

# Local Governments Determination on Permits

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# Report on local governments taking longer than 90 days to make a final determination on permits

Washington [State Law](#) requires that, to the greatest extent practicable, a city, town, code city, or county must make a final determination on all permits required for a project on a state highway as defined in RCW [46.04.560](#) no later than ninety days after the Washington State Department of Transportation's (WSDOT) submission of a complete permit application for a project with an estimated cost of less than five hundred million dollars.

This report was prepared pursuant to [RCW 47.01.485](#), requiring WSDOT to annually report to the Governor and the transportation committees of the legislature on any permit applications subject to the above-stated statutory requirements.

The timeframe for this report is for permit application packages submitted or in process between October 3, 2024, and October 2, 2025. Within this timeframe, four WSDOT permit submittals took local jurisdictions more than 90 days to process (see Table 1 for details). The four subject permits were located within WSDOT's Northwest and Olympic Regions.

**Table 1: Project permit reviews that took more than 90 days to process**

Project name	Project cost (millions)	Local jurisdiction	Permit type	Calendar days to process permit	Why did it take over 90 days?
I-90 et al. SR 202, SR 203 & SR 900 Adaptive Management	\$1.7	City of Woodinville	Floodplain Development	160	City provided comments requiring revisions 114 days after application was determined complete. City review of hydraulic modeling submittal was conducted by an outside consultant, which may have contributed to the permit issuance delay.
SR 167, I-5 to SR 509 – New Expressway (Stage 1b)	\$375	City of Tacoma	Critical Areas	143	City's permit review process and associated notice procedures contributed to the delay.
SR 202 MP 11.96 Evans Creek Fish Passage Project	\$12.6	King County	Floodplain Development	700+	Early coordination between WSDOT and the County occurred prior to application

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					submittal. Following the County's recommendation, WSDOT applied for Floodplain Development Permit Variance and provided additional documentation upon request. After more than 400 days and repeated WSDOT attempts to obtain substantive feedback from the County on the submittals, WSDOT informed the County of its intent and reasoning to advertise the project without obtaining the Permit Variance. <sup>1</sup>
SR 104 Lyon Creek Fish Passage Project	\$8.7	City of Lake Forest Park	Sewer/Demolition/Right-of-Way	168	Delay occurred due to challenges at City in determining appropriate review process for the FHEP project. WSDOT submitted applications to facilitate coordination; however, the City's limited familiarity with the FHEP process contributed to extended review timelines.

<sup>1</sup> WSDOT maintains that the fish passage barrier correction project poses no risk to health, safety, or insurable structures and is legally obligated to complete it by 2030 pursuant to the US v. Washington Culvert Injunction. The County recognizes the project as a beneficial fish passage habitat restoration effort but has stated that, under current county code, it cannot issue a permit or variance for any rise in flood elevation and has provided no timeline for a code update to authorize the project.

Should you have any questions, or need further information, please contact Ahmer Nizam, Environmental Services Office Director, at 360-705-7480 or ahmer.nizam@wsdot.wa.gov.