



## **M E M O R A N D U M**

**TO:** Whatcom County Planning Commission

**THROUGH:** J.E. "Sam" Ryan, Director *JER*

**FROM:** Roxanne Michael, AICP, Long Range Planning Manager *RM*  
Gary Davis, AICP, Senior Planner *GD*

**DATE:** October 19, 2011

**SUBJECT:** Electric Vehicle Infrastructure

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At its October 13, 2011 meeting the Planning Commission directed staff to revise the proposed Title 20 amendments (August 16, 2011 draft) to eliminate all amendments except the proposed definition of Electric Vehicle Infrastructure (EVI), and to revise that definition to exclude "public" parking spaces and EVI using greater than 220 volts. That definition states that EVI "is allowed accessory to any principal use..." but does not describe EVI as a "use" itself.

Staff has reviewed the statute, RCW 36.70A.695. It requires, in section (2), that counties "must allow electric vehicle infrastructure **as a use** in all areas except those zoned for residential or resource use or critical areas." It also requires, in section (3), that counties "must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas."

The August 16 draft amendments included adding rapid charging stations (level 3, 480 volt facilities) and battery exchange facilities in the county's commercial and industrial zones, satisfying the requirement of state law. The Planning Commission's October 13 direction to staff would remove those provisions from the proposed Title 20 amendments.

The statute's definition of EVI does not specify which levels of EVI must be allowed; therefore it appears that disallowing EVI facilities using greater than 220 volts is not contrary to state law. However, it is necessary under the law to allow EVI and battery exchange facilities as "uses" in the county's nonresidential zones.

In the attached revised draft, staff makes the requested change to the definition of EVI (20.97.113) and proposes that EVI (220 volts or less) and battery exchange facilities be allowed in commercial and industrial zones as **accessory uses** to service station uses, rather than potential stand-alone **permitted uses**

as had been the case in the August 16 draft. All other provisions of the August 16 draft, including development regulations for EVI parking spaces and the definition of rapid charging station, are eliminated. The intent of this draft is to adhere to state law while following the Planning Commission's direction to minimize and simplify the code amendments to the greatest extent possible.

If you have any questions, please contact Gary Davis at extension 50246.

Attachment:

Revised draft Title 20 amendments October 19, 2011 draft

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**DRAFT Title 20 Electric Vehicle Infrastructure Amendments**

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**20.24 Urban Residential Mixed (UR-MX) District**

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**20.24.150 Conditional Uses.**

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**.161** The following uses may be approved within a neighborhood center where the locational criteria (WCC 20.24.161(2)) and site criteria (WCC 20.24.161(3)) are met; the floor area per nonresidential use does not exceed 5,000 square feet; and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal.

(1) Uses.

(a) Commercial uses with a neighborhood or specialty nature including, but not limited to, barber and beauty shops, bakeries, drugstores; provided, that food markets may have no more than two gasoline pump islands, hardware stores, restaurants and coffee shops with or without drive-up service, electric vehicle rapid charging stations and battery exchange facilities (accessory to food markets with gasoline pump islands), stationery stores, laundromats, video rental, bookstores, frame shops and other small convenience retail, rental, or repair shops.

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**20.59 Rural General Commercial (RGC) District**

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**~~20.59.050 Permitted uses.~~ 100 Accessory Uses**

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~~.095.106~~ Electric vehicle rapid charging stations **infrastructure** and battery exchange facilities, **accessory to automobile service stations.**

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## **20.60 Neighborhood Commercial Center (NC) District**

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~~20.60.100~~ Accessory Uses. ~~050 Permitted uses.~~

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~~.092.105~~ Electric vehicle rapid charging stations **infrastructure** and battery exchange facilities, **accessory to conditionally approved service stations.**

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## **20.61 Small Town Commercial (STC) District**

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~~20.61.100~~ Accessory Uses. ~~050 Permitted uses.~~

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~~.094.109~~ Electric vehicle rapid charging stations **infrastructure** and battery exchange facilities, **accessory to automobile service stations.**

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## **20.62 General Commercial (GC) District**

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**20.62.100 Accessory Uses. ~~050 Permitted uses.~~**

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~~.095.105~~ **Electric vehicle rapid charging stations infrastructure and battery exchange facilities, accessory to automobile service stations.**

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**20.63 Tourist Commercial (TC) District**

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**20.63.100 Accessory Uses. ~~050 Permitted uses.~~**

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~~.092.105~~ **Electric vehicle rapid charging stations infrastructure and battery exchange facilities, accessory to service stations.**

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**20.64 Resort Commercial (RC) District**

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**20.64.100 Accessory Uses. ~~050 Permitted uses.~~**

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~~.092.112~~ **Electric vehicle rapid charging stations infrastructure and battery exchange facilities, accessory to conditionally approved service stations.**

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**20.65 Gateway Industrial (GI) District**

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**~~20.65.100~~ Accessory Uses. ~~050~~ Permitted uses.**

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~~.082.108~~ Electric vehicle rapid charging stations **infrastructure** and battery exchange facilities, **accessory to service stations.**

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**20.66 Light Impact Industrial (LII) District**

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**~~20.66.100~~ Accessory Uses. ~~050~~ Permitted uses.**

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~~.095.108~~ Electric vehicle rapid charging stations **infrastructure** and battery exchange facilities, **accessory to gas stations.**

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**20.67 General Manufacturing (GM) District**

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**~~20.67.100~~ Accessory Uses. ~~050~~ Permitted uses.**

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~~.082.109~~ Electric vehicle rapid charging stations **infrastructure** and battery exchange facilities, **accessory to gas stations.**

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**20.68 High Impact Industrial (HII) District**

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**20.68.100 Accessory Uses** ~~050 Permitted uses.~~

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~~087.108~~ **Electric vehicle rapid charging stations infrastructure and battery exchange facilities.**

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**20.69 Rural Industrial - Manufacturing (RIM) District**

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**20.69.100 Accessory Uses** ~~050 Permitted uses.~~

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~~078.110~~ **Electric vehicle rapid charging stations infrastructure and battery exchange facilities, accessory to gas stations.**

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**20.70 Airport Operations (AO) District**

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**20.70.100 Accessory Uses** ~~050 Permitted uses.~~

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~~086.107~~ **Electric vehicle rapid charging stations infrastructure and battery exchange facilities, accessory to gas stations.**

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~~20.80 Supplementary Requirements~~

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~~20.80.500 Off-street parking and loading requirements.~~

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~~20.80.527 Electric Vehicle Charging Station Spaces~~

- ~~(1) No minimum number of charging station spaces is required.~~
- ~~(2) 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.~~
- ~~(3) Where provided, parking for electric vehicle charging purposes is required to include the following:
 
  - ~~(a) 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. (Directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s) are recommended but not required).~~
  - ~~(b) A telephone 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. (Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information is recommended but not required).~~
  - ~~(c) 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.~~~~

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**20.97 Definitions**

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**20.97.111 Electric vehicle battery exchange facility.**

"Electric vehicle battery exchange facility" 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.

**20.97.113 Electric vehicle charging station.**

"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 (**no more than 220 volts**, by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station is allowed accessory to any principal use and 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.

**20.97.115 Electric vehicle rapid charging station:**

"Electric vehicle rapid charging station" means a type of electric vehicle charging station that allows for faster recharging of electric vehicle batteries through higher power levels (typically 480 volts) 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.