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**SENATE BILL 5729**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Gildon, Dozier, and Fortunato

AN ACT Relating to encouraging construction of affordable housing by streamlining the permitting process; amending RCW 36.70B.030, 36.70B.050, and 36.70B.140; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that there is a housing crisis in Washington state. There is a need to expedite the permit approval process. Permitting buildings is one area that has been identified as a hindrance to increasing the number of housing units. The legislature finds that streamlining processing of building permits is a powerful way to combat the lack of housing in this state.

**Sec.**  RCW 36.70B.030 and 1995 c 347 s 404 are each amended to read as follows:

(1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted comprehensive plan, under RCW 36.70B.040 shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in RCW 36.70B.110.

(4) Pursuant to RCW 43.21C.240, a local government may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

(5) Nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

(6) Any building permit applications submitted with plans, computations, or specifications prepared, stamped, and signed by a professional engineer or architect meeting the requirements under subsection (7) of this section, licensed under the laws of the state of Washington, in the specific discipline as appropriate, is deemed complete by the city or county building department with authority under RCW 19.27.050. The department may review the application for general compliance with the zoning or other land use control ordinances in effect and may not impose substantial modifications or conditions on submittals prepared, stamped, and signed by a licensed architect, landscape architect, soils engineer, civil engineer, structural engineer, or combination thereof.

(7) The professional engineer or architect must maintain professional liability errors and omissions insurance in an amount of not less than $1,000,000 executed by an insurer authorized to do business in Washington state.

(8) Subsections (1) through (4) of this section apply only to local governments planning under RCW 36.70A.040.

**Sec.**  RCW 36.70B.050 and 1995 c 347 s 406 are each amended to read as follows:

(1) Not later than March 31, 1996, each local government shall provide by ordinance or resolution for review of project permit applications to achieve the following objectives:

((~~(1)~~)) (a) Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and

((~~(2)~~)) (b) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, provide for no more than one open record hearing and one closed record appeal.

(2) A project permit application that is consistent with adopted development regulations and within the capacity of system-wide infrastructure improvement is deemed approved following three reviews or requests for additional information by the local government unless clear violation of substantive and procedural requirements is demonstrated by the reviewing local government.

**Sec.**  RCW 36.70B.140 and 2023 c 338 s 1 are each amended to read as follows:

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

(3) A local government must exclude project permits for interior alterations from site plan review, provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(4) A local government, by ordinance or resolution, must exclude the following project permits from the provisions of chapter 36.70B RCW:

(a) The expansion or remodeling of existing buildings, structures, or development provided:

(i) The alterations do not modify the existing site layout; or

(ii) The expansion or remodeling of existing buildings, structures, or development is located in a critical area or in cases where two or more duplexes will be built on the same lot;

(b) The project involves no exterior work adding to the building footprint;

(c) The door or window adjustments or replacements are allowed with no site plan needed; and

(d) Total additions and alterations and detached accessory structures are less than 2,000 square feet in area without new vehicular access.

(5) Nothing in this section exempts interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.

((~~(5)~~)) (6) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

**--- END ---**