

Section 1. Model Ordinance

Regarding Electric Vehicle Infrastructure and Batteries

Purpose of this Section. This section provides ordinance language that jurisdictions may utilize for their adopting ordinances. The language from the model ordinance can be used unchanged or modified to suit local government needs. The model ordinance includes “Whereas” findings for both “fully planning” and “partially planning” jurisdictions.

Proposed Ordinance No. _____

Revisions to Title *[Insert List of Amended Titles]* for the Purpose of Compliance with *[Insert RCW Sections Applicable to Jurisdiction]* and the Development of Electric Vehicle Infrastructure.

Comment: See Appendix A for list of RCWs affected under HB 1481.

“Whereas” text for jurisdictions to use in their adopting ordinances is suggested in the language shown below. Local governments may also choose to add language from the following original bill finding:

“The legislature finds the development of electric vehicle infrastructure to be a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, reducing our reliance on foreign fuels, and reducing the pollution of Puget Sound attributable to the operation of petroleum-based vehicles on streets and highways. Limited driving distance between battery charges is a fundamental disadvantage and obstacle to broad consumer adoption of vehicles powered by electricity. In order to eliminate this fundamental disadvantage and dramatically increase consumer acceptance and usage of electric vehicles, it is essential that an infrastructure of convenient electric vehicle charging opportunities be developed. The purpose of this act is 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. The state’s success in encouraging this transition will serve as an economic stimulus to the creation of short-term and long-term jobs as the entire automobile industry and its associated direct and indirect jobs transform over time from combustion to electric vehicles.”

Whereas, During the 2009 session the Washington State Legislature passed House Bill 1481 (HB 1481), an Act relating to electric vehicles. The Bill addressed electric vehicle infrastructure including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Whereas, The purpose of HB 1481 is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient and cost-effective electric vehicle infrastructure that such a transition necessitates. The Legislature agreed that the development of a convenient infrastructure to recharge electric vehicles is essential to increase consumer acceptance of these vehicles. The State’s success in encouraging this transition will serve as an economic stimulus to the creation of short-term and long-term jobs as the entire automobile industry and its associated direct and indirect jobs transform over time from combustion to electric vehicles.

- Whereas,** Greenhouse gas emissions related to transportation constitute more than fifty percent of all greenhouse gas emissions in the State of Washington.
- Whereas,** The use of electricity from the Northwest as a transportation fuel instead of petroleum fuels results in significant reductions in the emissions of pollutants, including greenhouse gases, and reduces the reliance of the state on imported sources of energy for transportation.
- Whereas,** With the potential emerging market for plug-in electric vehicles, new industry standards have been adopted to ensure universal compatibility between vehicle manufacturers. Broad-based installation of new universally compatible charging stations is intended to ensure that plug-in electric vehicles will be a viable alternative to gasoline-powered vehicles.
- Whereas,** This ordinance regarding electric vehicle infrastructure and batteries, revising *[Local government to insert list of amended Titles]*, contains *[Local government to insert # of sections, as applicable to jurisdiction standard practice]* sections of findings, as follows:

Section I — Procedural and Substantive Findings

Comment: *Text below to be modified by local governments, as applicable. For example, not all jurisdictions that are required to allow EVI are fully planning GMA jurisdictions so the “Whereas” findings related to GMA are not applicable to those jurisdictions. Also, some jurisdictions, after evaluating their Comprehensive Plans, may determine that no amendments to their comprehensive plans are required in order to adopt development regulations to implement EVI. For those jurisdictions, a “Whereas” finding in that regard would be provided.*

Additionally, jurisdictions may choose to provide text regarding regional and state coordination (e.g., countywide planning policies and development regulations that implement these policies). Last, while the statute provides an exception for areas zoned for residential or resource use or critical areas, allowing electric vehicle infrastructure in these zones may be appropriate and beneficial. As such, these “Whereas” statements can be revised to identify the zones in which the infrastructure will be allowed.

- Whereas,** *[insert section of RCW]* requires that *[insert jurisdiction name]* must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas by *[insert deadline for compliance with RCW]*; and
- Whereas,** because most of the recharging for private electric vehicles will be done in residential settings, which includes residences in residential as well as some resource areas or critical areas, and therefore allowing electric vehicle infrastructure in these areas is in the public interest; and
- Whereas,** because businesses in resource areas and in some critical areas may want to install electric vehicle infrastructure and therefore allowing this infrastructure in these areas is in the public interest; and
- Whereas,** pursuant to *[Insert section of RCW]*, this ordinance proposes to amend development regulations found in *[insert Title(s) and Chapter(s) of local code containing development regulations]* to allow electric vehicle infrastructure as a use in *[local government to insert where EVI is allowed]*; and

- Whereas,** an amendment to the *[insert GMA jurisdiction name]* Comprehensive Plan is required in order to ensure consistency with the proposed development regulations, as required by RCW 36.70A.040; and
- Whereas,** RCW 36.70A.130(2)(b) authorizes the adoption of comprehensive plan amendments outside the normal annual cycle for such amendments “whenever an emergency exists,” after appropriate public participation; and
- Whereas,** *[jurisdiction name]* finds that the need to amend the *[insert GMA jurisdiction name]* Comprehensive Plan to ensure consistency with the proposed development regulations constitutes an emergency under RCW 36.70A.130(2)(b);

Comment: *It should be noted that an “emergency” under RCW 36.70A.130(2)(b) is not the same as other types of emergencies that may be declared by cities and counties, such as “public” emergencies under RCW 35A.12.130 or “nondebtable” emergencies under RCW 36.40.180. A finding of “emergency” under RCW 36.70A.130(2)(b) allows local government to amend the comprehensive plan outside of the normal annual cycle and to limit public participation to what is “appropriate” under the circumstances. For example, see Clark Revocable Living Trust v. City of Covington, WWGMHB Case No. 02-3-005 (September 27, 2002) (holding that amendments within the exception of RCW 36.70A.130(2)(b) are not subject to normal GMA process requirements). However, unlike a finding of “public” emergency under RCW 35A.12.130 or a finding of “nondebtable” emergency under RCW 36.40.180, a finding of “emergency” under RCW 36.70A.130(2)(b) does not make the ordinance effective upon adoption or automatically allow action to be taken without a hearing or public notice.*

Section II — Attachments

[Local government to add amended or new sections of code, as applicable]

Now, Therefore, be it Ordained as Follows:

Adopted this _____ day of _____, 2010, at _____.

[Insert local government signature block]