

# PLANNING COMMISSION AGENDA ITEM COVER SHEET

Meeting Date		Staff Contact	
7/21/2011		RYAN NELSON	
Subject:			
<p>Proposed code amendments to the Bellingham Municipal Code to implement electric vehicle infrastructure in accordance with RCW 47.80.090 and consistent with the Puget Sound Regional Council (PSRC) and Washington State Department of Commerce guide for local governments to implement electric vehicle infrastructure through a model ordinance, development regulations, signage requirements, parking enforcement, accessibility requirements, State Environmental Policy Act (SEPA) exemptions and installation procedures.</p>			
Attachments:			
1. Staff Report			
2. Findings of Fact, Conclusions, and Recommendations			
3.			
4.			
5.			
Meeting Type		Category	
<input checked="" type="checkbox"/> Public Hearing	<input type="checkbox"/>	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/>
<input type="checkbox"/> Public Meeting	<input type="checkbox"/>	<input type="checkbox"/> Quasi-judicial	<input type="checkbox"/>
<input type="checkbox"/> Work Session	<input type="checkbox"/>	<input type="checkbox"/> Information Only	<input type="checkbox"/>
<input type="checkbox"/> Briefing	<input type="checkbox"/>		
Clearances	Initials	Date	
Jeff Thomas, Planning Director			
Alan Marriner, Legal			
Previous Commission Meeting or Action:			
None			
Recommended Action:			
Adoption of code amendments as proposed by staff.			



1 Washington State recently enacted RCW 35.63.126 requiring jurisdictions adjacent to Interstate  
2 5, Interstate 90, Interstate 405, or state route number 520 to allow electric vehicle infrastructure  
3 and battery charging stations as a use in all areas except those zoned for residential or  
4 resource use or critical areas.

5  
6 Adoption of electric vehicle infrastructure development regulations will assist in streamlining  
7 installation of this emerging green technology and furthermore help Bellingham reduce GHG  
8 emissions in accordance with the City's Climate Protection Action Plan and reduce reliance  
9 upon fossil fuels in accordance with the Energy and Resource Scarcity Peak Oil (ERSPO) Task  
10 Force recommendations. Bellingham's proximity between Seattle and Vancouver, British  
11 Columbia (B.C.) coupled with the limited range of existing electric vehicles in production provide  
12 an opportunity for this technology to flourish throughout our community resulting in multiple  
13 environmental and economic benefits.

14  
15 GHG emissions associated with transportation equate to 45% of Bellingham's community GHG  
16 emissions according to the City's Climate Protection Action Plan (CPAP) (page 51).  
17 Implementing alternative clean transportation technologies such as electric vehicles within the  
18 City's municipal fleet and providing clear regulations and associated procedures for installation  
19 of private electric vehicle infrastructure are implementation measures to achieve City Council  
20 adopted GHG emission reduction goals within the CPAP.

21  
22 Electric vehicles emit significantly less GHG emissions than petroleum based vehicles (46.8%  
23 less according to the Environmental Protection Agency (EPA)) and therefore streamlining the  
24 private installation of this essential infrastructure plays a pivotal role in meeting the City  
25 Council's Strategic Commitment to reducing impacts to climate change under the Healthy  
26 Environment Legacy of the Improved Performance Measures Project. Providing clear  
27 regulations and associated procedures for electric vehicle infrastructure will help spur the  
28 potential for rapid privatization of this technology within our community.

29  
30 Depending on battery type, climate, and terrain, an EV can travel from 40 to 120 miles on a  
31 single battery charge according to the EPA. Bellingham is located approximately halfway  
32 between Seattle with a population of 582,454 (2006 census estimated) and Vancouver, B.C.  
33 with a population of 578,041 (2006 census). The distance between Seattle and Vancouver B.C.  
34 is 141 miles, which is outside of the current range of electric vehicles. Bellingham due to its  
35 proximity between two of the largest metropolises within our region plays an integral role in  
36 supporting implementation of regional clean transportation infrastructure to achieve both  
37 community and international goals mitigating impacts associated with climate change.

38  
39 The PSRC, in coordination with the State Department of Commerce, was required to develop  
40 model ordinances, regulations and guidance for local governments related to electric vehicle  
41 infrastructure and batteries. PSRC's model guidance "Electric Vehicle Infrastructure: A Guide  
42 for Local Governments in Washington State" includes the following:

- 43  
44 4. Definitions – This Chapter ensures that electric vehicle infrastructure terms not identified  
45 within Bellingham's Municipal Code are defined consistently with the Revised Code of  
46 Washington (RCW) and with other regulatory documents.  
47 5. Vehicles and Traffic – This Chapter authorizes local jurisdictions to enforce for non-  
48 electric vehicles parked in electric vehicle charging station spaces or for electric vehicles  
49 parked out of compliance with posted days and hours of charging operation. These  
50 model regulation enforcement procedures are only for electric vehicle charging station

1 spaces located in publicly owned and/or operated parking areas (e.g., on-street parking,  
2 municipal garages, park-and-ride lots, etc.).

- 3 6. Zoning - This Chapter ensures that local governments meet the requirements in RCW  
4 47.80.090 to allow electric vehicle infrastructure as a "use" in all areas, except those  
5 zoned for residential or resource use or critical areas. It also includes regulations for  
6 when local governments choose to also allow Level 1, Level 2, and Level 3 charging  
7 stations (with some limitations) in residential and resource zones and critical areas,  
8 given that the statute contains no prohibition on allowing this infrastructure in any zones.  
9 This chapter also contains guidance related to accessible use of EV charging stations for  
10 all users, and clarifies how these stations are different than typical parking spaces in  
11 terms of accessibility regulations. Additionally, this Chapter includes model development  
12 regulations and guidance that a jurisdiction may impose to provide guidance when a  
13 private property owner chooses to provide electric vehicle charging stations.
- 14 7. Streets, Sidewalks, and Public Places - This Chapter provides model regulations for  
15 when a jurisdiction chooses to install electric vehicle charging stations in publicly owned  
16 and/or operated parking areas (e.g., on-street parking, municipal garages, park-and-ride  
17 lots, etc.). Signage for way-finding (i.e., directional signage), and regulatory and general  
18 service signage for the EV charging space is also provided. Note that use of the  
19 directional signage that identifies the level of charging available at the charging station is  
20 not an approved sign and is subject to future Federal Highway Administration approval.
- 21 8. State Environmental Policy Act (SEPA) - This Chapter ensures that local government  
22 SEPA regulations include the SEPA categorical exemption language contained in RCW  
23 43.21C.410 by adding the reference to RCW 43.21C.410 in the same way other RCW  
24 and WAC categorical exemptions are adopted by reference in the Bellingham Municipal  
25 Code.  
26

27 To ensure adoption of a comprehensive electric vehicle charging station ordinance, staff will  
28 also submit proposed amendments to Titles 11 and 13 of the BMC to the City Council for  
29 approval to establish development regulations and standards for public electric vehicle charging  
30 stations in accordance with PSRC's model ordinance.  
31

#### 32 IV. ISSUES 33

34 The BMC does not currently define EVCSs or which zones different types of EVCSs are  
35 permitted or conditional uses. Rather than implementing ad hoc EVCS decisions throughout the  
36 Bellingham community through Director's Interpretations, the Green Team Steering Committee  
37 recommended and approved adoption of a model EVCS ordinance to incentivize this emerging  
38 green transportation technology through clear regulations and associated procedures.  
39

40 There are four primary reasons for adoption of an EVCS ordinance.

- 41 1. First, to provide clear direction to businesses, organizations and individuals who are  
42 interested in installing and utilizing EVCS technology.
- 43 2. Second, to ensure appropriate placement of EVCSs and associated regulations and  
44 procedures to minimize impacts to Bellingham's neighborhoods and community.
- 45 3. Third, to provide consistent EVCS standards and signage to ensure effectiveness of  
46 installations.
- 47 4. Fourth, to fulfill the potential for a regional transportation shift in cleaner technologies  
48 designed to reduce GHG emissions and reliance upon fossil fuels.  
49

50 Level 1 and 2 EVCSs require a significant length of time (4-8 or longer) to charge an electric  
51 vehicle whereas Level 3 EVSCs or fast/rapid chargers only require approximately a half an hour

1 or less. There are also battery exchange stations which involve exchanging depleted batteries  
2 for charged batteries. The frequency of user turnaround associated with the capacity of the  
3 EVCS can have the potential to negatively impact surrounding property owners. For instance  
4 allowing Level 3 EVCSs as an outright permitted use within a residential single zone may impact  
5 the adjacent property owners with increased vehicle trips. Likewise battery exchange stations  
6 anticipate significant vehicle circulation, which has a high probability of negatively impacting not  
7 just residential single but also multifamily and mixed use zones. Due to the higher frequency of  
8 vehicle trips associated with both Level 3 EVCSs and battery exchange stations, PSRC's model  
9 ordinance permits the aforementioned uses only within commercial, industrial and institutional  
10 zones.

11  
12 Level 1 and 2 EVCSs length of time to charge an electric vehicle limits vehicle turnaround to a  
13 maximum of a few a day, therefore the vehicle turnaround would be similar to existing uses  
14 within single family, multifamily and mixed use zones. PSRC's model ordinance identifies both  
15 Level 1 and 2 EVCSs as allowed only accessory to a principal outright permitted use or  
16 permitted conditional use within residential single and multifamily zones and permitted outright  
17 within a mixed use zone.

## 18 **V. ANALYSIS**

19  
20  
21 The purpose of the proposed code amendments is to clearly define which zones Level 1, 2, 3  
22 EVCSs and battery exchange/charging stations are allowed including the procedural process  
23 required for approval. The proposed amendments will also define development standards for  
24 EVCSs including signage consistent with infrastructure throughout Washington State.

25  
26 Widespread implementation of electric vehicles throughout the State is heavily dependent upon  
27 installation of the essential infrastructure in the form of EVCSs and battery exchange stations.  
28 Without the subject code amendments there is the potential for EVCSs and battery exchange  
29 stations to negatively impact adjacent property owners, neighborhoods and communities.

30  
31 Adoption of the code amendments consistent with PSRC's model ordinance will ensure private  
32 development of this new technology is orderly, safe, timely and in the best interest of our  
33 community. The subject code amendments will also adopt development standards for public  
34 EVCSs to maximize use through way finding signage and ensure usability for all members of  
35 the public through incorporation of American's with Disabilities Act provisions.

36  
37 Adopting PSRC's model ordinance for EVCSs is an implementation measure approved by the  
38 City's Green Team Steering Committee in accordance with the City Council's Healthy  
39 Environment Legacy and Strategic Commitment to reduce contributions to climate change,  
40 Climate Protection Action Plan GHG reduction goals, and consistent with recommendations  
41 from the Energy and Resource Scarcity Peak Oil Task Force.

42  
43 The proposed code amendments also signify Bellingham's commitment to prioritize measures  
44 our local community can do to help support both regional and national efforts towards  
45 minimizing our impacts to this global issue.

## 46 **VI. PUBLIC COMMENT**

47  
48  
49 Notice of this hearing and the SEPA Threshold Determination was mailed to agencies with  
50 jurisdiction and was posted on the City of Bellingham's official website. No written comments  
51 have been submitted in response to the notice.

1  
2 **VII. STATE ENVIRONMENTAL POLICY ACT (SEPA)**  
3

4 The proposed code amendments are legislative and therefore require SEPA review in  
5 accordance with BMC 16.20 (SEPA) and BMC 21.10.150.C (City Council Legislative Decisions).  
6 A SEPA checklist (non-project specific) has been completed by City staff and submitted to  
7 affected agencies and posted in accordance with noticing procedures within Title 16.20 of the  
8 BMC.  
9

10 **VIII. STAFF RECOMMENDATION**  
11

12 The proposed code amendments are consistent with the PSRC's model guidance "Electric  
13 Vehicle Infrastructure: A Guide for Local Governments in Washington State". The proposed  
14 code amendments also promote orderly implementation of green transportation technology  
15 identified as a priority in Washington State while minimizing the potential for negative impacts  
16 within our community.  
17

18 The City of Bellingham has adopted long-term goals to reduce GHG emissions within our local  
19 CACP, Improved Performance Measures Project through Legacies and Strategic Commitments  
20 and recommendations to reduce reliance upon fossil fuels within the ERSPO Task Force  
21 Report. Staff believes that Bellingham's role as a national leader in local sustainability actions  
22 coupled with the goals and priorities established by the State of Washington necessitate our  
23 local governmental authority to embrace adoption of the PSRC's model EVCS ordinance.  
24

25 Staff further believes adoption of the proposed code amendments will be in the best interests of  
26 Bellingham citizens and is an essential step to providing clear regulations for private EVCS  
27 developers. Adapting our municipal code to address EVCSs will furthermore minimize impacts  
28 to our community, help incentivize emerging technologies and align our efforts with regional  
29 priorities. As such, staff recommends the Planning Commission approve the proposed changes  
30 and adopt Findings of Fact, Conclusions and Recommendations in support of the proposed  
31 amendments.  
32

33 **IX. LIST OF ATTACHMENTS**  
34

- 35  
36 A. Draft Findings of Fact, Conclusions, Recommendations, and Proposed Code  
37 Amendments (BMC 16, 20).  
38

**BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT,  
CONCLUSIONS, AND RECOMMENDATIONS**

**JULY 21, 2011**

**DRAFT FOR REVIEW**

*Note: the following Findings of Fact, Conclusions and Recommendations were prepared in draft form to support the staff recommendation. The findings can be adopted as written, or modified to support the final Planning Commission recommendation.*

**SUMMARY**

State legislation RCW 47.80.090 has been enacted to implement electric vehicle charging stations (EVCS) through the creation of a "Green Highway" (Interstate 5) to promote the development of a regional green economy while also reducing greenhouse gas (GHG) emissions. The Puget Sound Regional Council (PSRC) and Washington State Department of Commerce have developed a guide for local governments to implement electric vehicle infrastructure through a model ordinance. Using PSRC's model EVCS ordinance, City staff propose the subject code amendments to facilitate orderly implementation of EVCSs within Bellingham. Following the public hearing and deliberation on the proposed text amendments, the Bellingham Planning Commission has determined that the proposed amendments will adequately mitigate potential negative impacts associated with EVCSs within our community.

1. Adoption of RCW 43.21C.410 by reference making battery charging and exchange stations categorically exemption under SEPA.
2. Adoption of zoning regulations designating where specific battery charging and exchange stations are permitted and conditional uses.
3. Adoption of development standards for battery charging and exchange stations.

**I. FINDINGS OF FACT**

**1. Proposal Description -**

The proposed amendments include adoption of EVCS definitions, identification of designated zones where specific types of EVCSs are permitted and conditional uses, adoption of SEPA categorical exemptions for EVCSs consistent with RCW 43.21C.410, and establish development standards for EVCSs. The EVCS code amendments will ensure consistent implementation of this emerging transportation infrastructure and help streamline and standardize installation requirements and procedures within our community through adoption of the following PSRC model EVCS ordinances:

1. Definitions – This Chapter ensures that electric vehicle infrastructure terms not identified within Bellingham's Municipal Code are defined consistently with the Revised Code of Washington (RCW) and with other regulatory documents.
2. Vehicles and Traffic – This Chapter authorizes local jurisdictions to enforce for non-electric vehicles parked in electric vehicle charging station spaces or for electric vehicles parked out of compliance with posted days and hours of charging operation. These

1 model regulations are only for electric vehicle charging station spaces located in publicly  
2 owned and/or operated parking areas (e.g., on-street parking, municipal garages, park-  
3 and-ride lots, etc.).

- 4 3. Zoning - This Chapter ensures that local governments meet the requirements in RCW  
5 47.80.090 to allow electric vehicle infrastructure as a "use" in all areas, except those  
6 zoned for residential or resource use or critical areas. It also includes regulations for  
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8 stations (with some limitations) in residential and resource zones and critical areas,  
9 given that the statute contains no prohibition on allowing this infrastructure in any zones.  
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19 and general service signage for the EV charging space is also provided. Note that use of  
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21 station is not an approved sign and is subject to future Federal Highway Administration  
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26 and WAC categorical exemptions are adopted by reference in the Bellingham Municipal  
27 Code.

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29 To ensure adoption of a comprehensive electric vehicle charging station ordinance, staff will  
30 also submit proposed amendments to Titles 11 and 13 of the BMC to the City Council for  
31 approval to establish development regulations and standards for public electric vehicle charging  
32 stations in accordance with PSRC's model ordinance.

## 33 34 **2. Background Information/Procedural History -**

35  
36 Washington State recently enacted RCW 35.63.126 requiring jurisdictions adjacent to Interstate  
37 5, Interstate 90, Interstate 405, or state route number 520 to allow electric vehicle infrastructure  
38 and battery charging stations as a use in all areas except those zoned for residential or  
39 resource use or critical areas.

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41 Adoption of electric vehicle infrastructure development regulations will assist in streamlining  
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43 emissions in accordance with the City's Climate Protection Action Plan and reduce reliance  
44 upon fossil fuels in accordance with the Energy and Resource Scarcity Peak Oil (ERSPO) Task  
45 Force recommendations. Bellingham's proximity between Seattle and Vancouver, British  
46 Columbia (B.C.) coupled with the limited range of existing electric vehicles in production provide  
47 an opportunity for this technology to flourish throughout our community resulting in multiple  
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50 GHG emissions associated with transportation equate to 45% of Bellingham's community GHG  
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3 of private electric vehicle infrastructure are implementation measures to achieve City Council  
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9 Council's Strategic Commitment to reducing impacts to climate change under the Healthy  
10 Environment Legacy of the Improved Performance Measures Project. Providing clear  
11 regulations and associated procedures for electric vehicle infrastructure will help spur the  
12 potential for rapid privatization of this technology within our community.

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15 single battery charge according to the EPA. Bellingham is located approximately halfway  
16 between Seattle with a population of 582,454 (2006 census estimated) and Vancouver, B.C.  
17 with a population of 578,041 (2006 census). The distance between Seattle and Vancouver B.C.  
18 is 141 miles, which is outside of the current range of electric vehicles. Bellingham due to its  
19 proximity between two of the largest metropolises within our region plays an integral role in  
20 supporting implementation of regional clean transportation infrastructure to achieve both  
21 community and international goals mitigating impacts associated with climate change.

### 22 23 **3. Public Comment -**

24  
25 Notice of this hearing and the SEPA Threshold Determination was mailed to agencies with  
26 jurisdiction and was posted on the City of Bellingham's official website. No written comments  
27 have been submitted in response to the notice.

28  
29 The Bellingham Planning Commission will hold a Public Hearing on July 21<sup>st</sup>, 2011 and receive  
30 testimony and deliberate on the proposed code amendments. Notice of this hearing was mailed  
31 to agencies with jurisdiction and was posted on the City of Bellingham's official website. No  
32 written comments have been submitted in response to the notice.

### 33 34 **4. State Environmental Policy Act (SEPA) Determination**

35  
36 The proposed code amendments are legislative and therefore require SEPA review in  
37 accordance with BMC 16.20 (SEPA) and BMC 21.10.150.C (City Council Legislative Decisions).  
38 A SEPA checklist (non-project specific) has been completed by City staff and submitted to  
39 affected agencies and posted in accordance with noticing procedures within Title 16.20 of the  
40 BMC.

## 41 42 **II. CONCLUSIONS**

43  
44 The purpose of the proposed code amendments is to clearly define which zones Level 1, 2, 3  
45 EVCSs and battery exchange/charging stations are allowed including the procedural process  
46 required for approval. The proposed amendments will also define development standards for  
47 EVCSs including signage consistent with infrastructure throughout Washington State.

48  
49 Widespread implementation of electric vehicles throughout the State is heavily dependent upon  
50 installation of the essential infrastructure in the form of EVCSs and battery exchange stations.

1 Without the subject code amendments there is the potential for EVCSs and battery exchange  
2 stations to negatively impact adjacent property owners, neighborhoods and communities.

3  
4 Adoption of the code amendments consistent with PSRC's model ordinance will ensure private  
5 development of this new technology is orderly, safe, timely and in the best interest of our  
6 community. The subject code amendments will also adopt development standards for EVCSs  
7 to maximize use through way finding signage and ensure usability for all members of the public  
8 through incorporation of American's with Disabilities Act provisions.

9  
10 Adopting PSRC's model ordinance for EVCSs is a annual implementation measure approved by  
11 the Green Team Steering Committee in accordance with the Healthy Environment Legacy and  
12 Strategic Commitment to reduce contributions to climate change, Climate Protection Action Plan  
13 GHG reduction goals, and consistent with recommendations from the Energy and Resource  
14 Scarcity Peak Oil Task Force.

15  
16 The proposed code amendments also signify Bellingham's commitment to prioritize measures  
17 our local community can do to help support both regional and national efforts towards  
18 minimizing our impacts to this global issue.

19  
20 The proposed amendments are in the best interest of the public health, safety and welfare and  
21 should be adopted.

22  
23 Any Finding of Fact that should be denominated a Conclusion shall be deemed to be a  
24 Conclusion. Any Conclusion that should be denominated a Finding of Fact shall be deemed to  
25 be a Finding of Fact.

### 26 27 **III. RECOMMENDATIONS**

28  
29 Based on the findings and conclusions, the Bellingham Planning Commission recommends the  
30 Bellingham Municipal Code (BMC) be amended to include the following sections:

#### 31 **BMC 20.08.020 - Definitions**

32  
33  
34 **B.3: "Battery charging station"** means an electrical component assembly or cluster of  
35 component assemblies designed specifically to charge batteries within electric vehicles,  
36 which meet or exceed any standards, codes, and regulations set forth by chapter 19.28  
37 RCW and consistent with rules adopted under RCW 19.27.540.

38  
39 **B.4: "Battery electric vehicle (BEV)"** means any vehicle that operates exclusively on  
40 electrical energy from an off-board source that is stored in the vehicle's batteries, and  
41 produces zero tailpipe emissions or pollution when stationary or operating.

42  
43 **B.5: "Battery exchange station"** means a fully automated facility that will enable an  
44 electric vehicle with a swappable battery to enter a drive lane and exchange the  
45 depleted battery with a fully charged battery through a fully automated process, which  
46 meets or exceeds any standards, codes, and regulations set forth by chapter 19.27  
47 RCW and consistent with rules adopted under RCW 19.27.540.  
48

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

- 4 • Level 1 is considered slow charging.
- 5 • Level 2 is considered medium charging.
- 6 • Level 3 is considered fast or rapid charging.

7  
8 **E.2: “Electric scooters and motorcycles”** means any 2-wheel vehicle that operates  
9 exclusively on electrical energy from an off-board source that is stored in the vehicle’s  
10 batteries and produces zero emissions or pollution when stationary or operating.

11  
12 **E.3: “Electric vehicle”** means any vehicle that operates, either partially or exclusively,  
13 on electrical energy from the grid, or an off-board source, that is stored on-board for  
14 motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in  
15 hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed  
16 electric vehicle.

17  
18 **E.4: “Electric vehicle charging station”** means a public or private parking space that  
19 is served by battery charging station equipment that has as its primary purpose the  
20 transfer of electric energy (by conductive or inductive means) to a battery or other  
21 energy storage device in an electric vehicle. An electric vehicle charging station  
22 equipped with Level 1 or Level 2 charging equipment is permitted outright as an  
23 accessory use to any principal use.

24  
25 **E.5: “Electric vehicle charging station — public”** means an electric vehicle charging  
26 station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public  
27 library parking lot, on-street parking) or (2) privately owned and publicly available (e.g.,  
28 shopping center parking, non-reserved parking in multi-family parking lots).

29  
30 **E.6: “Electric vehicle charging station — restricted”** means an electric vehicle  
31 charging station that is (1) privately owned and restricted access (e.g., single-family  
32 home, executive parking, designated employee parking) or (2) publicly owned and  
33 restricted (e.g., fleet parking with no access to the general public).

34  
35 **E.7: “Electric vehicle infrastructure”** means structures, machinery, and equipment  
36 necessary and integral to support an electric vehicle, including battery charging stations,  
37 rapid charging stations, and battery exchange stations.

38  
39 **E.8: “Electric vehicle parking space”** means any marked parking space that identifies  
40 the use to be exclusively for the parking of an electric vehicle.

41  
42 **M.6: “Medium-speed Electric Vehicle”** means a self-propelled, electrically powered  
43 four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose  
44 speed attainable in one mile is more than 25 miles per hour but not more than 35 miles  
45 per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R.  
46 Sec. 571.500.

47  
48 **N.3: “Neighborhood Electric Vehicle”** means a self-propelled, electrically powered  
49 four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles  
50 per hour and not more than 25 miles per hour and conforms to federal regulations under  
51 Title 49 C.F.R. Part 571.500.

1  
2 **N.7: "Non-Electric Vehicle"** means any motor vehicle that does not meet the  
3 definition of "electric vehicle."  
4

5 **P.9: "Plug-in hybrid electric vehicle (PHEV)"** means an electric vehicle that (1)  
6 contains an internal combustion engine and also allows power to be delivered to drive  
7 wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or  
8 other off-board electrical source; (3) may additionally be able to sustain battery charge  
9 using an on-board internal-combustion-driven generator; and (4) has the ability to travel  
10 powered by electricity.  
11

12 **R.1: "Rapid charging station (Level 3)"** means an industrial grade electrical outlet  
13 that allows for faster recharging of electric vehicle batteries through higher power levels  
14 and that meets or exceeds any standards, codes, and regulations set forth by chapter  
15 19.28 RCW and consistent with rules adopted under RCW 19.27.540.  
16

17  
18 **BMC 16.20.080 - Categorical Exemptions and Threshold Determinations - Purpose of This**  
19 **Part and Adoption by Reference**  
20

21 This part contains the rules for deciding whether a proposal has a "probable significant,  
22 adverse environmental impact" requiring an environmental impact statement (EIS) to be  
23 prepared. This part also contains rules for evaluating the impacts of proposals not  
24 requiring an EIS. The City of Bellingham adopts the following sections by reference, as  
25 supplemented in this part:  
26

27 RCW 43.21C.410 Battery charging and exchange station installation.  
28

29  
30 **BMC 20.30.030 – Residential Single Development – Permitted Uses**  
31

32 **A. Uses Permitted Outright**  
33

- 34 **11. Electric vehicle charging stations (Only Level 1 and Level 2 charging**  
35 **accessory to a principal outright permitted use or permitted conditional**  
36 **use).**  
37

38  
39 **BMC 20.32.030 – Residential Multi Development – Permitted Uses**  
40

41 **A. Uses Permitted Outright**  
42

- 43 **12. Duplex Use Qualifier - Electric vehicle charging stations (Only Level 1**  
44 **and Level 2 charging accessory to a principal outright permitted use or**  
45 **permitted conditional use).**  
46

- 47 **2. Planned Use Qualifier - Electric vehicle charging stations (Only Level 1**  
48 **and Level 2 charging accessory to a principal outright permitted use or**  
49 **permitted conditional use).**  
50

1 **BMC 20.34.030 – Commercial Development – Permitted Uses**

2  
3 **A. Uses Permitted Outright**

- 4  
5 22. Neighborhood Use Qualifier - Electric vehicle charging stations (Only  
6 Level 1 and Level 2 charging accessory to a principal outright permitted  
7 use or permitted conditional use).  
8  
9 21. Auto Use Qualifier - Electric vehicle charging stations (Only Level 1 and  
10 Level 2 charging accessory to a principal outright permitted use or  
11 permitted conditional use).  
12  
13 Rapid charging stations, Battery exchange stations, Battery charging  
14 stations.  
15  
16 27. Waterfront Use Qualifier - Electric vehicle charging stations (Only Level 1  
17 and Level 2 charging accessory to a principal outright permitted use or  
18 permitted conditional use).  
19  
20 34. Central Use Qualifier - Electric vehicle charging stations (Only Level 1  
21 and Level 2 charging accessory to a principal outright permitted use or  
22 permitted conditional use).  
23

24 **B. Conditional Uses**

- 25  
26 6. Waterfront Use Qualifier – Rapid charging stations, battery exchange  
27 stations, battery charging stations.  
28  
29 3. Central Use Qualifier - Rapid charging stations, battery exchange  
30 stations, battery charging stations.  
31  
32

33 **BMC 20.36.030 – Industrial Development – Permitted Uses**

34  
35 **A. Permitted Uses**

- 36  
37 18. Light Use Qualifier - Electric vehicle charging stations, Rapid charging  
38 stations, Battery exchange stations, Battery charging stations.  
39  
40 12. Heavy Use Qualifier - Electric vehicle charging stations, Rapid charging  
41 stations, Battery exchange stations, Battery charging stations.  
42  
43 2. Planned Use Qualifier - Electric vehicle charging stations (Only Level 1  
44 and Level 2 charging accessory to a principal outright permitted use or  
45 permitted conditional use).  
46  
47

48 **BMC 20.36.030 – Industrial Development – Permitted Uses**

49 **A. Permitted Uses**

- 1 18. Light Use Qualifier - Electric vehicle charging stations, Rapid charging
- 2 stations, Battery exchange stations, Battery charging stations.
- 3
- 4 12. Heavy Use Qualifier - Electric vehicle charging stations, Rapid charging
- 5 stations, Battery exchange stations, Battery charging stations.
- 6
- 7 2. Planned Use Qualifier - Electric vehicle charging stations (Only Level 1
- 8 and Level 2 charging accessory to a principal outright permitted use or
- 9 permitted conditional use).

10 **BMC 20.37.120 – Samish Way Urban Village – Permitted Uses**

11 **A. Table 120.A Permitted Uses**

12

13

14

15

P = Permitted    # = Permitted with limitations    C = Conditional Use    N = Not allowed					
Land Use Classification	Area				
	Commercial Core	Commercial Approach	Commercial Transition 1 & 2	Residential Transition 1	Residential Transition 2
<u>42. Electric vehicle charging stations, Rapid charging stations, Battery exchange stations, Battery charging stations.</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>

16

17

18 **BMC 20.37.220 – Fountain District Urban Village – Permitted Uses**

19 **A. Table 220.A Permitted Uses**

20

21

P = Permitted    # = Permitted with limitations    C = Conditional Use    N = Not allowed				
Land Use Classification	Area			
	Commercial Core	Commercial Transition	Residential Transition 1	Residential Transition 2
<u>46. Electric vehicle charging stations, Rapid charging stations, Battery exchange stations, Battery charging stations.</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>

22

23

24 **BMC 20.38.030 – Planned Development – Uses Permitted Outright**

1  
2 E. Permitted Uses - Electric vehicle charging stations, Rapid charging stations, Battery  
3 exchange stations, Battery charging stations.  
4  
5

6 **BMC 20.42.050 – Public Development – Land Owned By The City Of Bellingham.**  
7 **Whatcom County. The Port Of Bellingham. The Bellingham Housing Authority Or The**  
8 **Bellingham School District And Designated Public**  
9

10 A.1.K Permitted Uses - Electric vehicle charging stations and Rapid charging stations.  
11  
12

13 **BMC 20.12.090 – Electric Vehicle Charging Station Development Standards**  
14

15 **A. Off Street Parking — Electric Vehicle Charging Stations**  
16

17 To ensure an effective installation of electric vehicle charging stations, the  
18 regulations in this subsection provide a framework for when a private property owner  
19 chooses to provide electric vehicle charging stations.  
20

21 **B. Electric Vehicle Charging Station Spaces**  
22

23 1. Purpose. For all parking lots or garages, except those that include restricted  
24 electric vehicle charging stations.  
25

26 2. Number. No minimum number of charging station spaces is required.  
27

28 3. Minimum Parking Requirements. An electric vehicle charging station space may  
29 be included in the calculation for minimum required parking spaces that are  
30 required pursuant to other provisions of code.  
31

32 4. Location and Design Criteria. The provision of electric vehicle parking will vary  
33 based on the design and use of the primary parking lot. The following required  
34 and additional locational and design criteria are provided in recognition of the  
35 various parking lot layout options.  
36

37 a. Where provided, parking for electric vehicle charging purposes is required  
38 to include the following:  
39

40 1. Signage. Each charging station space shall be posted with  
41 signage indicating the space is only for electric vehicle charging  
42 purposes. Days and hours of operations shall be included if time  
43 limits or tow away provisions are to be enforced.  
44

45 2. Maintenance. Charging station equipment shall be maintained in  
46 all respects, including the functioning of the charging equipment. A  
47 phone number or other contact information shall be provided on  
48 the charging station equipment for reporting when the equipment  
49 is not functioning or other problems are encountered.  
50

51 3. 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

1 shall be located so as not to interfere with accessibility  
2 requirements of WAC 51-50-005.

3 4. Lighting. Where charging station equipment is installed, adequate  
4 site lighting shall exist, unless charging is for daytime purposes  
5 only.

6  
7 **b.** Parking for electric vehicles should also consider the following:

8  
9 1. Notification. Information on the charging station, identifying  
10 voltage and amperage levels and any time of use, fees, or safety  
11 information.

12 2. Signage. Installation of directional signs at the parking lot entrance  
13 and at appropriate decision points to effectively guide motorists to  
14 the charging station space(s).

15  
16 5. Data Collection. To allow for maintenance and notification, the local permitting  
17 agency will require the owners of any private new electric vehicle infrastructure  
18 station that will be publicly available (see definition "electric vehicle charging  
19 station — public") to provide information on the station's geographic location,  
20 date of installation, equipment type and model, and owner contact information.

21  
22 **C. Accessible Electric Vehicle Charging Stations - Quantity and Location**

23  
24 Where electric vehicle charging stations are provided in parking lots or parking garages,  
25 accessible electric vehicle charging stations shall be provided as follows:

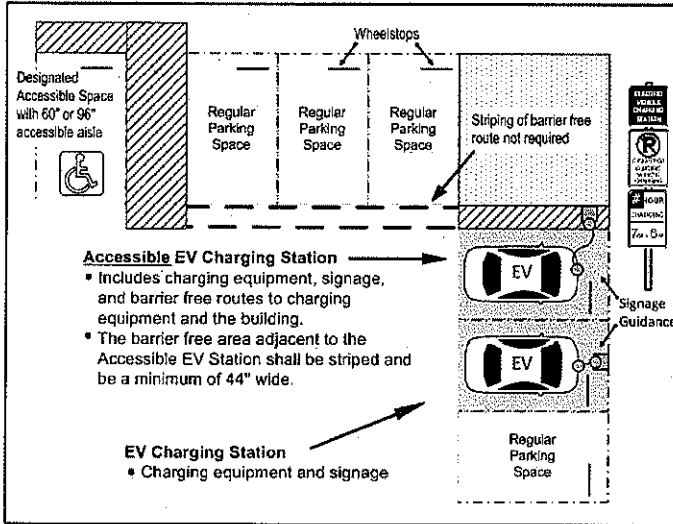
26  
27 1. Accessible electric vehicle charging stations shall be provided in the ratios shown  
28 on the following table.

29

<u>Number of</u> <u>EV Charging Stations</u>	<u>Minimum Accessible</u> <u>EV Charging Stations</u>
<u>1-50</u>	<u>1</u>
<u>51-100</u>	<u>2</u>
<u>101-150</u>	<u>3</u>
<u>151-200</u>	<u>4</u>
<u>201-250</u>	<u>5</u>
<u>251-300</u>	<u>6</u>

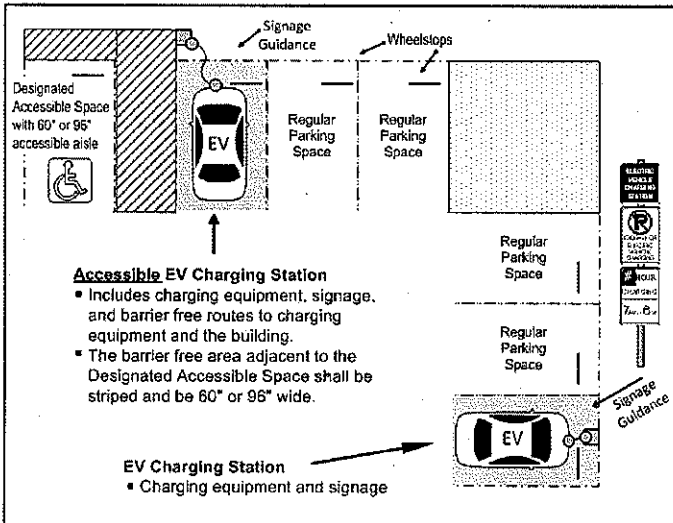
30  
31 2. Accessible electric vehicle charging stations should be located in close proximity  
32 to the building or facility entrance and shall be connected to a barrier-free  
33 accessible route of travel. It is not necessary to designate the accessible electric  
34 vehicle charging station exclusively for the use of disabled persons. Below are  
35 two options for providing for accessible electric vehicle charging stations.  
36

1 OFF-STREET ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION - OPTION 1



Puget Sound area parking garage.  
Photo by ECOTality North America.

2  
3 OFF-STREET ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION - OPTION 2



Fashion Island Shopping Mall, Newport Beach, CA.  
Photo by LightMoves.

4  
5  
6 **D. Definitions**

- 7  
8  
9  
10  
11  
12  
13  
14
1. 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.
  2. 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.

15  
16 **E. Signage**

1  
2

1. Directional — Off-street Parking Lot or Parking Garage



12" x 12"



12" x 6"

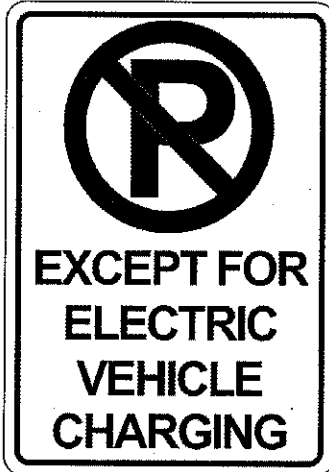
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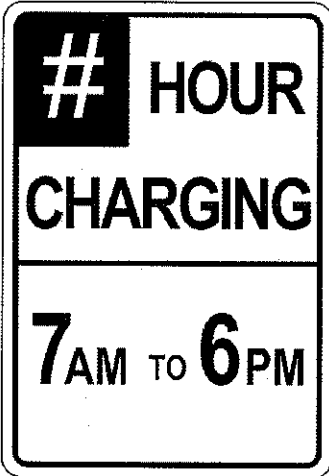
2. Off-street EV Parking — Parking Space with Charging Station Equipment



12" x 12"



12" x 18"



12" x 18"

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1 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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\_\_\_\_\_  
*Planning Commission Chairperson*

**ATTEST:** \_\_\_\_\_  
*Recording Secretary*

**APPROVED AS TO FORM:**  
\_\_\_\_\_  
*City Attorney*