

**ORDINANCE NO. 3976**

**AN ORDINANCE** of the City Council of the City of Kent, Washington, amending Kent City Code Chapters 15.02, 15.04, 15.05 and 11.03 to allow electric vehicle infrastructure.

**RECITALS**

A. 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.

B. 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 transforms over time from combustion to electric vehicles.

C. Greenhouse gas emissions related to transportation constitute more than fifty percent of all greenhouse gas emissions in the State of Washington. 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. The City of Kent Comprehensive Plan contains goals and policies encouraging conservation of natural resources to improve regional air quality and supporting intergovernmental programs that seek to reduce greenhouse gas emissions.

D. RCW 35.63.126(1) requires that jurisdictions, like the City of Kent, adjacent to Interstate 5 with a population of over twenty thousand and located in a county with a population over one million five hundred thousand must allow electric vehicle infrastructure as a use in all areas except those zoned for residential, resource use, or critical areas.

E. Most private electric vehicle charging will be done in residential settings, and therefore allowing electric vehicle infrastructure in these areas is in the public interest. Businesses may want to install electric vehicle infrastructure to serve their customers, and therefore allowing this infrastructure in these areas is also in the public interest.

F. Pursuant to RCW 35.63.126(1), this ordinance proposes to amend development regulations found in the Kent City Code, Chapter 15.02 (Definitions), 15.04 (District Regulations), 15.05 (Off-Street Parking) and 11.03 (Environment Policy) to allow electric vehicle infrastructure.

G. The City's State Environmental Policy Act (SEPA) Responsible Official has determined that these amendments to the Kent City Code are procedural in nature, and therefore exempt from SEPA review.

H. On September 7, 2010, notice was sent to the Washington State Department of Commerce requesting expedited review for an amendment to development regulations. On September 22, 2010, the City was granted expedited review and was informed that it had met the Growth Management Act notice requirements under RCW 36.70A.106.

I. The Land Use and Planning Board considered this matter at its September 13, 2010 workshop and held a public hearing on September 27, 2010. The Economic and Community Development Committee considered this matter at its October 12, 2009 and October 11, 2010 meetings.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

**ORDINANCE**

**SECTION 1.** - *Amendment.* Chapter 15.02 of the Kent City Code is amended as follows:

**Sec. 15.02.051. Battery charging equipment.**

Battery charging equipment 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.

**Sec. 15.02.052. 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.

**Sec. 15.02.072. Charging levels.**

Charging levels means the standardized indicators of electric 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.

**Sec. 15.02.130.1. Electric vehicle (EV).**

Electric vehicle (EV) 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.

**Sec. 15.02.130.2. Electric vehicle (EV) charging station.**

Electric vehicle (EV) charging station means a public or private parking space that is served by battery charging 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.

**Sec. 15.02.130.3. 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).

**Sec. 15.02.130.4. Electric vehicle charging station – restricted.**

Electric vehicle charging station – restricted means an electric vehicle charging station that is (1) privately owned with 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).

**Sec. 15.02.130.5. 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.

**Sec. 15.02.335.2. 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.

**SECTION 2. - Amendment.** Chapter 15.04 of the Kent City Code

is amended as follows:

**15.04.060. Transportation, public, and utilities land use.**

		Zoning Districts																												
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses		A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-S	MR-M	MR-H	MHP	NCC	CC	DC	DCE	CM-1	CM-2	GC	O	MA	M1	M1-C	M2	M3	GW	
Commercial parking lots or structures																		C	C											
Transportation and transit facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C
Railway and bus depots, taxi stands										C	C							C	C											
Utility and transportation facilities: Electrical substations, pumping or regulating devices for the transmission of water, gas, steam, petroleum, etc.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public facilities: Firehouses, police stations, libraries, and administrative offices of governmental agencies, primary and secondary schools, vocational schools, and colleges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C
Accessory uses and buildings customarily appurtenant to a permitted use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wireless telecommunications facility (WTF) by administrative approval	P	P										P	P	P		P				P	P	P	P	P	P	P	P	P	P	P
	(2)	(2)										(2)	(2)	(2)		(2)				(1)	(1)	(1)	(2)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
	(3)	(3)										(3)	(3)	(3)		(3)				(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)



7. Accessory uses shall not include vehicular drive through, drive-in, or service bay facilities.

8. If on property owned, leased or otherwise controlled by the city or other government entity subject to KCC 15.08.035(I).

9. Level 1 and 2 charging only.

10. Only as part of a general conditional use identified in KCC 15.08.030.

**15.04.070 Wholesale and retail land uses.**

	Zoning Districts																													
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses	A-10 Agricultural District	AG Agricultural General District	SR-1 Residential Agricultural District	SR-3 Single-Family Residential District	SR-4.5 Single-Family Residential District	SR-6 Single-Family Residential District	SR-8 Single-Family Residential District	MR-D Duplex Multifamily Residential District	MR-T12 Multifamily Residential Townhouse District	MR-T16 Multifamily Residential Townhouse District	MR-G Low Density Multifamily Residential District	MR-M Medium Density Multifamily Residential District	MR-H High Density Multifamily Residential District	MHP Mobile Home Park Combining District	NCC Neighborhood Convenience Commercial District	CC Community Commercial District	DC Downtown Commercial District	DCE Downtown Commercial Enterprise District	CM-1 Commercial Manufacturing-1 District	CM-2 Commercial Manufacturing-2 District	GC General Commercial District	O Office District	MA Industrial Agricultural District	M1 Industrial Park District	M1-5 Industrial Park-Commercial District	M2 Limited Industrial District	M3 General Industrial District	GWC Gateway Commercial District		
Bakeries and confectioneries																			P	P								P	(S)	
Wholesale bakery																				P	P									
Bulk retail																		P	P	P			P	P						
Recycling centers																							(1)	(1)				C	P	
Retail sales of lumber, tools, and other building materials, including preassembled products																		P	P	P										
Hardware, paint, tile, and wallpaper (retail)																	P	P	P	P	P								P	(2)
Farm equipment																				P	P									





Zoning Districts	
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Planned development retail sales	C (14)
Drive-through/drive-up businesses (commercial/retail – other than eating/drinking establishments)	C (22) P (20) P (20) P (20) P (20)
Miscellaneous retail: Drugs, antiques, books, sporting goods, jewelry, florist, photo supplies, video rental, computer supplies, etc.	P P P (11) P P P A (15) A (8) P (2)
Liquor store	P P P (11) P P P
Farm supplies, hay, grain, feed, fencing, etc. (retail)	P P P
Nurseries, greenhouses, garden supplies, tools, etc.	P P P
Pet shops (retail and grooming)	P P P
Computers and electronics (retail)	P P P P
Hotels and motels	P P P P P



**15.04.080 Wholesale and retail land use development conditions.**

1. Bulk retail uses which provide goods for regional retail and wholesale markets; provided, that each use occupy no less than forty-three thousand five hundred sixty (43,560) square feet of gross floor area.

2. All sales, storage, and display occur within enclosed buildings.

3. Provided that any restaurant with drive-in or drive-through facilities shall be located a minimum of one thousand (1,000) feet from any other drive-in restaurant use.

4. Convenience and deli marts are limited to a maximum gross floor area of three thousand (3,000) square feet.

5. Uses shall be limited to twenty-five (25) percent of the gross floor area of any single- or multi-building development. Retail and service uses which exceed the twenty-five (25) percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process. A conditional use permit shall be required on an individual tenant or business basis and shall be granted only when it is demonstrated that the operating characteristics of the use will not adversely impact onsite or offsite conditions on either an individual or cumulative basis.

6. Special uses must conform to the development standards listed in KCC 15.08.020.

7. Drive-through restaurants, only if located in a building having at least two (2) stories.

8. Accessory uses are only allowed in cases where development plans demonstrate a relationship between these uses and the principal uses of the property.

9. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.

10. Retail uses operated in conjunction with and incidental to permitted uses, provided such uses are housed as a part of the building comprising the basic operations.

11. The ground level or street level portion of all buildings in the pedestrian overlay of the DC district, set forth in the map below, must be retail or pedestrian-oriented. Pedestrian-oriented development shall have the main ground floor entry located adjacent to a public street and be physically and visually accessible by pedestrians from the sidewalk; and may include the following uses:

- a. Retail establishments, including but not limited to convenience goods, department and variety stores, specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, florists, antique shops, and book shops;
- b. Personal services, including but not limited to barber shops, beauty salons, and dry cleaning;
- c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;
- d. Food-related shops, including but not limited to restaurants (including outdoor seating areas and excluding drive-in restaurants) and taverns;
- e. Copy establishments;
- f. Professional services, including but not limited to law offices and consulting services; and
- g. Any other use that is determined by the planning manager to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to KCC 15.09.065, Interpretation of uses.

12. Retail convenience grocery sales are allowed in conjunction with a gasoline service station as a special permit use subject to the development standards listed in KCC 15.08.020.

13. Retail sales are limited to tires, batteries, and accessories for industrial vehicle and equipment.

14. Retail sales are permitted as part of a planned development where at least fifty (50) percent of the total development is for office use. Drive-in restaurants, service stations, drive-in cleaning establishments, and other similar retail establishments are not permitted.

15. Incidental sales and services, such as restaurants, pharmacies, and retail sales, to serve occupants and patrons of permitted uses when conducted within the same building, provided there is no exterior display or advertising.

16. Includes incidental storage facilities and loading/unloading areas.

17. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.

18. Accessory uses shall not include vehicular drive-through, drive-in, and service bay facilities.

19. Reference KCC 15.07.040(C), outdoor storage landscaping.

20. Whenever feasible, drive-up/drive-through facilities shall be accessed from the rear of a site and run along an interior lot line or building elevation. Landscaping, sufficient to soften the visual impact of vehicle stacking areas, may be required.

21. Retail use must be for sale of agricultural or horticultural produces, at least twenty-five (25) percent of the gross sales value of which are grown within Washington State. Up to fifty (50) percent of the gross sales value may be for seed, gardening equipment and products, private label foods, and locally hand-made products. Any structures must be designed to maintain or enhance the agricultural appearance of the area.

22. Any drive-up/drive-through facility shall be accessory to the principal use to which it is attached.

23. All battery exchange activities and associated storage shall take place within an enclosed building. The development standards listed in KCC 15.08.020.B shall apply, except that number three (3) shall not apply.

**SECTION 3.** - *Amendment.* Chapter 15.05 of the Kent City Code is amended as follows:

**15.05.110. Electric vehicle charging station spaces.**

A. Purpose. This section applies to all public electric vehicle charging stations located in parking lots or garages.

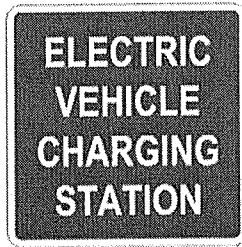
B. Number. No minimum number of charging station spaces is required.

C. Minimum Parking Requirements. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other sections of this chapter.

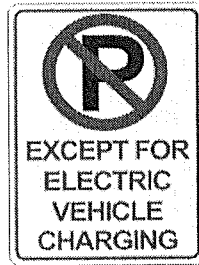
D. Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.

1. Where provided, parking for electric vehicle charging purposes shall include the following:

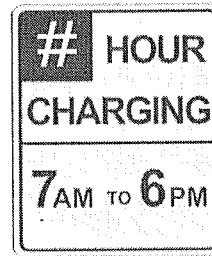
a. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation shall be included if time limits or tow away provisions are to be enforced. Refer to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) for electric vehicle and parking signs, specifically D9-11b, D9-11bP, R7-2, and R7-108. The following are examples of signage and appropriate sizes:



12" x 12"



12" x 18"



12" x 18"

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.

e. Charging Station Equipment. 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. Charging Station Equipment Protection. Except for parallel parking stalls, adequate equipment protection, such as wheel stops or

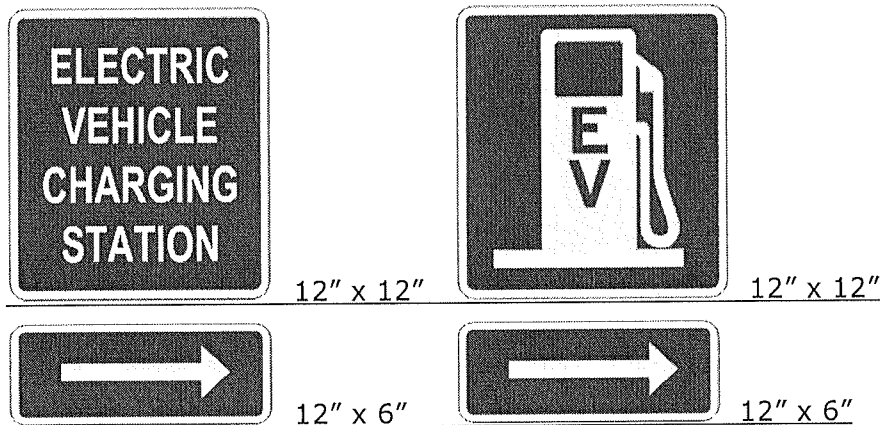


concrete-filled steel bollards shall be used. Curbing may be used in lieu of wheel stops or bollards, if equipment is set back a minimum of 24 inches from the face of the curb.

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). 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. The following are examples of signage and appropriate sizes:



***SECTION 4. - Amendment.*** Section 11.03.200 of the Kent City Code is amended as follows:

**11.03.200. Purpose of this part and adoption by reference.**

This part contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an environmental impact statement and rules applicable to categorical exemptions. The city adopts the following sections of the Washington Administrative Code by reference, as supplemented in this chapter:

- 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.
- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

The city adopts the following section of the Revised Code of Washington by reference, as supplemented in this chapter:

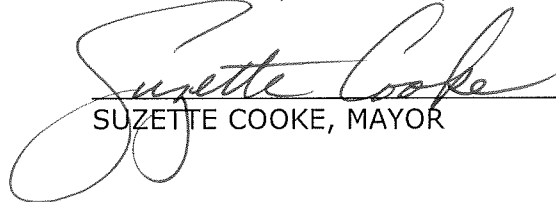
43.21C.410 Battery charging and exchange station installation.

**SECTION 5.** – *Savings.* The existing chapters 11 and 15 of the Kent City Code, which are amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

**SECTION 6.** - Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 7.** - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**SECTION 8.** - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

  
SUZETTE COOKE, MAYOR

ATTEST:

  
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

  
TOM BRUBAKER, CITY ATTORNEY

PASSED: 19 day of October, 2010.

APPROVED: 19 day of October, 2010.

PUBLISHED: 22 day of October, 2010.

I hereby certify that this is a true copy of Ordinance No. 3976  
passed by the City Council of the City of Kent, Washington, and approved  
by the Mayor of the City of Kent as hereon indicated.

  
BRENDA JACOBER, CITY CLERK

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