



# MEMORANDUM

DATE: November 8, 2010

TO: Chair Ferris, Members of the Planning Commission

FROM: Catherine A. Drews, Legal Planner  
Carol V. Helland, Land Use Director  
Development Services Department

SUBJECT: Revised Staff Recommendation-Electric Vehicle Charging Station LUCA,  
File No. 10-106985 AD

This memorandum presents the revised report and recommendation of the Development Services Department (DSD) on the proposal to allow electric vehicle infrastructure as a use in the City. Staff has revised the proposed Land Use Code (LUC) amendment presented to the Planning Commission on April 14 and May 26, 2010, in response to direction from the City Council. The revised proposed Land Use Code (LUC) amendment also implements provisions passed by the Washington State Legislature to facilitate the use of electric vehicles throughout the state. A copy of the revised proposed Land Use Code amendment ordinance is included with this memorandum as Attachment A.

Following the second public hearing scheduled for December 1, 2010, and consideration of public comment, staff requests the Planning Commission prepare a recommendation to the City Council to adopt the revised proposed code amendments included in Attachment A.

## I. Background

### Procedural Background

On April 14, 2010, staff sought and received concurrence from the Planning Commission to initiate amendments to the LUC that would allow electric vehicle infrastructure as a use in all land use districts, except those zoned residential and critical areas, as required under Second Substitute House Bill 1481 (SSHB 1481). Electric vehicle infrastructure includes battery charging stations, rapid charging stations, and battery exchange stations. The Planning Commission held a public hearing on the proposed code amendments on May 26, 2010. After the public hearing on June 7, 2010, the Planning Commission prepared a transmittal to the City Council unanimously recommending approval of the proposed code package.

Staff presented the proposed code amendments to the City Council on June 14, 2010. During the study session, Council raised questions regarding the location and regulation of electric vehicle infrastructure and directed staff to return with a revised proposal. Attachment A contains the revised proposal. In the original proposal, staff recommended adding a new category to the land use chart, Other Automotive Services, and limiting its application to only electric vehicle infrastructure using footnotes.

In response to Council questions and direction, staff has taken a different approach to allowing electric vehicle infrastructure in the revised code proposal. Instead of amending all the use charts as in the original proposal, the revised proposal associates, using footnotes, the permitted use of electric vehicle infrastructure with the appropriate land use category. Electric vehicle charging stations are allowed in all land use districts that allow accessory parking, auto parking, park and rides, and street and highway right-of-way use. Likewise, battery exchange stations are allowed in areas where gas stations or auto repair is permitted and also as a subordinate use to vehicle maintenance yards. The proposed amendments to the general definition and Bel-Red definitions remain unchanged.

### Background on Electric Vehicle Regulation

In 2009, the Legislature found that development of electric vehicle infrastructure would lead to the creation of jobs, foster economic growth, and reduce greenhouse gas emissions and other pollutants attributable to the operation of petroleum-based vehicles. Electric vehicle infrastructure includes battery charging stations, rapid charging stations, and battery exchange stations. Second Substitute House Bill 1481 was signed into law in 2009, and its purpose is “to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective, electric vehicle infrastructure” to support the transition. SSHB 1481, Section 1. The Legislature found that development of electric vehicle infrastructure would lead to the creation of jobs, foster economic growth, and reduce greenhouse gas emissions and other pollutants attributable to the operation of petroleum-based vehicles.

SSHB 1481 requires jurisdictions bordering regional freeways and meeting a population threshold to amend their development regulations to allow electric vehicle infrastructure as a use in all zones except residential and critical areas. SSHB required the amendments be effective by July 1, 2010. The bill also amends corresponding municipal and planning provisions, such as the Growth Management Act, chapter 36.70A, and the Planning Enabling Act, chapter 36.70 RCW, to reflect these requirements. Although the adoption date has passed, it is important to note that currently there is no land use code provision that prohibits these uses. An amendment is proposed now to identify the use specifically, and to make clear that the use is allowed without the need for any administrative code interpretation. As discussed at the April 19 meeting, the new provision makes clear that installation of electric vehicle charging units in individual homes or parking associated with multifamily units is permitted outright.

SSHB 1481 charges the Washington State Department of Commerce (formerly CTED) to prepare and distribute to local governments model ordinances, model development regulations, and guidance related to siting and installing electric vehicle infrastructure. Commerce completed and distributed the guidelines on August 5, 2010.

Staff recommends the City take action by amending the use charts and definitions as set forth in Attachment A, and seeks Planning Commission recommendation to forward the revised proposed amendments to the City Council.

## II. PROPOSAL

The proposed ordinance was prepared after review of SSHB 1481 and relevant provisions of the LUC. Based on this review, staff recommends approval of proposed code amendments allowing electric vehicle infrastructure as a use in all land use districts, except critical areas. Specifically, staff recommends the following code amendments:

### 1. Use Charts: LUC 20.10.440 and LUC 20.25D.070 (Bel-Red).

Both the general use charts (LUC 20.10.440) and the Bel-Red Land Use Charts require amendment. As discussed above, electric vehicle charging stations will be permitted in all land use districts associated with accessory and auto parking, park and rides, and street and highway parking. Battery exchange stations will be allowed in land use districts where gas stations and auto repair is allowed, and as a subordinate use to vehicle maintenance yards. These allowances are contained in corresponding footnotes in three land use charts: (1) Transportation and Utilities; (2) Wholesale/Retail; and (3) Services.

### 2. Definitions: Chapter 20.50 LUC

SSHB 1481 includes four new definitions<sup>1</sup> that staff recommends the LUC be amended to include:

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 in Chapter 19.28 RCW and consistent with the rules adopted by the building code council for electric vehicle infrastructure requirements.

B. “Battery exchange station” means a fully automated facility that will enable an electric vehicle with an interchangeable battery to enter and exchange the depleted battery with a fully charged battery through a fully-automated process, which meet or exceed any standards, codes, and regulations set forth in Chapter 19.28 RCW and

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<sup>1</sup> Staff has revised the definitions from the statute where necessary to improve clarity without altering the substance of the definition.

consistent with the rules adopted by the building code council for electric vehicle infrastructure requirements.

C. "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.

D. "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meet or exceed any standards, codes, and regulations set forth in Chapter 19.28 RCW and consistent with the rules adopted by the building code council for electric vehicle infrastructure requirements.

### **III. STATE ENVIRONMENTAL POLICY ACT**

The Environmental Coordinator for the City of Bellevue determined that this proposal would not result in any probable, significant, adverse environmental impacts. The Environmental Coordinator issued a threshold determination of nonsignificance (DNS) on May 13, 2010. The final threshold determination is attached to this memorandum as Attachment B.

### **IV. PUBLIC NOTICE, PARTICIPATION, COMMENT AND RESPONSE**

Notice for the second public hearing on the revised code amendment proposal is scheduled for publication in the Weekly Permit Bulletin on November 18, 2010.

The Electric Vehicle Land Use Code amendment was introduced at a study session with the Planning Commission on April 14, 2010. During that study session, the Planning Commission gave staff direction to proceed to a public hearing on the proposed amendment, scheduled for May 26, 2010. Notice of the Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on May 6, 2010.

The proposed amendments to the LUC are within the jurisdiction of the East Bellevue Community Council. A courtesy hearing was held before EBCC at their regular meeting on May 4, 2010. Notice of the courtesy hearing was published on April 27, 2010. Staff will return to the EBCC for a second courtesy hearing on December 7, 2010, and for a final hearing on the revised proposed code amendments in March 2011.

Under the requirements of the Growth Management Act, state agencies must be given an opportunity to review and comment on proposed amendments to the LUC. Copies of the draft Electric Vehicle Infrastructure LUC amendment ordinance were provided to the state agencies for review on April 15, 2010. Copies of the revised draft code amendment were provided to the state agencies on November 8, 2010. No comment letters were received by DSD before release of this revised staff report. Comments

received after release of the staff report will be forwarded to the Planning Commission before to the public hearing.

## **V. APPLICABLE DECISION CRITERIA – LAND USE CODE PART 20.30J**

The Planning Commission may recommend and the City Council may approve or approve with modifications an amendment to the text of the Land Use Code if:

### **A. The amendment is in accord with the Comprehensive Plan; and**

The proposed amendment is consistent with the Comprehensive Plan. The proposed amendments promote the use of electric vehicle infrastructure while preserving the character of residential neighborhoods, and reducing the amount of carbon associated with motor vehicle use.

Several Comprehensive Plan policies support the proposed amendment:

**Policy LU-8.** Ensure that commercial land uses are contained within carefully delineated areas

**Policy LU-22.** Protect residential areas from the impact of non-residential uses of a scale not appropriate for a neighborhood.

The proposed amendment focuses electric vehicle infrastructure away from residential area and into areas of more intense uses.

**POLICY EN-3.** Minimize, and where practicable, eliminate the release of substances into the air, water, and soil that may degrade the quality of these resources or contribute to global atmospheric changes.

**Policy En-78.** Support federal, state, and regional policies intended to protect clean air in Bellevue.

**Policy EN-79.** Work with the private sector to reduce growth in vehicle trips as a key strategy for reducing automobile-related air pollutants.

**Policy EN-83.** Promote the use of alternative fuels such as electricity and compressed natural gas and investigate the use of such fuels for the city's vehicles.

The proposed amendment, which supports electric vehicles, will initially reduce carbon emissions by only minimal amounts; however, the potential for long-term acceptance and use of electric vehicles should have a corresponding increase in the reduction of carbon emissions and other pollutants associated with petroleum-based vehicles.

**B. The amendment bears a substantial relationship to the public health, safety or welfare; and**

The proposed amendment serves the public health, safety and welfare by addressing issues related to clean air, alternative fuels, and protecting residential neighborhoods from incompatible uses.

**C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.**

As described above, the proposed amendments serve to provide alternative fuels for transportation, while enhancing the environment and protecting residential neighborhoods. The public interest is advanced through this proposal.

## **VI. RECOMMENDATION**

Recommend the revised Electric Vehicle Land Use Code amendment as drafted in Attachment A and transmit the ordinance the City Council for final approval.

## **ATTACHMENTS**

- A. Draft Electric Vehicle Infrastructure Ordinance
- B. Final DNS published on May 13, 2010.