

ORDINANCE NO. 1517

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to electric vehicle infrastructure, establishing a new chapter in Title 18 of the Des Moines Municipal Code (DMMC) entitled "Electric Vehicle Infrastructure", and amending chapter 16.04 DMMC and finding that the revised development regulations meet the statutory requirements of RCW 36.70A.130(1) and RCW 36.70A.695.

**WHEREAS**, electric vehicles are increasingly becoming available in the Puget Sound region within which the City of Des Moines is located, and

**WHEREAS**, House Bill 1481, which was adopted by the State Legislature in 2009 and codified in RCW 36.70A.695, requires cities with a population greater than 20,000 and located within one mile of Interstate 5, Interstate 405 or State Route 520 to have development regulations that allow electric vehicle charging infrastructure by July 1, 2010, and

**WHEREAS**, new industry standards for plug-in electric vehicles have been adopted to ensure universal compatibility between vehicle manufacturers, and plug-in electric vehicles will be a viable alternative to gasoline-powered vehicles, and

**WHEREAS**, the Growth Management Act ("GMA"), chapter 36.70A RCW adopted goals and requirements to guide the development and adoption of comprehensive plans and development regulations for those counties and cities that are required to plan under the GMA, and

**WHEREAS**, the Des Moines Comprehensive Plan Policy 5-03-09 supports the siting of electric vehicle infrastructure as required by House Bill 1481, and

**WHEREAS**, the zoning code amendments in this Ordinance are consistent with the GMA and Des Moines Comprehensive Plan, and

**WHEREAS**, notice of the public hearing before the City Council was given to the public in accordance with law and a public hearing was held on the 28th day of July, 2011, and all persons wishing to be heard were heard, and

**WHEREAS**, the Des Moines Planning, Building and Public Works Director acting as the SEPA responsible official issued a

determination of nonsignificance (DNS) on the 10th day of June 2011 and the accompanying comment and appeal periods have lapsed, and

**WHEREAS**, proper and timely notice was given to the Washington State Department of Commerce of these amendments as required by chapter 36.70A RCW, and

**WHEREAS**, the City Council finds these amendments appropriate and necessary for the preservation of the public health, safety and welfare; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** A new chapter is added to Title 18 DMMC entitled "Electrical Vehicle Infrastructure" to read as follows:

**(1) Purpose.** The purpose of this chapter is to:

(a) Provide adequate and convenient electric vehicle charging stations to serve the needs of the traveling public;

(b) Provide opportunities for Des Moines residents to have safe and efficient personal electric charging stations located at their place of residence;

(c) Provide the opportunity for commercial and industrial businesses to supply electrical vehicle charging station services to their customers and employees; and

(d) Create standard criteria to encourage and promote safe, efficient, and cost effective electric vehicle charging opportunities in a full range of zones and settings for convenient service to those that use electric vehicles.

**(2) Definitions.**

**(a) Use of words and phrases.** As used in this Ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

**(b)** "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.

(c) "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.

(d) "Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms Level 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

(i) Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.

(ii) Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.

(iii) Level 3 is considered "fast" or "rapid" charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

(e) "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:

(i) A battery electric vehicle;

(ii) A plug-in hybrid electric vehicle;

(iii) A neighborhood electric vehicle; and

(iv) A medium-speed electric vehicle.

(f) "Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

(g) "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.

(h) "Electric vehicle parking space" means any parking space signed or marked exclusively for the parking of an electric vehicle at a battery charging station.

(i) "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.

**(3) Permitted locations.** Levels 1, 2, and 3 electric vehicle charging stations are allowed in all zoning designations. Electric vehicle charging stations are not permitted within the City right-of-way.

**(4) Compatibility.** For land use compatibility purposes, the charging activity should be proportionate to the associated permitted use. Electric vehicle charging station(s) shall be permitted in association with a single family use designed to serve the occupants of the home with a level 1 or 2 charging level. Whereas, charging station(s) installed in a parking lot at a commercial destination, public facility or vehicle service station in close proximity to Interstate 5, are expected to have intensive use and will be permitted to have multiple Level 3 rapid charging stations to serve expected demand.

**(5) Battery exchange stations.** Battery exchange stations are permitted in any business or commercial use zone. Provided, all other requirements for the building or space the use occupies can be satisfied, such as design review, fire code and building code requirements.

**(6) Electric vehicle charging station requirements.** Electric vehicle charging stations utilizing parking stalls located in parking lots, or parking garages shall comply with the following requirements:

(a) Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Directional signage may be provided to guide motorists to charging station space(s) provided that directional signs shall be consistent with Manual on Uniform Traffic Control Devices (MUTCD) signs D9-11b and D9-11bP.

(b) Accessibility. The design and location of the charging stations shall comply with the following barrier free accessibility requirements:

(i) Accessible electric vehicle charging stations shall be provided in the ratios shown on the following table:

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

(ii) Accessible electric vehicle charging stations shall be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel.

(iii) Accessible electric vehicle charging stations shall comply with the requirements of WAC 51-50-005.

(c) Lighting. Where charging station equipment is installed, site lighting shall be designed to illuminate the

station area and posted information and avoid undue glare or reflection on adjoining premises, unless charging is for daytime purposes only.

(d) Charging station equipment. Charging station equipment shall comply with the following requirements:

(i) Equipment mounted on pedestals, light posts, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.

(ii) Charging station outlets and connector shall be no less than 36 inches high, or no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.

(e) Notification. The following information shall be posted on all charging stations:

(i) Voltage and amperage levels;

(ii) Hours of operation; and

(iii) Usage fees, safety information and contact information for reporting equipment operating problems.

**(7) Electric vehicle charging station standards.** The City Manager or designee is authorized to develop and maintain Standards for the design and construction of Electric Vehicle Charging Stations.

**Sec. 2.** Chapter 16.04.230 DMMC and section 9 of Ordinance No. 599 as amended by section 15 of Ordinance No. 1217 as amended by section 1 of Ordinance No. 1388 are each amended as follows:

**Adoption by reference.**

(1) The City adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-070 (Flexible thresholds), 173-806-080 (Use of exemptions), and 173-806-190 (Critical areas), as

presently constituted or as may be subsequently amended:

(a) WAC 197-11-800 Categorical exemptions; except that the following flexible thresholds specified in WAC 197-11-800(b) shall be adopted by the city as provided for under WAC 197-11-800(1)(c) when a development action does not occur within any environmentally critical area as defined and regulated in chapter 18.86 DMMC:

(i) The construction or location of multifamily development containing up to 15 dwelling units;

(ii) The construction of an office, school, commercial, recreational, service or storage building with 10,000 square feet of gross floor area or less, and with associated parking facilities designed for up to 35 automobiles;

(iii) The construction of a parking lot designed for up to 35 automobiles; and

(iv) Any landfill or excavation of up to 300 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(b) WAC 197-11-880 Emergencies.

(c) WAC 197-11-890 Petitioning DOE to change exemptions.

(2) The City adopts by reference the categorical exemption for Electrical Vehicle Charging and Battery Exchange Stations established by RCW 43.21C.410 as presently constituted or as may be subsequently amended.

**Sec 3. Codification.** Section 1 of this ordinance shall

be codified as a new chapter in Title 18 DMMC entitled "Electric Vehicle Infrastructure."

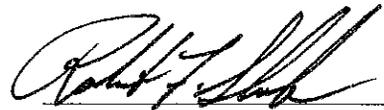
**Sec. 4. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

**Sec. 5. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 1st day of September, 2011 and signed in authentication thereof this 1st day of September, 2011.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: September 7, 2011

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1517, Adopted September 1, 2011.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to electric vehicle infrastructure, establishes a new chapter in Title 18 of the Des Moines Municipal Code (DMMC) entitled "Electric Vehicle Infrastructure", amends chapter 16.04 DMMC, and finds that the revised development regulations meet the statutory requirements of RCW 36.70A.130(1) and RCW 36.70A.695.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC  
City Clerk

Published: September 7, 2011