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**ESSB 5466** - H AMD TO H AMD (H-1915.2/23) **690**

By Representative Pollet

**NOT CONSIDERED 01/02/2024**

 On page 15, after line 13 of the striking amendment, insert the following:

 "NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

 (1) A city may apply to the department for, and the department may certify, an extension of the implementation timelines established under section 6 of this act for specific areas where a city can demonstrate that water, sewer, stormwater, other utility, or fire protection services lack capacity to accommodate the density required in section 6 of this act, and the city has:

 (a) Included one or more improvements, as needed, within its capital facilities plan to adequately increase capacity; or

 (b) Identified which special district is responsible for providing the necessary infrastructure if the infrastructure is provided by a special purpose district.

 (2) Any extension granted for a specific area pursuant to RCW 36.70A.--- (section 7, chapter... (Engrossed Second Substitute House Bill 1110), Laws of 2023) due to a lack of infrastructure capacity applies under this act to any portion of a station area that overlaps with that specific area granted an extension.

 (3) The department may certify for extension only those portions of station areas that lack infrastructure capacity. The department may not certify for extension more than 25 percent of the combined developable property square footage of all station areas within a city.

 (4) An extension granted under this section remains in effect until the earliest of:

 (a) The infrastructure is improved to accommodate the capacity;

 (b) The city's deadline to complete its next periodic comprehensive plan update under RCW 36.70A.130; or

 (c) The city's deadline to complete its implementation progress report to the department as required under RCW 36.70A.130(9).

 (5) A city that has received an extension under this section may reapply for any needed extension with its next periodic comprehensive plan update under RCW 36.70A.130 or its implementation progress report to the department under RCW 36.70A.130(9). The application for an additional extension must include a list of infrastructure improvements necessary to meet the capacity required in section 6 of this act. Such additional extension must only be to address infrastructure deficiency that a city is not reasonably able to address within the first extension.

 (6) The department may establish by rule any standards or procedures necessary to implement this section.

 (7) The department must provide the legislature with a list of projects identified in a city's capital facilities plan that were the basis for the extension under this section, including planning level estimates. Additionally, the city must contact special purpose districts to identify additional projects associated with extensions under this section.

 (8) A city granted an extension for a specific area must allow development as provided under section 6 of this act if the developer commits to providing the necessary water, sewer, stormwater, or other utility infrastructure.

 (9) No city shall approve a building permit for housing under section 6 of this act without compliance with the adequate water supply requirements of RCW 19.27.097."

 Renumber the remaining sections consecutively and correct any internal references accordingly.

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|  |  EFFECT: Allows cities to apply to the Department of Commerce (Commerce) for an extension in implementing transit-oriented development densities in specific areas where a city can demonstrate that water, sewer, stormwater, other utility, or fire protection services lack capacity to accommodate the density and specific requirements are met. Specifies that Commerce may only certify for extension those portions of station areas that lack infrastructure capacity and may not certify more than 25 percent of the combined developable property square footage of all station areas within a city. Prohibits Commerce from certifying for extension more than 25 percent of the developable property square footage within any station area. Specifies that an extension granted remains in effect until the earlier of the infrastructure is approved to accommodate the request, the city's next comprehensive plan update, or the city's five-year implementation progress report. Allows a city to apply for an additional extension if it was not reasonably able to address the infrastructure deficiency within the first extension. Requires a city to allow the transit-oriented development if the developer commits to providing the necessary infrastructure. |

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