

# HOUSE BILL REPORT

## HB 1929

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to requiring incentives for electric vehicle readiness in buildings.

**Brief Description:** Requiring incentives for electric vehicle readiness in buildings.

**Sponsors:** Representatives Fitzgibbon, Stanford and McBride; by request of Governor Inslee.

**Brief History:**

**Committee Activity:**

Local Government: 2/11/15, 2/19/15 [DPS].

**Brief Summary of Substitute Bill**

- Requires cities with planning commissions, code cities planning under specific planning authorities, and counties and cities planning under the Growth Management Act (GMA) to, if they are adjacent to certain highways, allow electric vehicle infrastructure as a use in all areas except critical areas and natural resource lands.
- Requires cities with planning commissions, code cities planning under specific planning authorities, and counties and cities planning under the GMA to allow battery charging stations as a use in all areas, except critical areas and natural resource lands.
- Requires cities with planning commissions, code cities planning under specific planning authorities, and cities planning under the GMA to adopt incentive programs to encourage the fitting of new structures and the retrofitting of existing structures with rapid charging station electrical outlets capable of charging electric vehicles.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Takko, Chair; Gregerson, Vice Chair; Fitzgibbon, McBride and Peterson.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin and Pike.

**Staff:** Ethan Moreno (786-7386).

**Background:**

Local Government Planning Frameworks.

Numerous planning frameworks and provisions have been adopted by the Legislature to authorize, guide, and direct planning actions of counties, cities, and towns of different classifications.

For example, legislation adopted in 1935 allows counties and cities to appoint planning commissions (commissions) to prepare coordinated plans for the physical development of the jurisdiction. If deemed reasonably necessary, or requisite in the interest of health, safety, morals, and the general welfare, a city or county legislative body may, by recommendation of a commission, regulate land uses by adopting a comprehensive plan of land uses, establishing restrictive zones, and adopting development regulations to implement the plan.

Additionally, cities operating under the Optional Municipal Code (code cities), have specific planning and zoning authorities established in statute. These code city provisions, in part, authorize the creation of planning agencies, and the development of comprehensive plans for anticipating and influencing the orderly and coordinated development of the city and its environs.

Lastly, the Growth Management Act (GMA) is Washington's most significant and broad-reaching planning scheme for counties and cities. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 29 counties and the cities within that are obligated by mandate or choice to satisfy all planning requirements of the GMA.

Electric Vehicles: Adopted Legislation of 2009.

Legislation adopted in 2009 (*i.e.*, Second Substitute House Bill 1481, enacted as Chapter 459, Laws of 2009 (2SHB 1481)) established numerous provisions related to electric vehicles, including regional planning provisions, tax exemptions, directives for the State Building Code Council, and fuel requirements for vehicles owned by the state and local government subdivisions of the state.

Local Government Requirements.

The 2009 legislation also included specific planning requirements for certain counties and cities. For example, the development regulations of qualifying jurisdictions with commissions were required by July 1, 2010, to allow electric vehicle infrastructure as a use in all areas, except those zoned for residential use, resource use, or critical areas. This city-oriented allowable-use provision, which was conditioned upon receipt of related federal funding by February 1, 2010, applied to:

- jurisdictions adjacent to Interstate 5, Interstate 90, Interstate 405, or State Route 520, with a population over 20,000 and that are located in a county with a population over 1.5 million; and
- jurisdictions adjacent to Interstate 5 that are located in a county with either more than 600,000 persons or a state capitol within its borders.

Similarly, the development regulations of any qualifying jurisdiction with a population exceeding 600,000 persons or with a state capitol within its borders were required by July 1, 2010, to allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or State Route 520. Areas that are zoned for residential use, resource use, or critical areas are exempted from this county-oriented planning requirement. This allowable-use provision was also conditioned upon receipt of related federal funding by February 1, 2010.

In accordance with 2SHB 1481, effective July 1, 2011, or six months after the distribution of a model ordinance on siting and installing electric vehicle infrastructure that was required of the Department of Commerce (Commerce), whichever was later, the development regulations of any jurisdiction with a commission and that is adjacent to Interstate 5, Interstate 90, Interstate 405, or State Route 520 must, except as provided otherwise, allow electric vehicle infrastructure as a use in all areas. A similar provision requires that, with limited exceptions, all jurisdictions with commissions allow battery charging stations as a use in all areas. Areas that are zoned for residential use, resource use, or critical areas are exempted from the electric vehicle infrastructure and battery charging stations requirements for development regulations.

#### Authorization for County and City Incentives Programs.

The 2009 legislation granted counties and cities the authority to adopt incentive programs to encourage the retrofitting of existing structures with electrical outlets capable of charging electric vehicles. These incentives could include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas designated in accordance with the GMA.

#### Definitions Associated with Electric Vehicles.

The 2009 legislation also defined terms related to electric vehicles, including:

- "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;
- "battery charging stations" means, in part, an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles; and
- "rapid charging station" means an industrial grade electrical outlet that, in accordance with specified standards, allows for faster recharging of electric vehicle batteries through higher power levels.

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#### **Summary of Substitute Bill:**

### Modified Development Regulation Requirements for Electric Vehicles.

Provisions requiring cities that meet specific location and population criteria to, by July 1, 2010, allow electric vehicle infrastructure as a use in all areas, except those zoned for residential or resource use, or critical areas, are repealed. The repealed provisions applied to cities with planning commissions, code cities planning under certain statutory authorities, and cities planning under the Growth Management Act (GMA).

Cities with planning commissions, code cities planning under certain planning authorities, and counties and cities planning under the GMA must, if they are adjacent to Interstate 5, Interstate 90, Interstate 405, or State Route 520, allow electric vehicle infrastructure as a use in all areas except critical areas and natural resource lands designated in accordance with the GMA.

Cities with planning commissions, code cities planning under specific planning authorities, and counties and cities planning under the GMA must allow battery charging stations as a use in all areas except designated critical areas and natural resource lands.

Provisions conditioning requirements related to allowing electric vehicle infrastructure and battery charging stations in most areas upon the receipt of federal funds by February 1, 2010, are deleted.

### Modified Incentive Program Requirements, Mandatory Provisions.

Cities with planning commissions, code cities planning under specific planning authorities, and cities planning under the GMA must, rather than may, adopt incentive programs related to electric vehicles. The programs must encourage the fitting of new structures and the retrofitting of existing structures with rapid charging station electrical outlets capable of charging electric vehicles.

### **Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes to the original bill:

- removes all provisions in the underlying bill;
- inserts provisions specifying that cities with planning commissions, code cities planning under certain planning authorities, and counties and cities planning under the Growth Management Act (GMA) must, if they are adjacent to specified highways, allow electric vehicle infrastructure as a use in all areas, except critical areas and natural resource lands designated under the GMA;
- specifies that cities with planning commissions, code cities planning under certain planning authorities, and counties and cities planning under the GMA must allow battery charging stations as a use in all areas, except critical areas and natural resource lands designated under the GMA;
- requires cities with planning commissions, code cities planning under certain planning authorities, and cities planning under the GMA 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;
- modifies intent section language; and

- makes numerous technical changes, including changing references for "resource use or critical areas" to "natural resource lands and critical areas designated in accordance with [a specific requirement of the GMA]."
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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) There are a number of bills before the Legislature that are intended to promote the use of electric vehicles—vehicles powered by electricity. Electricity is clean and plentiful in Washington. Electric vehicles hold a lot of promise as we look for ways to reduce household energy costs and pollutions. The biggest barrier for electric vehicle use is a lack of certainty regarding places to plug the vehicles into. This bill will promote the adoption of electric vehicle technology. It builds on legislation from a few years ago to allow individuals to install charging stations, and seeks to remove local barriers to promoting this technology.

There is work to do on the structure of the bill, its interplay with local codes, and achieving the intended outcome, but this bill can go a long way toward opening up the freedom to use an electric car in a four-county region.

The Governor has proposed a suite of electric vehicle incentive bills that will help clean our air, grow jobs, and reduce dependence on foreign oil by making it cheaper and easier to have an electric vehicle. The bill requires certain urban counties and cities to adopt incentive programs to encourage the fitting of new structures and the retrofitting of existing structures with rapid charging stations for electric vehicles. This bill is trying to solve the garage orphan phenomena: condominium and apartment residents that are great candidates for electric vehicle ownership, but who find owning an electric vehicle impractical because of limited places at home to plug the vehicles into. This bill helps make charging at home available to a whole segment of the population who would love to have an electric vehicle. There are some suggestions from staff and stakeholders for improving the bill, and the Governor's Office is open to those suggestions.

Some households have been able to achieve costs savings from electric vehicles. Early adopters of the electric vehicle technology have mostly been single family homeowners with garages, but it has been more challenging to apply the technology to condominiums and apartments because of property rights, assessments, and retro-fit concerns. Stakeholders appreciate efforts of the Governor and lawmakers to adopt tools to make electric vehicle infrastructure options more available. The rapid charging provisions in the bill could be improved with an amendment that would make the bill focus less on rapid charging issues and more on all three charging levels.

The Department of Transportation supports this bill and its incentive provisions. Widespread use of electric vehicles requires a broad infrastructure. Electric vehicles will be more widely used with city and county incentives. If a charging infrastructure is at work, employees are 20 times more likely to have electric vehicles. The state will benefit from having electric vehicle-ready buildings.

(Other) As written, the bill would seem to require charging stations for commercial uses across all zones, and would require cities to offer electric vehicles incentives, including height and zoning bonuses for electric charging stations. Cities would like to retain their ability to choose which positive activities to incentive in their communities.

(With concerns) This bill is a mandate for counties and cities. The financial situation of counties is made more difficult when they are required to comply with additional mandates.

(Opposed) None.

**Persons Testifying:** (In support) Representative Fitzgibbon, prime sponsor; Charles Knutson, Governor's Office; JJ McCoy, Seattle Electric Vehicle Association; and Tonia Buell, Washington State Department of Transportation.

(Other) Carl Schroeder, Association of Washington Cities.

(With concerns) Josh Weiss, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** None.