

ORDINANCE NO. 19-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING SECTIONS 18.20 TECHNICAL TERMS AND LAND USE DEFINITIONS, 18.25 PERMITTED USES, 18.31 DOWNTOWN DEVELOPMENT AND DESIGN STANDARDS, 18.50 DEVELOPMENT STANDARDS-PARKING AND CIRCULATION, AND 16.10 STATE ENVIRONMENTAL POLICY ACT OF THE COVINGTON MUNICIPAL CODE TO ADOPT REGULATIONS FOR THE PERMITTING OF ELECTRIC VEHICLE INFRASTRUCTURE.

WHEREAS, during the 2009 legislative session, the Washington State Legislature passed House Bill 1481 (HB1481) an Act relating to electric vehicles and 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 station; and

WHEREAS, the purpose of HB1481 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; and

WHEREAS, the legislature agreed that the development of a convenient infrastructure to recharge electric vehicles is essential to increase consumer acceptance of these vehicles and to 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; and

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of Covington is required to develop and adopt development regulations implementing its Comprehensive Plan; and

WHEREAS, RCW 36.70A.130(4) requires that the City of Covington, a “fully planning city within King County,” shall update its Comprehensive Plan and development regulations, as necessary to reflect local needs, new data and current laws; and

WHEREAS, the requirements of the State Environmental Policy Act (SEPA), as adopted in CMC 16.10 have been met; and

WHEREAS, the Covington Planning Commission held a public hearing on the proposed electric vehicle zoning code regulations on November 17, 2011; and

WHEREAS, the Covington Planning Commission unanimously recommended approval of the proposed changes in the permitted categories of land uses in a variety of the city's downtown zones;

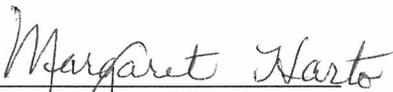
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Covington Municipal Code Sections 18.20 Technical Terms and Land Use Definitions, 18.25 Permitted Uses, 18.31 Downtown Development and Design Standards, 18.50 Development Standards-Parking and Circulation, and 16.10 State Environmental Policy Act are amended as provided in the attached Exhibit 1, and fully incorporated herein by this reference.

Section 2. This ordinance shall be in full force and effect five days after proper posting and publication. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 3. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in full force and effect.

Passed by the City Council in an open public meeting on the 13th day of December, 2011.



Mayor Margaret Harto

PUBLISHED: December 16, 2011

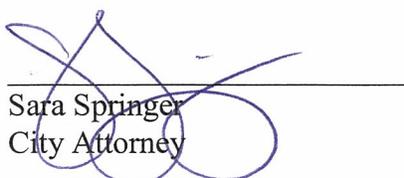
EFFECTIVE: December 21, 2011

ATTESTED:



Sharon Scott
City Clerk

APPROVED AS TO FORM:



Sara Springer
City Attorney

Electric Vehicle Infrastructure Code Amendments

Chapter 18.20

TECHNICAL TERMS AND LAND USE DEFINITIONS

Sections:

[18.20.089.3 Battery charging station.](#)

[18.20.089.9 Battery exchange station.](#)

[18.20.184.8 Charging levels.](#)

[18.20.385 Electric scooters and motorcycles.](#)

[18.20.385.3 Electric vehicle.](#)

[18.20.385.6 Electric vehicle charging station.](#)

[18.20.385.9 Electric vehicle charging station - restricted.](#)

[18.20.385.12 Electric vehicle charging station - public.](#)

[18.20.385.15 Electric vehicle infrastructure.](#)

[18.20.385.18 Electric vehicle parking space.](#)

[18.20.947 Rapid charging station.](#)

18.20.015 Accessory use, commercial/industrial.

“Accessory use, commercial/industrial” means:

(1) A use that is subordinate and incidental to a commercial or industrial use, including, but not limited to the following uses:

- (a) Administrative offices;
- (b) Employee exercise facilities;
- (c) Employee food service facilities;
- (d) Incidental storage of raw materials and finished products sold or manufactured on-site;
- (e) Business owner or caretaker residence;
- (f) Cogeneration facilities; ~~and~~
- (g) Ground maintenance facilities; ~~and~~
- [\(h\) Electric vehicle charging stations.](#)

(2) Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (Ord. 42-02 § 2 (21A.06.015))

18.20.020 Accessory use, residential.

“Accessory use, residential” means:

(1) A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to, the following uses:

- (a) Accessory living quarters and dwellings;
- (b) Fallout/bomb shelters;
- (c) Keeping household pets;
- (d) On-site rental office;
- (e) Pools, private docks, piers;
- (f) Antennas for private telecommunication services;
- (g) Storage of yard maintenance equipment;
- (h) Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes; ~~or~~
- (i) Greenhouses; or
- (j) Electric vehicle charging station.

18.20.089.3 Battery charging station.

“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.

18.20.089.6 Battery exchange station.

“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.

18.20.184.8 Charging levels.

“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.

18.20.385 Electric scooters and motorcycles.

“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.

18.20.385.3 Electric vehicle.

“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.

18.20.385.6 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 (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.

18.20.385.9 Electric vehicle charging station - restricted.

“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).

18.20.385.12 Electric vehicle charging station - public.

“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).

18.20.385.15 Electric vehicle infrastructure.

“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.

18.20.385.18 Electric vehicle parking space.

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

18.20.947 Rapid charging station.

“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.

Chapter 18.25

PERMITTED USES

18.25.030 Residential land uses

A. Table

KEY								
P – Permitted Use C – Conditional Use								
SIC #	SPECIFIC LAND USE	M	US	R4-8	R-18	CC	NC	I
ACCESSORY USES:								
*	Residential Accessory uses		P6	P6 ₈	P6 ₈	P6		

B. Development Conditions.

(8) On-street electric vehicle charging stations are not permitted in the R-1 through R-18 zones. Individual electric vehicle charging stations for a single family residence shall follow the *Installation Guide for Charging Stations*, prepared by Puget Sound Regional Council, and as amended.

18.25.060 Government/business services land uses.

A. Table.

KEY								
P – Permitted Use C – Conditional Use								
SIC #	SPECIFIC LAND USE	M	US	R4-8	R-18	CC	NC	I
BUSINESS SERVICES:								
	General Business Services					P10 ₁₆		
ACCESSORY USES:								

*	Commercial/industrial accessory uses	P			<u>P15</u>	P9, <u>15</u>	<u>P15</u>	<u>P15</u>
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B. Development Conditions.

(15) Electric vehicle charging stations are permitted in accordance with CMC 18.50.170.

(16) Gasoline service stations and battery exchange stations are limited to the community commercial (CC) zone and subject to the following conditions:

(a) A gasoline service station shall be limited to four (4) pumps, eight (8) price gauges to service no more than eight (8) vehicles.

(b) A battery exchange station shall provide a minimum of three (3) stacking spaces.

(c) Stacking spaces and drive through facilities shall be designed in accordance with CMC 18.50.080.

(d) Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director.

Chapter 18.31

DOWNTOWN DEVELOPMENT AND DESIGN STANDARDS

18.31.080 (3) Permitted Use Table.

Use Categories	Town Center (TC) ²³	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO) ¹
Commercial				
Business Services ¹⁹	p ⁵	P	P	p ^{4,5}
<u>Private Electric Vehicle Parking Facility (primary use)</u>			<u>p^{5, 24}</u>	

5. Services and operations other than customer parking shall be fully contained within a structure.

19. ~~a-~~ Gasoline service stations and battery exchange stations are limited to the general commercial and mixed commercial districts and subject to the following conditions; ~~and~~

~~b (a).~~ A gasoline service station shall be limited to eight (8) pumps, sixteen (16) price gauges to service no more than sixteen (16) vehicles. ~~and all associated materials and equipment shall be stored in a fully enclosed structure.~~

(b) A battery exchange station shall provide a minimum of three (3) stacking spaces.

(c) Stacking spaces and drive through facilities shall be designed in accordance with CMC 18.50.080.

(d) Any associated materials, equipment storage, outdoor storage tanks and battery exchange activities shall be within a fully enclosed structure, unless otherwise determined by the Director.

24. Parking facilities shall be fully screened from the public right-of-way with Type 1 landscaping in accordance with CMC 18.40.040.

18.31.110 Parking, access and circulation standards.

(4) Minimum Parking Requirements Table.

Land Use	Minimum Parking Spaces Required
Commercial	
Gasoline service stations/ Battery exchange station	3 per facility plus 1 per 300 square feet of store
Electric vehicle charging station	
All developments that require off-street parking shall be subject to the provisions of the electric vehicle charging stations requirements in CMC 18.50.160 through 18.50.180.	

(11) Additional Parking Requirements and Parking Design Standards Referenced in This Title.

(a) CMC [18.50.050](#) through ~~18.50.150~~[18.50.180](#) for other applicable standards.

Chapter 18.50

DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

Sections:

[18.50.160 Electric vehicle charging station requirements-Downtown zones.](#)

[18.50.170 Electric vehicle charging station requirements – R18, NC, CC and I zones.](#)

[18.50.180 Electric vehicle charging station design requirements.](#)

18.50.030 Computation of required off-street parking spaces.

[\(3\) All developments that require off-street parking shall be subject to the provisions of the electric vehicle charging stations requirements in CMC 18.50.160 through 18.50.180.](#)

[18.50.160 Electric vehicle charging station requirements – Downtown zones.](#)

[This section applies to all electric vehicle charging stations located in off-street parking facilities or parking garages in the TC, MC, GC, and MHO zones.](#)

[\(1\) New Development located in the TC and GC zones shall provide a minimum of one \(1\) Level 2 or Level 3 electric vehicle charging station for every 100 vehicle parking spaces.](#)

[\(2\) New commercial development located in the MC and MHO zones shall provide a minimum of one \(1\) Level 2 or Level 3 electric vehicles charging station for every 50 vehicle parking spaces.](#)

[\(3\) Any new “Government Services” \(CMC 18.31.080\) shall provide a minimum of one \(1\) Level 2 or Level 3 electric vehicle charging station regardless of the number of vehicle parking stalls required for the site. If the number of required off street vehicle parking stalls exceed the provisions of sections \(1\) and \(2\), then those regulations shall apply.](#)

[18.50.170 Electric vehicle charging station requirements- R-18, NC, CC, and I zones.](#)

[This section applies to all electric vehicles charging stations located in off-street parking facilities or parking garages in the R-18, NC, CC and I zones.](#)

[\(1\) New development located in the R-18 zone shall provide a minimum of one \(1\) Level 2 or Level 3 electric vehicle charging station for every 30 vehicle parking stalls.](#)

[\(2\) New development located in the NC, CC and I zones shall provide a minimum of one \(1\) Level 2 or Level 3 electric vehicle charging station for every 50 vehicle parking stalls.](#)

(3) Any new “Park”, (CMC 18.25.040) that is publicly owned and maintained and any new “Government Services”, (CMC 18.25.060) shall provide a minimum of one (1) Level 2 or Level 3 electric vehicle charging station regardless of the number of vehicle parking stalls required for the site. If the number of required off-street vehicle parking stalls exceed the provisions of sections (1) and (2), then those regulations shall apply.

18.50.180 Electric vehicle charging station design standards

(1) An electric vehicle charging station may be included in the calculation for minimum required parking spaces as required in CMC 18.31.110.4 and CMC 18.50.030.

(2) The Director may reduce or waive the requirement for the installation of electric vehicle charging stations if the applicant can demonstrate:

(a) That a shared parking facility provides access to an adjacent parking facility with a minimum of two (2) existing electric vehicle charging stations; or

(b) That the proposed parking facility is providing cross-access to an adjacent parking facilities with a minimum of two (2) existing electric vehicle charging stations; and

(c) The applicant has a contract for the shared use of the **above required** electric vehicle charging stations between the **appropriate** property owners. The contract shall be recorded with King County Records and Elections as a deed restriction that cannot be modified, or revoked without approval by the Director.

(3) Where electric vehicle charging stations are required in parking lots or parking garages, ~~assessable~~-accessible vehicle charging stations shall be provided.

(a) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall connect to a barrier free accessible route of travel. It is not required to designate the charging station exclusively for the use of disabled persons.

(4) The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional location and design criteria are provided in recognition of the various parking lot layout options. Where provided, parking for electric vehicle charging purposes shall 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 operation shall be included if time limits or tow away provisions are to be enforced. Refer to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) for electric vehicle and parking signs, specifically D9-11b, D9-11bP, R7-2, and R7-108, and as amended.

(b-) Charging station equipment shall be maintained, 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 **when** other problems are encountered.

(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 ADA accessibility requirements.

(d) Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

(e) Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted, and shall contain a retraction device or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

(f) Except for parallel parking stalls, adequate equipment protection, such as wheel stops or concrete-filled steel bollards, shall be used. Curbing may be used in lieu of wheel stops or bollards, if equipment is set back a minimum of 24 inches from the face of the curb.

(5) Parking for electric vehicles should also consider the following:

(a) Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

(b) Installation of directional signs at the parking lot entrance and at appropriate decision points to guide motorists to the charging station space(s). Refer to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) for electric vehicle and directional signs, specifically D9-11b, D9-11bP and M6-1, and as amended.

(6) To allow for maintenance and notification, the owner of any private new electric vehicle infrastructure station that will be publically available shall be required to provide information on the station's geographic, location, date of installation, equipment type and model, and owner contact information.

(7) On-Street Electric Vehicle Charging Stations ~~should consider~~ shall conform to the following:

(a) On-street electric vehicle charging stations are not permitted in the R1-R18 zones.

(b) On-street electric vehicle charging stations in the TC, MC, GC and MHO zone shall be installed at either end of designated on-street parking.

(c) Subsequent on-street electric vehicle charging stations should be installed adjacent to existing stations.

(d) Charging station equipment shall be installed in a well lit area, on a hard surface, near the front of the designated parking space and should provided a minimum of 24 inches clearance from the face of the curb and not impede the required minimum ADA accessible route on the sidewalk.

Chapter 16.10

STATE ENVIRONMENTAL POLICY ACT

16.10.080 Categorical exemptions (threshold determinations).

This section 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 section also contains rules for evaluating the impacts of proposals not requiring an EIS.

The City adopts the following provisions of the Washington Administrative Code by reference, as now existing or as hereafter amended:

WAC

197-11-300 Purpose

197-11-305 Categorical exemptions

197-11-310 Threshold determination required

197-11-315 Environmental checklist

197-11-330 Threshold determination process

197-11-335 Additional information

197-11-340 Determination of nonsignificance (DNS)

197-11-350 Mitigated DNS

197-11-355 Optional DNS process

197-11-360 Determination of significance (DS) – Initiation of scoping

197-11-390 Effect of threshold determination

[The city adopts the following section of the Revised Code of Washington by reference, as supplemented in this chapter.](#)

RCW

[43.21C.410 Battery charging and exchange station installation](#)