

AGENDA

Lynnwood Planning Commission

Thursday, February 24, 2011 — 7:00 pm

City Council Chambers, 19100 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES:

None

C. PUBLIC COMMENTS – on matters not on tonight's agenda for a public hearing.

D. PUBLIC HEARINGS

None

E. WORK SESSIONS

1. Electric Vehicles Infrastructure Code Amendment (2011CAM0001).

Amendments to Lynnwood Municipal Code (LMC) Title 21, Zoning, related to electric vehicle infrastructure, to comply with the requirements of RCW 36.70A.695 by providing definitions related to electrical vehicle infrastructure and providing allowances for certain types of electrical vehicle infrastructure in zoning districts within the City of Lynnwood. The draft ordinance also has provisions for electric vehicle parking when provided in parking areas.

2. Project Highway 99 (2009CAM0001). Briefing/Discussion in preparation for public hearing on the final draft of the Highway 99 Subarea Plan, Zoning Regulations and Maps and Design Guidelines, regarding redevelopment of the Highway 99 corridor, between 216th St. SW and 148th St. SW.

F. OTHER BUSINESS

None

G. COUNCIL LIAISON REPORT

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. ADJOURNMENT

The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.

City of Lynnwood
Planning Commission

**PUBLIC HEARING & TESTIMONY
INFORMATION**

Hearing Procedure

- Planning Commission Chair opens the public hearing and announces the subject.
- Staff Report [City staff describes the proposal, issues, maps, data, etc.]
- Public Testimony [Comments accepted from the audience.]
- Hearing Closed [Chair closes the hearing after all testimony is taken.]
- Deliberation [Commission will discuss the issues tonight or at a future meeting.]
- Recommendation [Commission forwards its recommendation to City Council.]

Procedures & Rules of Testimony

Thank you for taking the time to attend tonight's Planning Commission meeting. Public comments are welcome and encouraged at all advertised public hearings. To ensure that everyone has an opportunity to speak, please read and observe the following:

1. Public hearings typically begin with a staff presentation outlining the issues for consideration and offering a staff recommendation. Staff will describe the proposal and often present maps or other related information.
2. Following the staff presentation, the chair will open the hearing for public testimony. The applicant may be asked to speak first to provide clarification or any information that was missed in the staff presentation.
3. The chair will call names from a sign-up sheet, or ask if anyone in the audience wishes to comment. Stand up or raise your hand to be recognized by the chair.
4. Because the hearing is being recorded, your testimony must be presented only at the podium. Speak clearly into the microphone and begin by giving your name and address for the record (the "record" is all the evidence presented to the Planning Commission, including who provided it).
5. Direct your comments to the Commission chair and not to the applicant, staff or members of the audience.
6. Following your testimony, the chair or other commissioners may ask follow-up questions for clarification. They may also ask for a response from staff, in which case staff will respond to the chair, not to the speaker.

7. As a courtesy to others, please limit your comments to no more than five minutes and try not to repeat comments that have already been made. If only a few people are waiting to speak or if you represent a group of citizens in attendance, the chair may allow additional time.
8. As a rule, members of the public may speak only once in the hearing. If you have already testified but want to add something you forgot, the chair may allow additional comments, but only after everyone has had an opportunity to give their testimony. When giving additional testimony, return to the podium and restate your name and address.
9. You may not get an immediate response to a question. Responses to all questions are usually made at one time, after all testimony is presented.
10. The chair may interrupt if you are taking too much time, are repetitive, or if your comments are inappropriate or irrelevant to the subject.
11. Not everyone at a public hearing shares the same opinions but everyone's point of view deserves respect. Unruly behavior, such as booing, hissing or harassing remarks, is inappropriate and will not be tolerated by the chair. Applause is also disruptive and not acceptable during a public hearing.
12. When all comments have been received, the chair will close the public hearing and the Commission will begin its deliberations, leading to a recommendation to the City Council. No further public testimony will be taken unless the Commission asks for clarification or a response from a specific person. If the hour is late or more time is needed, the deliberation may be continued to the next meeting.
13. The Planning Commission's actions tonight are not final decisions. They are recommendations to the City Council. The Council will consider the recommendations and hold its own public hearing before making the final decision. If you received notice of tonight's Commission hearing, or if you testified or put your name and address on the sign-in sheet, you will receive notice of the City Council's public hearing.
14. If you have any questions or suggestions about the Lynnwood Planning Commission, its agendas or meeting schedule, please contact:

Department of Community Development
PO Box 5008
Lynnwood WA 98046-5008
(425) 670-5405

Planning Commission agendas and related reports are posted on the City's website at www.ci.lynnwood.wa.us



Lynnwood Planning Commission
Meeting of February 24, 2011

Staff Report

Agenda Item: E-1
Electric Vehicles Infrastructure Code
Amendment (11CAM0001)

- Public Hearing
- Informal Public Meeting
- Work Session
- Business
- Information
- Miscellaneous

Lynnwood Community Development Dept.

ACTION

Introduction of Topic.

BACKGROUND

In July 2009, the Washington State legislature passed the Electric Vehicle (EV) SSHB 1481. This law mandates that affected jurisdictions plan for EV infrastructure and modify zoning regulations to allow the infrastructure to be built.

In passing SSHB 1481, the legislature found that,

“...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.”

Among other items, SSHB 1481 amended the Growth Management Act (GMA) to require that certain local jurisdictions (including Lynnwood) adopt and have development regulations in place by July 1, 2010. One component of the bill amended the GMA by adding a new section 36.70A.695 RCW as follows,

RCW 36.70A.695

Development regulations -- Jurisdictions specified -- Electric vehicle infrastructure.

(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 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.

(3) 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 battery charging stations 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.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the 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) 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.

SSHB 1481 included a provision that affected jurisdictions would be supported in this endeavor by the Puget Sound Regional Council (PSRC), the Department of Ecology, and the Department of Commerce (formerly CTED) in order to create a consistent regulatory framework throughout the region.

The Puget Sound Regional Council (PSRC) had been tasked with creating a model ordinance in collaboration with affected jurisdictions took the lead in developing a model ordinance to assist jurisdictions in preparing and adopting the new regulations in compliance with SSHB 1481. The PSRC did not have a final version of the model ordinance (attached) available until July/August 2010, after the actual deadline for compliance. Since then, more local jurisdictions have started preparing and adopting ordinances to meet this requirement.

Electric vehicle infrastructure generally consists of facilities where EV motorists can plug a vehicle into an electrical source to *recharge* a depleted EV battery. Another infrastructure type is where motorists *exchange* a depleted battery for another battery that is fully charged and ready to go.

There are three different levels of charging stations (Level 1, 2 and 3).

The two most common levels (Level 1 and Level 2) range from 110-240 volts. The third level (Level 3) is a rapid charging station that would likely operate at 440 volts. It is anticipated that Level 1 and 2 charging stations will be common to residences to allow electric vehicle owners charge primarily at home during the night (though some employers may also wish to provide Level 1 and level 2 charging facilities for employers and customers.)

Level	Volts/Amps	Charge Time
Level 1	120/15-20	16-24 Hours
Level 2	240/40	4-6 hours
Level 3	480/60+	< 1 hour

There will also be automated battery swap-out stations (“Battery changing stations”) where vehicles would drive in with a depleted battery and have it exchanged for a fully charged battery.

Currently, the City of Lynnwood does not specifically address electric vehicle charging or battery exchange facilities in its regulatory code. For this reason, an ordinance has been drafted.

The ordinance is still subject to staff revisions. Issues that may result in some changes will be discussed at the Planning Commission meeting.

At this point in time, the proposed ordinance as drafted:

- ◆ Provides for Definitions related to Electric Vehicle Infrastructure;
- ◆ Allows Level 1 and Level 2 charging stations as an accessory use in the RS (Single Family Residential) and RM (Multiple Family Residential) zones.
- ◆ Allows Level 1, Level 2 and Level 3 charging stations as a permitted use in the Commercial, Industrial and Public Use Zones. The City Center zone has additional requirements for siting such charging facilities.

- ◆ Allows Level 1, Level 2 and Level 3 battery exchange stations as a permitted use in the Commercial, Industrial and Public Use Zones.

RECOMMENDATION

For discussion.

ATTACHMENTS

1. Draft Ordinance

2. "Electric Vehicle Infrastructure. A guide for Local Governments in Washington State, Department of Commerce, Puget Sound Regional Council. July 2010.

DRAFT

DRAFT DRAFT

CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADDING NEW LMC SECTIONS 21.02.081, 21.02.082, , 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930, RENUMBERING LMC SECTION 21.02.210 TO LMC SECTION 21.02.208, AMENDING LMC 21.42.400, 21.43.400, 21.44.100, 21.46.100, 21.50.100, 21.52.100, 21.57.400 AND 21.44.100 FOR THE PURPOSE OF COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF ELECTRIC VEHICLE INFRASTRUCTURE., PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, during the 2009 session the Washington State Legislature passed Second Substitute House Bill 1481 (2SHB 1481), an Act relating to electric vehicles; and,

WHEREAS, 2SHB 1481 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; and,

WHEREAS, 2SHB 1481 requires certain cities allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas; and,

WHEREAS, the purpose of 2SHB 1481 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; and,

WHEREAS, on _____ 2011, the city of Lynnwood issued a SEPA Determination of Non-Significance (DNS) on the proposal; and,

WHEREAS, the proposal was sent to the Department of Commerce and State agencies in compliance with RCS 36.70A.106; and,

WHEREAS, on _____, 2011, the City of Lynnwood Planning Commission held a duly noticed public hearing on the proposed amendments; now, therefore

1
2 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
3 ORDAIN AS FOLLOWS:

4 **Section 1.** Lynnwood Municipal Code Chapter 21.02 entitled “Definitions”, is
5 hereby amended to amend LMC 21.02.210 and to include new sections 21.02.081,
6 21.02.082, 21.02.209, 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 as follows,

7 **21.02.081 Battery charging station**

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

12
13 **21.02.082 Battery exchange station**

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

19
20 **21.02.20810 Cemetery.**

21 “Cemetery” means land used or intended to be used for the burial of the human dead
22 and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and
23 mortuaries when operated in conjunction with and within the boundary of such cemetery.

24
25 **21.02.209 Charging levels**

26 “Charging levels” means the standardized indicators of electrical force, or voltage,
27 at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3DC are the most
28 common EV charging levels, and include the following specifications:

29
30 A. Level 1 is considered slow charging. It requires a 15- or 20-amp breaker on a
31 120-volt AC circuit and standard outlet.

32 B. Level 2 is considered medium charging. It requires a 40-amp to 100-amp breaker
33 on a 240-volt AC circuit.

34 C. Level 3DC is considered fast or rapid charging. It requires a 60-amp or higher
35 dedicated breaker on a 480-volt or higher three-phase circuit with special grounding
36 equipment.

37
38 **21.02.304 Electric vehicle**

39 “Electric vehicle” means any vehicle that operates, either partially or exclusively,
40 on electrical energy from the grid, or an off-board source, that is stored on-board for motive
41 purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid
42 electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric
43 vehicle.
44

1 **21.02.308 Electric vehicle charging station**

2 "Electric vehicle charging station" means a public or private parking space located
3 together with a battery charging station equipment that has as its primary purpose the
4 transfer of electric energy (by conductive or inductive means) to a battery or other storage
5 device in an electric vehicle.
6

7
8 **21.02.312 Electric vehicle infrastructure**

9 "Electric vehicle infrastructure" means structures, machinery, and equipment
10 necessary and integral to support an electric vehicle, including battery charging stations,
11 rapid charging stations, and battery exchange stations.
12

13 **21.02.316 Electric vehicle parking space**

14 "Electric vehicle parking space" means any marked parking space that identifies the
15 use to be exclusively for the parking of an electric vehicle.
16

17 **21.02.593 Rapid charging station**

18 "Rapid charging station" means an industrial grade electrical outlet that allows for
19 faster recharging of electric vehicle batteries through higher power levels, which meets or
20 exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and
21 consistent with rules adopted under RCW 19.27.540
22

23 **Section 2** Lynnwood Municipal Code (LMC) section 21.42.400 entitled "Accessory structures and
24 uses" is hereby amended as follows.
25

26
27 **"21.42.400 Accessory structures and uses.**

28 A. Solar Energy Systems. The use of solar energy systems (for example, attached solar
29 greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient
30 method for producing energy and reducing energy consumption. The majority of residential
31 structures within Lynnwood were constructed before solar energy systems became a viable
32 means for producing energy, thus lot yard setbacks and height restrictions do not take such
33 systems into account. The city of Lynnwood finds that it is in the best public interest to
34 encourage solar energy systems. If it is found that a solar energy system would have a positive
35 impact on energy production and conservation while not having an adverse environmental
36 impact on the community, but the placement of such system requires violation of city setback
37 or maximum height limitations, allowance of such systems may be permitted through the
38 variance process and shall be encouraged. In viewing such variance request, the following
39 shall be considered in making a determination:

- 40 1. That the solar energy system has a net energy gain;
41 2. That the solar energy system is designed to minimize glare towards vehicular traffic and
42 adjacent properties;
43 3. That the solar energy system not adversely affect solar access to adjacent properties;
44 4. That the solar energy system comply with all other city zoning, engineering, building, and
45 fire regulations; and

1 5. That the solar energy system is found to not have any adverse impacts on the area, which
2 impacts shall include, but not be limited to, the effects of such system upon the views from
3 neighboring properties and public ways.

4 In order to show that the proposed energy system will conform to the above, the applicant
5 shall be required to submit a site plan and elevations showing the location, size, and
6 dimensions of the solar energy system and its relation to all adjacent properties. Care shall be
7 taken to ensure that the design, materials used and colors architecturally blend in with the
8 existing structure. The city may require that the site plan and elevations and/or energy-saving
9 calculations be prepared by an engineer, architect or builder specializing in solar energy
10 construction.

11 B. Family Child Care Homes. Family child care homes are permitted as an accessory use to a
12 dwelling.

13 C. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as
14 an accessory use; the keeping of livestock shall not be permitted except that an occupant shall
15 be able to keep one animal, i.e., horse, cow or sheep, on a lot having a minimum of 20,000
16 square feet and an additional animal for each 20,000 square feet additional lot area. The entire
17 square footage of roaming area shall be fenced. Fences must be of such a type and size as to
18 prevent encroachment on adjacent property. Encroachment shall be defined as reaching over,
19 under or through, as well as trespassing or intruding upon, the property of another. Accessory
20 buildings used for housing animals shall be provided, and shall be a minimum of 200 and a
21 maximum of 250 square feet in area per animal, except as allowed by variance, and shall not
22 be closer than 25 feet to a property line. An accessory building for the housing of small
23 animals or fowl shall not exceed 36 square feet in floor area when located on a residential lot
24 and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a
25 property line. The keeping of mink, goats, foxes, or hogs is prohibited.

26 D. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if
27 accessory to a school, church, park, or other facility of a similar nature. Such activities shall
28 not be subject to regulation by Chapter 5.30 LMC.

29 E. Electric Vehicle Infrastructure. Level 1 and Level 2 Battery charging stations are allowed
30 as an accessory use but shall be privately owned with restricted access (e.g. occupants of a
31 single family home, employees and members of the congregation in the case of a religious
32 institution.)

33
34 **Section 3** Lynnwood Municipal Code (LMC) section 21.43.400 entitled “Accessory structures and
35 uses” is hereby amended as follows.

36
37 **“21.43.400 Accessory structures and uses.**

38 A. Private Garages and Carports. Private garages and carports are allowed in the RML, RMM,
39 and RMH zones as long as they adhere to the side yard, rear yard and front yard setbacks as
40 required herein for the applicable zone. In the RML zone, where more than one dwelling unit
41 is involved, private garages shall be limited to accommodating not more than two cars for
42 each dwelling.

43 B. Solar Energy Systems. The use of solar energy systems (for example, attached solar
44 greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient
45 method for producing energy and reducing energy consumption. The majority of residential
46 structures within Lynnwood were constructed before solar energy systems became a viable
47 means for producing energy, thus lot yard setbacks and height restrictions do not take such
48 systems into account. The city of Lynnwood finds that it is in the best public interest to

1 encourage solar energy systems. If it is found that a solar energy system would have a positive
2 impact on energy production and conservation while not having an adverse environmental
3 impact on the community, but the placement of such system requires violation of city setback
4 or maximum height limitations, allowance of such systems may be permitted through the
5 variance process and shall be encouraged. In viewing such variance request, the following
6 shall be considered in making a determination:

- 7 1. That the solar energy system has a net energy gain;
- 8 2. That the solar energy system is designed to minimize glare towards vehicular traffic and
9 adjacent properties;
- 10 3. That the solar energy system not adversely affect solar access to adjacent properties;
- 11 4. That the solar energy system comply with all other city zoning, engineering, building, and
12 fire regulations; and
- 13 5. That the solar energy system is found to not have any adverse impacts on the area, which
14 impacts shall include, but not be limited to, the effects of such system upon the views from
15 neighboring properties and public ways.

16 In order to show that the proposed energy system will conform to the above, the applicant
17 shall be required to submit a site plan and elevations showing the location, size, and
18 dimensions of the solar energy system and its relation to all adjacent properties. Care shall be
19 taken to ensure that the design, materials used and colors architecturally blend in with the
20 existing structure. The city may require that the site plan and elevations and/or energy-saving
21 calculations be prepared by an engineer, architect or builder specializing in solar energy
22 construction.

23 C. Family Child Care Homes. Family child care homes are permitted as an accessory use to a
24 dwelling.

25 D. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as
26 an accessory use; the keeping of livestock shall not be permitted.

27 E. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if
28 accessory to a school, church, park, or other facility of a similar nature. Such activities shall
29 not be subject to regulation by Chapter 5.30 LMC.”

30 F. Electric Vehicle Infrastructure. Level 1 and Level 2 Battery charging stations are allowed
31 as an accessory use but shall be privately owned with restricted access (e.g. renters of a
32 multiple family dwelling complex, employees and members of the congregation in the case of
33 a religious institution.)

34
35
36 **Section 4** Lynnwood Municipal Code (LMC) section 21.44.100 entitled “Uses Allowed” (Public and
37 Semi Public Zone) is hereby amended as follows.

38
39 **21.44.100 Uses allowed.**

40 A. Permitted Uses.

41 1. Residential Uses. All uses which are permitted in the RS-8 single-family residential zone are
42 permitted.

43 2. Institutional Uses. The following uses are permitted, subject to the standards of this chapter:

44 a. Churches;

45 b. Private or semiprivate memorial buildings;

46 c. Community clubhouses, convention centers, public golf courses, and accessory uses;

47 d. Art galleries, libraries, and museums;

48 e. Private schools, universities, and colleges;

- 1 f. Child day care;
- 2 g. Public parks, playgrounds, and schools;
- 3 h. Municipal buildings, including police stations, fire stations, and performing arts facilities;
- 4 i. Clubs or fraternal societies but not including those which provide entertainment or allow alcoholic
- 5 beverages;
- 6 j. Transit center;
- 7 k. Park-and-ride lots;
- 8 l. Park and pool lots;
- 9 m. Existing wastewater treatment plant.

10 3. Temporary Uses. The operation of hot air balloons in conjunction with a temporary special event,
 11 subject to issuance of a temporary special event license in accordance with Chapter 5.30 LMC, except
 12 that no fee shall be required. Each applicant for such a temporary special event license shall verify that
 13 the balloon is to be operated by a licensed pilot and shall demonstrate adequate provisions for safe
 14 operation. No hot air balloon utilized in such a temporary special event shall bear any symbols, letters,
 15 or pictures whatsoever.

- 16 4. Electric Vehicle Infrastructure Uses
- 17 a. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3
- 18 b. Battery Exchange Station, Electric Vehicle

20 D. Exemption from Conditional Use Permit Application Process. Some limited expansion of use and
 21 structures of existing uses at the Lynnwood wastewater treatment plant may be approved for
 22 exemption from the conditional use permit process by the community development director if the
 23 proposed alteration meets the following criteria:

- 24 1. The alteration does not expand the treatment capacity of the plant.
- 25 2. The alteration does not result in a significant increase in noise, odor, traffic, or visual impact.
- 26 3. Any proposal to add accessory structures does not result in the addition of more than 500 square
 27 feet of building coverage. (Ord. 2583 § 1, 2005; Ord. 2441 § 13, 2003; Ord. 2390 § 1, 2001; Ord. 2020
 28 § 18, 1994; Ord. 1455 § 1, 1985; Ord. 1309 § 1, 1983; Ord. 1209 § 1, 1982; Ord. 470 § 2, 1969)

31 **Section 5.** LMC section 21.46.100 entitled “Permitted structures and uses” (Commercial
 32 Zones), is hereby amended as follows,

34 **“21.46.100 Permitted Structures and uses.**

36 A. No building, structure or land shall be used and no building or structure shall be
 37 erected, enlarged or structurally altered, except for one or more of the uses permitted by
 38 Table 21.46.01.

Table 21.46.01

Automotive Uses	B-4	B-3	B-2	PCD	B-1	CG
Auto Parts, Accessory, and Supplies Stores	-	P	-	P*	P	P
Auto Glass Stores	-	-	-	P	P	P

Auto Lubrication Stores	-	-	-	P	P	P
Auto Wrecking Yards*	-	-	-	-	-	C
Automobile Mechanical Repair	-	-	-	-	C	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	-	-	-	-	C	P
Automobile Sales and Display*	-	-	-	P	P	P
Automobiles, rental or sale on open lot	-	-	-	P**	-	P
<u>Battery Charging Station (Electric Vehicle), Level 1, Level 2 and Level 3</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Battery Exchange Station, Electric Vehicle</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Battery Service and Sales	-	-	-	P*	P	P
Car Wash	-	-	-	-	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	-	-	-	P
Park and Pool Lots*	C	C	C	-	C	C
Parking Garages and accessory refueling and servicing	-	-	P	P	P	P
Public and Private Parking Lots for Passenger Cars	-	-	C	P	P	P
Service Stations, full, self, or gas*	-	C	-	-	C	C
Tire Store, not including recapping	-	-	-	P	P	P
Tire Store; provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	-	-	-	P	-	-
Tire, Brake, Muffler Tune-Up	-	-	-	P	P	P

1 *Provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive
2 noise or other adverse environmental impacts.

3 ** (1) Only at properties either with frontage on the freeway right-of-way or within 1,500 feet of a freeway
4 on- or off-ramp (measured in a straight line from the nearest point of the end of the freeway ramp (where
5 the ramp connects to a public street) to the nearest point of the property).

6 (2) Sale of used vehicles as a principal use of the property is prohibited.

Table 21.46.02

Business Service Uses	B-4	B-3	B-2	PCD	B-1	CG
Business Services, not including furniture or equipment sales	AI	P	AI	P	P	P

Business and Professional Services not mentioned elsewhere in this section	-	-	-	P	P	P
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Table 21.46.03

Eating and Entertainment Uses	B-4	B-3	B-2	PCD	B-1	CG
Fountains and Ice Cream Stands	AI	P	AI	P	P	P-X
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	P	P	P
Restaurants and Cafeterias providing on-premises service only to seated patrons, no alcoholic beverages served*	AI	P	AI	P	P	P-X
Restaurants providing on-premises service only, to seated patrons, with cocktail lounges*	-	-	P	P	P	P-X
Restaurants, drive-in car service*	-	-	-	-	P	P-X
Taverns, Bars, and Cabarets	-	-	-	P	P	P

Table 21.46.04

Institutional Uses	B-4	B-3	B-2	PCD	B-1	CG
Child Day Care*	C	P	-	P	P	P-X
Churches, not using complementary parking	P	P	P	P	P	P-X
Churches with complementary parking*	C	C	C	P	C	C-X
Nursing and Convalescent Homes and Housing for the Elderly and Physically Disabled*	C	C	C	C	C	C
Libraries, Museums, Art Galleries and similar institutions	P	P	P	P	P	P-X
Municipal Services	P	P	P	P	P	P
Higher Education: Universities; Colleges; Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools	C	P	P*	P	P	P-X
Primary and Specialty Education: Preschools, Elementary, Secondary, Dance, Music, Art and similar schools	C	P	C*	P	P	P-X

* Minimum building site of three acres; see also LMC [21.02.175](#).

Table 21.46.05

Medical Uses	B-4	B-3	B-2	PCD	B-1	CG
---------------------	------------	------------	------------	------------	------------	-----------

Medical, Dental, Optical and Chiropractic Clinics	P	P	P	P	P	P
Veterinary Clinics*	-	-	-	P	P	P-X

Table 21.46.06

Office Uses	B-4	B-3	B-2	PCD	B-1	CG
Business or Professional Office, including offices of a clerical or administrative nature	P	P	P	P	P	P
Office as a Home Occupation*	C	C	C	-	C	C

Table 21.46.07

Personal Service Uses	B-4	B-3	B-2	PCD	B-1	CG
Banks and other financial institutions	-	P	P	P	P	P
Barber Shops and Beauty Parlors	P	P	AI	P	P	P
Dressmaker and Tailoring Shops	C	P	-	P	P	P
Dry Cleaning and Laundry Plants	-	-	-	P	P	P
Dry Cleaning and Laundry, Self-Service	-	P	-	P	P	P
Dry Cleaning and Laundry Pick-up Station for work to be done elsewhere	P	P	AI	P	P	P
Locksmith	C	P	-	P	P	P
Pet Grooming	P	P	P	P	P	P-X

Table 21.46.08

Repair Services Uses	B-4	B-3	B-2	PCD	B-1	CG
Appliance Repair Shops and the like	-	P	-	P	P	P
Shoe Repair	C	P	-	P	P	P

Table 21.46.09

Recreational Activities	B-4	B-3	B-2	PCD	B-1	CG
Amusement Centers located 300 feet or more from a single-family or multiple-family zone*	-	-	-	P	P	P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone*	-	-	-	C	C	C
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	P	P	P-X

Carnivals (see Chapter 5.30)	-	-	P	P	P	P
Circuses (see Chapter 5.30)	-	-	P	P	P	P
Dance Halls, licensed*	-	-	-	P	C	C
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	-	-	C	-	C	P
Health Clubs	-	-	-	P	P	P
Outdoor Ancillary Playground and related equipment	-	-	-	-	C	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses	-	-	-	-	-	P
Overnight Campgrounds	-	-	-	-	-	C

1 * As measured from the property line of the parcel on which the center is located to the property line of the
2 nearest residentially zoned parcel.

Table 21.46.10

Residential Uses	B-4	B-3	B-2	PCD	B-1	CG
Adult Family Homes	P	P	P	P	P	P
All uses permitted in single-family zones	-	-	-	P	-	-
Multiple-Family Housing Units*	-	-	C	-	-	-
Caretaker or Watchman Quarters	C	C	C	-	C	C
Living Quarters for Homeless Mothers*	P	P	P	P	P	P
Motels and Motor Hotels	-	-	P	P	P	P-X
Respite Care	C	C	-	P	P	P

3

Table 21.46.11

Retail Uses	B-4	B-3	B-2	PCD	B-1	CG
Apparel Shops	-	P	-	P	P	P
Appliance Stores, including incidental repair	-	-	-	P	P	P
Art Stores and Supplies	C	P	-	P	P	P
Audio Sales and Service	-	-	-	P	P	P
Bakery Retail Stores	-	P	-	P	P	P-X
Bicycle Sales and Repair	-	-	-	P	P	P-X

Boat and Equipment Sales and Display, indoors	-	-	-	P	P	P
Boats and Trailer, open lots for sale or rental of	-	-	-	-	-	P
Building Supplies Stores, indoor	-	-	-	-	-	P
Carpet Shops	-	-	-	P	P	P
Convenience Stores not located on the same or adjacent lot to a service station*	-	P	-	P	P	P-X
Convenience Stores located on the same lot and/or within the same building and operated as a single business with a full-service station, self-service station, gas station*	-	C	-	-	C	C-X
Dairy Product Stores	C	P	-	P	P	P
Department Store	-	-	-	P	P	P
Drug Store	-	P	-	P	P	P
Dry Goods Store	-	P	-	P	P	P
Florist Shops, Accessory Greenhouses and Plant Nurseries	P	P	AI	P	P	P
Fountains and Ice Cream Stands	-	P	-	P	P	P
Fresh Fruit, Vegetable or Produce Stand, Outdoor	-	P	-	P	P	P
Gift Shops	P	P	AI	P	P	P
Grocery Stores	-	P	-	P	P	P
Hardware Stores	-	P	-	P	P	P
Hobby Shops	C	P	-	P	P	P
Music Stores and Supplies	C	P	-	P	P	P
News Stands	P	P	AI	P	P	P
Office Supplies, not including furniture or equipment sales	AI	P	AI	P	P	P
Pet Shops	-	P	-	P	P	P-X
Retail Lumber Yards	-	-	-	-	-	C
Retail Stores not mentioned elsewhere in this section	-	-	-	P	P	P
Shopping Centers, including only the uses permitted in the applicable zone	-	P	-	P	P	P
Stationary Store	P	P	AI	P	P	P
Variety Store	-	-	-	P	P	P

1

|

Table 21.46.12

Light Industrial Uses+	B-4	B-3	B-2	PCD	B-1	CG
Assembly of Glass, Light Metal, Plastic, Electronic, Electrical or Wood Parts, which are extruded, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling	-	-	-	-	-	P
Bottling and Packaging Plants in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Bottling and Packaging Plants in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	P
Cold Storage Lockers	-	AI	-	P	P	P
Contractor's Offices and Shops in spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Contractor's Offices and Shops in spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Garment Factories in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Garment Factories in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Heavy Equipment Yards	-	-	-	-	-	C
Ice Storage and Dispensing	A	A	A	-	A	A
Research and Development	-	-	P	-	P	P
Printing, Publishing, and Binding (no noise beyond the premises)	-	C	AI	P	P	P
Public Utilities Facilities*	C	P	-	P	P	P
Warehouses in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Warehouses in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Wholesale stores in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P-X
Wholesale stores in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C-X

1 *Inclusive of all aspects of the business.

Table 21.46.13

Other Uses	B-4	B-3	B-2	PCD	B-1	CG
Adult Establishments	-	-	-	-	-	CA
Adult Retail Uses	-	-	-	-	-	CA

Charitable or Relief Supplies Collection or Storage	-	-	-	-	C	C
Customer Parking, outdoor	A	A	A	-	A	A
Radio or Television Stations, not including Wireless Communications Facility	-	-	P	P	P	P
Recycling Collection Centers*	-	-	-	-	-	C
Temporary Special Events, per Chapter 5.30 LMC	-	-	P	P	P	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	C	C	P	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	P	P	P	P	P	P
Wireless Communications Facility, Attached	P	P	P	P	P	P

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- +See LMC 21.46.110 through 21.46.119.
- Key:
- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- C = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- = Not permitted
- X = Not permitted in controlled area
- CA = Permitted only in controlled area. See LMC 21.46.120.

Section 6. LMC Section 21.50.100 entitled “Uses allowed in the industrial zones” (Industrial Zones) is hereby amended as follows,

“21.50.100 Uses allowed in the industrial zones.

Table 21.50.01

Use	BTP	LI
Accessory Greenhouses	AC*	-
Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering, or minor welding	P	P
Athletic Clubs containing such facilities as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms	P	P

Auditoriums	-	P
Auto Wrecking Yards	-	C
Automotive and Machinery Repairing and Storage	-	P
Banks and Other Financial Institutions	C	-
Barber Shops and Beauty Parlors	AC*	-
Battery Exchange Station, (Electric Vehicle) Level 1, Level 2 or Level 3	P	P
Battery Exchange Station, Electric Vehicle	P	P
Biotechnology (except manufacturing pharmaceuticals)	P	P
Blacksmithing, Welding, and Metal Fabricating Shops	-	P
Bookstores, News Stands, and Stationery Stores	AC*	-
Bottling and Packaging Plants	C	-
Building Material Yards	-	P
Business and Professional Offices including offices of a clerical or administrative nature	P	P
Business Services and Office Supplies	P	-
Cabinet, Millwork, or Wood Prefabrication Operations	C	P
Child Day Care (e.g., day care for children of employees or of patrons)	-	AC
Contractor's Offices, Shops, and Indoor Storage	P	P
Contractor's Offices, Shops, and Storage Yards	-	P
Employees' Cafeterias	AC	P
Florist Shops	AC*	-
Food and Dry Goods Distribution Operations	P	P
Food and Dry Goods Processing and Packaging	C	P
Freight Warehouse Terminals	C	P
Furniture Manufacture and Repair Shops	C	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)	P	P
Wireless Communications Facility, Attached	P	P
Gift Shops	AC*	-
Indoor and/or Outdoor Tennis Courts, Racquet Clubs, and Handball Courts	C	-
Research and Development	P	P
Laundry and Dry Cleaning Plants	-	P
Manufacturing, Rebuilding or Repairing Nonmetal Products	-	P
Manufacturing Pharmaceuticals	-	C
Mass Transit Storage and Maintenance Facilities	-	C
Mini-Warehouses	P	-
Municipal Services	P	P
Park and Pool Lots	C	P
Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics	AC	-
Plant Nurseries	AC*	-
Printing, Publishing and Binding	P	-
Printing Plants	-	P

Public Utility Facilities	C	-
Recycling Collection Centers	-	C
Repair Shops for Household Appliances	AC*	-
Residences for Watchmen or Custodians	-	P
Restaurants providing on-premises service	AC*	-
Retail Lumber Yards	-	P
Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	P	-
Veterinary Clinics and Veterinary Hospitals ⁺	C	-
Warehouses (except mini-warehouses)	P	P
Wholesale trade (i.e., wholesale stores)	P	P
Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises	C	P
Wood, Coal and Oil Fuel Yards	-	P

1 +See LMC 21.50.110.

2 Key:

3 P = Use is permitted as a primary use.

4 C = The use may be permitted through issuance of a conditional use permit.

5 AC = Use is permitted as an accessory conditional use and must be related to the principal use of the
6 tenant space or property.

7 AC* = These accessory conditional uses may occupy no more than 25 percent of the floor area.

8 - = Use is prohibited.

9
10 **Section 7.** LMC section 21.52.100 entitled “Outright permitted uses” (Mixed Use/Business Zone), is
11 hereby amended as follows

12 **“21.52.100 Outright permitted uses.**

13 The following uses are permitted outright, provided such use complies with all zoning
14 regulations of the city.

15 A. All uses permitted in RS-8 zoning classification.

16 B. Libraries, museums, art galleries, and similar institutions.

17 C. A maximum density of 24 dwelling units per acre will be allowed in this zone. The
18 development standards of the city’s RMH zoning classification will apply, except as otherwise
19 changed by this chapter. Maximum residential density may be increased for nursing and
20 convalescent uses, housing for the elderly, and housing for the physically disabled, as
21 provided by LMC 21.43.110(G) and 21.46.116(C).

22 D. Banks and other financial institutions.

23 E. Business, professional, and medical office buildings, including offices of a clerical or
24 administrative nature.

25 F. Child day care.

26 G. Churches with parking in accordance with standards of Chapter 21.18 LMC (see LMC
27 21.46.113).

28 H. Municipal services.

29 I. Motels and motor hotels (see LMC 21.46.116).
30

- 1 J. Parking garages and accessory refueling and servicing.
- 2 K. Professional services not mentioned elsewhere in this section.
- 3 L. Public utilities facilities (see LMC 21.46.118).
- 4 M. Radio and television stations, not including transmitting or receiving towers.
- 5 N. Commercial schools, dancing, music, trade, etc.
- 6 O. Retail uses (including restaurants), as permitted in the Community Business (B-1) zone
- 7 P. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3
- 8 Q. Battery Exchange Station, Electric Vehicle
- 9 (see LMC 21.46.100 et seq.). (Ord. 2441 § 17, 2003; Ord. 2020 § 22, 1994; Ord. 1947 § 3,
- 10 1994)

11
 12 **Section 8.** LMC Section 21.57.400 entitled “Land Uses” (College District Mixed Use Zone) is hereby
 13 amended as follows,

14
 15 **“21.57.400 Land uses.**

- 16 A. Principal Uses Permitted Outright.
- 17 1. College and university buildings, support services and college accessory facilities.
- 18 2. Library.
- 19 3. Public transit facilities.
- 20 4. Conference or community center (college/community meetings and activities).
- 21 5. Tot lot, greenway, vest pocket park, bikeway and other park/open space linkages.
- 22 6. Retail store or service business under 4,000 square feet GFA, including, but not limited to:
- 23 a. Convenience, drug or variety store;
- 24 b. Books, magazines, stationery and school supplies;
- 25 c. Child day-care center (fewer than 13 children);
- 26 d. Art gallery, art or photo studio, film/photo processing;
- 27 e. Art supplies store or frame shop;
- 28 f. Professional services (engineering, legal, medical, financial and similar);
- 29 g. Business services (bookkeeping, taxes, accounting, management, etc.);
- 30 h. Computer repair, maintenance and training, and related technical services;
- 31 i. Personal services (grooming, photo processing, counseling, tutoring, etc.);
- 32 j. Laundry self-service and pick-up station;
- 33 k. Shoe repair, tailoring, locksmith and similar personal services.
- 34 7. Movie theater (single-screen at neighborhood scale).
- 35 8. Medical office or clinic (limited services to neighborhood and/or college).
- 36 9. Food and beverage service businesses under 2,000 square feet GFA, including:
- 37 a. Donut shop, bakery or similar specialty-food outlet;
- 38 b. Cafe, coffee shop or restaurant;
- 39 c. Soda fountain, ice cream parlor, candy store;
- 40 d. Delicatessen or other specialty food store;
- 41 e. Tavern, brew pub or nightclub.
- 42 10. Multiple-family dwellings:
- 43 a. Maximum density: 20 units per net acre;
- 44 b. Minimum density: 12 units per net acre;
- 45 c. Density may be less than minimum if residential units are combined with other uses
- 46 in same building or on same lot.
- 47 11. Accessory parking lots and structures. Park-n-ride and park-n-pool facilities are not
- 48 permitted. Student/faculty parking shall be located west of 68th Avenue.

1 12. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3

2 13. Battery Exchange Station, Electric Vehicle

3
4 **Section 9.** LMC Section 21.60.300 entitled “Use Limitations” (City Center District (CC) Zone) is
5 hereby amended as follows,

6
7 21.60.300 Use limitations.

8 All uses shall be allowed in the city center districts unless specifically prohibited below.

9 A. Prohibited in all city center districts:

- 10 1. Adult establishments;
- 11 2. Billboards;
- 12 3. Industrial uses (excluding management, research and development, and sales operations);
- 13 4. Outdoor storage or display of materials and equipment (except during construction);
- 14 5. Repair of vehicles, unless entirely within a building;
- 15 6. Sewage treatment plants;
- 16 7. Work release facilities;
- 17 8. Wrecking yards;
- 18 9. Secure community transition facilities;
- 19 10. Uses not fully contained within a building;

20 11. Battery exchange station.

21 12. Battery charging station (Electric Vehicle), Level 1, Level 2 or Level 3, (unless contained
22 within an enclosed parking structure or attached to the exterior of a building containing a
23 principal use.)

24 13. Any other uses similar to those listed above or any other use determined by the
25 community development director to be inconsistent with the intent of city center districts as
26 described in this chapter and the city center subarea plan.

27 B. Additionally prohibited in the city center – core district (CC-C) (allowed in other districts):

- 28 1. Vehicle washing, unless located within a building or parking structure;
- 29 2. Drive-through businesses, unless located within a building or parking structure;
- 30 3. Gasoline service stations;
- 31 4. Mini-storage on the street level;
- 32 5. Outdoor sales of boats, vehicles, or equipment.

33 C. Additionally prohibited in the portion of the city center – core district (CC-C) that is north
34 of 194th St. SW:

- 35 1. Multiple-family residential.
- 36
37

38 **Section 10.** LMC Chapter 21.18 “Off-Street Parking” is hereby amended to included a new section
39 21.18.930 entitled Electric Vehicle Parking as follows,

40
41 **21.18.930 Electric Vehicle Parking**

42 A. General. Electric vehicles may be parked in any space designated for public
43 parking, regardless of whether or not the parking space has electric vehicle
44 charging capabilities.

45 B. Electric Vehicle Charging Station Space. When provided, electrical vehicle
46 charging station spaces shall comply with the following requirements:

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Pat Dugan
Interim Finance Director

APPROVED AS TO FORM:

Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NUMBER: _____

1
2 On the _____ day of _____, 2010, the City Council of the City of
3 Lynnwood, Washington, passed Ordinance No. _____. A summary of the content of said
4 ordinance, consisting of the title, provides as follows:
5

6 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
7 ADDING NEW LMC SECTIONS 21.02.081, 21.02.082, , 21.02.304,
8 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930,
9 RENUMBERING LMC SECTION 21.02.210 TO LMC SECTION 21.02.208,
10 AMENDING LMC 21.42.400, 21.43.400, 21.44.100, 21.46.100, 21.50.100,
11 21.52.100, 21.57.400 AND 21.44.100 FOR THE PURPOSE OF
12 COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF
13 ELECTRIC VEHICLE INFRASTRUCTURE., PROVIDING FOR
14 SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY
15 PUBLICATION.
16

17 The full text of this Ordinance will be mailed upon request.
18

19 DATED this _____ day of _____, 2011.
20
21
22

23 _____
24 PAT DUGAN, INTERIM, FINANCE
25 DIRECTOR
26
27

Electric Vehicle Infrastructure

A Guide for Local Governments in Washington State



JULY 2010

Model Ordinance, Model Development Regulations, and Guidance Related to Electric Vehicle Infrastructure and Batteries per RCW 47.80.090 and 43.31.970



Department of Commerce
Innovation is in our nature.

Puget Sound Regional Council
PSRC

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Summary

Model Ordinance, Model Development Regulations, and Guidance Related to Electric Vehicle Infrastructure and Batteries per RCW 47.80.090 and 43.31.970

Electric vehicles and electric vehicle charging stations are coming to Washington State. In 2009 the Washington State Legislature recognized this as both an economic and environmental priority and with the support of the Governor, enacted a new law designed to encourage electric vehicles.

To create a consistent regulatory framework that would help this industry grow across Washington State, the legislature required the Puget Sound Regional Council and Department of Commerce to develop guidance for local governments.

To meet this requirement, the Puget Sound Regional Council and Department of Commerce formed a broad-based technical advisory committee made up of local governments, charging equipment vendors, utilities, ports, state agencies, and consumer interests.

The state's new electric vehicle law requires that all local governments in Washington State allow electric vehicle charging stations in most of their zoning categories. Allowing charging stations creates the need to address a number of issues beyond zoning. These include on-street and off-street signage, charging station design standards, parking enforcement, accessibility for all users, SEPA exemptions, and more. These issues are addressed in this document.

The guidance includes the following:

- A discussion of the context within which charging stations are provided **(Introduction)**.
- A model ordinance **(Section 1)**.
- Model development regulations and, for topics where regulations may not be required or standards do not yet exist, information that is provided as guidance **(Section 2)**.
- A set of resource documents and glossary **(Section 3)**.
- Under a separate cover, the guidance includes a set of appendices that include templates, checklists, and research findings.

By addressing topics beyond allowed uses and zoning, the guidance provides options for local governments that want to go further than the minimum to support an efficient roll-out of electric vehicles and electric vehicle charging stations in their jurisdiction.

Introduction

In 2009 the Washington State Legislature passed and the Governor signed into law House Bill 1481 an Act relating to electric vehicles.¹ The law addresses electric vehicle infrastructure which are defined as the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

The purpose of the law 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 plug-in electric vehicles is essential to increase consumer acceptance of these vehicles.

As the state agency with expertise in land use and electric vehicle infrastructure, Section 18 of HB 1481 (codified as RCW 43.31.970) requires the Washington State Department of Commerce (Commerce) to distribute to local governments model ordinances, model development regulations, and guidance for local governments for siting and installing electric vehicle infrastructure, in particular battery charging stations, and for appropriate handling, recycling, and storage of electric vehicle batteries and equipment.

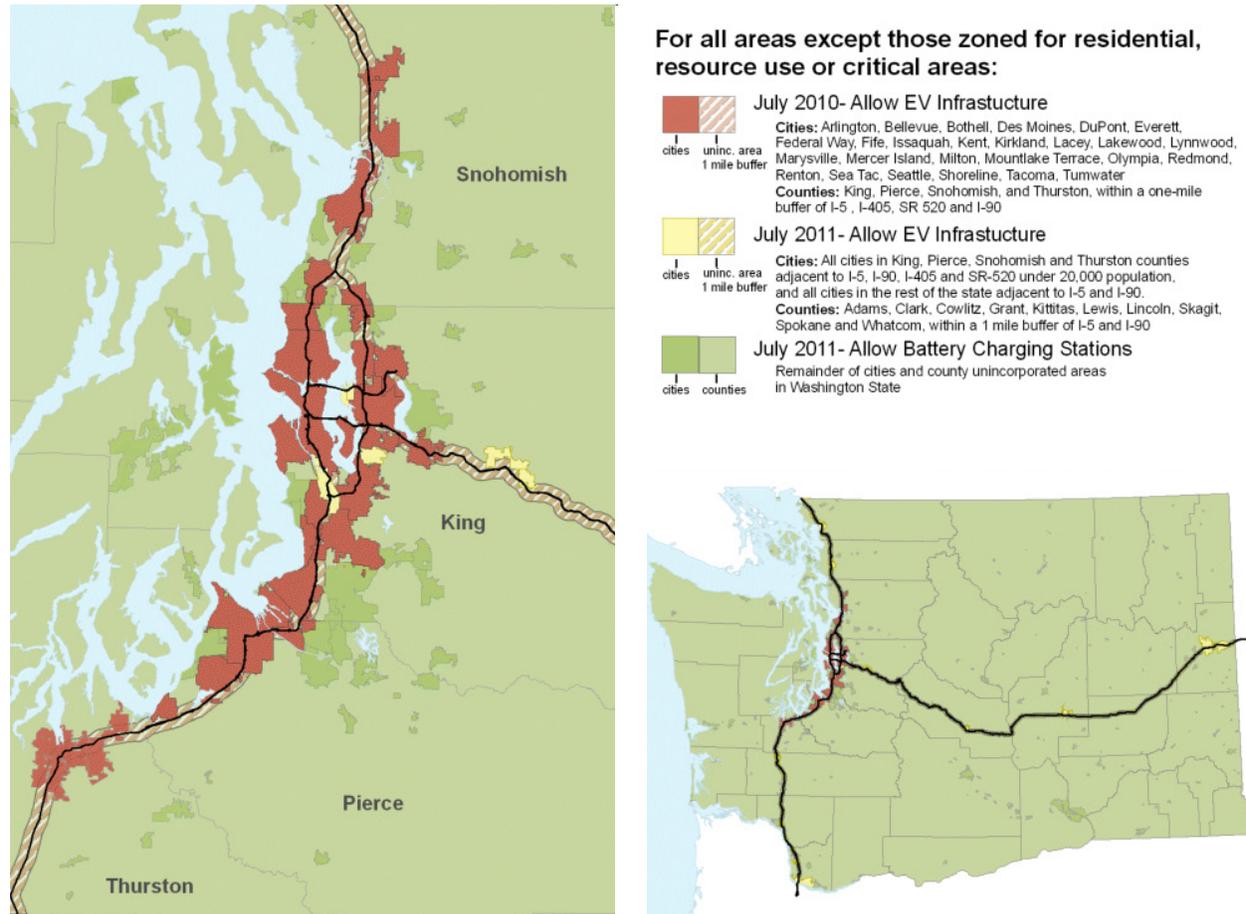
The law requires that local government development regulations allow electric vehicle infrastructure as a use in all zones except those zoned for residential, resource, or critical areas. This guidance extends the permitted use to these zones as well, although with some restrictions and limitations. The requirements apply to local jurisdictions as follows:

- By July 1, 2010, municipalities greater than 20,000 in population in King County that are adjacent to Interstate 5, Interstate 90, Interstate 405, or State Route 520, and all municipalities adjacent to I-5 in Pierce, Snohomish and Thurston Counties, must allow electric vehicle infrastructure (these municipalities are shown in red on the map on the following page).
- By July 1, 2011, municipalities less than 20,000 in population in King County that are adjacent to these freeways, and all municipalities statewide adjacent to I-5 and I-90 statewide, are required to allow electric vehicle infrastructure (shown in yellow).
- The remaining municipalities across the state are required to allow battery charging stations by July 1, 2011 (shown in green).
- For unincorporated county lands, the law imposes similar 2010 and 2011 deadlines for electric vehicle infrastructure, but only within a 1-mile buffer around these freeways (shown in red and yellow hatch-marks). For battery charging stations, the entire area of the county is affected — except those zoned for residential, resource, or critical areas — by 2011.

For both cities and counties, the law allows jurisdictions to adopt incentives programs as well as other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

Comment: *For the jurisdictions required to allow electric vehicle infrastructure, the definition includes Battery Charging Stations (referred to as Level 1, Level 2, and Rapid charging), Rapid Charging Stations (referred to as Level 3 or Fast charging), and Battery Exchange Stations. For the jurisdictions required to allow Battery Charging Stations, the definition does not include Battery Exchange Stations (see Section 2, Chapter 1: Definitions).*

Figure 1. Electric Vehicle Infrastructure Requirements for Cities and Towns (per RCW 35.63.126, 35A.63.107, 36.70A.695) and for Counties (per RCW 36.70.695, 36.70A.695, 35.63.127)



An additional requirement under Section 7 (codified as RCW 43.19.648) is that by June 2015 local governments and state agencies must satisfy 100% of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel, to the extent determined practicable by rules adopted by Commerce (RCW 43.325.080). An interim requirement of 40% is set for state agencies for June 2013. Commerce has not yet initiated this rulemaking; however, Commerce is considering strategies to implement Section 7 as part of the State Energy Strategy (SES) update currently underway.²

To assist local jurisdictions in meeting the requirements set for them under the law, Section 2 (codified as RCW 47.80.090) requires that the Puget Sound Regional Council, in collaboration with representatives from the Department of Ecology, the Department of Commerce, local governments, and the Office of Regulatory Assistance, seek federal or private funding for the planning for, deployment of, or regulations concerning electric vehicle infrastructure. In particular, Section 2 of 47.80.090 includes the development of model ordinances and guidance for local governments for siting and installing electric vehicle infrastructure, in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment. When completed, PSRC is to submit the guidance to the state legislature, local jurisdictions within its jurisdiction, and to Commerce for distribution statewide.

In the fall of 2009, Commerce identified Energy Efficiency Community Block Grant (EECBG) funds to begin planning for deployment of and regulations for electric vehicle infrastructure. With the assistance of a consultant team, a Technical Advisory Committee representative of key stakeholders and jurisdictions from across the state (see inside of front cover for a list of committee members), and input from a broader set of

public and private entities in the electric vehicle industry and state agencies including the Department of Transportation, Department of Ecology, State Building Code Council, and Labor & Industries, PSRC and Commerce prepared model guidance. The model ordinance, model development regulations, and guidance is written so that individual sections can be lifted out and modified to suit local government needs while still meeting the requirements of the new law.

The Purpose of These Model Provisions

Several car manufacturers are preparing to commercialize electric-drive vehicle models. By 2012, an estimated 10 to 12 models of highway capable electric vehicles (EVs) will be available to consumers. Electric vehicle infrastructure (EVI) is necessary to serve this growing consumer base, and HB 1481 recognizes this need by requiring that local governments allow EVI. A review of local government codes indicates that there does not currently seem to be prohibitions to EVI. However, there is a need for local governments to adopt regulations to provide for consistency in the installation of EVI across the state to assist in quicker transition to electric vehicle use. In addition to development regulations, local governments may want to consider the use of guidance documents and other written materials that explain EVs and EVI (see Appendix B. Model Installation Guides for Charging Stations).

To assist local governments in meeting the purpose and requirements of the new law, the model provisions in this document include three key sections. These sections, and the use of “**Comments**” within each of these sections, are explained further below.

- **Model Ordinance (Section 1).** This section provides language that jurisdictions may include in their adopting ordinances for electric vehicle infrastructure. This language can be used unchanged or may be modified to suit local government needs. The model ordinance includes “Whereas” findings for both “fully planning” and “partially planning” jurisdictions.³
- **Model Development Regulations and Guidance (Section 2).** These regulations and guidance include and build on provisions in statute (see Appendix A for where the sections of HB 1481 have been codified in the RCW). The model regulations and guidance are summarized in Table 1 and include regulations that are designed to ensure that a local jurisdiction is consistent with the required provisions in RCW. In some cases, they include options which jurisdictions may choose to include in their development regulations that provide for additional allowance of EVI (for example, allowing for EVI in areas including those zoned for residential and some critical areas).

Table 1. Suggested Model Regulations and Guidance

CHAPTER	REGULATION	GUIDANCE
Definitions	EV and EVI related terms	None
Vehicles and Traffic	EV Enforcement	None
Zoning	Allowed Uses Off-street Parking Design	Accessibility Off-street Signage
Street, Sidewalks and Public Places	On-street Parking Design	On-street Signage
Buildings and Utilities	None	Battery Recycling and Handling State EVI Rules
SEPA	Categorical exemptions	None

- **Comments.** *The guidance also includes a variety of comments that provide supporting information and serve as a resource to local government for consideration in the adoption of development regulations and guidance for EVI. The comments generally provide information as to why the model development regulation and/or guidance are necessary and what the source is (e.g., best practice or regulation from another jurisdiction which has EVI).*
- **Resources (Section 3).** This section contains a listing of all the supporting resource documents, a glossary of terms, and the footnotes.
- **Appendices.** These support the model ordinance, model development regulations, and guidance. It includes the research documents, including a code compilation and listing of practices for local, regional, and state agencies identified from the code compilation, interview results, battery research, and a web-based EV driver survey. Appendix B includes EVI Model Installation Guides for single family and commercial parking lots that local jurisdictions can use at their permit counters.

Identification of Existing Codes

The consultant team researched codes, ordinances, incentives, state laws, standards, white papers, and other guiding documents from past efforts of jurisdictions and other agencies across the country, as well as some international, national, and local jurisdictions. The task included examining the known universe of ordinances, regulations, and guidance and evaluating which aspects of the research would be most useful for inclusion in the models and guidance.⁴ Part of this research also included identification of those codes that would provide the highest value for follow-up with agencies to discuss and document best practices and lessons learned.⁵ Once this research was completed, PSRC and Commerce convened a meeting with a Technical Advisory Committee to review the results of the research and begin the process of identifying what to include in the model ordinance, model development regulations, and guidance. The TAC included representatives of local governments, charging station vendors, utilities, state agencies, ports, and consumer groups working on deployment of electric vehicles in Washington State.

State Law

The consultant team also assessed any unique provisions of planning laws and regulations in states or provinces identified from the document research described above and compared them to Washington’s planning statutes. This assessment included identification of any necessary adaptations statewide, given Washington’s planning statutes. Based on a review of the documents, the consultant team concluded that none of the adopted or draft codes poses major conflicts with Washington planning statutes, such as the various planning enabling acts (including the Growth Management Act (GMA), and the State Environmental Policy Act (SEPA). However, as discussed, these statutes contain procedural requirements for the adoption of development regulations.

Growth Management Act

The legislation applies to all local governments in Washington State, including those planning under Washington’s GMA, and those planning under other statutes. For GMA “Fully Planning” jurisdictions, the development regulations must be consistent with its comprehensive plan,⁶ and therefore GMA’s procedural requirements for comprehensive plans may affect the timing of a jurisdiction’s adoption of development regulations for EVI.

Local governments planning under GMA should ensure that their comprehensive plans include policies that support the adoption of the proposed regulations. EVI considerations could affect several different elements of the comprehensive plan, including land use, capital facilities, utilities, and transportation. If the comprehensive plan already includes such policies or the policies are broadly stated to support EVI, the jurisdiction can adopt the proposed regulations at any time. However, if the comprehensive plan does not include such policies, the plan may need to be amended before the adoption of development regulations. Because the GMA generally allows comprehensive plan amendments to be adopted only once a year,⁷ jurisdictions should plan ahead and evaluate the need for a comprehensive plan amendment well in advance of the adoption of development regulations for EVI.

In the situation where a jurisdiction wishes to implement the regulations outside the annual cycle, GMA allows amendments or revisions whenever an emergency exists or to resolve an appeal.⁸ It is possible that an amendment outside the regular annual cycle could be justified by an “emergency” need to ensure consistency between the comprehensive plan, development regulations, and the requirements imposed by RCW 36.70A.695. In declaring such an emergency, the jurisdiction should be sure to adopt findings explaining the reasons for its declaration.

State Environmental Policy Act

SEPA requires state and local agencies to give proper consideration to environmental matters before taking major actions. If the initial environmental review of a proposed action (the “threshold determination”) indicates that the action will have probable and significant adverse environmental impacts, a detailed environmental impact statement (EIS) must be prepared.⁹ SEPA’s procedural requirements, including the requirement to prepare a threshold determination, apply to “proposals for legislation and other major actions.”¹⁰ “Actions” include “[n]ew or revised agency rules, regulations, plans, policies, or procedures.”¹¹ Thus, before adopting development regulations for EVI, jurisdictions must first prepare a threshold determination under SEPA. Given the limited scope of the suggested model regulations and anticipated minor impacts associated with the adoption of such regulations, SEPA review would not likely require the preparation of an EIS. Rather, it is anticipated jurisdictions would complete a non-project SEPA checklist that results in a Determination of Non-Significance or Mitigated Determination of Non-Significance.

It should also be noted that SEPA amendments (RCW 43.21C.410) provide that battery charging stations and battery exchange stations will not lose their categorically exempt status under the SEPA rules as a result of their being part of a larger proposal. This amendment regarding exemption status will be relevant when jurisdictions review proposals to construct projects that include battery charging stations and battery exchange stations. Model development regulations are provided in this document in regard to this categorical exemption (see Section 2, Chapter 5: SEPA).

Relationship to Other Codes and Standards

As noted above, the model ordinance, model development regulations, and guidance are written so that individual sections can be tailored to the particular needs and characteristics of a community, while still providing for cross-jurisdictional consistency for some standards (e.g., signage) to provide for the establishment of convenient, cost-effective electric vehicle infrastructure. Additionally, the code structure of local governments varies and the model development regulation text may need to be modified for local government use (for example, some jurisdictions have permitted uses in table format, others utilize text format, while others use a combination of both formats. Additionally, some public works standards are contained within code or in a separate design manual, or a mix of both). For development and construction permit reviews, local jurisdictions also rely upon state and national standards (see Section 2, Chapter 6: State Battery, Building and Electrical Provisions).

In regard to incentives for electric vehicles and infrastructure, potential conflicts with the constitutional prohibition against the gifting or lending of public funds could be raised,¹² for example in the context of various incentives offered to encourage the use of EVs, such as providing free parking spaces to EV users. Washington courts have held, however, that if public funds are being expended to carry out a fundamental purpose of the government, then no gift of public funds has been made.¹³ The Legislature addressed a component of this issue in 2007 with the passage of Engrossed Second Substitute Bill 1303, section 206 (codified at RCW 43.01.250), which specifically authorizes the state to purchase electric power for the purpose of charging electric vehicles at state office locations for state vehicles or private vehicles of those conducting business with the state.

The potential impact of the regulatory authority of the Washington State Utilities and Transportation Commission, which has broad authority to regulate the rates, services, and practices of companies providing electricity service in Washington was also assessed.¹⁴ This regulatory authority could be implicated by certain aspects of EVI and incentives. For example, private companies that charge customers for electricity provided at EV charging stations could be subject to the UTC's jurisdiction. UTC staff indicated verbally that they have not yet addressed this issue, which could require rulemaking by UTC or legislation in order to clarify that operators of EVI are not subject to UTC jurisdiction. Other states, such as Hawaii and California, have addressed this issue by passing laws that exclude operators of EVI from the definition of "public utility."¹⁵

Electric utilities that are subject to UTC jurisdiction may be constrained in their ability to charge preferential rates or subsidies for electricity used by EVs. In an analogous context, the UTC has previously ruled that electric utilities may not impose a surcharge on its users to subsidize construction costs for compressed natural gas vehicle refueling stations.¹⁶ This issue may also require clarification through UTC rulemaking or legislation. It should be noted that the UTC recently adopted rules (WAC 480-100-505) requiring electric utilities to submit periodic reports evaluating certain "smart grid" technologies, including EVs.¹⁷ These reports will assist the UTC in evaluating EVI issues and provide additional information that may be helpful to local and state government entities attempting to encourage EV use.

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]

Section 2. Model Development Regulations and Guidance

Regarding Electric Vehicle Infrastructure and Batteries

Purpose of this Section. Except for RCW 43.19.648 which addresses usage of electricity as a fuel source, public agencies or private entities are not required to install EVI. Instead, these model regulations and guidance are provided to assist jurisdictions to efficiently and effectively allow EVI. In some cases, they include and go beyond “must allow” for EVI by including development regulations that provide for additional allowance of EVI (see Chapter 3: Zoning: allow for EVI in areas including those zoned for residential and some critical areas, such as aquifer recharge areas).

Some provisions also provide options for local governments. For example, if a jurisdiction wishes to utilize an enforcement mechanism that prevents internal combustion engine cars from parking in electric vehicle charging stations, regulations are provided. And, in some chapters, a section of guidance is provided. These are topics where either there may not be clearly defined standards (such as accessibility) or there are clear standards (such as signage) and there is nothing a local jurisdiction needs to adopt in their development regulations.

- Chapters:**
- Chapter 1. Definitions
 - Chapter 2. Vehicles and Traffic
 - Chapter 3. Zoning
 - Chapter 4. Streets, Sidewalks, and Public Places
 - Chapter 5. SEPA
 - Chapter 6. State Battery, Building, and Electrical Provisions

Chapter 1. Definitions

Definitions. This Chapter ensures that terms are defined consistently with the RCW and with other regulatory documents. Additionally, local governments may choose to develop user-friendly written materials that explain EVI (see Appendix B: “Model Installation Guides for Charging Stations”). All such documents should utilize the definitions and terminology below for consistent understanding.

To improve consistency across jurisdictions, these definitions should also be considered for adoption at the state level.

A. Regulations

1.1: “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.

Comment: As defined in HB 1481 (codified as RCW 35.63.126(5)(a), RCW 35.63.127(5)(a), RCW 35A.63.107(5)(a), RCW 36.70.695(5)(a), RCW 36.70A.695(5)(a) and RCW 47.80.090(3)(a).

Battery charging stations include Level 1, Level 2, and Level 3 charging stations (see definition 1.4).

1.2: “Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

Comment: Definition is a subcategory of electric vehicles (see “Electric Vehicle” below).

1.3: “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 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

Comment: As defined in HB 1481 (codified as RCW 35.63.126(5)(b), RCW 35.63.127(5)(b), RCW 35A.63.107(5)(b), RCW 36.70.695(5)(b), RCW 36.70A.695(5)(b) and RCW 47.80.090(3)(b).

1.4: “Charging levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- Level 1 is considered slow charging.
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging.

Comment: Definitions provided for consistent use and understanding of various charging levels and are modified from definitions and usage in various resource documents.¹⁸ Level 1 is present in homes and businesses and typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit and standard outlet. Level 2 is expected to become the standard for home and public charging and typically operates on a 40-amp to 100-amp breaker on a 208 or 240-volt AC circuit.

Level 3 is primarily for commercial and public applications (e.g., taxi fleets and charging along freeways) and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Note that the term “Level 3” is recommended to identify the increased power need in a numerical fashion (i.e., “3”), but the Level 3 charging level is also sometimes

referred to as “Fast” charging,¹⁹ and “Rapid” charging (see definition of Rapid Charging Station below). Use of “Level 3” also appears in other EVI documents (e.g., see page 25 of the “Report of the Alternative Fuel Vehicle Infrastructure Working Group”).²⁰

It is important to note that only the terms “Level 1” and “Level 2” are consistently used between industry and consumers. The use of “Level 3” is not consistently used at this time. Once a consistent term is defined, local governments should adopt amendments to adopted definitions. Opportunities for amendments to development regulations include a jurisdiction’s annual evaluation and amendment process or as part of the required GMA periodic update process (RCW 36.70A.130).

1.5: “Electric scooters and motorcycles” means any 2-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

***Comment:** These vehicles are defined as being distinct from “electric vehicle” to enable local governments to treat parking and charging locations for them separately.*

1.6: “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

***Comment:** This definition provides for inclusion of a variety of electric vehicles and is modeled after a definition used in the State of Minnesota²¹ and is designed for regulatory purposes, so that factors such as signage are not required to call out detailed differences among BEVs, PHEVs, NEVs, and MSEVs. Note that extended range electric vehicles (EREV) are not separately defined but are included in the definitional components for PHEV (i.e., runs on electricity from its battery, and then it runs on electricity it creates from gas). Other terms, such as Grid Enabled Vehicle (GEV), are also sometimes used when referring to PHEVs and EVs together.*

1.7: “Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

***Comment:** This definition is modeled after a definition for “electric vehicle parking space” used in the City of Davis.²² The Davis definition has been modified to combine the parking and battery charging characteristics into one definition as these features are functionally related. As the electric vehicle charging station facility is not a parking facility, its interaction with accessibility provisions is different from that of a parking space (see Section 3.3).*

Regarding allowed uses, Level 1 and Level 2 charging are expected to be a secondary use, not the principal use. However, Level 3 (i.e., Rapid or Fast) may be a primary use given their size and scale, as well as their potential to generate traffic and vehicle queuing, and therefore the need to mitigate the associated impacts. As such, Level 3 is to be permitted differently (see section 3.1).

The inclusion of permitted uses in the definition is meant to allow a jurisdiction to add EV charging stations categorically to existing allowed uses tables (see Section 3.1, Option 2). If a jurisdiction adds a new Allowed Uses table for the different types of Electric Vehicle Infrastructure (see Section 3.1, Option 1), inclusion of permitted uses in the definition may not be necessary.

1.8: “Electric vehicle charging station — restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

Comment: This definition is provided to clarify that the off-street parking requirements Chapter 3: Zoning, do not apply to “restricted” EV charging stations. (See subsection 3.2.01A).

1.9: “Electric vehicle charging station — public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

Comment: This definition is provided to clarify the variety of charging stations that are anticipated to be publicly available.

1.10: “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.

Comment: As defined in HB 1481 (codified as RCW 35.63.126(5)(c), RCW 35.63.127(5)(c), RCW 35A.63.107(5)(c), RCW 36.70.695(5)(c), RCW 36.70A.695(5)(c) and RCW 47.80.090(3)(c). Per these definitions, this term is broader than Electric Vehicle Service Equipment (ESVE) which refers to the charging equipment, cable and connector.

1.11: “Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Comment: While this term is not used other than in this chapter, it provides the potential for a space to be designated, perhaps as an incentive by a private company, for electric vehicles even if charging equipment is not provided.

1.12: “Medium-speed Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

Comment: Definition of a subcategory of electric vehicles (see “Electric Vehicle” above). Definition from RCW 46.04.295, as amended in 2010 by SSB 6346.

1.13: “Neighborhood Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

Comment: Definition of a subcategory of electric vehicles (see “Electric Vehicle” above). Definition from RCW 46.04.357.

1.14: “Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

1.15: “Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

Comment: Definition of a subcategory of electric vehicles (see “Electric Vehicle” above).

1.16: “Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that 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.

Comment: *As defined in HB 1481 (codified as RCW 35.63.126(5)(d), RCW 35.63.127(5)(d), RCW 35A.63.107(5)(d), RCW 36.70.695(5)(d), RCW 36.70A.695(5)(d) and RCW 47.80.090(3)(d).*

Chapter 2. Vehicles and Traffic

Vehicles and Traffic. This Chapter provides model regulations for when a local jurisdiction chooses to authorize enforcement for non-electric vehicles that park in electric vehicle charging station spaces or for electric vehicles parked out of compliance with posted days and hours of charging operation. These model regulations are only for electric vehicle charging station spaces located in publicly owned and/or operated parking areas (e.g., on-street parking, municipal garages, park-and-ride lots, etc.). Signage for enforcement is included in Chapter 4: Street, Sidewalks and Public Places.

A. Regulations

Section 2.1: Electric Vehicle Charging Stations — Generally

2.1.01: Electric vehicle charging stations are reserved for parking and charging electric vehicles only.

2.1.02: Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

***Comment:** The purpose of adopting enforcement provisions for electric vehicle charging station spaces is to maximize the use of limited EV public infrastructure.*

Section 2.2: Prohibitions

2.2.01: Pursuant to Section 2.4, when a sign authorized under Section 2.3 provides notice that a space is a designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Any non-electric vehicle is subject to fine or removal.

***Comment:** The purpose of adopting enforcement provisions for non-electric vehicles parking in electric vehicle charging station spaces is to ensure that the space is available for EV drivers. As found in a recent EV driver survey, 22% of the problems encountered at public charging stations were attributed to EV spaces being occupied by non-EVs.²³*

2.2.02: Pursuant to Section 2.4, any electric vehicle in any designated electric vehicle charging station space and not electrically charging or parked beyond the days and hours designated on regulatory signs posted at or near the space, shall be subject to a fine and/or removal. For purposes of this subsection, “charging” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

***Comment:** In regard to assessing whether an electric vehicle is not charging, being plugged in and connected to the charging station equipment serves as the charging indicator.*

Section 2.3: Noticing of Electric Vehicle Charging Stations

2.3.01: Upon adoption by the [insert jurisdiction], the [insert jurisdiction] engineer shall cause appropriate signs and marking to be placed in and around electric vehicle charging station spaces, indicating prominently thereon the parking regulations. The signs shall define time limits and hours of operation, as applicable, shall state that the parking space is reserved for charging electric vehicles and that an electric vehicle may only park in the space for charging purposes. Violators are subject to a fine and/or removal of their vehicle.

***Comment:** Wherever possible, MUTCD signage standards should be used.²⁴ Also, see signage guidance in Chapter 4: Streets, Sidewalks and Public Places. Note that these signage recommendations are included as guidance as they contain a combination of MUTCD and non-recognized MUTCD signs. Also, adopting time limits will be a local choice. Jurisdictions may define time limits for reasons other than just charging (e.g., for turnover of parking adjacent to businesses, such as retail).*

Section 2.4: Violations-Penalties

2.4.01: Violations of this chapter shall be punishable as infractions. Punishment shall be by a fine not to exceed the fine prescribed in accordance with section _____ of the *[insert jurisdiction]* code. Each day such violation is committed shall constitute a separate offense and shall be punishable as such.

2.4.02: In addition to a fine, a person who has parked or left a vehicle standing upon a street, alley, or *[insert jurisdiction]* parking lot or garage in violation of this article is subject to having the vehicle removed from the street, alley, or *[insert jurisdiction]* parking lot or garage by any member of the police department authorized by the police chief or designated law official in the manner and subject to the requirements of the _____. *[insert]*

Comment: *All of the above sections are modeled after regulations adopted by the City of Davis. (See footnote 22.)*

Chapter 3. Zoning

Zoning. This Chapter ensures that local governments meet the requirements in HB 1481 to allow electric vehicle infrastructure as a “use” in all areas, except those zoned for residential or resource use or critical areas. It also includes regulations for when they choose to also to allow Level 1, Level 2, and Level 3 charging stations (with some limitations) in residential and resource zones and critical areas, given that the statute contains **no** prohibition on allowing this infrastructure in any zones.

This chapter also contains guidance related to accessible use of EV charging stations for all users, and clarifies how these stations are different than typical parking spaces in terms of accessibility regulations. Additionally, this Chapter includes model development regulations and guidance that a jurisdiction may impose to provide guidance when a private property owner chooses to provide electric vehicle charging stations.

A. Regulations

Section 3.1: Allowed Uses

OPTION 1:

Comment: *As many local governments list their use regulations in a table format, this format is provided below. While the reference to the specific applicable types of zones will vary in comparison to the broad zone category listed below, the zones in which the use must be allowed and the related development standard should be common across jurisdictions. The table below includes highlighting for purpose of quickly identifying where EVI must be allowed (i.e., as a use in all areas except those zoned for residential or resource use or critical areas, consistent with the statute.*

Jurisdictions should also consider adopting the other provisions in the table below to support efficient and effective transition to electric vehicles. An example, as noted in a number of Resource documents at the end of this Guidance, the majority of charging will occur in homes. This is why electric vehicle infrastructure in residential and mixed-use areas is included in the allowed uses table.

EVI TYPE	ZONING DISTRICT						
	LOW-DENSITY RESIDENTIAL	HIGH-DENSITY RESIDENTIAL	MIXED-USE	COMMERCIAL	INDUSTRIAL	INSTITUTIONAL	RESOURCE
EV Charging Station 1, 2	P ₃	P ₃	P	P	P	P	P ₃
Rapid Charging Station 4	P ₅	P _{5,6}	P or P ₆	P	P	P	P ₃
Battery Exchange Station				P	P	P	

P: Use is permitted. Absence of “P”: Use is not allowed in the given zoning district.

DEVELOPMENT STANDARDS

1. Level 1 and Level 2 charging only.
2. Level 1 and Level 2 charging are permitted in aquifer recharge areas and in other critical areas when serving an existing use.
3. Allowed only as accessory to a principal outright permitted use or permitted conditional use.
4. The term “Rapid” is used interchangeably with Level 3 and Fast Charging.
5. Only “electric vehicle charging stations - restricted” as defined in Chapter 1, subsection A.1.8.
6. Local governments may choose to allow Level 3 charging stations as an outright permitted use or may determine that it is appropriate to adopt development standards applicable to the mixed-use or high density residential zoning districts. For example, there may be instances where this type of charging station would require screening or placement within a parking garage to meet other objectives of the mixed-use zone (e.g., a pedestrian friendly environment) or high-density residential zone.

OPTION 2:

Comment: Add battery exchange stations and rapid charging stations (also known as Level 3 charging and Fast charging) as an allowed use in all zones, except those zoned for residential or resource use or critical areas. Note that installation of these uses must be consistent with the rules for EVI requirements adopted by the State Building Code Council, and the rules adopted by the Department of Labor and Industries for the installation of EVI, including all wires and equipment that convey electric current and any equipment to be operated by electric current, in, on, or about buildings or structures (RCW 19.27.540 and RCW 19.28.281) — see Chapter 6: State Battery, Building and Electrical Provisions. Local governments may choose to modify the suggested Allowed Use model regulations below and adopt development regulations which reference this consistency requirement.

Note that Level 1 and Level 2 battery charging stations, defined as “electric vehicle charging station” in Chapter 1: Definitions, are not listed as an allowed use in this Allowed Uses option. This is because these types of charging stations are similar to other building and street infrastructure (e.g., parking meters) and do not function as a separate land use. However, since the statute states, in part, that jurisdictions “must allow electric vehicle infrastructure as a use,” and the definition of EVI includes battery charging stations, the definition of “electric vehicle charging station” in Chapter 1 provides that these types of battery charging stations are allowed as accessory to the specific principal use that they serve.

3.1.01: Rapid Charging Stations



Rapid charging stations in Vacaville, California. Photos: Darell Dickey.

3.1.02: Battery Exchange Stations

To view a video of a battery exchange station, follow this link to Better Place:
<http://www.betterplace.com/global-progress-japan>



Battery Exchange Station in Tokyo. Photo: Better Place.

Section 3.2: Off Street Parking — Electric Vehicle Charging Stations

To ensure an effective installation of electric vehicle charging stations, the regulations in this subsection provide a framework for when a private property owner chooses to provide electric vehicle charging stations (also, see Appendix C: Model Electric Vehicle Charging Station Installation Checklist).

3.2.01: Electric Vehicle Charging Station Spaces

- A. Purpose. For all parking lots or garages, except those that include restricted electric vehicle charging stations.
- B. Number. No minimum number of charging station spaces is required.
- C. Minimum Parking Requirements. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.
- D. Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.
 - 1. Where provided, parking for electric vehicle charging purposes is required to include the following:
 - a. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
 - b. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
 - c. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.
 - d. Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.
 - 2. Parking for electric vehicles should also consider the following:
 - a. Notification. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.
 - b. Signage. Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s).
- E. Data Collection. To allow for maintenance and notification, the local permitting agency will require the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition “electric vehicle charging station — public”) to provide information on the station’s geographic location, date of installation, equipment type and model, and owner contact information.

B. Guidance

Section 3.3: Accessible Electric Vehicle Charging Stations

Comment: *Accessibility standards specific to electric vehicle infrastructure are not currently established in the WAC. As such, this guidance is provided to assist local jurisdictions in establishing compliance with the Americans with Disabilities Act and its enactment through the WAC, as appropriate to the unique characteristics of this infrastructure given their function as charging facilities. Generally, as Electric Vehicle Charging Stations are provided where ADA accessible parking is already provided, a key issue is for the equipment itself to have accessible heights, controls, and operating mechanisms that allow*

the disabled to use it. For local jurisdictions, the responsibility is for permitting agencies to ensure the equipment meets the requirements and, in on-street and off-street environments, to ensure that there be an accessible route from the electric vehicle charging stations to the building or path of travel.

The accessibility guidance below is comparable to accessibility provisions that require that some percentage of hotel rooms be accessible (i.e., an accessible hotel room can be used by anyone, but is located and designed for persons with disabilities). Similarly, some percentage of EV charging stations should be accessible to all users because they offer a service to the general public. The percentage is shown below, as are provisions describing different options for siting accessible EV charging stations. Until such time as the state amends WAC 51-50-005 with regard to barrier-free access for EVI (see RCW 19.27.540), this guidance will assist local governments in ensuring that reasonable accommodation is provided for EV drivers with disabilities.

3.3.01: Quantity and Location

Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided as follows:

- A. Accessible electric vehicle charging stations shall be provided in the ratios shown on the following table.

Comment: Recognizing that an ADA accessible stall will already be available in the parking lot or garage, the table at right reflects the approach of some of the federally-funded electric vehicle infrastructure projects, the currently limited market penetration rates of electric vehicles, current information regarding automakers plans for vehicle types and sizes that will be publicly available in the next few years, and information from the survey of current EV drivers regarding accessibility. As the market share grows for electric vehicles and as new vehicles are made available, the ratio of stations shown in the table above should be re-evaluated. As previously noted, this guidance exists until and unless the state amends WAC 51-50-005 to specifically address EVI.

NUMBER OF EV CHARGING STATIONS	MINIMUM ACCESSIBLE EV CHARGING STATIONS
1-50	1
51-100	2
101-150	3
151-200	4
201-250	5
251-300	6

- B. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations.

Figure: Off-Street Accessible Electric Vehicle Charging Station — Option 1

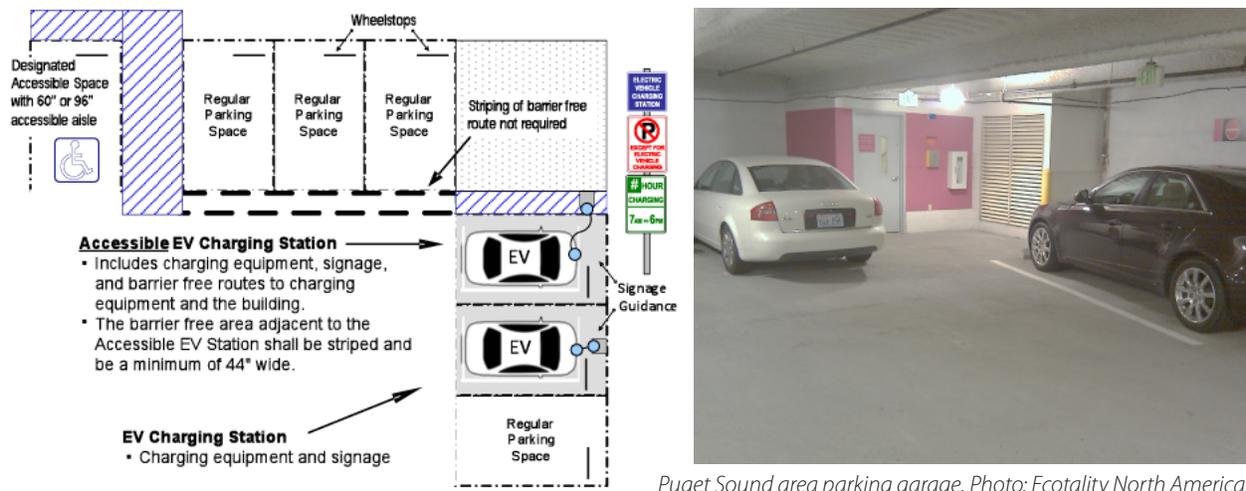
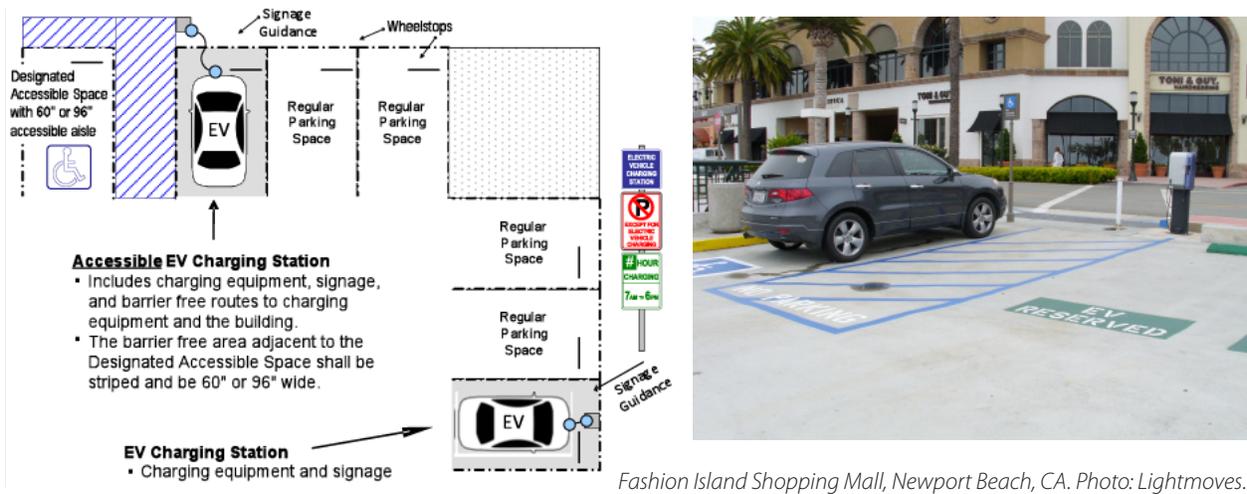


Figure: Off-Street Accessible Electric Vehicle Charging Station — Option 2



Comment: The illustrations and photos above show two options for providing accessible EV charging stations. Option 1 is a likely scenario for installation in existing parking lots. By using an existing wider end parking stall or restriping, an accessible EV charging station may be more cost effectively installed. Where feasible, a wider clear area around the equipment (60") is preferable. Additionally, this location away from the near building prime parking has a better likelihood of being available for disabled persons, since the accessible charging station is not exclusively reserved for disabled persons. Option 2 provides a location that has a shorter travel distance for disabled persons and can be easily installed in a new parking lot. This option may allow the installer to provide a wider, more fully-compliant aisle.

While other options, depending on the specific layout of the new or reconfigured parking area, are likely, at a minimum, an accessible EV charging station must be located within accessible reach of the barrier-free access aisle (minimum 44-inch width) and the electric vehicle and connect to a barrier-free route of travel. However, because the charging station facility is not a parking facility, the accessible charging station does not need to be located immediately adjacent to the building entrances or reserved exclusively for the use of disabled persons.

3.3.02: Definitions

- A. Designated Accessible Space. A WAC 51-50-005 required accessible parking space designated for the exclusive use of parking vehicles with a State Disabled Parking Permit.
- B. Accessible Electric Vehicle Charging Station. An electric vehicle charging station where the battery charging station equipment is located within accessible reach of a barrier-free access aisle (minimum 44-inch width) and the electric vehicle.

Section 3.4: Signage

3.4.01: Directional — Off-street Parking Lot or Parking Garage

Comment: The directional sign for an on-site parking lot or parking garage should be used in the parking facility with a directional arrow at all decision points.



12" X 12"



12" X 6"

Section 3.4.02: Off-street EV Parking — Parking Space with Charging Station Equipment

Comment: Combination sign identifying space as an electric vehicle charging station, prohibiting non-electric vehicles, with charging time limits. The use of time limits is optional. The blue/white and red/black signs define that only an electric vehicle that is charging can use the spaces. The green sign defines time limits for how long an electric vehicle can be in the space during the specified hours. Outside of the specified hours, electric vehicles can charge for an indefinite period of time.



12" X 12"



12" X 18"



12" X 18"

Chapter 4. Streets, Sidewalks, and Public Places

Streets, Sidewalks, and Public Places. This Chapter provides model regulations for when a jurisdiction chooses to install electric vehicle charging station stations in publicly owned and/or operated parking areas (e.g., on-street parking, municipal garages, park-and-ride lots, etc.).

Signage for way-finding (i.e., directional signage), and regulatory and general service signage for the EV charging space is also provided. Note that use of the directional signage that identifies the level of charging available at the charging station is not an approved sign and is subject to future FHWA approval.

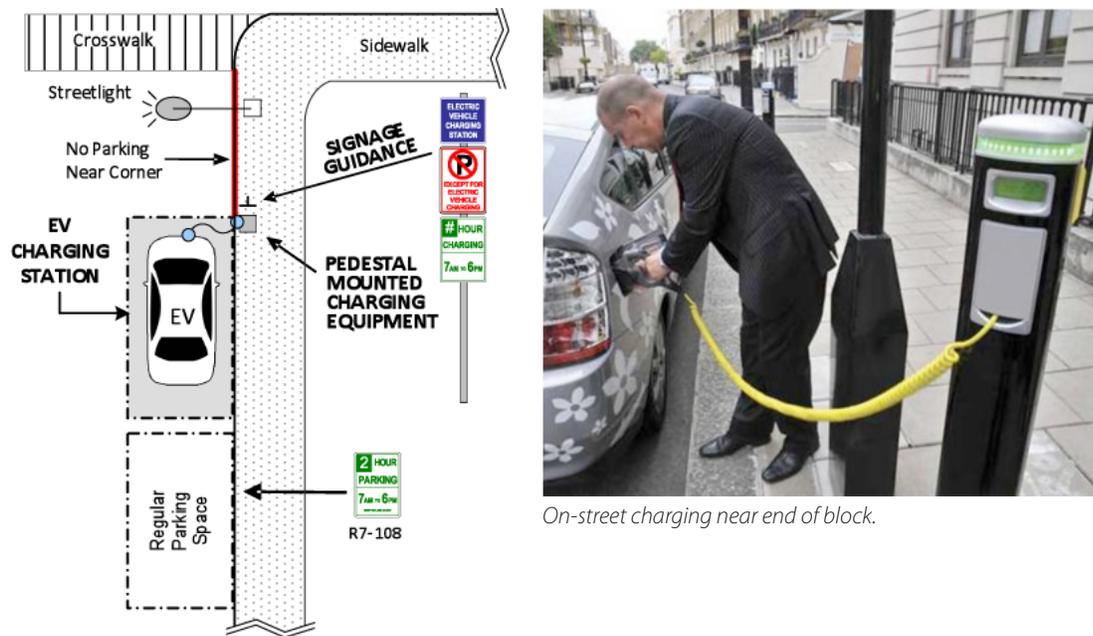
A. Regulations

Section 4.1: On-street Electric Vehicle Charging Stations — Generally

- A. Purpose. Curbside electric vehicle charging stations adjacent to on-street parking spaces are reserved for charging electric vehicles.
- B. Size. A standard size parking space may be used as an electric vehicle charging station.
- C. Location and Design Criteria.
 1. Where provided, parking for electric vehicle charging purposes is required to include the following:
 - a. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
 - b. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
 - c. Accessibility. Charging station equipment located within a sidewalk shall not interfere with accessibility requirements of WAC 51-50-005.
 - d. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.
 - e. Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.
 - f. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.
 - g. Charging Station Equipment Protection. When the electric vehicle charging station space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used. Appropriate signage indicating if backing in is allowed or not shall be posted.

2. Parking for electric vehicles should also consider the following:
 - a. Notification. Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.
 - b. Signage. Installation of directional signs at appropriate decision points to effectively guide motorists to the charging station space(s).
 - c. Location. Placement of a single electric vehicle charging station is preferred at the beginning or end stall on a block face.
- D. Data Collection. To allow for maintenance and notification, the local permitting agency will require the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition “electric vehicle charging station — public”) to provide information on the station’s geographic location, date of installation, equipment type and model, and owner contact information.

Figure: Electric Vehicle Charging Station — On Street



On-street charging near end of block.

Comment: On-street EV charging stations should first be installed at either end of a row of regular on-street parking spaces. Subsequent EV charging stations should be installed adjacent to existing EV charging stations. Several factors that suggest an end-stall as the preferred location include, but are not limited to: proximity to electrical service, adjacency to existing no-parking zone, better accessibility for all users, higher lighting levels and less clearance and obstruction issues with existing parking spaces. The charging station equipment should be installed in a well-lit area, on a hard surface, near the front of the designated space, and have adequate clearance from the face of curb (24”) and leave a barrier-free sidewalk clearance (36” or other applicable distance). Signage shall be at or near the charging station. All regulatory signs shall comply with visibility, legibility, size, shape, color and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices.

B. Guidance

Section 4.2: Signage.

4.2.01: Directional — Highways and Freeways

Comment: The directional sign (MUTCD D9-11b) for highways and freeways should be installed at a suitable distance in advance of the turn-off point or intersecting highway. If used at an intersection or turn-off point, it shall be accompanied by a directional arrow. As the symbol on the sign at right appears to be a gasoline pump, this sign may also be supplemented with the sign below (MUTCD D9-11bP) to avoid confusion with liquid fuel stations for early EV drivers.



30" X 24"



30" X 30"



30" X 12"

Figure: New Experimental Electric Vehicle Signs Under Consideration



Comment: To address some of the limitations of the existing approved sign, and to provide for clearer direction to EV drivers, WSDOT and the City of Seattle are considering Federal Highway Administration experimentation²⁵ of a new International iconic white/blue sign. Oregon is already undergoing a sign experimentation process as well and, as these experiments move forward, efforts will be made to coordinate such that consistent signage is provided (see signs above).

The long-term objective of the revised iconic sign is to have a consistent symbol from the federal highway, to state highways, to local streets, and finally at the charging station. Use of one federal symbol is the simplest way to accomplish this end. A current federal study of a symbol for EV charging stations should have preliminary results in September. Recognizing that the experimentation process may result in revisions to the signs shown below, the currently approved federal iconic signage shown on the previous page should be utilized by local government and installers during the experimentation period. One potential revision that may be proposed from Washington State is that the sign include information on the charging level (i.e., Level 1, Level 2, and Level 3) provided at the station.

4.2.02: Directional — Local Street

Comment: The directional sign for local streets should be installed at a suitable distance in advance of the intersection or charging station facility. If used at an intersection or parking lot entrance, it shall be accompanied by a directional arrow. As the symbol on the sign at right appears to be a gasoline pump, this sign may also be supplemented with the sign below (MUTCD D9-11bP) to avoid confusion with liquid fuel stations for early EV drivers.



24" X 18"



24" X 24"



24" X 9"

4.2.03: On-Street Parking Space with Charging Station Equipment

Comment: Combination sign identifying space as an electric vehicle charging station, prohibiting non-electric vehicles, with charging time limits. The use of time limits is optional and is included to allow the charging equipment to be available for more than one use during the day. For example, a jurisdiction may want to utilize time limits in areas where the on-street charging station spaces would turn over consistent with whatever time limits might otherwise be posted on a block (e.g., 2-hour time limits). The design of the time limit charging sign is modeled after the existing R7-108 sign in the federal MUTCD. If time limits are used, suggested enforcement regulations are provided in Chapter 2: Vehicles and Traffic. If the jurisdictions wishes to allow dual use of the space (i.e., the spaces is for electric vehicles only during a certain period of time, but then allow all vehicles to park after specified hours), the time limits would need to be added to the red/black/white sign rather than the green sign.



12" X 12"



12" X 18"



12" X 18"

Chapter 5. SEPA

SEPA. This Chapter ensures that local government SEPA regulations include the SEPA categorical exemption language contained in RCW 43.21C.410. This model document includes two alternative ways to accomplish this. One is for the jurisdiction to simply add the reference to RCW 43.21C.410 in the same way that many jurisdictions adopt by reference other RCW and WAC categorical exemptions. The second alternative is to interpret RCW 43.21C.410 and add the following as a new categorical exemption category.

A. Model Regulations

OPTION 1:

Comment: Add the reference to RCW 43.21C.410 in the “Categorical Exemptions and Threshold Determinations” section of local government SEPA rules in the same way that many jurisdictions adopt by reference other RCW and WAC categorical exemptions. See existing SEPA regulations below with RCW 43.21C.410 added.

Section 5.1: Categorical Exemptions and Threshold Determinations — Purpose of This Part and Adoption by Reference

This part contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The [insert jurisdiction] adopts the following sections by reference, as supplemented in this part:

RCW 43.21C.410 Battery charging and exchange station installation.

WAC 197-11-300 Purpose of this part.

WAC 197-11-305 Categorical exemptions.

OPTION 2:

Comment: The second alternative is to interpret RCW 43.21C.410 and add the following as a new categorical exemption category. Definitions for “Battery charging station” and “Battery exchange station” are included, but if these are adopted elsewhere in the local government code, these could be deleted.

Section 5.1: Categorical Exemptions for Battery Charging and Exchange Station Installation

5.1.01: The construction of an individual battery charging station or an individual battery exchange station, that is otherwise categorically exempt shall continue to be categorically exempt even if part of a larger proposal that includes other battery charging stations, other battery exchange stations, or other related utility networks.

5.1.02: 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 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.
- 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.

Chapter 6. State Battery, Building, and Electrical Provisions

State Battery, Building and Electrical Provisions. This Chapter provides guidance for appropriate handling, recycling, and storage of electric vehicle batteries and equipment. This Chapter also provides guidance regarding the applicability of existing rules and regulations for the installation of EVI, including battery exchange stations.

A. Guidance

Section 6.1: Battery Recycling and Handling Provisions

Lithium-ion Battery. Batteries in electric vehicles differ from batteries currently used with internal combustion engine (ICE) vehicles. ICE vehicles utilize a battery (normally 12V) to provide cranking power to start the engine as well as to deliver low voltage to accessories such as the lights and ignition. The ICE battery is recharged with the aid of an alternator when the engine is running. The much more powerful battery in an electric vehicle (EV) or plug-in hybrid electric vehicle (PHEV) serves as the source of power and propulsion for the vehicle. Lithium-ion batteries are currently the accepted next-generation of energy storage for EVs and PHEVs. They are lighter, more compact and more energy dense than nickel-metal hydride and other batteries currently available. Batteries used in EVs and PHEVs discharge energy during vehicle use and are primarily recharged by connecting to the grid or other off-board electrical source, and in some cases are able to sustain a charge using an on-board internal-combustion-driven generator. Because an electric motor powered by a battery pack is about three times as energy efficient as an internal combustion engine, an EV can travel much farther than a conventional gas-powered car on the energy equivalent of one gallon of gasoline. Lithium-ion batteries also provide the benefit of multiple reuse options and high recyclability.

Battery Chemical Composition. The lithium-ion cells in new electric vehicles meet the requirements set forth by the Directive on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment 2002/95/EC (commonly referred to as the Restriction of Hazardous Substances Directive or RoHS). In contrast to lead acid batteries used in ICE vehicles, lithium-ion batteries do not contain lead, mercury, cadmium, or any heavy metals or federally defined toxic materials. However, as potentially dangerous waste, businesses seeking to dispose of batteries must go through the EPA designation process before they may be safe for landfill disposal. Also, as described below, Washington Department of Ecology regulations may be more stringent than EPA regulations.

Battery Recycling. In terms of recycling, the parts, chemicals and components of lithium-ion batteries are highly recyclable. Given the toxicity of lead acid batteries, state law (RCW 70.95) and state regulations (WAC 173-331) tightly regulate the recycling and disposal of lead acid batteries. As described more fully in the Department of Ecology section below, these laws and regulations do not apply to lithium-ion batteries. Once a lithium-ion battery reaches its ultimate end of life, it can be processed at a commercial facility by being shredded and separated into its recyclable components. Metals and other compounds can be sold and the lithium may either be recycled back to battery manufacturers or disposed of as a nonhazardous material. Efforts are underway by industry groups and the federal government to develop increased capabilities for recycling lithium from EV batteries. The U.S. Department of Energy recently issued a grant to Toxco, a California company, to build the first recycling facility for lithium-ion batteries in the U.S.. Toxco has been recycling single-charge and rechargeable lithium batteries used in other devices at a facility in Trail, British Columbia.

Battery Re-use. When an electric vehicle battery reaches the end of life in its primary application, it may be possible to use it for a time in other purposes. These include standby power and utility load leveling where battery performance is not as demanding as a vehicle application. As such, opportunities for the reuse of

lithium-ion batteries after the end of their normal vehicle life are expected to be widely established in the near future. Automobile manufacturers will determine when a battery is no longer able to carry a sufficient charge to be used in the vehicle. It is anticipated that, at that point, lithium-ion batteries will still retain 70-80% of their residual capacity and could be reused for energy storage. In October 2009, Nissan Motors and Sumitomo Corporation announced joint plans for a new company, expected to be operational by late 2010 in Japan and the United States, to create a market for second-life EV batteries in such applications as back-up energy storage for solar photovoltaic systems, back-up power supplies, uninterruptable power supplies and load leveling for the electric grid. It has been reported that General Motors is studying similar reuse business models for EV batteries.

Battery Handling and Storage. As an identified nonhazardous material (as noted previously), handling and storage of EV batteries will likely fall under typical fire and safety codes established by the State Building Code Council (see below). One unique EV battery concept is battery exchange stations, which are intended to be strategically located automated facilities that can enable an EV with a swappable battery to quickly exchange a depleted battery with a fully charged battery. These have been identified as providing possible EV consumer opportunities in addition to battery charging stations. If battery exchange stations are implemented, those stations would presumably remove from the exchange pool any batteries that are beyond their useful life and would find opportunities for reuse and recycling of these batteries as noted above. Rules and regulations for the handling and storage of batteries, in settings such as car dealerships that may have multiple charged batteries on site, automotive parts stores, and in the context of a battery exchange station, are described below.

Section 6.2: State Department of Ecology

Existing Rules and Regulations. RCW 70.95 and WAC 173-331 address vehicle batteries. The WAC was last updated in 1991 and, as defined in WAC 173-331-100 (14), this code does not apply to electric/hybrid batteries as the core does not consist of a lead element. WAC 173-331-100 (14) states: "Vehicle battery means any battery used or capable of use, without modification, in any vehicle, truck, mobile home, recreational vehicle, boat, airplane, or utility vehicle, having a core of elemental lead, with the capability to produce six or more volts. For purposes of application of the core charge only, a vehicle battery shall be a replacement battery and the core charge shall not apply to original battery installations."(Emphasis added). RCW 70.95.610(4) also defines batteries as including a core of elemental lead.

All batteries can be managed as a universal waste under WAC 173-303, Dangerous Waste Regulations, and under Federal Regulations. Electric/hybrid batteries may or may not be a dangerous waste (DW). Such a determination would be made through the designation process described below. At this time, the only apparent outlets that are likely to accept batteries are the vehicle dealerships/manufacturers. These outlets could be designated as a universal waste destination facility, a universal waste handler, a recycler, or a regulated generator, depending on how they manage the batteries. For example, when a car is brought to a dealer, and the dealer replaces the battery, the dealer becomes the generator of the spent battery taken out of the car. The dealer can manage that battery as a fully regulated DW or can manage the battery as a conditionally regulated DW battery under a process that the state (and EPA) calls universal wastes.

There are advantages to the generator to managing batteries as universal waste. They can become what are referred to as a universal waste handler, which has fewer regulations to follow than a dangerous waste generator. Under the universal waste regulations the battery can be recycled or disposed. With regard to transportation of the battery material, no hazardous waste manifest is required. However the battery may be regulated under Department of Transportation regulations as a hazardous material if it meets the criteria for one or more hazard classes specified in 40 Code of Federal Regulations 173.2.

Below is a link to the EPA website which discusses batteries.

<http://www.epa.gov/osw/hazard/wastetypes/universal/batteries.htm>

Designation Process for Businesses Handling Batteries. Businesses in Washington State (whether in this case a battery recycler, vehicle dealership, or auto repair shop taking back or replacing batteries) are responsible for knowing what and how much dangerous waste they generate. The Dangerous Waste Regulations (Chapter 173-303 WAC) describe the characteristics/properties (e.g., flammable, corrosive) that cause a waste to be considered dangerous and what amounts of waste would cause a business to be regulated as a dangerous waste generator. The designation process leads the business through the steps to take to make the determination on whether they generate a dangerous waste that would be subject to special handling requirements. There are exclusions for certain waste streams. The link below provides a tool that would help a business go through the designation process.

http://www.ecy.wa.gov/programs/hwtr/reg_comp_guide/pages/des_intro.html

Prior to making a determination that the battery is safe for landfills, a business must go through the designation process. They may be safe for landfill disposal after treatment, but more information is needed. Also, Washington State Regulations may be more stringent than EPA regulations.

Section 6.3: State Building Code Council

Section 16 of HB 1481 (codified as RCW 19.27.540) requires the State Building Code Council to adopt rules for electric vehicle infrastructure (EVI) requirements. Such rules must consider applicable national and international standards and be consistent with rules adopted under RCW 19.28.281 (Department of Labor and Industries, discussed in next section). Battery charging stations and rapid charging stations are likely to be freestanding facilities that are adjacent to a building but are not inside a building, and therefore would be regulated under Labor and Industry rules. Battery exchange stations, on the other hand, will be inside buildings and therefore are regulated under the rules set by the State Building Code Council.

In recognition of the directive in the RCW, the State Building Code Council has reviewed the existing rules in Chapters 51-50, 51, 52 and 54 of the WAC and determined that the rules provide for the regulation of EVI. With regard to building construction, current building codes and building occupancy classifications would allow for the installation of battery exchange stations, as discussed further below.

As with any commercial building, a building permit application for a battery exchange station would be accompanied with building plans designed by a registered professional and would include a proposed applicable occupancy classification. This occupancy classification would be reviewed and confirmed by the responsible Building Official and Fire Code Official.

The Building Official must classify by occupancy group the intended use of a proposed new or existing building as the first step to determine applicable technical requirements. The building code defines each occupancy and provides a list of specific included uses with the caveat “but not limited to” giving the building official flexibility to interpret inclusion of similar unstated uses.

A battery exchange station would most likely to be classified as a Group S-1 use (motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials). However, given the relative size of possible associated occupancies such as Group B (motor vehicle showrooms) or Group M (motor fuel dispensing facilities), it could be deemed an accessory occupancy to one of these two. All three of these general occupancies (Storage Group S-1, Mercantile Group M and Business Group B) are often co-located in “mixed use” buildings and, as such, the building code deems them to be of similar fire hazard resulting in no need for physical fire separations between them.

In this regard, building code requirements can be determined for proposed battery exchange stations under existing code language. Current understanding of the operational scope of these stations indicates that they can most likely be constructed within the hazardous material thresholds allowed for the occupancy groups noted above and therefore would not be subject to the costly requirements of high-hazard Group H occupancies.

Simply stated, under the current building code, battery exchange stations can be introduced and readily accommodated in a new or existing commercial “strip” development, or as a stand-alone facility, at a reasonable cost. As a general rule, any proposed change of occupancy classification in existing buildings will require compliance with current technical requirements of the building code.

Section 6.4: State Department of Labor and Industries

Section 17 of HB 1481 (codified as RCW 19.28.281) requires the director of Labor and Industries to adopt rules for the installation of EVI. The rules must be consistent with rules adopted under RCW 19.27.540 (State Building Code Council, discussed previously).

Labor and Industries has reviewed the existing electrical laws in Chapter 19.28 RCW, rules in WAC 296-46B, and requirements in NFPA 70 (National Electrical Code), including Article 625 that specifically covers Electric Vehicle Charging Stations, and determined that these standards are comprehensive and applicable to the installation of electric vehicle charging systems as written. They meet the intent of RCW 19.28.281 and therefore there is no need for additional rule writing at this time. If any future rule revisions are needed and can be substantiated, the department has an established process which is consistent with the requirements of RCW 34.05 Administrative Procedure Act.

The local building official, fire protection authority or other building authority having jurisdiction (AHJ) will classify the occupancy and conditions of use in the environment where the charging equipment is installed. Once classified, the property owner or licensed electrical contractor (employing certified electricians) will purchase an electrical work permit from the electrical inspection AHJ, and install the electrical equipment in compliance with the appropriate wiring standards for the location. The electrical inspection will verify the electrical installation conforms to the applicable wiring standards for the designated environment.

Manufacturers who provide equipment in Washington must ensure that it is properly identified or labeled as conforming to appropriate safety standards to be approved by an electrical inspector. This means that the equipment will have a mark from an approved testing laboratory that has been applied at the factory or by a laboratory employee who performs an onsite field evaluation. Ultimately it is the responsibility of the equipment owner, however, to ensure that electrical equipment is properly identified and approved prior to energizing the equipment. A list of laboratories approved in Washington State can be found at:

<http://lni.wa.gov/TradesLicensing/Electrical/Install/ProdTest/default.asp>

Section 3. Resources

Regarding Electric Vehicle Infrastructure and Batteries

Resource Documents

- City of Austin, Texas, *Resolution No. 050301-48* (04-12-94). “Buy Green, Drive Clean Program.”
- City of Austin, Texas, *Electric Vehicle Incentives — Guidelines, Dealerships, and Vehicles* (2008).
- City of Boise, Idaho Administrative Services Manager (John Eichmann) Memorandum to Mayor and Council recommending approval of *Zero Emission Vehicle (ZEV) Parking Ordinance* amending Boise City Code 10-17 to enable limited free parking at parking meters for Zero Emission Vehicles (2008).
- City of Davis, California Municipal Code 22.16.0 *Electric Vehicles*.
- City of Houston, Texas, *Project Get Ready: Preparing Cities for the Plug-in Electric Vehicle: Power of the Plug-in Program* (11-17-09).
- City of Indianapolis, Indiana, *Project Get Ready: Preparing Cities for the Plug-in Electric Vehicle — Indianapolis Region: Project Plug-IN* (2010).
- City of Minneapolis, Minnesota, John Bailey, David Morris, *Electric Vehicle Policy For the Midwest — A Scoping Document*. Prepared for the RE-AMP Network, New Rules Project (12-09).
- City of New York, *PlaNYC Exploring Electric Vehicle Adoption in New York City* (01-10).
- City of Sacramento, California, *Resolution No. 94189 of the Sacramento City Council Supporting Electric Vehicle Readiness Program* (04-12-94).
- City of San Diego, California, *Council Policy 600-27 Affordable Housing/In-Fill Housing and Sustainable Building Expedite Program* (05-20-03); *Council Policy 900-14, Sustainable Building Policy* (05-20-03); *Resolution No. 715-00* (07-28-00).
- City and County of San Francisco, California, *Resolution No. 715-00, File No. 001399; Resolution encouraging California Governor Gray Davis to uphold the existing California Air Resources Board zero emission vehicle mandate, which requires that at least four percent of the 2003 model year passenger cars and light duty trucks offered for sale in California be zero emission vehicles* (08-07-00).
- City of San Jose, California, *Resolution No. 74769 — A Resolution of the Council of the City of San Jose Amending the Master Parking Rate Schedule to Increase Flexibility in Setting Parking Rates at the Convention Center and Almaden/Woz Parking Lots for Events at the Convention Center; and Repeal Resolution No. 74210 Effective on July 1, 2009* (01-27-09).
- City of Tacoma, Washington, Community and Economic Development Dept., Annual Amendment Application No. 2010-08, *Electric Vehicle Infrastructure* (01-25-10).
- City of Toronto, Ontario, Canada, *The Toronto Atmospheric Fund — Fleetwise Program* (1998-2010).
- City of Vacaville, California, *City of Vacaville’s Electric Vehicle (EV) Program* (2004).
- City of Vancouver, British Columbia, Canada, *Building By-Law No. 9936 amending Building By-law No. 9419 §13.2.1 Electric Vehicle Charging; §13.2.1.1 Parking Stalls; §13.2.1.2 Electrical Room* (04-20-11).

- City of Vancouver, British Columbia, Canada, *Policy Report Development and Building Report on Electric Vehicle Charging* (06-22-09).
- County of Sonoma, California, *Building Green Policy, Resolution No. 08-0947* (11-04-08). *Draft Resolution Adopting Guidelines, Rating Systems and Compliance Thresholds for the Sonoma County Green Building Program* proposed to be adopted 02-2010.
- David Diamond, Ph.D., LMI Research Institute, *Impact of High Occupancy Vehicle (HOV) Lane Incentives for Hybrids in Virginia* (2008).
- Don Chandler, Past President, Vancouver Electric Vehicle Association, *Pulling the Copper* (November 2009).
- Electric Transportation Engineering Corporation, sponsored by Natural Resources Canada, *Electric Vehicle Charging Infrastructure Deployment Guidelines British Columbia* (July 2009).
- eTec, an ecotality company, *Electric Vehicle Charging Infrastructure Deployment Guidelines for The Central Puget Sound Area* (April 2010).
- Great London Authority, *London's Electric Vehicle Infrastructure Strategy* (December 2009).
- Kelly Sims Gallagher and Erich J. Muehlegger, John F. Kennedy School of Government, Harvard University, *Giving Green to Get Green? Incentives and Consumer Adoption of Hybrid Vehicle Technology* (October 2007).
- National Electrical Code Handbook, *Article 625, Electric Vehicle Charging System* (2008).
- Oregon Advisory Team, *The EV Project, Summary of Localization Findings* (02-05-10).
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- State of California Public Utilities Commission, Policy and Planning Division, Staff White Paper *Light-Duty Vehicle Electrification in California: Potential Barriers and Opportunities* (05-22-09).
- State of California Public Utilities Commission, *Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Tariffs, Infrastructure and Policies to Support California's Greenhouse Gas Emissions Reductions Goals* (08-24-09).
- State of California, San Francisco Bay Area Mayors, Mayor News Release *Mayors Aim to Make San Francisco Bay Area the Electric Vehicle Capital of the U.S.* (11/20/08).
- State of California Vehicle Code § 22511, *Zero-Emission Vehicles: Display of Decal* (01-01-03).
- State of Delaware, Senate Bill No. 153 *An Act to Amend Title 26 of the Delaware Code Relating to Customer Sited Energy Resources* (06-09-09).
- State of Florida, draft *Electric Automobile Incentives Bill, (3) Tax Credits for Installation of Public Charging Stations* (2010).
- State of Florida, draft *Electric Vehicle Incentives Bill* (Proposal) (2009).
- State of Hawaii, Act 290 (S.B. 1160), *A Bill for an Act Relating to Electric Vehicles* (07-01-97).
- State of Hawaii, Revised Statutes §291-71 *Designation of parking spaces for electric vehicles; charging units and §291-72 Parking spaces reserved for electric vehicles; penalties* (2009) (effective 01-01-12).
- State of Hawaii, S.B. No. 1202, *A Bill for an Act relating to Transportation Energy Initiatives* (2009).

- State of Hawaii, S.B. 2231 § 196 *Placement of electric vehicle charging system* (2010).
- State of Minnesota, Chapter 134-H.F. No. 1250, *An act relating to transportation; regulating electric vehicle infrastructure; amending Minnesota Statutes 2008, sections 16C.137, subdivision 1; 169.011, by adding subdivision; 216B02, subdivision 4; 216B-241, subdivision 9; Laws 2006, chapter 245, section 1; Laws 2008, chapter 287, article I, section 118; proposing coding for new law in Minnesota Statutes, chapter 325F* (05-21-09).
- State of Oregon, Building Codes Division, Statewide Alternate Method No. OESC 09-01 (Ref: ORS 455.060) *Approval of the use of a demand factor table for calculating Electric Vehicle charging equipment services and feeders* (09-04-09).
- State of Oregon, Department of Consumer and Business Services, Building Codes Division, Division 311, *Miscellaneous Electrical Rules* (Effective 10-01-09).
- State of Oregon, Department of Consumer and Business Services Press Release *New building codes standards support electric vehicle growth* (10-14-08).
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- State of Oregon, Alternative Fuel Vehicle Infrastructure Working Group, *Report of the Alternative Fuel Vehicle Infrastructure Working Group* (January 2010).
- Teal Brown, John Mikulin, Nadia Rhazi, Joachim Seel, and Mark Zimring, Goldman School of Public Policy, University of California, Berkeley, Renewable & Appropriate Energy Laboratory (RAEL) Policy Brief, *Bay Area Electrified Vehicle Charging Infrastructure: Options for Accelerating Consumer Access*, (June 2010).
- The Massachusetts Division of Energy Resources, *Installation Guide for Electric Vehicle Charging Equipment* (September 2000).
- The Royal Academy of Engineering, London, England, *Electric Vehicles: charged with potential* (May 2010).

Glossary of Terms

- **AC** — Alternating Current, an electric current which changes direction with a regular frequency.
- **AFV** — Alternative Fuel Vehicle.
- **AHJ** — Authority Having Jurisdiction, a term used in National Electric Code to denote lead jurisdiction on electrical matters.
- **BEV** — Battery Electric Vehicle (see definitions Chapter in Model Regulations).
- **Circuit Breaker** — A device designed to open and close a circuit by non-automatic means and to open the circuit automatically on a pre-determined overcurrent without damage to itself when properly applied within its rating.
- **Commerce** — Washington State Department of Commerce.
- **Continuous Load** — A load where the maximum current is expected to continue for 3 hours or more.
- **Current** — The flow of electricity commonly measured in amperes.
- **DC** — Direct Current, an electric current that moves in one direction from anode to cathode.
- **DOE** — United States Department of Energy.
- **DOT** — United States Department of Transportation.
- **DW** — Dangerous Waste, under Ecology rules.
- **Ecology** — Washington State Department of Ecology.
- **EPRI** — Electric Power Research Institute, a utilities industry-based research group.
- **EREV** — Extended Range Electric Vehicle (see PHEV).
- **EV** — Electric Vehicle (see definitions Chapter in Model Regulations).
- **EVI** — Electric Vehicle Infrastructure (see EVSE).
- **EVSE** — Electric Vehicle Supply Equipment, industry acronym for charging hardware located at charging stations provided for the purpose of charging electric vehicle batteries.
- **FHWA** — US Federal Highways Administration.
- **GHG** — Greenhouse Gases.
- **GMA** — Washington State Growth Management Act.
- **HB 1481** — Second Substitute House Bill 1481, from the 2009 session of the Washington State Legislature.
- **ICE** — Internal Combustion Engine.
- **Inverter** — An electrical device which is designed to convert direct current into alternating current.
- **J1772** — Industry-wide standard EV connector.
- **JARI** — Japan Automobile Research Institute.
- **kWh** — Kilowatt hour, a unit of energy commonly used for measuring the energy capacity of a battery. This is the normal quantity used for metering and billing electricity customers.
- **Lithium-ion** — The type of chemistry used in a majority of modern electric vehicles. Lithium-ion batteries are lighter in weight and have higher energy density than previous types of batteries designed

to power these vehicles. Unlike prior generations of rechargeable batteries, lithium-ion batteries lose very little energy when stored or not in use, and are considered to be highly recyclable due to their construction with generally non-hazardous materials.

- **L&I** — Washington State Department of Labor and Industries (also, LNI).
- **MUTCD** — Manual on Uniform Traffic Control Devices, maintained by the U.S. Department of Transportation (Federal Highway Administration).
- **NEC** — National Electrical Code. A code/guideline used for the safeguarding of people and property from hazards related to the use of electricity. It is sponsored and regularly updated by the National Fire Protection Association.
- **NEV** — Neighborhood electric vehicle, largely synonymous with LSV, for low speed vehicle.
- **NiMH** — Nickel metal hydride, a popular battery type for hybrid electric vehicles.
- **NREL** — National Renewable Energy Laboratory, a Colorado-based unit of the U.S. Department of Energy.
- **Phase** — Classification of an AC circuit, usually single-phase, two wire, three wire, or four wire; or three-phase, three wire, or four wire.
- **PHEV** — Plug-in hybrid electric vehicle (see definitions Chapter in Model Regulations).
- **PSRC** — Puget Sound Regional Council.
- **RCW** — Revised Code of Washington.
- **SAE** — SAE International, formerly the Society of Automotive Engineers.
- **SEPA** — Washington State Environmental Policy Act.
- **TEPCO** — Tokyo Electric Power Company.
- **TOU** — Time of Use, an electricity billing method with rates based upon the time of usage during the day.
- **UTC** — Washington State Utilities and Trade Commission.
- **VMT** — Vehicle Miles Traveled.
- **Volt** — The electrical potential difference or pressure across a one ohm resistance carrying a current of one ampere.
- **Volt Ampere** — A unit of apparent power equal to the mathematical product of a circuit voltage and amperes. Here, apparent power is in contrast to real power. On AC systems the voltage and current will not be in phase if reactive power is being transmitted. Usually abbreviated VA.
- **V2G** — Vehicle-To-Grid, the concept of using electric vehicles as energy storage devices for the electric grid.
- **Watt** — A unit of power equal to the rate of work represented by a current of one ampere under a pressure of one volt.
- **WAC** — Washington Administrative Code.
- **WEVA** — World Electric Vehicle Association, a group with local affiliates including the Seattle and Tacoma Electric Vehicle Associations.
- **WSDOT** — Washington State Department of Transportation.
- **ZEV** — Zero Emission Vehicle.

Footnotes

- ¹ Washington State Legislature, 61st Legislature, 2009 Regular Session, Chapter 459, Laws of 2009, *Electric Vehicles*, (07/26/09).
- ² State of Washington Department of Commerce, State Energy Strategy, update due December 2010, <http://www.commerce.wa.gov/site/1327/default.aspx>.
- ³ State of Washington Department of Commerce, Local Government Division, Growth Management Services, *Keeping Your Comprehensive Plan and Development Regulations Current*, "A Guide to the Periodic Update Process under the Growth Management Act," (April 2010).
- ⁴ March 22, 2010 Memorandum from Plug In America on Electric Vehicle Infrastructure Code Research.
- ⁵ March 22, 2010 Memorandum from LightMoves on Local Government Electric Vehicle Infrastructure Phone Interviews.
- ⁶ RCW 36.70A.130(1)(d).
- ⁷ RCW 36.70A 130(2)(a).
- ⁸ RCW 36.70A.130(2)(b).
- ⁹ RCW 43.21C.031.
- ¹⁰ RCW 43.21C.030(2)(c).
- ¹¹ WAC 197-11-704(1).
- ¹² The Washington Constitution prohibits state and local governments from giving or loaning public funds to private individuals, companies, or associations. Const. art. VII, §§ 5, 7.
- ¹³ *Citizens Protecting Resources v. Yakima County*, 152 Wn. App. 914, 920, 219 P.3d 730 (2009) and RCW 40.01.250(1).
- ¹⁴ *Washington State Attorney General's Office v. Washington Utilities*, 128 Wn. App. 818, 116 P.3d 1064 (2005).
- ¹⁵ See Resource Documents in Section 3.
- ¹⁶ *Washington Utilities and Transportation Commission v. Washington Natural Gas Company*, Third Supplemental Order Granting Motion to Dismiss Public Refueling Station Schedule, Docket No. UG-920840 (March 12, 1993).
- ¹⁷ WAC 480-100-505 (Adopted February 25, 2010. Commission filed its Adoption Order with the Code Reviser on March 24, 2010. Effective April 24, 2010.).
- ¹⁸ eTec, Final *Electric Vehicle Charging Infrastructure Deployment Guidelines for The Central Puget Sound Area* (April 2010). Also See Plug In America, *Charged Up & Ready to Roll*, The Definitive Guide to Plug-In Electric Vehicles, 1st Edition (January 2010).
- ¹⁹ See sources cited at note 18.
- ²⁰ State of Oregon, Alternative Fuel Vehicle Infrastructure Working Group, *Report of the Alternative Fuel Vehicle Infrastructure Working Group* (January 2010).
- ²¹ State of Minnesota, Chapter 134-H.F. No. 1250, *An act relating to transportation; regulating electric vehicle infrastructure; amending Minnesota Statutes 2008, sections 16C.137, subdivision 1; 169.011, by adding subdivision; 216B02, subdivision 4; 216B-241, subdivision 9; Laws 2006, chapter 245, section 1; Laws 2008, chapter 287, article 1, section 118; proposing coding for new law in Minnesota Statutes, chapter 325F* (05-21-09).
- ²² City of Davis, California Municipal Code 22.16.0 *Electric Vehicles*.

- ²³ May 4, 2010 Memorandum from Plug In America on Web-based Electric Vehicle Consumer Survey.
- ²⁴ U.S. Department of Transportation, *Manual on Uniform Traffic Control Devices for Streets and Highways: 2009 Edition*, <http://mutcd.fhwa.dot.gov/pdfs/2009/mutcd2009edition.pdf> (2009).
- ²⁵ Federal Highway Administration Transportation Pooled Fund Program TPF-5(065) Traffic Control Device (TCD) Consortium <http://www.pooledfund.org/projectdetails.asp?id=281&status=4> (Jan-Mar 2010)



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Lynnwood Planning Commission
Meeting of February 24, 2011

Staff Report

Agenda Item: E-2
Project Highway 99 (2009CAM0001)

- Public Hearing
- Informal Public Meeting
- Other Business
- Work Session
- Information
- Miscellaneous

Lynnwood Depts. of Community Development and Economic Development

Action

Discuss

Background

On February 25, 2008, the City Council approved Revitalization Strategies for the Highway 99 corridor (Resolution 2008-02). Among the actions to support economic activity in the corridor, the Strategies call for the City to consider changes to land use planning and zoning in the corridor. The following Strategies are most relevant to discussions of land uses in the corridor:

Create Gathering Places:

- Develop high density mixed use nodes at key locations
- Increase development capacity at key locations
- Introduce housing
- Create parks/plazas

Support Transit Oriented Development

- Allow flexibility in zoning and increase density, particularly at Gathering Places
- Leverage capacity of transit by concentrating housing in walking distance to stations

Allow a wide variety of business types along the corridor

- Connect the Gathering Places with a mix of commercial uses
- Expand commercial zoning back from Highway 99 where appropriate to encourage higher quality developments
- Broaden allowed uses at key sites

As part of implementing these Strategies, the City Council authorized contracting with MAKERS Architecture to prepare a Subarea plan and new zoning regulations and design guidelines for the Highway 99 Corridor (on November 24, 2008). Following a series of

public meetings and work sessions with the Planning Commission (serving as the project advisory committee), MAKERS and staff developed a land use concept for the corridor that provides for:

- Higher intensity mixed-use “nodes” at key intersections along the corridor;
- New zoning and design guidelines for the nodes to guide/direct redevelopment of these areas; and
- Continuation of the existing commercial land uses and zoning in-between the nodes;

Creating the opportunity for new residential development in these nodes is consistent with the City’s approach to accommodating future growth while protecting single family neighborhoods. Protecting these neighborhoods is one of the key goals for the City’s land use plans. At the same time, the state Growth Management Act requires cities to accommodate future growth in existing urban areas (in order to limit sprawl). Allowing new residential development in mixed-use nodes along the Highway 99 corridor allows the City to accommodate new growth while protecting and maintaining the existing single family neighborhoods.

Based on that land use concept, MAKERS and staff produced Draft project documents (Subarea Plan, Zoning Regulations and Maps, and Design Guidelines) for public review. Those documents were issued September 10, 2010, with a 30-day public review period (ending October 10). Following review and discussion of the public comments on those documents, and meetings with some property owners in the corridor, the project team produced Final Draft project documents. The Final Draft project documents were issued February 9, 2011; copies are available on the City’s web site and by contacting staff.

A Draft Supplemental Environmental Impact Statement (SEIS) was also issued for a 30-day public comment period on September 10, 2010. Following that comment period, staff prepared written responses to all substantive comments on the Draft SEIS. Those comments and responses, together with the Draft SEIS, constitute the Final SEIS (in two separate volumes). The City’s Environmental Review Committee approved the Final SEIS on February 16, 2011. Copies of the Final SEIS are also available on the City’s web site and by contacting staff.

At the work session on February 10, 2011, the Planning Commission reviewed:

- The policy basis for the planning project (GMA and City Council actions);
- Project goals, purposes and context;
- The contents of the project documents; and
- The major changes to the documents following public review of the Draft documents.

Relevant Legal Citations

The Land Use Element of the Comprehensive Plan describes the land use concept for the Highway 99 Corridor as follows:

Purpose: This plan category is intended to identify the area where the City will encourage redevelopment of properties, consistent with the strategies in the Highway 99 Corridor economic study, by allowing a wide range of commercial uses AND allowing mixed use, transit supportive development at major intersections ("nodes") in the corridor.

Principle Uses: Throughout the corridor, principle land uses will include retail, office (all types), service, and eating and entertainment uses. Existing light industrial uses will be allowed to remain, but no new uses of this type will be allowed. At major intersections (designated by zoning), mixed use development (including multiple family residential) will be strongly encouraged. At properties not designated for mixed use, auto dealerships and other retail uses that require large parking lots will be permitted.

Locational Criteria: The corridor crosses the City in the north-south direction, from 216th St. SW to 164th St. SW, and continues north in the City's MUGA to 148th St. SW. Except at major intersections, properties either with frontage on the highway or that can be accessed through properties-with-frontage (or directly from an intersecting street) will be designated to this land use category.

Properties at major intersections along the corridor will be designated for mixed used development, with densities and design requirements that will support transit-supportive development. In select locations (particularly at major intersections), this land use category may extend east or west of properties with highway-frontage in order to create areas that will encourage redevelopment consistent with the intent on this designation and the economic development strategies.

Site Design: Development of "corridor" properties will often be at higher intensity and densities and greater lot coverage than is currently found along the Highway 99 Corridor. This will be particularly likely at major intersection "nodes" having high levels of transit service, where development could one day be dense enough to warrant structured parking. The appropriate relationship of buildings to Highway 99 will be defined.

Building Design: All new development will be required to comply with design guidelines specifically developed to support Corridor strategies.

Performance Standards: On site activities shall not significantly affect adjoining properties outside the corridor."

Analysis and Comment

A public hearing on the Final Draft project documents (Subarea Plan, Zoning Regulations and Maps, and Design Guidelines) is scheduled for March 2, 2011. This work session will complete preparation for that hearing by revisiting the key substantive proposals in the final draft documents and answering any remaining questions about the Project. The

intent of this work sessions is to insure that the Planning Commission understands the project goals and proposals prior to hearing public testimony on March 2.

Key Proposals

“Residential Encouraged” Nodes – The project documents propose five mixed use, higher intensity “nodes” at key intersections along the corridor. In these nodes, development of multi-family residential dwelling units would be encouraged, but not required. A set of incentives (in the zoning regulations and the design guidelines) allow relaxations of development standards for developments that include a minimum number of residential units. (Note that development without residential units is allowed – such development would not “qualify” for the incentives.) A new set of zoning regulations and design guidelines are proposed for the nodes. In particular, a variety of land uses that are compatible or supportive of mixed use development would be allowed, development standards would allow higher intensity of development and design guidelines would manage the design of redevelopment in a manner that would support mixed use development.

Incentives for Mixed Use Development: The proposed zoning regulations and Design Guidelines provide the following incentives for including a minimum number of multi-family residential units:

Zoning

- Increased Lot Coverage.
- Increased Building Height.
- Increased Floor-Area Ratio.
- Allow parking for non-residential uses above first floor to be in a structure.
- Reduced non-residential open space.

Design Guidelines

- More flexibility locating parking areas along Highway 99 and major side streets.
- More flexibility for locations of pedestrian-oriented facades on buildings.

Staff will review these incentives at the work session.

The “Trigger” for the Incentives: The proposed zoning regulations set a minimum number of units for a development to qualify for the incentives: 20 units/acre (see page 4, Table 21.62.01, next-to-last row). This minimum number of units is intended: A) to encourage inclusion of more than a nominal number of residential units in a mixed use development; and, B) to insure that residential use is a substantial component of any development that benefits from the incentives. This standard is distinct from the proposed minimum size/scale of a building with residential units (see next).

Minimum Size of Buildings with Residential Units: As part of promoting more intense development in the nodes, the proposed zoning regulations would require all residential units to be located in a building that is at least three stories tall (see page 5, lines 2-6).

The intent of this regulation is to avoid development of small, freestanding residential buildings and to promote development at the scale envisioned in the Subarea Plan. Note that a building with residential units could have either only those residential units or a mix of uses; and, in a mixed use building the residential units could be located anywhere in the building.

Re-leasing of “single-purpose” buildings: The proposed zoning regulations now allow for continuation of use of a vacant auto dealership for that use, whether or not the building is occupied by that use when the zoning goes into effect (see page 1, lines 40-45 of the zoning regulations). The intent of this regulation is to recognize that the proposed land use program for the nodes envisions a major change from the current situation and that buildings for auto dealerships represent a substantial investment and can reasonably only be used as a dealership. At the present, there are two buildings that would benefit from this provision.

Urban Design in the Nodes: As mentioned above, the recommended land use and development program for the nodes represents a substantial change from the current situation. In a variety of regulations and guidelines, the proposed documents are intended to create a new, more urban and more intense kind of development by, particularly:

- Bringing buildings up to or in close proximity to the sidewalk;
- Encouraging taller buildings;
- Limiting parking;
- Encouraging residential development,
- Encouraging higher residential densities than allowed elsewhere in Lynnwood (other than the City Center);
- Encouraging local-serving commercial development;
- Limiting drive-through service windows;
- Prohibiting light industrial and commercial uses that are not compatible with or supportive of multi-family units;

Public Hearing Procedures

At this work session, staff will review the procedures for conducting the public hearing. Attached is a public handout that will be available at the hearing.

Following the hearing, the Commission will be asked to make a recommendation on the Final Draft documents to the City Council. It is recommended that the Commission complete its recommendation no later than the March 10 meeting so that the matter can go before the City Council in early April. At the work session, staff will suggest a process for making this recommendation.

Attachments

Public Hearing & Testimony Information

Planning Commissioners
c/o Mr. Kevin Garrett, Planning Manager, City of Lynnwood
P.O. Box 5008
Lynnwood, WA 98046-5008

RECEIVED
FEB 17 2011
CITY OF LYNNWOOD
COMMUNITY DEVELOPMENT

February 17, 2011

Re: Corridor 99 Grandfathering Solutions

Dear Planning Commissioners,

I'm not sure what prompted Chairman Wright to suppress my Highway 99 participation at the last week's work session meeting. To avoid more of the same Mr. Garrett has volunteered to provide a copy of this letter to each of you before the February 24th work session.

First, I wish to thank our Commissioners, the city staff, and elected officials. A number of individuals have reached out to my wife and me in emails, phone calls and private meetings. I owe a debt of gratitude to all who have listened. I'm especially grateful for the changes in the final draft plan that help small business owners who are stuck with vacant special purpose buildings.

The building that housed the original Lexus and Mercedes-Benz dealerships is relatively new, high quality, and though it doesn't seem that way from a street elevation, it's actually three stories high. With the proposed draft changes and some additional code writing "tweaks" my wife and I can continue to fulfill our minor role as incubators of new businesses brought to Lynnwood.

After consulting with Kevin Garrett and Marty Rood, the latter arguably the most knowledgeable person on highway 99 commercial development, about the proposed land use meant to "grandfather" CG uses at several existing auto-centric vacant auto service buildings, I have only two suggestions for changes.

Chapter 21.62.200 Permitted Land Uses, paragraph A, sub-section 9 contains a punishing five-year "use it or lose it" clause. Mr. Rood says that's a very, very, quick way to make an expensive high-quality building such as mine obsolete even though the building's useful life is roughly 60 more years. This claw-back provision is not written in the same generous spirit motivating "auto dealership" land use meant to grandfather CG uses for auto-service buildings. This provision should be removed.

As a practical matter none of us can survive a five-year vacancy. Thus we would lease to the highest low bidder to get past the current five or ten year real estate crunch, but afterwards we would still look to lease to a tenant able to employ the highest and best building use, perhaps an electrical car dealership.

Second, there's a semantic tension attached to the allowed "auto dealership" use that needs to be expanded in order to grandfather CG site-specific uses for an existing auto service building. For example, the building is too large for a car dealer

start-up selling and servicing either new or used cars. Even Lexus had to sub-lease the lower level to a compatible auto-service business that was *not* an auto dealer. Under the current draft this would be prohibited because the sub-lessee is not an auto dealer. Likewise many independent auto service uses allowed under CG and ideal for the building would not be allowed because they are not technically auto dealers. In other words this exclusion of auto service defeats the grandfathering intention. For example the uses allowed under CG but *prohibited* under the current grandfathering proposal would include:

- (a) a national high-quality repair concept, a company that does everything from auto collision body repair work to transmission and engine service. (Think of it as the Costco of repair services.)
- (b) An insurance company, such as Progressive, wanting to consolidate its office, estimating, and repair services in a single building.
- (c) Rural Metro ambulance services, wanting to use the building as a dispatch center and a repair center.
- (d) There are others, but the above three stand out on account of their inquiries.
- (e) What's more a modern dealership is a large collection of ancillary or accessory uses that today's modern dealership must employ to stay competitive. The generic term "auto dealership" embraces a universe of such services – retrofit of various automotive components, engine and transmission overhaul, mufflers, ball-bearings, body work, installation of media systems, simple tuning and oil changes, miscellaneous repairs, parts and tire sales, detailing and trim work, painting, and the preparation of used vehicles for sale—it's not certain that these ancillary uses could not someday be denied by a future planner thus narrowing grandfathering relief and punishing owners.

I'm asking the Planning Commissioners to recommend broader land use language to facilitate the diversity of uses for auto service buildings. Kevin Garret suggested that I might ask Commissioners to direct planning to include "vehicle service" business in addition to "auto dealership" under allowed land uses for auto service buildings such as mine, built for servicing autos, but currently vacant. This would safeguard the generous intent behind grandfathering.

Sincerely,

Ed Trimakas
20515 Highway 99
Lynnwood, WA 98036
(425) 355-9608

cc: Paul Krauss; Gloria Rivera