

## ORDINANCE NO. 1220

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ELECTRIC VEHICLE INFRASTRUCTURE FOR THE PURPOSE OF COMPLIANCE WITH RCW 36.70A.695; ADDING ZONING CODE CHAPTER TO REGULATE ELECTRIC VEHICLE INFRASTRUCTURE IN THE CITY; AMENDING THE LAND USE MATRIX TO ALLOW ELECTRIC VEHICLE INFRASTRUCTURE AS A USE IN CERTAIN ZONES; MAKING HOUSEKEEPING AMENDMENTS TO IMPLEMENT THE NEW CHAPTER ON ELECTRIC VEHICLE INFRASTRUCTURE; ADDING CHAPTER 17.73; ADDING SECTION 17.72.090; AMENDING SECTIONS 17.14.020, 17.96.025, 17.96.030 AND 18.04.060 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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WHEREAS, during the 2009 session the Washington State Legislature passed House Bill 1481 (HB 1481), an Act relating to electric vehicles. The Bill addressed electric vehicle infrastructure including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations; and

WHEREAS, the purpose of HB 1481 is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient and cost-effective electric vehicle infrastructure that such a transition necessitates. The Legislature agreed that the development of a convenient infrastructure to recharge electric vehicles is essential to increase consumer acceptance of these vehicles. The State's success in encouraging this transition will serve as an economic stimulus to the creation of short-term and long-term jobs as the entire automobile industry and its associated direct and indirect jobs transform over time from combustion to electric vehicles; and

WHEREAS, greenhouse gas emissions related to transportation constitute more than fifty percent of all greenhouse gas emissions in the State of Washington; and

WHEREAS, the use of electricity from the Northwest as a transportation fuel instead of petroleum fuels results in significant reductions in the emissions of pollutants, including greenhouse gases, and reduces the reliance of the state on imported sources of energy for transportation; and

WHEREAS, with the potential emerging market for plug-in electric vehicles, new industry standards have been adopted to ensure universal compatibility between vehicle manufacturers. Broad-based installation of new

universally compatible charging stations is intended to ensure that plug-in electric vehicles will be a viable alternative to gasoline-powered vehicles; and

WHEREAS, RCW 36.70A.695 requires that City of Gig Harbor allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas; and

WHEREAS, because most of the recharging for private electric vehicles will be done in residential settings, allowing Level 1 and Level 2 battery charging stations in residential zones is in the public interest; and

WHEREAS, pursuant to RCW 36.70A.695, the City desires to amend development regulations to allow battery charging stations, and in some zones battery exchange stations, as a use in City of Gig Harbor; and

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on May 3, 2011, pursuant to RCW 36.70A.106, and was granted expedited review on May 18, 2011; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on May 25, 2011; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on July 11, 2011; and

WHEREAS, on July 25, 2011, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Chapter 17.73 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

## **Chapter 17.73 Electric Vehicle Infrastructure**

### **17.73.010 Purpose**

It is the purpose of this chapter to allow for adequate and convenient electric vehicle charging stations to serve the needs of the traveling public. It is further intended to allow for residents to have safe and efficient personal electric charging stations located at their place of residence and to allow nonresidential developments to supply electric vehicle infrastructure to their customers and employees.

## **17.73.020 General Provisions**

A. Where Permitted. Electric vehicle infrastructure is allowed as specified in Chapter 17.14 GHMC, Land Use Matrix. 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.

B. Permits Required.

1. Electric Vehicle Charging Stations, Level 1 and Level 2. No zoning permit is required for the installation of electric vehicle charging stations equipped with Level 1 or Level 2 charging equipment provided the applicable regulations contained in Title 17 and 18 are met and all other required permits are obtained.
2. Rapid Charging Stations. Minor site plan review, as provided for in GHMC 17.96.030(A), is required for rapid charging stations.
3. Battery Exchange Stations. Major site plan review, as provided for in GHMC 17.96.030(B), is required for battery exchange stations.

C. Off-street parking. See GHMC Section 17.72.090 for off-street parking provisions for electric vehicle charging station spaces.

D. Use of specially designated charging stalls. Electric vehicle charging stations should be reserved for parking and charging electric vehicles only.

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

## **17.73.030 Definitions**

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

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

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 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

1. Level 1 is considered slow charging.
2. Level 2 is considered medium charging.

3. Level 3 is considered fast or rapid charging.

E. “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.

F. “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.

G. “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.

H. “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).

I. “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).

J. “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.

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

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

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

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

O. “Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery

primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

P. “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.

**Section 2.** Section 17.14.020 in the Land Use Matrix chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

### Section 17.14.020 Land use matrix

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 <sup>20</sup>	ED <sup>18</sup>	WR	WM	WC	MUD <sup>25</sup>			
Dwelling, single-family	-	P	P	P	P	C	P	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	P	P	P	-	P <sup>14</sup>	P
Dwelling, duplex	-	-	-	P	P	P	-	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	P	P	P	-	P <sup>14</sup>	P
Dwelling, triplex	-	-	-	C	P	P	-	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	C <sup>17</sup>	P	-	P <sup>14</sup>	P
Dwelling, fourplex	-	-	-	C	P	P	-	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	C <sup>17</sup>	P	-	P <sup>14</sup>	P
Dwelling, multiple-family	-	-	-	-	P	P <sup>6</sup>	-	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	-	-	-	P <sup>14</sup>	P
Accessory apartment <sup>1</sup>	-	C	P	-	P	-	C	C	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	-	P	-	P <sup>14</sup>	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Home occupation <sup>2</sup>	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C <sup>22</sup>	-	-	-	-	-	P
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	-	C	-
School, primary	P	C	P	C	P	C	C	C	C	P	-	C	P	-	-	-	-	-	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	-	C	P	-	-	-	-	-	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	-	C	P	-	-	-	-	P	-	-
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
Government administrative	P	C	P	C	P	C	C	C	P	P	P	P	P	P	C	P	P	P	P	P



<sup>1</sup> Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

<sup>2</sup> Home occupations are subject to Chapter 17.84 GHMC.

<sup>3</sup> Adult entertainment facilities are subject to Chapter 17.58 GHMC.

<sup>4</sup> Wireless communication facilities are subject to Chapter 17.61 GHMC.

<sup>5</sup> Houses of religious worship shall be limited to parcels not greater than 5 acres.

<sup>6</sup> Multiple-family dwellings shall be limited to no more than eight attached dwellings.

<sup>7</sup> Sales level 1 uses shall be limited to food stores in the RB-1 district

Sales, level 1 uses shall be limited to food stores in the RD 1 district.

<sup>8</sup> See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

<sup>9</sup> Animal clinics shall have all activities conducted indoors in the DB district.

<sup>10</sup> Drive-in theaters are not permitted in the B-2 district.

<sup>11</sup> Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

<sup>12</sup> Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

<sup>13</sup> Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

<sup>14</sup> Residential uses shall be located above a permitted business or commercial use.

<sup>15</sup> Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

<sup>16</sup> Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

<sup>17</sup> Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.

<sup>18</sup> Planned unit developments (PUDs) are conditionally permitted in the ED district.

<sup>19</sup> Commercial parking lots in the WC district shall be related to shoreline uses.

<sup>20</sup> Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

<sup>21</sup> Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

<sup>22</sup> Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.

<sup>23</sup> See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.

<sup>24</sup> See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.

<sup>25</sup> Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).

<sup>26</sup> Level 1 and Level 2 charging only.

<sup>27</sup> Electric vehicle charging stations, level 1 and level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.

<sup>28</sup> The term "Rapid" is used interchangeably with Level 3 and Fast Charging.

<sup>29</sup> Only "electric vehicle charging stations – restricted" as defined in Chapter 17.73 GHMC.

**Section 3.** Section 17.72.090 is hereby added to the Off-Street Parking and Loading Requirements chapter of the Gig Harbor Municipal Code, which shall read as follows:

### **17.72.090 Electric Vehicle Charging Station Spaces.**

A. Purpose. For all parking lots or garages, except those that include restricted electric vehicle charging stations.

B. Number. No minimum number of charging station spaces is required.

C. Minimum Parking Requirements. An electric vehicle charging station space may be included in the calculation for minimum required off-street parking spaces that are required pursuant to GHMC 17.72.030.

D. Design Standards. Off-street electric vehicle charging station spaces shall meet the provisions of GHMC 17.72.020, Off-street parking design standards.

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

1. Where provided, parking for electric vehicle charging purposes is required to include the following:

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

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

c. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

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

2. Parking for electric vehicles should also consider the following:

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

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

F. Data Collection. To allow for maintenance and notification, owners of any private new electric vehicle infrastructure station that will be publicly available (see definition of “electric vehicle charging station — public” in Chapter 17.73 GHMC) shall submit information on the station’s geographic location, date of installation, equipment type and model, and owner contact information to the Planning Department.

Section 4. Section 17.96.025 in the Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

### **17.96.025 Exemptions.**

The following are exempt from the site plan review provisions of this chapter:

- A. Single-family and duplex dwellings on lots of record and any appurtenance thereto;
- B. Subdivisions and short plats;
- C. Planned unit developments and planned residential developments;
- D. Modifications to the interior of an existing structure that does not change the use;
- E. Change in use of an existing structure, provided the change in use does not increase the number of required off-street parking spaces and does not require a change of use capacity evaluation as provided for in GHMC 19.10.004;
- F. Normal maintenance and repair of existing improvements, facilities and structures;
- G. Installation and replacement of underground utilities located in public rights-of-way and approved utility easements or corridors;
- H. Utility pump stations, utility boxes and utility vaults;
- I. Removal of underground tanks when the site is restored to the condition prior to removal;
- J. Removal of all buildings and structures on a site together with the discontinuance of use of the land and buildings;
- K. Special uses as provided for in Chapter 17.65 GHMC;
- L. Uses allowed in approved common areas as provided for in GHMC 17.99.280;
- M. Land clearing as provided for in Chapter 17.94 GHMC;
- N. Temporary trailers as provided for in GHMC 17.01.090;
- O. Sign permits as provided for in Chapter 17.80 GHMC;
- P. Installation and modification of Level 1 and Level 2 electric vehicle charging stations as defined in GHMC 17.73.030(D).

Section 5. Section 17.96.030 in the Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.96.030 Site plan review.**

Any use or development that is subject to the requirements for site plan review, unless exempt as provided for in GHMC 17.96.025, shall be classified and processed as provided for in this section.

- A. Minor Site Plan Review.
  - 1. Applications for minor site plan review shall be processed in accordance with the procedures established under GHMC Title 19 for a Type I project permit application. A decision on a minor site plan review application shall be rendered prior to or concurrent with the issuance of any other applicable permit. The following are classified as minor site plan reviews:
    - a. Change in use of an existing structure which increases the number of required off-street parking spaces and/or requires a change of use capacity evaluation as provided for in GHMC 19.10.004;

- b. Modifications to the number of off-street parking stalls, amount of impervious surface and height of structures on an existing site or approved site plan, provided such modifications do not exceed a 10 percent increase over the original;
- c. Modifications to the parking lot layout or parking lot landscaping on an existing site or approved site plan;
- d. Modifications to the landscaping, common area, or vegetation retention areas, provided the modifications do not adversely affect the basic character and quality of such;
- e. Modifications to the total amount of gross floor area on an existing site or approved site plan which do not exceed a 10 percent increase over the original or 1,000 square feet increase, whichever is less;
- f. Removal of some but not all buildings on a site;
- g. Modification or expansion of existing stormwater facilities;
- h. Modifications to the conditions of approval of a minor site plan review decision:-
  - i. Installation and modification of rapid charging stations as defined in GHMC 17.73.030(P).

2. If a minor site plan review includes any use or development classified as a major site plan review in subsection B of this section, the entire project shall be processed under the provisions for major site plan review.

B. Major Site Plan Review.

1. Applications for major site plan review shall be processed in accordance with the procedures established under GHMC Title 19 for a Type II project permit application, except as provided for in subsection (B)(3) of this section. The following are classified as major site plan reviews:

- a. Construction of a building or installation of impervious surfaces on a vacant parcel;
- b. Modifications to an existing site or approved site plan which are not classified as a minor site plan review in subsection A of this section or are exempt from site plan review under GHMC 17.96.025;
- c. Any development subject to a SEPA threshold determination pursuant to Chapter 18.04 GHMC;
- d. Creation of new regional stormwater ponds;
- e. Establishment of a new use or change of use which is not located in an existing building;
- f. Modifications to the conditions of approval of a major site plan review decision:-
  - g. Installation and modification of battery exchange stations as defined in GHMC 17.73.030(C).

2. If a SEPA threshold determination for a development requiring major site plan review is appealed, the major site plan review application shall be processed in accordance with the procedures established under GHMC Title 19 for a Type III project permit and the SEPA open record

appeal hearing shall be consolidated with the Type III project permit open record hearing.

3. A major site plan review application for a project which has an associated administrative interpretation, as provided for in GHMC 17.66.050, shall be processed as a Type III application as defined in GHMC Title 19.

C. A minor or major site plan review application that is part of a project that requires additional applications with other procedure types may be processed collectively under the highest numbered procedure for any application unless the applicant chooses to have each application processed individually following the permit processing procedures in GHMC 19.01.002(B).

Section 6. Section 18.04.060 in the Environmental Review (SEPA) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**18.04.060 Categorical exemptions and threshold determinations – Adoption by reference.**

The city adopts the following sections of Chapter 43.21C RCW and Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented in this chapter:

RCW

43.21C.410 Battery charging and exchange station installation.

WAC

- 197-11-300 Purpose of this part.
- 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.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or

constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 8. Effective Date.** This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 25th day of July, 2011.

CITY OF GIG HARBOR

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Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Angela S. Belbeck

FILED WITH THE CITY CLERK: 07/06/11  
PASSED BY THE CITY COUNCIL: 07/25/11  
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