S-1318.2

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**SUBSTITUTE SENATE BILL 5446**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Energy, Environment & Telecommunications (originally sponsored by Senators Hobbs, Liias, Mullet, Litzow, Pedersen, Fain, Frockt, McAuliffe, Benton, Chase, and Jayapal; by request of Governor Inslee)

AN ACT Relating to requiring incentives for electric vehicle readiness in buildings; amending RCW 35.63.126, 35.63.127, 35A.63.107, 36.70.695, and 36.70A.695; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that the development of electric vehicle infrastructure is a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, and spurring electric vehicle usage across the state. Limited driving distance between battery charges is a fundamental disadvantage and obstacle to broad consumer adoption of vehicles powered by electricity. To eliminate this fundamental disadvantage and dramatically increase consumer usage of electric vehicles, it is essential that an infrastructure of convenient electric vehicle charging opportunities be developed. It is the intent of the legislature with this act to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such a transition necessitates.

**Sec.**  RCW 35.63.126 and 2009 c 459 s 9 are each amended to read as follows:

(1) ((~~By July 1, 2010, the development regulations of any jurisdiction:~~

~~(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or~~

~~(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or~~

~~(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;~~

~~planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.~~

~~(2) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) The development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow noncommercial electric vehicle infrastructure as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(3) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) (2) The development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(4)~~)) (3) Cities are authorized to adopt incentive programs to encourage the fitting of new structures and the retrofitting of existing structures with the rapid charging station electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

((~~(5)~~)) (4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

((~~(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.~~))

**Sec.**  RCW 35.63.127 and 2009 c 459 s 13 are each amended to read as follows:

(1) ((~~By July 1, 2010, the development regulations of any jurisdiction with a population over six hundred thousand or with a state capitol within its borders planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.~~

~~(2) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) The development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow noncommercial electric vehicle infrastructure as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(3) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) (2) The development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(4)~~)) (3) Counties are authorized to adopt incentive programs to encourage the fitting of new structures and the retrofitting of existing structures with the rapid charging station electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

((~~(5)~~)) (4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

((~~(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.~~))

**Sec.**  RCW 35A.63.107 and 2009 c 459 s 10 are each amended to read as follows:

(1) ((~~By July 1, 2010, the development regulations of any jurisdiction:~~

~~(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or~~

~~(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or~~

~~(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;~~

~~planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.~~

~~(2) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) The development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow noncommercial electric vehicle infrastructure as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(3) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) (2) The development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(4)~~)) (3) Cities are authorized to adopt incentive programs to encourage the fitting of new structures and the retrofitting of existing structures with the rapid charging station electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

((~~(5)~~)) (4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

((~~(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.~~))

**Sec.**  RCW 36.70.695 and 2009 c 459 s 11 are each amended to read as follows:

(1) ((~~By July 1, 2010, the development regulations of any jurisdiction with a population over six hundred thousand or with a state capitol within its borders planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.~~

~~(2) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) The development regulations of any jurisdiction planning under this chapter must allow noncommercial electric vehicle infrastructure as a use in all areas, including areas zoned for multifamily residences, within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(3) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) (2) The development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(4)~~)) (3) Counties are authorized to adopt incentive programs to encourage the fitting of new structures and the retrofitting of existing structures with the rapid charging station electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

((~~(5)~~)) (4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

((~~(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.~~))

**Sec.**  RCW 36.70A.695 and 2009 c 459 s 12 are each amended to read as follows:

(1) ((~~By July 1, 2010, the development regulations of any jurisdiction:~~

~~(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or~~

~~(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or~~

~~(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;~~

~~planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.~~

~~(2) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) The development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow noncommercial electric vehicle infrastructure as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(3) By July 1, 2011, or six months after the distribution required under RCW 43.31.970 occurs, whichever is later,~~)) (2) The development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas, including areas zoned for multifamily residences, except those areas zoned for ((~~residential or~~)) resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

((~~(4)~~)) (3) Cities are authorized to adopt incentive programs to encourage the fitting of new structures and the retrofitting of existing structures with the rapid charging station electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

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(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

((~~(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.~~))

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