

17 (38) "Rural character" refers to the patterns of land use and
18 development established by a county in the rural element of its
19 comprehensive plan:

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

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

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

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

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

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

32 (g) That are consistent with the protection of natural surface
33 water flows and groundwater and surface water recharge and discharge
34 areas.

35 (39) "Rural development" refers to development outside the urban
36 growth area and outside agricultural, forest, and mineral resource
37 lands designated pursuant to RCW 36.70A.170. Rural development can
38 consist of a variety of uses and residential densities, including
39 clustered residential development, at levels that are consistent with
40 the preservation of rural character and the requirements of the rural

1 element. Rural development does not refer to agriculture or forestry
2 activities that may be conducted in rural areas.

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

10 (41) "Short line railroad" means those railroad lines designated
11 class II or class III by the United States surface transportation
12 board.

13 (42) "Single-family zones" means those zones where single-family
14 detached housing is the predominant land use.

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

18 (44) "Station area" means a bus station area or a rail station
19 area.

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

23 (46) "Transitional housing" has the same meaning as in RCW
24 84.36.043.

25 (47) "Transportation system" means all infrastructure and
26 services for all forms of transportation within a geographical area,
27 irrespective of the responsible jurisdiction or transportation
28 provider.

29 ~~((47))~~ (48) "Urban governmental services" or "urban services"
30 include those public services and public facilities at an intensity
31 historically and typically provided in cities, specifically including
32 storm and sanitary sewer systems, domestic water systems, street
33 cleaning services, fire and police protection services, public
34 transit services, and other public utilities associated with urban
35 areas and normally not associated with rural areas.

36 ~~((48))~~ (49) "Urban growth" refers to growth that makes
37 intensive use of land for the location of buildings, structures, and
38 impermeable surfaces to such a degree as to be incompatible with the
39 primary use of land for the production of food, other agricultural
40 products, or fiber, or the extraction of mineral resources, rural

1 uses, rural development, and natural resource lands designated
2 pursuant to RCW 36.70A.170. A pattern of more intensive rural
3 development, as provided in RCW 36.70A.070(5)(d), is not urban
4 growth. When allowed to spread over wide areas, urban growth
5 typically requires urban governmental services. "Characterized by
6 urban growth" refers to land having urban growth located on it, or to
7 land located in relationship to an area with urban growth on it as to
8 be appropriate for urban growth.

9 ~~((49))~~ (50) "Urban growth areas" means those areas designated
10 by a county pursuant to RCW 36.70A.110.

11 ~~((50))~~ (51) "Very low-income household" means a single person,
12 family, or unrelated persons living together whose adjusted income is
13 at or below 50 percent of the median household income adjusted for
14 household size, for the county where the household is located, as
15 reported by the United States department of housing and urban
16 development.

17 ~~((51))~~ (52)(a) "Vulnerable populations" means population groups
18 that are more likely to be at higher risk for poor health outcomes in
19 response to environmental harms, due to: (i) Adverse socioeconomic
20 factors, such as unemployment, high housing and transportation costs
21 relative to income, limited access to nutritious food and adequate
22 health care, linguistic isolation, and other factors that negatively
23 affect health outcomes and increase vulnerability to the effects of
24 environmental harms; and (ii) sensitivity factors, such as low birth
25 weight and higher rates of hospitalization.

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

27 (i) Racial or ethnic minorities;

28 (ii) Low-income populations; and

29 (iii) Populations disproportionately impacted by environmental
30 harms.

31 ~~((52))~~ (53) "Wetland" or "wetlands" means areas that are
32 inundated or saturated by surface water or groundwater at a frequency
33 and duration sufficient to support, and that under normal
34 circumstances do support, a prevalence of vegetation typically
35 adapted for life in saturated soil conditions. Wetlands generally
36 include swamps, marshes, bogs, and similar areas. Wetlands do not
37 include those artificial wetlands intentionally created from
38 nonwetland sites, including, but not limited to, irrigation and
39 drainage ditches, grass-lined swales, canals, detention facilities,
40 wastewater treatment facilities, farm ponds, and landscape amenities,

1 or those wetlands created after July 1, 1990, that were
2 unintentionally created as a result of the construction of a road,
3 street, or highway. Wetlands may include those artificial wetlands
4 intentionally created from nonwetland areas created to mitigate
5 conversion of wetlands.

6 ~~((453))~~ (54) "Wildland urban interface" means the geographical
7 area where structures and other human development meets or
8 intermingles with wildland vegetative fuels.

9 NEW SECTION. **Sec. 7.** (1) A county or city subject to this act
10 shall adopt or amend by ordinance, and incorporate into its
11 development regulations, zoning regulations, and other official
12 controls, the requirements of this act within two years of the
13 effective date of this section or its next comprehensive plan update,
14 whichever occurs first. The requirements of this act supersede,
15 preempt, and invalidate any conflicting local regulations and apply
16 regardless of whether a county or city has incorporated the
17 requirements of this act into the county's or city's development
18 regulations, zoning regulations, and other official controls.

19 (2) This act does not apply to transitional housing, permanent
20 supportive housing, indoor emergency shelters, and indoor emergency
21 housing in operation on the effective date of this section. A county
22 or city may not deem transitional housing, permanent supportive
23 housing, indoor emergency shelters, and indoor emergency housing in
24 operation on the effective date of this section unlawful or
25 noncompliant due to the provisions of the act or due to ordinances,
26 regulations, or controls adopted or amended under subsection (1) of
27 this section.

Passed by the House March 9, 2026.

Passed by the Senate March 4, 2026.

Approved by the Governor March 27, 2026.

Filed in Office of Secretary of State March 31, 2026.

--- END ---

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2418

Chapter 235, Laws of 2026

69th Legislature
2026 Regular Session

PROJECT PERMITS—REVIEW PROCESS

EFFECTIVE DATE: June 11, 2026

Passed by the House March 11, 2026
Yeas 96 Nays 0

LAURIE JINKINS
**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2026
Yeas 49 Nays 0

DENNY HECK
President of the Senate

Approved March 27, 2026 11:28 AM

BOB FERGUSON
Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2418** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 31, 2026

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2418

AS AMENDED BY THE SENATE

Passed Legislature - 2026 Regular Session

State of Washington

69th Legislature

2026 Regular Session

By House Appropriations (originally sponsored by Representatives Duerr, Zahn, Parshley, Peterson, and Reed)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to permit review processes; amending RCW
2 36.70B.020, 36.70B.070, 36.70B.080, and 36.70B.060; reenacting and
3 amending RCW 36.70B.160; adding a new section to chapter 54.04 RCW;
4 adding a new section to chapter 43.21A RCW; adding a new section to
5 chapter 57.08 RCW; adding a new section to chapter 86.09 RCW; and
6 adding a new section to chapter 43.21C RCW.

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

8 **Sec. 1.** RCW 36.70B.020 and 2025 c 102 s 1 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Closed record appeal" means an administrative appeal on the
13 record to a local government body or officer, including the
14 legislative body, following an open record hearing on a project
15 permit application when the appeal is on the record with no or
16 limited new evidence or information allowed to be submitted and only
17 appeal argument allowed.

18 (2) "Development regulations" means the controls placed on
19 development or land use activities by a county or city including, but
20 not limited to, zoning ordinances, critical areas ordinances,
21 shoreline master programs, official controls, planned unit

1 development ordinances, subdivision ordinances, and binding site plan
2 ordinances together with any amendments thereto. A development
3 regulation does not include a decision to approve a project permit
4 application, even though the decision may be expressed in a
5 resolution or ordinance of the legislative body of the county or
6 city.

7 (3) "Local government" means a county, city, or town.

8 ~~((+3))~~ (4) "Open record hearing" means a hearing, conducted by a
9 single hearing body or officer authorized by the local government to
10 conduct such hearings, that creates the local government's record
11 through testimony and submission of evidence and information, under
12 procedures prescribed by the local government by ordinance or
13 resolution. An open record hearing may be held prior to a local
14 government's decision on a project permit to be known as an "open
15 record predecision hearing." An open record hearing may be held on an
16 appeal, to be known as an "open record appeal hearing," if no open
17 record predecision hearing has been held on the project permit.

18 ~~((+4))~~ (5)(a) "Project permit" or "project permit application"
19 means any land use or environmental permit or license required from a
20 local government for a project action, including but not limited to
21 subdivisions, binding site plans, planned unit developments,
22 conditional uses, shoreline substantial development permits, site
23 plan review, permits or approvals required by critical area
24 ordinances, site-specific rezones which do not require a
25 comprehensive plan amendment, but excluding the adoption or amendment
26 of a comprehensive plan, subarea plan, or development regulations
27 except as otherwise specifically included in this subsection.

28 (b) "Project permit" or "project permit application" does not
29 include ~~((building))~~ permits issued based on compliance with state
30 and local building codes, or a special purpose district's or public
31 utility district's determination of service availability, system
32 capacity, infrastructure requirements, or review of proposed water,
33 sewer, or stormwater civil plans.

34 ~~((+5))~~ (6) "Public meeting" means an informal meeting, hearing,
35 workshop, or other public gathering of people to obtain comments from
36 the public or other agencies on a proposed project permit prior to
37 the local government's decision. A public meeting may include, but is
38 not limited to, a design review or architectural control board
39 meeting, a special review district or community council meeting, or a
40 scoping meeting on a draft environmental impact statement. A public

meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

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

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

(b) The written determination must state either:

(i) That the application is procedurally complete; or

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

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

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

(2) A project permit application is procedurally complete for purposes of this section when it meets the procedural submission requirements of the local government, as outlined on the project permit application. A determination of procedural completeness is not a substantive review of the application and shall not be conditioned on the adequacy, accuracy, or sufficiency of the information submitted. Additional information or studies may be required or project modifications may be undertaken subsequent to the procedural review of the application by the local government. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur. However, if the procedural submission requirements, as outlined on the project permit application have been provided, the need for additional information or studies may not preclude a completeness determination.

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

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

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

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

6 (d) The notice of application pursuant to the requirements in RCW
7 36.70B.110.

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

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

21 (c) The notice of application shall be provided within 14 days
22 after the determination of procedural completeness pursuant to RCW
23 36.70B.110.

24 **Sec. 3.** RCW 36.70B.080 and 2025 c 208 s 5 are each amended to
25 read as follows:

26 (1)(a) Development regulations adopted pursuant to RCW 36.70A.040
27 must establish and implement time periods for local government
28 actions for each type of project permit application and provide
29 timely and predictable procedures to determine whether a completed
30 project permit application meets the requirements of those
31 development regulations. Except for modifications by a jurisdiction
32 provided for in (e) of this subsection, the time periods for local
33 government actions for each type of complete project permit
34 application or project type may not exceed those specified in this
35 section.

36 (b) For project permits submitted after January 1, 2025, the
37 development regulations must, for each type of permit application,
38 specify the contents of a completed project permit application

1 necessary for the complete compliance with the time periods and
2 procedures.

3 (c) A jurisdiction may exclude certain permit types and timelines
4 for processing project permit applications as provided for in RCW
5 36.70B.140.

6 (d) The time periods for local government action to issue a final
7 decision for each type of complete project permit application or
8 project type subject to this chapter should not exceed the following
9 time periods unless modified by the local government pursuant to this
10 section or RCW 36.70B.140:

11 (i) For project permits which do not require public notice under
12 RCW 36.70B.110, a local government must issue a final decision within
13 65 days of the determination of completeness under RCW 36.70B.070;

14 (ii) For project permits which require public notice under RCW
15 36.70B.110, a local government must issue a final decision within 100
16 days of the determination of completeness under RCW 36.70B.070; and

17 (iii) For project permits which require public notice under RCW
18 36.70B.110 and a public hearing, a local government must issue a
19 final decision within 170 days of the determination of completeness
20 under RCW 36.70B.070.

21 (e) A jurisdiction may modify the provisions in (d) of this
22 subsection to add permit types not identified, change the permit
23 names or types in each category, address how consolidated review time
24 periods may be different than permits submitted individually, and
25 provide for how projects of a certain size or type may be
26 differentiated, including by differentiating between permits that
27 include a residential land use as a principal use of the land and
28 permits that do not. Unless otherwise provided for the consolidated
29 review of more than one permit, the time period for a final decision
30 shall be the longest of the permit time periods identified in (d) of
31 this subsection or as amended by a local government.

32 (f) If a local government does not adopt an ordinance or
33 resolution modifying the provisions in (d) of this subsection, the
34 time periods in (d) of this subsection apply.

35 (g) The number of days an application is in review with the
36 county or city shall be calculated from the day completeness is
37 determined under RCW 36.70B.070 to the date a final decision is
38 issued on the project permit application. The number of days shall be
39 calculated by counting every calendar day and excluding the following
40 time periods:

1 (i) Any period between the day that the county or city has
2 notified the applicant, in writing, that additional information is
3 required to further process the application, an applicable fee must
4 be paid, or a required notice must be posted, and the day when
5 responsive information is resubmitted by the applicant, the fee is
6 paid, or the notice is posted;

7 (ii) Any period after an applicant informs the local government,
8 in writing, that they would like to temporarily suspend review of the
9 project permit application until the time that the applicant notifies
10 the local government, in writing, that they would like to resume the
11 application. A local government may set conditions for the temporary
12 suspension of a permit application; ~~((and))~~

13 (iii) Any period that the local government has completed all
14 possible work on the application but must wait for necessary action
15 by a government entity subject to subsection (2) or (3) of this
16 section;

17 (iv) Any period during which a draft or final environmental
18 impact statement is being prepared following a determination of
19 significance under chapter 43.21C RCW;

20 (v) Any period between issuance of a final decision and the
21 expiration of the applicable administrative appeal period; and

22 (vi) Any period after an administrative appeal is filed until the
23 administrative appeal is resolved and any additional time period
24 provided by the administrative appeal has expired.

25 (h) The time periods for a local government to process a permit
26 shall start over if an applicant proposes a change in use that adds
27 or removes commercial or residential elements from the original
28 application that would make the application fail to meet the
29 determination of procedural completeness for the new use, as required
30 by the local government under RCW 36.70B.070.

31 (i) If, at any time, an applicant informs the local government,
32 in writing, that the applicant would like to temporarily suspend the
33 review of the project for more than 60 days, or if an applicant is
34 not responsive for more than 60 consecutive days after the county or
35 city has notified the applicant, in writing, that additional
36 information is required to further process the application, an
37 additional 30 days may be added to the time periods for local
38 government action to issue a final decision for each type of project
39 permit that is subject to this chapter. Any written notice from the
40 local government to the applicant that additional information is

1 required to further process the application must include a notice
2 that nonresponsiveness for 60 consecutive days may result in 30 days
3 being added to the time for review. For the purposes of this
4 subsection, "nonresponsiveness" means that an applicant is not making
5 demonstrable progress on providing additional requested information
6 to the local government, or that there is no ongoing communication
7 from the applicant to the local government on the applicant's ability
8 or willingness to provide the additional information.

9 (j) Annual amendments to the comprehensive plan are not subject
10 to the requirements of this section.

11 (k) A county's or city's adoption of a resolution or ordinance to
12 implement this subsection shall not be subject to appeal under
13 chapter 36.70A RCW unless the resolution or ordinance modifies the
14 time periods provided in (d) of this subsection by providing for a
15 review period of more than 170 days for any project permit.

16 (l)(i) When permit time periods provided for in (d) of this
17 subsection, as may be amended by a local government, and as may be
18 extended as provided for in (i) of this subsection, are not met, a
19 portion of the permit fee must be refunded to the applicant as
20 provided in this subsection. A local government may provide for the
21 collection of only 80 percent of a permit fee initially, and for the
22 collection of the remaining balance if the permitting time periods
23 are met. The portion of the fee refunded for missing time periods
24 shall be:

25 (A) 10 percent if the final decision of the project permit
26 application was made after the applicable deadline but the period
27 from the passage of the deadline to the time of issuance of the final
28 decision did not exceed 20 percent of the original time period; or

29 (B) 20 percent if the period from the passage of the deadline to
30 the time of the issuance of the final decision exceeded 20 percent of
31 the original time period.

32 (ii) Except as provided in RCW 36.70B.160, the provisions in
33 (~~((1))~~) (1)(i) of this subsection are not applicable to (~~(cities~~
34 ~~and counties)~~) a local government which (~~(have)~~) has implemented at
35 least three of the options in RCW 36.70B.160(1) (a) through (j) at
36 the time an application is deemed procedurally complete.

37 (2)(a) Any government entity other than a local government,
38 special purpose district, or public utility district, that imposes a
39 fee on an applicant for review of a project permit application, or a
40 portion thereof, related to a residential project must complete its

1 review of the project permit application within the time periods
2 established in subsection (1)(d) of this section, unless the
3 applicant agrees in writing to waive the application of the time
4 period for review. Such a waiver may occur at any time prior to the
5 denial of the project permit application or the exhaustion of the
6 time period for review. If an applicant has agreed to waive the
7 application of the time period, then the provisions of this
8 subsection (2) do not apply to the review of the project permit
9 application.

10 (b) The time that a government entity has taken to review a
11 project permit application must be determined as provided for in
12 subsection (1)(g) of this section, and is exclusive of the time that
13 a local government or other entity has taken to conduct its review of
14 its portion of the project permit application.

15 (c) A government entity that does not complete its review within
16 the required time periods must refund or forgo 20 percent of the fee
17 that it collected or would have collected for its review. A
18 government entity that does not collect a fee for its review of a
19 portion of a project permit application is not required to provide
20 any refund under this section.

21 (3)(a) When a local government requires a special purpose
22 district's or public utility district's determination in order to
23 complete review of a residential project permit application including
24 approval of a preliminary plat or other land division, the review
25 must be conducted as provided for in this subsection (3).

26 (b)(i) A special purpose district's or public utility district's
27 review period begins when a local government provides a complete
28 referral to the district. A referral is complete if it includes civil
29 plans and supporting materials based on the district's adopted
30 engineering and design standards in effect on the date of the
31 referral, and when the referral includes all materials required to
32 constitute a complete application under the district's adopted
33 procedures.

34 (ii) Within 15 calendar days of receipt of the referral, the
35 district must notify the local government and applicant in writing if
36 the referral is incomplete and identify the additional information
37 required. If a referral is deemed incomplete, a district has an
38 additional 15 calendar days from the receipt of the requested
39 information to notify the local government and applicant in writing
40 if the referral is still incomplete and identify the additional

1 information required. If the district does not provide notice within
2 15 calendar days of the initial referral or of the submission of
3 additional information, the referral is deemed complete for purposes
4 of this section.

5 (c)(i) For routine infrastructure extensions or connections that
6 do not require specialized engineering analysis or external
7 regulatory approval, the district shall issue its written technical
8 determination in the form of written comments within 45 business days
9 of its receipt of a complete referral. A written response may
10 include:

11 (A) Confirmation of consistency with adopted engineering and
12 design standards;

13 (B) Identification of revisions required to achieve compliance;

14 (C) Conditions of service or infrastructure improvements
15 authorized by law; or

16 (D) Identification of capacity, regulatory, or system limitations
17 that preclude approval.

18 (ii) When a proposal involves complex infrastructure or requires
19 specialized engineering review, regulatory coordination, or third-
20 party technical consultation, the time review period for completing
21 the review or issuing a decision may be extended by up to 60 business
22 days over the time period provided for in (c)(i) of this subsection.
23 If a time period is extended in this way, the district must provide
24 written notice to the local government and applicant identifying the
25 basis for extended review and an estimated time frame for completion.
26 No review period may exceed a total of more than 120 calendar days,
27 exclusive of any excluded periods provided for in (d) of this
28 subsection. Complex infrastructure includes, but is not limited to:

29 (A) Sewage lift stations or pump stations;

30 (B) Mechanical, electrical, hydraulic, or supervisory control and
31 data acquisition systems;

32 (C) Directional drilling, boring, or installation within state or
33 county rights-of-way;

34 (D) Construction of new off-site capital facilities that are not
35 existing or previously approved for construction and that are
36 required to provide system capacity beyond a direct connection to
37 existing infrastructure;

38 (E) System-wide hydraulic or capacity modeling;

39 (F) Projects requiring specialty engineering consultation; and

1 (G) Projects in critical aquifer protection areas, where
2 additional assessment is required.

3 (d)(i) The time periods that a district has been reviewing an
4 application under (c) of this subsection may not include any period
5 in which the district is awaiting:

6 (A) Approval or other authorization from a state or federal
7 agency;

8 (B) Right-of-way permits from the state or a local government;

9 (C) Franchise utility coordination or relocation approval;

10 (D) Final land use conditions, site layout decisions, or building
11 design necessary to complete engineering review; or

12 (E) Any other approvals required by state or federal law that are
13 outside the authority of the district.

14 (ii) The review period also does not include any period in which
15 the district is awaiting revisions from the applicant in response to
16 written review comments from the district. The period excluded under
17 this subsection begins on the date the written comments are
18 transmitted to the applicant and ends on the date the district
19 receives revised materials that are responsive to those comments.
20 After an initial period is excluded under this subsection, subsequent
21 excluded periods are limited to those related to review comments
22 arising from revised materials and may not reopen issues previously
23 resolved unless required for public health, safety, or regulatory
24 compliance.

25 (iii) Nothing in this subsection (3) limits the authority of a
26 district to issue additional comments if revised materials introduce
27 new deficiencies or design changes.

28 (e)(i) If a district does not provide written comments within the
29 time periods established in (c) of this subsection, exclusive of any
30 periods excluded under (d) of this subsection, the district must
31 refund or forgo 20 percent of the fee that it collected or would have
32 collected for its review of the application.

33 (ii) Only that portion of the fee attributable to civil plan or
34 infrastructure review under this section is subject to a refund.

35 (iii) A district's failure to complete review within the
36 applicable time period does not constitute approval of service.

37 (f) Nothing in this subsection (3):

38 (i) Expands or limits the substantive authority of a special
39 purpose district or public utility district;

1 (ii) Authorizes the imposition of requirements not otherwise
2 authorized by law;

3 (iii) Creates a cause of action for damages; or

4 (iv) Requires provision of service that cannot be safely or
5 legally delivered.

6 (g) Districts subject to this section shall provide review
7 performance information to a local government that referred the
8 residential project permit application to the district if the local
9 government is required to create a performance report under
10 subsection (4) of this section. The information must include:

11 (i) The date the referral was received;

12 (ii) The date the referral was deemed complete;

13 (iii) Whether the referral was for an application eligible for an
14 extension of the initial time period as provided for in (c)(ii) of
15 this subsection;

16 (iv) The date that written comments were issued; and

17 (v) Whether a refund was issued under (e) of this subsection.

18 (4)(a) Counties subject to the requirements of RCW 36.70A.215 and
19 the cities within those counties that have populations of at least
20 20,000 must, for each type of permit application, identify the total
21 number of project permit applications for which decisions are issued
22 according to the provisions of this chapter. For each type of project
23 permit application identified, these counties and cities must
24 establish and implement a deadline for issuing a notice of final
25 decision as required by subsection (1) of this section and minimum
26 requirements for applications to be deemed complete under RCW
27 36.70B.070 as required by subsection (1) of this section.

28 (b) Counties and cities subject to the requirements of this
29 subsection also must prepare an annual performance report that
30 includes information outlining time periods for certain permit types
31 associated with housing. The report must provide:

32 (i) Permit time periods for certain permit processes in the
33 county or city in relation to those established under this section,
34 including whether the county or city has established shorter time
35 periods than those provided in this section;

36 (ii) The total number of decisions issued during the year for the
37 following permit types: Preliminary subdivisions, final subdivisions,
38 binding site plans, permit processes associated with the approval of
39 multifamily housing, and construction plan review for each of these
40 permit types when submitted separately;

1 (iii) The total number of decisions for each permit type which
2 included consolidated project permit review, such as concurrent
3 review of a rezone or construction plans;

4 (iv) The average number of days from a submittal to a decision
5 being issued for the project permit types listed in (~~subsection~~
6 ~~(2)(b)(ii) of this section [(b)(ii) of this subsection]~~) (b)(ii) of
7 this subsection. This shall be calculated from the day completeness
8 is determined under RCW 36.70B.070 to the date a decision is issued
9 on the application. The number of days shall be calculated by
10 counting every calendar day;

11 (v) The total number of days each project permit application of a
12 type listed in (~~subsection (2)(b)(ii) of this section [(b)(ii) of~~
13 ~~this subsection]~~) (b)(ii) of this subsection was in review with the
14 county or city. This shall be calculated from the day completeness is
15 determined under RCW 36.70B.070 to the date a final decision is
16 issued on the application. The number of days shall be calculated by
17 counting every calendar day. The days the application is in review
18 with the county or city does not include the time periods in
19 subsection (1)(g)(i) through (iii) of this section;

20 (vi) The total number of days that were excluded from the time
21 period calculation under subsection (1)(g)(i) through (iii) of this
22 section for each project permit application of a type listed in
23 (~~subsection (2)(b)(ii) of this section [(b)(ii) of this~~
24 ~~subsection]~~) (b)(ii) of this subsection; and

25 (vii) Any information received from a special purpose district or
26 public utility district under subsection (3)(g) of this section.

27 (c) Counties and cities subject to the requirements of this
28 subsection must:

29 (i) Post the annual performance report through the county's or
30 city's website; and

31 (ii) Submit the annual performance report to the department of
32 commerce by March 1st each year.

33 (d) No later than July 1st each year, the department of commerce
34 shall publish a report which includes the annual performance report
35 data for each county and city subject to the requirements of this
36 subsection and a list of those counties and cities whose time periods
37 are shorter than those provided for in this section.

38 The annual report must also include key metrics and findings from
39 the information collected.

1 (e) The initial annual report required under this subsection must
2 be submitted to the department of commerce by March 1, 2025, and must
3 include information from permitting in 2024.

4 ~~((+3+))~~ (5) Nothing in this section prohibits a county or city
5 from extending a deadline for issuing a decision for a specific
6 project permit application for any reasonable and certain period of
7 time specified and mutually agreed upon in writing by the applicant
8 and the local government. If an applicant has agreed to extend the
9 deadline for issuing a decision on a specific project permit
10 application, then the provisions of subsection (1) of this section do
11 not apply to the review of the project permit application. Such an
12 extension may occur at any time prior to the denial of the project
13 permit application or the exhaustion of the time period for review.
14 No local government may require or request an extension of an
15 applicable deadline for issuance of a decision for a specific project
16 permit application as a condition or an option at initial submission
17 of a project permit application.

18 **Sec. 4.** RCW 36.70B.060 and 1995 c 347 s 407 are each amended to
19 read as follows:

20 Not later than ~~((March 31, 1996))~~ June 30, 2027, each local
21 government planning under RCW 36.70A.040 shall establish by ordinance
22 or resolution an integrated and consolidated project permit process
23 that may be included in its development regulations. In addition to
24 the elements required by RCW 36.70B.050, the process shall include
25 the following elements:

26 (1) A determination of completeness to the applicant as required
27 by RCW 36.70B.070;

28 (2)(a) The designation of a permit responsible official for
29 project permit applications related to a residential project. This
30 official has the authority to make all final administrative decisions
31 on project permit applications related to residential projects
32 consistent with the procedural requirements of this chapter. If a
33 local government is also the lead agency responsible for the
34 environmental analysis and procedural requirements under chapter
35 43.21C RCW for the residential project, then the permit responsible
36 official must be designated as the responsible official under that
37 chapter.

38 (b) The local government shall designate, for each project permit
39 application, a single point of contact, which may be a designated

official, position, office, or functional unit of the local government and may be identified by a publicly available telephone number or electronic mail address for purposes of applicant communication. The designation may vary by application. The designated official, position, office, or functional unit must coordinate with other departments and with other agencies or government entities with permit review responsibilities as necessary to ensure that a final decision on project permit applications is issued within the applicable timeline under RCW 36.70B.080. The designation of a single point of contact does not confer independent final decision-making authority unless otherwise provided under local ordinance;

(3) A notice of application to the public and agencies with jurisdiction as required by RCW 36.70B.110;

~~((+3))~~ (4) Except as provided in RCW 36.70B.140, an optional consolidated project permit review process as provided in RCW 36.70B.120. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;

~~((+4))~~ (5) Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of RCW ~~((36.70B.090 and))~~ 36.70B.110;

~~((+5))~~ (6) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination;

~~((+6))~~ (7) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or

1 project permit decisions, the local government shall provide for no
2 more than one consolidated open record hearing on such appeal. The
3 local government need not provide for any further appeal and may
4 provide an appeal for some but not all project permit decisions. If
5 an appeal is provided after the open record hearing, it shall be a
6 closed record appeal before a single decision-making body or officer;

7 ~~((7))~~ (8) A notice of decision as required by RCW 36.70B.130
8 and issued within the time period provided in RCW 36.70B.080 ~~((and~~
9 ~~36.70B.090;~~

10 ~~(8) Completion of project review by the local government,~~
11 ~~including environmental review and public review and any appeals to~~
12 ~~the local government, within any applicable time periods under RCW~~
13 ~~36.70B.090)); and~~

14 (9) Any other provisions not inconsistent with the requirements
15 of this chapter or chapter 43.21C RCW.

16 **Sec. 5.** RCW 36.70B.160 and 2023 c 338 s 8 and 2023 c 333 s 2 are
17 each reenacted and amended to read as follows:

18 (1) Each local government is encouraged to adopt further project
19 review and code provisions to provide prompt, coordinated, and
20 objective review and ensure accountability to applicants and the
21 public by:

22 (a) Expediting review for project permit applications for
23 projects that are consistent with adopted development regulations or
24 that include dwelling units that are affordable to low-income or
25 moderate-income households;

26 (b) Imposing reasonable fees, consistent with RCW 82.02.020, on
27 applicants for permits or other governmental approvals to cover the
28 cost to the city, town, county, or other municipal corporation of
29 processing applications, inspecting and reviewing plans, or preparing
30 detailed statements required by chapter 43.21C RCW. The fees imposed
31 may not include a fee for the cost of processing administrative
32 appeals. Nothing in this subsection limits the ability of a county or
33 city to impose a fee for the processing of administrative appeals as
34 otherwise authorized by law;

35 (c) Entering into an interlocal agreement with another
36 jurisdiction to share permitting staff and resources;

37 (d) Maintaining and budgeting for on-call permitting assistance
38 for when permit volumes or staffing levels change rapidly;

1 (e) Having new positions budgeted that are contingent on
2 increased permit revenue;

3 (f) Adopting development regulations which only require public
4 hearings for permit applications that are required to have a public
5 hearing by statute;

6 (g) Adopting development regulations which make preapplication
7 meetings optional rather than a requirement of permit application
8 submittal;

9 (h) Adopting development regulations which make housing types an
10 outright permitted use in all zones where the housing type is
11 permitted;

12 (i) Adopting a program to allow for outside professionals with
13 appropriate professional licenses to certify components of
14 applications consistent with their license; or

15 (j) Meeting with the applicant to attempt to resolve outstanding
16 issues during the review process. The meeting must be scheduled
17 within 14 days of a second request for corrections during permit
18 review. If the meeting cannot resolve the issues and a local
19 government proceeds with a third request for additional information
20 or corrections, the local government must approve or deny the
21 application upon receiving the additional information or corrections.

22 (2)(a) After January 1, 2026, a county or city must adopt
23 additional measures under subsection (1) of this section at the time
24 of its next comprehensive plan update under RCW 36.70A.130 if it
25 meets the following conditions:

26 (i) The county or city has adopted at least three project review
27 and code provisions under subsection (1) of this section more than
28 five years prior; and

29 (ii) The county or city is not meeting the permitting deadlines
30 established in RCW 36.70B.080 at least half of the time over the
31 period since its most recent comprehensive plan update under RCW
32 36.70A.130.

33 (b) A city or county that is required to adopt new measures under
34 (a) of this subsection but fails to do so becomes subject to the
35 provisions of RCW 36.70B.080(1)(1), notwithstanding RCW
36 36.70B.080(1)(1)(ii).

37 (3) Nothing in this chapter is intended or shall be construed to
38 prevent a local government from requiring a preapplication conference
39 or a public meeting by rule, ordinance, or resolution, where
40 otherwise required by applicable state law.

1 (4) Each local government shall adopt procedures to monitor and
2 enforce permit decisions and conditions.

3 (5) Nothing in this chapter modifies any independent statutory
4 authority for a government agency to appeal a project permit issued
5 by a local government.

6 (6) For the purposes of this section:

7 (a) A dwelling unit is affordable if it requires payment of
8 monthly housing costs, including utilities other than telephone, of
9 no more than 30 percent of the family's income.

10 (b) "Dwelling unit" means a residential living unit that provides
11 complete independent living facilities for one or more persons and
12 that includes permanent provisions for living, sleeping, eating,
13 cooking, and sanitation, and that is sold or rented separately from
14 other dwelling units.

15 (c) "Low-income household" means a single person, family, or
16 unrelated persons living together whose adjusted income is less than
17 80 percent of the median family income, adjusted for household size,
18 for the county where the household is located, as reported by the
19 United States department of housing and urban development, or less
20 than 80 percent of the city's median income if the project is located
21 in the city, the city has median income of more than 20 percent above
22 the county median income, and the city has adopted an alternative
23 local median income.

24 (d) "Moderate-income household" means a single person, family, or
25 unrelated persons living together whose adjusted income is at or
26 below 120 percent of the median household income, adjusted for
27 household size, for the county where the household is located, as
28 reported by the United States department of housing and urban
29 development, or less than 120 percent of the city's median income if
30 the project is located in the city, the city has median income of
31 more than 20 percent above the county median income, and the city has
32 adopted an alternative local median income.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 54.04
34 RCW to read as follows:

35 (1) Whenever a public utility district imposes a fee on an
36 applicant for the review of a project permit application related to a
37 residential project, the district must complete its review within the
38 time frames provided for in RCW 36.70B.080(3).

(2) If a public utility district does not complete its review within the required time frame, it must refund or forgo 20 percent of the fee that it charged, or would have charged, the applicant for the review. A district that does not collect a fee for its review of a portion of a project permit application is not required to provide any refund under this section.

(3) For the purposes of this section, "project permit" has the same meaning as in RCW 36.70B.020.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.21A RCW to read as follows:

(1) Whenever the department imposes a fee on an applicant for the review of a project permit application related to a residential project, the department must complete its review within the time frames provided for a local government to issue a final decision in RCW 36.70B.080(1)(d). The time that a project permit application has been under review must be calculated from the date that the department receives the information necessary for it to begin its review until the department has issued its final decision, and excludes any time period that would be excluded from the calculation of the time that a local government has been reviewing an application under RCW 36.70B.080(1)(g).

(2) If the department does not complete its review within the required time frame, it must refund or forgo 20 percent of the fee that it charged, or would have charged, the applicant for the review. If the department does not collect a fee for its review of a portion of a project permit application, it is not required to provide any refund under this section.

(3) For the purposes of this section, "project permit" has the same meaning as in RCW 36.70B.020.

NEW SECTION. **Sec. 8.** A new section is added to chapter 57.08 RCW to read as follows:

(1) Whenever a district imposes a fee on an applicant for the review of a project permit application related to a residential project, the district must complete its review within the time frames provided for in RCW 36.70B.080(3).

(2) If a district does not complete its review within the required time frame, it must refund or forgo 20 percent of the fee that it charged, or would have charged, the applicant for the review.

1 A district that does not collect a fee for its review of a portion of
2 a project permit application is not required to provide any refund
3 under this section.

4 (3) For the purposes of this section, "project permit" has the
5 same meaning as in RCW 36.70B.020.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 86.09
7 RCW to read as follows:

8 (1) Whenever a district imposes a fee on an applicant for the
9 review of a project permit application related to a residential
10 project, the district must complete its review within the time frames
11 provided for in RCW 36.70B.080(3).

12 (2) If a district does not complete its review within the
13 required time frame, it must refund or forgo 20 percent of the fee
14 that it charged, or would have charged, the applicant for the review.
15 A district that does not collect a fee for its review of a portion of
16 a project permit application is not required to provide any refund
17 under this section.

18 (3) For the purposes of this section, "project permit" has the
19 same meaning as in RCW 36.70B.020.

20 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.21C
21 RCW to read as follows:

22 If a county, city, or town has designated a permit responsible
23 official under RCW 36.70B.060 on a residential project permit
24 application, that official must also be designated as the responsible
25 official when the county, city, or town is the lead agency
26 responsible for complying with the requirements of this chapter
27 related to the application for the residential project.

Passed by the House March 11, 2026.

Passed by the Senate March 4, 2026.

Approved by the Governor March 27, 2026.

Filed in Office of Secretary of State March 31, 2026.

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CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1859

Chapter 2, Laws of 2026

69th Legislature
2026 Regular Session

AFFORDABLE HOUSING DEVELOPMENT—PROPERTIES OWNED BY RELIGIOUS
ORGANIZATIONS

EFFECTIVE DATE: June 11, 2026

Passed by the House February 11, 2026
Yeas 94 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 28,
2026
Yeas 48 Nays 1

DENNY HECK

President of the Senate

Approved March 9, 2026 9:10 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1859** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 10, 2026

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1859

Passed Legislature - 2026 Regular Session

State of Washington

69th Legislature

2026 Regular Session

By House Finance (originally sponsored by Representatives Salahuddin, Peterson, Doglio, Parshley, Dufault, Leavitt, Reed, Gregerson, Nance, Street, Obras, Ormsby, Hill, Timmons, Duerr, and Callan)

READ FIRST TIME 02/03/26.

1 AN ACT Relating to expanding opportunities for affordable housing
2 developments on properties owned by religious organizations; and
3 amending RCW 35.63.280, 35A.63.300, and 36.70A.545.

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

5 **Sec. 1.** RCW 35.63.280 and 2019 c 218 s 1 are each amended to
6 read as follows:

7 (1) A city planning under this chapter must allow an increased
8 density bonus consistent with local needs for any affordable housing
9 development of any single-family or multifamily residence located on
10 real property owned or controlled by a religious organization
11 provided that:

12 (a) ~~((The))~~ (i) At least 50 percent of the affordable housing
13 development is set aside for or occupied exclusively by low-income
14 households; or

15 (ii) At least 20 percent of the affordable housing development is
16 set aside for or occupied exclusively by very low-income households;

17 (b) The affordable housing development is part of a lease or
18 other binding obligation that requires ~~((the development to be used~~
19 ~~exclusively for affordable housing purposes))~~ the affordability
20 requirements and other conditions in this subsection (1) to be

1 maintained for at least (~~(fifty)~~) 50 years, even if the religious
2 organization no longer owns the property; and

3 (c) The affordable housing development does not discriminate
4 against any person who qualifies as a member of a low-income
5 household based on race, creed, color, national origin, sex, veteran
6 or military status, sexual orientation, or mental or physical
7 disability; or otherwise act in violation of the federal fair housing
8 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

9 (2) A city (~~(may)~~) must develop policies to implement this
10 section if it receives a request from a religious organization for an
11 increased density bonus for an affordable housing development. A city
12 may establish policies to require an affordable housing development
13 to set aside more residential dwelling units for low-income or very
14 low-income households than is required under subsection (1) of this
15 section to qualify for the increased density bonus.

16 (3) The religious organization or an entity leasing the property
17 for the purpose of developing the affordable housing development must
18 pay all fees, mitigation costs, and other charges required through
19 the development of the affordable housing development.

20 (4) If applicable, the religious organization developing the
21 affordable housing development should work with the local transit
22 agency to ensure appropriate transit services are provided to the
23 affordable housing development.

24 (5) This section applies to any religious organization
25 rehabilitating an existing affordable housing development.

26 (6) For purposes of this section:

27 (a) "Affordable housing development" means a proposed or existing
28 structure in which (~~(one hundred)~~) 50 percent of all single-family or
29 multifamily residential dwelling units within the development are set
30 aside for or are occupied by low-income households (~~(at a sales price~~
31 ~~or rent amount that may not exceed thirty percent of the income limit~~
32 ~~for the low-income housing unit))~~ or 20 percent of all single-family
33 or multifamily residential dwelling units within the development are
34 set aside for or occupied by very low-income households, whose
35 monthly housing costs, including utilities other than telephone, do
36 not exceed 30 percent of the household's monthly income;

37 (b) "Low-income household" means a single person, family, or
38 unrelated persons living together whose adjusted income is (~~(less~~
39 ~~than eighty)~~) at or below 80 percent of the median family income,
40 adjusted for household size, for the county where the affordable

1 housing development is located, as reported by the United States
2 department of housing and urban development; ((and))

3 (c) "Religious organization" has the same meaning as in RCW
4 35.21.915; and

5 (d) "Very low-income household" means a single person, family, or
6 unrelated persons living together whose adjusted income is at or
7 below 50 percent of the median family income, adjusted for household
8 size, for the county where the affordable housing development is
9 located, as reported by the United States department of housing and
10 urban development.

11 **Sec. 2.** RCW 35A.63.300 and 2019 c 218 s 2 are each amended to
12 read as follows:

13 (1) A city planning under this chapter must allow an increased
14 density bonus consistent with local needs for any affordable housing
15 development of any single-family or multifamily residence located on
16 real property owned or controlled by a religious organization
17 provided that:

18 (a) ~~((The))~~ (i) At least 50 percent of the affordable housing
19 development is set aside for or occupied exclusively by low-income
20 households; or

21 (ii) At least 20 percent of the affordable housing development is
22 set aside for or occupied exclusively by very low-income households;

23 (b) The affordable housing development is part of a lease or
24 other binding obligation that requires ~~((the development to be used~~
25 ~~exclusively for affordable housing purposes))~~ the affordability
26 requirements and other conditions in this subsection (1) to be
27 maintained for at least ~~((fifty))~~ 50 years, even if the religious
28 organization no longer owns the property; and

29 (c) The affordable housing development does not discriminate
30 against any person who qualifies as a member of a low-income
31 household based on race, creed, color, national origin, sex, veteran
32 or military status, sexual orientation, or mental or physical
33 disability; or otherwise act in violation of the federal fair housing
34 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

35 (2) A city ~~((may))~~ must develop policies to implement this
36 section if it receives a request from a religious organization for an
37 increased density bonus for an affordable housing development. A city
38 may establish policies to require an affordable housing development
39 to set aside more residential dwelling units for low-income or very

1 low-income households than is required under subsection (1) of this
2 section to qualify for the increased density bonus.

3 (3) The religious organization or an entity leasing the property
4 for the purpose of developing the affordable housing development must
5 pay all fees, mitigation costs, and other charges required through
6 the development of the affordable housing development.

7 (4) If applicable, the religious organization developing the
8 affordable housing development should work with the local transit
9 agency to ensure appropriate transit services are provided to the
10 affordable housing development.

11 (5) This section applies to any religious organization
12 rehabilitating an existing affordable housing development.

13 (6) For purposes of this section:

14 (a) "Affordable housing development" means a proposed or existing
15 structure in which (~~(one hundred)~~) 50 percent of all single-family or
16 multifamily residential dwelling units within the development are set
17 aside for or are occupied by low-income households ((at a sales price
18 or rent amount that may not exceed thirty percent of the income limit
19 for the low-income housing unit)) or 20 percent of all single-family
20 or multifamily residential dwelling units within the development are
21 set aside for or occupied by very low-income households, whose
22 monthly housing costs, including utilities other than telephone, do
23 not exceed 30 percent of the household's monthly income;

24 (b) "Low-income household" means a single person, family, or
25 unrelated persons living together whose adjusted income is (~~(less~~
26 ~~than eighty)~~) at or below 80 percent of the median family income,
27 adjusted for household size, for the county where the affordable
28 housing development is located, as reported by the United States
29 department of housing and urban development; ((and))

30 (c) "Religious organization" has the same meaning as in RCW
31 35A.21.360; and

32 (d) "Very low-income household" means a single person, family, or
33 unrelated persons living together whose adjusted income is at or
34 below 50 percent of the median family income, adjusted for household
35 size, for the county where the affordable housing development is
36 located, as reported by the United States department of housing and
37 urban development.

38 **Sec. 3.** RCW 36.70A.545 and 2019 c 218 s 3 are each amended to
39 read as follows:

1 (1) Any city or county fully planning under this chapter must
2 allow an increased density bonus consistent with local needs for any
3 affordable housing development of any single-family or multifamily
4 residence located on real property owned or controlled by a religious
5 organization provided that:

6 (a) ~~((The))~~ (i) At least 50 percent of the affordable housing
7 development is set aside for or occupied exclusively by low-income
8 households; or

9 (ii) At least 20 percent of the affordable housing development is
10 set aside for or occupied exclusively by very low-income households;

11 (b) The affordable housing development is part of a lease or
12 other binding obligation that requires ~~((the development to be used~~
13 ~~exclusively for affordable housing purposes))~~ the affordability
14 requirements and other conditions in this subsection (1) to be
15 maintained for at least ~~((fifty))~~ 50 years, even if the religious
16 organization no longer owns the property; and

17 (c) The affordable housing development does not discriminate
18 against any person who qualifies as a member of a low-income
19 household based on race, creed, color, national origin, sex, veteran
20 or military status, sexual orientation, or mental or physical
21 disability; or otherwise act in violation of the federal fair housing
22 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

23 (2) A city or county ~~((may))~~ must develop policies to implement
24 this section if it receives a request from a religious organization
25 for an increased density bonus for an affordable housing development.
26 A city or county may establish policies to require an affordable
27 housing development to set aside more residential dwelling units for
28 low-income or very low-income households than is required under
29 subsection (1) of this section to qualify for the increased density
30 bonus.

31 (3) An affordable housing development created by a religious
32 institution within a city or county fully planning under RCW
33 36.70A.040 must be located within an urban growth area as defined in
34 RCW 36.70A.110.

35 (4) The religious organization or an entity leasing the property
36 for the purpose of developing the affordable housing development must
37 pay all fees, mitigation costs, and other charges required through
38 the development of the affordable housing development.

39 (5) If applicable, the religious organization developing the
40 affordable housing development should work with the local transit

1 agency to ensure appropriate transit services are provided to the
2 affordable housing development.

3 (6) This section applies to any religious organization
4 rehabilitating an existing affordable housing development.

5 (7) For purposes of this section:

6 (a) "Affordable housing development" means a proposed or existing
7 structure in which (~~one hundred~~) 50 percent of all single-family or
8 multifamily residential dwelling units within the development are set
9 aside for or are occupied by low-income households (~~at a sales price~~
10 ~~or rent amount that may not exceed thirty percent of the income limit~~
11 ~~for the low-income housing unit~~) or 20 percent of all single-family
12 or multifamily residential dwelling units within the development are
13 set aside for or occupied by very low-income households, whose
14 monthly housing costs, including utilities other than telephone, do
15 not exceed 30 percent of the household's monthly income;

16 (b) "Low-income household" means a single person, family, or
17 unrelated persons living together whose adjusted income is (~~less~~
18 ~~than eighty~~) at or below 80 percent of the median family income,
19 adjusted for household size, for the county where the affordable
20 housing development is located, as reported by the United States
21 department of housing and urban development; (~~and~~)

22 (c) "Religious organization" has the same meaning as in RCW
23 36.01.290; and

24 (d) "Very low-income household" means a single person, family, or
25 unrelated persons living together whose adjusted income is at or
26 below 50 percent of the median family income, adjusted for household
27 size, for the county where the affordable housing development is
28 located, as reported by the United States department of housing and
29 urban development.

Passed by the House February 11, 2026.

Passed by the Senate February 28, 2026.

Approved by the Governor March 9, 2026.

Filed in Office of Secretary of State March 10, 2026.

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Potential Code Amendments for Increased Efficiency

1. **Clarify Definitions for Common Terms** – Providing short, objective definitions for frequently used terms like “minor modification,” “similar use,” or “substantial change”, helps eliminate confusion during project review. When these terms are vague, staff must interpret them on a case-by-case basis, which can lead to inconsistent decisions and longer processing times. Clear definitions also help applicants understand expectations upfront. For example, if “minor modification” is defined as a footprint shift under a certain number of feet, applicants can design accordingly without guessing.
2. **Expand Administrative Approval for Minor Site Plan Revisions** - Allowing staff to approve small site plan adjustments, such as shifting a building a few feet to avoid a utility line or slightly adjusting parking counts, can prevent unnecessary formal revisions. Today, even minor tweaks may trigger a resubmittal or hearing, slowing projects and increasing staff workload. By establishing objective thresholds (e.g., “parking changes under five spaces”), the City can ensure fairness and legal defensibility. This approach keeps the focus on meaningful impacts rather than procedural hurdles.
3. **Create a Pre-Approved Landscaping Plant List** - A citywide list of approved, climate-appropriate plants gives applicants a straightforward way to meet landscaping requirements. If a developer selects only from the list, staff can skip detailed plant-by-plant review, saving time for both sides. This also promotes environmental consistency. For example, drought-tolerant species or native plants that support stormwater goals can be prioritized. Many cities use similar lists to encourage sustainable landscaping without adding review complexity.
4. **Allow Administrative Deviations for Landscaping Quantities** - Sometimes site constraints like existing trees, steep slopes, or utility easements make it difficult to meet landscaping quantities exactly. Allowing staff to approve small deviations (10–15%) avoids forcing applicants into a variance process for minor issues.
These administrative deviations would still be tied to the intent of the landscaping standards, ensuring that overall project impacts remain the same. For example, if a site is short a few shrubs due to a utility conflict, staff could approve the deviation without a full resubmittal.
5. **Further Simplify and Standardize Parking Requirements** - Converting narrative parking rules into simple tables makes requirements easier to understand and apply. Instead of interpreting paragraphs of text, applicants and staff can quickly reference ratios and exemptions in a clear format.
Some of this work was completed with the Middle Housing Ordinance in 2025 but there are still opportunities to improve this section of the Municipal Code. This work may reduce back-and-forth communication and helps ensure consistent application of standards.

6. **Reduce the Number of Uses Requiring a Conditional Use Permit** - Some uses that currently require a Conditional Use Permit (CUP) are low-impact, routine, or already compatible with the surrounding zoning. Reclassifying these uses as permitted or permitted-with-standards can significantly reduce unnecessary hearings and discretionary review. This approach keeps the focus on uses that warrant additional scrutiny while streamlining the process for everyday activities.

A clear example is the requirement for a CUP for a barber shop in the Downtown Mixed-Use district. Barber shops are small, neighborhood-serving businesses with predictable impacts, like other personal services that are already allowed outright in other districts. Requiring a full CUP hearing for such a use adds time, cost, and uncertainty. For a prospective business owner, the need to prepare application materials, pay fees, and wait for a public hearing can create a barrier that discourages entrepreneurship, especially for small or first-time operators.

By shifting these low-impact uses into a permitted category, the city can support economic development while still applying performance-based standards to ensure compatibility. This change is fully consistent with Washington law, as CUPs are a local policy choice rather than a state mandate. The result is a more predictable, business-friendly code that maintains appropriate safeguards without imposing unnecessary procedural hurdles.

7. **Create Objective Design Standards with Graphics** - Replacing subjective design language (e.g., “buildings should be visually interesting”) with measurable standards, such as specific façade articulation depths or minimum window percentages, reduces ambiguity. Graphics and diagrams help applicants understand expectations visually.

Objective standards shorten review time because staff can quickly verify compliance. They also reduce disagreements about interpretation and align with Washington’s emphasis on predictable, measurable design criteria.

8. **Consolidate Redundant Review Steps in Site Plan Approval** – A consolidated review process would allow applicants to submit one coordinated package for all overlapping reviews, building, design, landscaping, SEPA, and general development standards. Staff would then conduct a unified evaluation rather than multiple separate ones. This reduces internal coordination time, avoids repetitive comments, and provides applicants with a clearer, more predictable path through the review system.

This approach maintains full regulatory rigor while improving efficiency. Instead of navigating several parallel review tracks, applicants receive a single set of consolidated comments and a single approval decision.

An additional consideration is establishing a defined shelf-life for site plan approval. Once a project receives consolidated approval, it is effectively vested to the standards under which it was reviewed. Without a time limit, an applicant could shelve the project for years, well beyond the expiration periods for Building Permits or Land Disturbing Activity Permits yet still retain vested rights. Setting a reasonable duration for site plan validity ensures fairness, keeps projects

aligned with current regulations, and prevents outdated standards from remaining in effect indefinitely.

9. **Establish a Tiered Review Path for Conditional Use Permits** - Creating a “Minor CUP” category allows low-impact uses to be approved administratively with public notice but without a hearing. Examples might include small community facilities or low-intensity commercial uses. This tiered approach shortens timelines and reduces costs for applicants while still meeting procedural requirements. It also frees staff and the Hearing Examiner to focus on more complex or controversial proposals.