

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

By Representative Pollet

**NOT CONSIDERED 01/02/2024**

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

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

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

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

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

16 (2) Any extension granted for a specific area pursuant to RCW  
17 36.70A.--- (section 7, chapter... (Engrossed Second Substitute House  
18 Bill 1110), Laws of 2023) due to a lack of infrastructure capacity  
19 applies under this act to any portion of a station area that  
20 overlaps with that specific area granted an extension.

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

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

- 1 (a) The infrastructure is improved to accommodate the capacity;
- 2 (b) The city's deadline to complete its next periodic  
3 comprehensive plan update under RCW 36.70A.130; or
- 4 (c) The city's deadline to complete its implementation progress  
5 report to the department as required under RCW 36.70A.130(9).
- 6 (5) A city that has received an extension under this section may  
7 reapply for any needed extension with its next periodic  
8 comprehensive plan update under RCW 36.70A.130 or its implementation  
9 progress report to the department under RCW 36.70A.130(9). The  
10 application for an additional extension must include a list of  
11 infrastructure improvements necessary to meet the capacity required  
12 in section 6 of this act. Such additional extension must only be to  
13 address infrastructure deficiency that a city is not reasonably able  
14 to address within the first extension.
- 15 (6) The department may establish by rule any standards or  
16 procedures necessary to implement this section.
- 17 (7) The department must provide the legislature with a list of  
18 projects identified in a city's capital facilities plan that were  
19 the basis for the extension under this section, including planning  
20 level estimates. Additionally, the city must contact special purpose  
21 districts to identify additional projects associated with extensions  
22 under this section.
- 23 (8) A city granted an extension for a specific area must allow  
24 development as provided under section 6 of this act if the developer  
25 commits to providing the necessary water, sewer, stormwater, or  
26 other utility infrastructure.
- 27 (9) No city shall approve a building permit for housing under  
28 section 6 of this act without compliance with the adequate water  
29 supply requirements of RCW 19.27.097."

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31 Renumber the remaining sections consecutively and correct any  
32 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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