

CITY OF MILLWOOD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, AMENDING THE ZONING ORDINANCE TO INCLUDE REGULATIONS FOR ELECTRIC VEHICLE INFRASTRUCTURE; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Millwood (the “City”), Spokane County, Washington, is a non-charter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, pursuant to chapter 35A.11 RCW, the City Council (the “Council”) may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, in 2009 the Washington State Legislature passed House Bill 1481 which requires that communities within one mile of major freeway corridors including Interstate-90, which encompasses most of Millwood, make zoning changes that specifically allow for Electric Vehicle Infrastructure (“EVI”), and

WHEREAS, HB 1481 requires that ~~Electric Vehicle Infrastructure~~EVI must be a valid use for non-Residential Zones, non-Resource Land, and non-Critical Areas for municipalities within one mile of ~~Interstate-90~~ by July 1, 2011, and

WHEREAS, in the City ~~of Millwood Electric Vehicle Infrastructure (EVI)~~ must be added to the list of valid uses in all zones except Residential, Public Reserve, and Paper Mill Alternative, and

WHEREAS, The Millwood Planning Commission, following public hearings with proper public notice, has submitted its written recommendation for amendments to ~~the Millwood Comprehensive Plan and to Title 17 Zoning of the Millwood Municipal Code to~~ bring both documents into compliance ~~with~~ HB 1481;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MILLWOOD WASHINGTON:

Section 1. A new subsection, E, is added to Section 17.08.010 Permitted Uses of the Millwood Municipal Code pertaining to the UR-2 zone, to read as follows:

- E. Accessory Uses.
- a1. Level 1 and Level 2 electric vehicle charging stations.

Section 2. A new subsection, E, is added to Section 17.12.010 Permitted Uses of the Millwood Municipal Code pertaining to the UR-1 zone, to read as follows:

- E. Accessory Uses.
- a1. Level 1 and Level 2 electric vehicle charging stations.

Section 3. A new subsection, D, is added to Section 17.14.010 Permitted Uses of the Millwood Municipal Code pertaining to the UR-3 zone, to read as follows:

- D. Accessory Uses.
- a1. Level 1 and Level 2 electric vehicle charging stations.

Section 4. Subsection C of Section 17.16.010 of the Millwood Municipal Code pertaining to the C-1 zone is amended to read as follows:

- C. On any property of whatever size, the following uses are permitted, provided that the development standards contained in this chapter are met and further provided that frontage on Trent Avenue, when requires, means that the minimum parcel width is equal to the parcel frontage on Trent Avenue and that Trent Avenue is the primary access to the parcel:
- Amusement places housed indoors, including billiard and pool halls, bowling alleys, skating rinks, and children's indoor play facilities provided those properties with frontage on Trent Avenue. Those facilities or places, which are licensed for gambling, as defined in this section are not deemed amusement places housed indoors;
Apartment for permanent residence above store building;
 - Art or antique shops;

- 4. Auditoriums;
- 5. Automobile storage, service, and repair;
- 6. Bakery;
- 7. Bank;
- 8. Establishments licensed to serve alcohol may be allowed by conditional use permit issued by the city council after public hearing before the city planning commission and in accordance with standards regulating the issuance of conditional use permits as specified in this code, provided the proposed establishment is located not closer than five hundred (500) feet from any church, school, or public park or playground. Distance shall be calculated by extending a straight line from the nearest physical point of the structure housing the establishment licensed to serve alcohol to the property line of the protected use;
- 9. Bird stores, pet shops and taxidermist shops;
- 10. Blueprinting, photostating and photo developing;
- 11. Business colleges or private schools operating as a commercial enterprise;
- 12. Business and professional offices;
- 13. Carpenter shops but excluding planing mills, saw mills, etc.;
- 14. Cleaning establishments using nonexplosive and nonflammable cleaning fluid;
- 15. Clinics: medical, dental and small animal clinics and laboratories;
- 16. Commercial welding, provided all operations and storage in conjunction therewith are carried on and conducted within accepted safety standards under the building and fire codes as adopted by the city;
- 17. Community centers;
- 18. Drive-thru windows only on those properties with frontage on Trent Avenue;
- 19. Employment agencies;
- 20. Frozen food lockers;
- 21. Fruit or vegetable markets;
- 22. Gambling facilities, which are legally licensed by the state of Washington as Class A, B, C or D and E-1 through E-5, only on those properties with frontage on Trent Avenue;
- 23. Golf driving ranges and miniature golf courses;
- 24. Machinery, trailer, recreational vehicle, and automobile sales lots only on those properties with frontage on Trent Avenue;
- 25. Manufactured home parks as defined and regulated in Chapter 17.12 of this title;
- 26. Mini-storage facilities and the storage of boats and recreational vehicles;
- 27. Mortuaries;
- 28. Paint and decorating shops;
- 29. Personal service shops of all types, excluding adult entertainment facilities;
- 30. Photographic studios;
- 31. Printing and lithography shops;
- 32. Pawn shops;
- 33. Repair shops of all types;
- 34. Restaurants and cafes;
- 35. Retail stores of all descriptions where merchandise is displayed and/or sold within a building;
- 36. Shops for the sale and servicing of household equipment;
- 37. Sign painting shops;
- 38. Studios: dance, music and art;
- 39. Theaters: indoor;
- 40. Veterinary hospitals and boarding kennels only on those properties with frontage on Trent Avenue;
- 41. Warehouse for retail sales only on those properties with frontage on Trent Avenue;
- 42. Wholesale office and warehouse only on those properties with frontage on Trent Avenue.
- 43. Electric vehicle infrastructure, including:
 - a. Electrical outlets capable of charging electric vehicles;
 - b. Level 1, Level 2 and Level 3 electric vehicle charging stations; and
 - c. Battery exchange or battery charging stations that meet Washington State Building Code (RCW 19.27) requirements.

Section 5. A new subsection, I, is added to Section 17.18.040 of the Millwood Municipal Code pertaining to the C-2 zone to read as follows:

- I. Electric vehicle infrastructure is permitted as an accessory use, including:
 - ~~a1.~~ Electrical outlets capable of charging electric vehicles; and
 - ~~b2.~~ Level 1 and Level 2 electric vehicle charging stations

Section 6. Subsection A, ~~permitted uses,~~ of Section 17.20.010 of the Millwood ~~Municipal~~Municipal Code pertaining to the C-1 zone is amended to read as follows:

- A. On any property of whatever size, the following uses are permitted:

1. Ambulance service;
2. Animal clinic -- small animal veterinary;
3. Assembly -- light;
4. Automobile or taxi rental;
5. Bank, savings or loan and other financial institutions;
6. Barber or beauty shop;
7. Biotechnology laboratory or manufacturing;
8. Bottling plant;
9. Bread and bakery products manufacturing, including retail bakery;
10. Brewery, winery or distillery, including tasting rooms and related sales provided the proposed establishment is located not closer than five hundred (500) feet from any church, school, or public park or playground. Distance shall be calculated by extending a straight line from the nearest physical point of the structure housing the establishment licensed to serve alcohol to the property line of the protected use;
11. Candy and confection making, including sales;
12. Carpenter shop, excluding planing mills, sawmills, etc;
13. Child day care center in or on a church or a public or private school site;
14. Commercial printing, reprographics, bookbinding, and graphics services;
15. Communication service systems and sales, including facilities;
16. Community transit center;
17. Computer programs or systems development;
18. Distribution center for home delivery;
19. Drug store;
20. Electrical component manufacturing or assembly;
21. Electronics systems development or operations, including testing and light assembly of electronics, communications and computer components, subsystems and systems;
22. Emergency clinic;
23. Exercise facility, gym or athletic club;
24. Family day care provider;
25. Fire station;
26. Florist shop;
27. Garment manufacturing and related sales;
28. Golf driving range or training center;
29. Governmental offices and other administrative or maintenance facilities;
30. Hotel or motel;
31. Jewelry, clock and musical instrument assembly, sales and service;
32. Jobber distribution plant;
33. Laboratories, including research testing, medical and dental laboratories;
34. Medical services, including minor emergency clinic;
35. Medical, dental and hospital equipment supply and sales;
36. Nursery or greenhouse, wholesale and related retail sales;
37. Office, business or professional;
38. Office supply and computer sales;
39. Park, public;
40. Park and ride facility;
41. Pharmaceutical manufacturing;
42. Post office;
43. Prefabrication construction, including sales;
44. Print, blueprinting, photostating, xerographic shop;
45. Private repeater facility;
46. Professional schools, including vocational and trade schools;
47. Public pay parking garage or lot;
48. Public utility local distribution facility;
49. Recycle collection center;
50. Research facility;
51. Restaurant or drive-in restaurant;
52. Service station, automobile;
53. Sign manufacturing and repair;
54. Specialized training and learning schools or studios (dance, gymnastics, martial arts, etc.);
55. Storage, indoor general;
56. Trade and technical schools;
57. Truck stop;
58. Upholstery covering;
59. Utility services and systems;
60. Veterinary supplies and services, including vet clinic;
61. Warehousing;

- 62. Wholesaling; ~~and~~
- 63. Woodworking and cabinet shop; ~~and~~
- 64. Electric vehicle infrastructure, including:
 - a. ~~Electrical outlets capable of charging electric vehicles;~~
 - b. ~~Level 1, Level 2 and Level 3 electric vehicle charging stations; and~~
 - c. ~~Battery exchange or battery charging stations that meet Washington State Building Code (RCW 19.27) requirements.~~

Class II group-care homes may be permitted in the I-1 zone by conditional use permit provided all UR-2 and general uses development standards are met.

Secure community transition facilities (SCTF) for three residents may be permitted in the I-1 zone by conditional use permit provided all of the UR-2 and general uses development standards are met. In no case shall a SCTF be sited adjacent to, immediately across the street or parking lot from, or within the line of sight of, risk potential land uses in existence at the time a site is listed for consideration. Distance shall be measured from the nearest property line of the risk potential land use to the nearest property line of the SCTF. "Within line of sight" means that it is possible to reasonably visually distinguished and recognize individuals. After an open-record public hearing by the planning commission, the city council may impose conditions upon the siting of SCTFs. For the purposes of granting a conditional use permit for siting a SCTF, the city council shall consider an unobstructed visual distance of six hundred (600) feet to be "within line of sight." Reasonable conditions of approval may be required, however, conditions imposed must not be more restrictive than state law allows. Through the conditional use permit process, "line of sight" may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the sight to less than six hundred (600) feet.

Section 7. Subsection A, ~~permitted uses,~~ of Section 17.24.010 of the Millwood Municipal Code pertaining to the PR-1 zone is amended to read as follows:

- A. On any property of whatever size, the following uses are permitted:
 - 1. Governmental buildings and uses, federal, state, county, municipal or other government subdivision;
 - 2. Hospitals, public and private;
 - 3. Institutions for education, philanthropic or eleemosynary uses;
 - 4. Libraries, art galleries and museums;
 - 5. Parks, playgrounds, tennis courts and like recreational uses;
 - 6. Schools, public and private; ~~and~~
 - 7. Electric vehicle infrastructure, including:
 - a. ~~Electrical outlets capable of charging electric vehicles;~~
 - b. ~~Level 1, Level 2 and Level 3 electric vehicle charging stations; and~~
 - c. ~~Battery exchange or battery charging stations that meet Washington State Building Code (RCW 19.27) requirements.~~

Section 8. The following definitions are added to Section 17.04.040 Definitions of the Millwood Municipal code:

"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, as amended, and consistent with rules adopted under RCW 19.27.540, as amended.

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"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 19.28 RCW, as amended, and consistent with rules adopted under RCW 19.27.540, as amended.

"Charging level" means the electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:

- A. Level 1 is considered slow charging requiring a 15 or 20 amp breaker on a 120-volt AC circuit and standard outlet.
- B. Level 2 is considered medium charging requiring a 40 amp to 100 amp breaker on a 208 or 240-volt AC circuit.

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- C. Level 3 is considered rapid charging requiring a 60 amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

“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:

- A. Battery electric vehicle (BEV) – 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;
- B. Plug-in hybrid electric vehicle (PHEV) – 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.
- C. Neighborhood electric vehicle – 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; and
- D. Medium-speed electric vehicle – 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.
- E. Provisions may also be made for facilities to support “Electric scooters and motorcycles” – any 2- or 3-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.

“Electric vehicle charging station” means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery of other storage device in an electric vehicle.

"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.

Section 9. A new chapter, 17.44 Electric Vehicle Infrastructure, is added to Title 17 of the Millwood Municipal Code to read as follows:

Chapter 17.44 Electric Vehicle Infrastructure

17.44.010 Purpose. The purpose of this chapter is to facilitate adequate and convenient electric vehicle infrastructure to serve the needs of the traveling public, to provide opportunities for Millwood residents to have safe and efficient access to electric charging stations located at their place of residence, and to provide the opportunity for mixed-use, commercial, and industrial developments to supply electrical vehicle infrastructure services to their tenants, customers, and employees.

17.44.020 Applicable zoning districts.

- 1. Level 1 and Level 2 charging stations shall be permitted uses in the C-1 commercial district and all industrial districts; and accessory uses in all residential districts and the C-2 commercial district.
- 2. Level 3 charging stations shall be a permitted use in the C-1 commercial district, all industrial districts and the PR-1 Public Reserve district.
- 3. Battery exchange stations shall be a permitted use in the C-1 commercial district, all industrial districts and the PR-1 Public Reserve district.

17.44.030 Review process.

- 1. Charging stations: In general, charging stations do not require permits from the City unless their installation involves new construction, additions and/or structural alterations to existing buildings, or if their installation is governed by other requirements of City code. Electrical installations are under the administration of the Washington State Department of Labor and Industries and no aspect of the electrical infrastructure is administered by the City.

2. Battery exchange stations: Installation of a battery exchange station shall be processed in accordance with chapter 15 MMC. Applications shall be reviewed concurrently with other required permit applications.

17.44.040 Design Criteria.

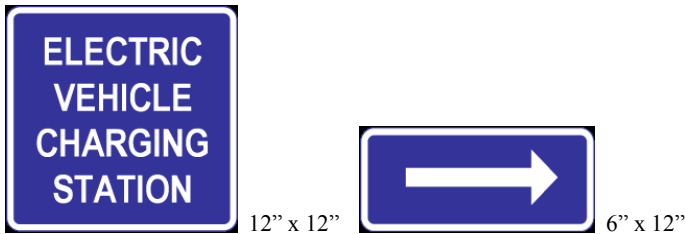
1. Design Criteria for electric vehicle charging stations or battery exchange stations within commercial, industrial, and mixed-use zoning districts:

- a. Electric vehicle charging stations may be reserved for parking only while “charging” electric vehicles. “Charging” means an electric vehicle is parked at the charging station and is connected to the charging station equipment. Spaces for electric vehicle charging shall be included in the overall parking required for the site.
- b. If posted, signage should include identifying voltage and amperage levels, time of use, fees or safety information. (See examples below of typical signage.)



Signage on charging stations open to public use shall include text indicating type of charging (Level 1, 2, or 3 with maximum voltage or amperage), hours of operation, fees and basic instructions.

c. Signs may be located to guide motorists to the charging station space(s). If such signs are not visible from the public street, they are exempt from the sign standards and permit requirements. (See example below of typical signage.)



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

e. Design shall be appropriate to the location and use. Facilities should be readily identifiable by electric car users but blended into the surrounding landscape/architecture for compatibility with the character and use of the site.

2. Electric vehicle battery exchange stations shall comply with the following additional standards:

- a. All batteries shall be stored in an enclosed building. No outdoor storage is permitted.
- b. All batteries that are beyond their useful life shall be recycled or disposed of in accordance with requirements established by the state Department of Ecology, state Department of Transportation, and the Environmental Protection Agency.

Section 10. The written recommendation submitted by the Millwood Planning Commission with its findings of fact, conclusions and recommendations is hereby adopted in support of this ordinance.

ORDINANCE #419

July 5_____, 2011

Section 11. RATIFICATION. All actions not inconsistent with the provisions of this ordinance heretofore taken by the Council, City, and/or City officials or employees are hereby in all respects ratified, approved, and confirmed.

Section 44.12. SEVERABILITY. If any one or more of the provisions of this ordinance shall be declared by any court of competent jurisdiction to be contrary to law, such declaration shall in no way affect the validity of the remaining provisions of this ordinance and the same shall remain in full force and effect.

Section ~~12~~13. EFFECTIVE DATE. This ordinance shall be in full force and effect five days after publication of this ordinance or a summary of this ordinance in the official newspaper of the City required by law.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 14th-5th DAY OF JUNEJULY, 2011.

CITY OF MILLWOOD

Spokane County, Washington

Daniel N. Mork, Mayor

Attest:

Thomas G. Richardson, City Clerk

STATE OF WASHINGTON)

) SS:

County of Spokane)

Thomas G. Richardson, being first duly sworn on oath deposes and says:

I am the City Clerk of the City of Millwood, Washington, and the foregoing ordinance entitled 'AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, AMENDING THE ZONING ORDINANCE TO INCLUDE REGULATIONS FOR ELECTRIC

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ORDINANCE #419

July 5, 2011

VEHICLE INFRASTRUCTURE; AND PROVIDING FOR OTHER MATTERS RELATED
THERE TO’ is the true and correct original copy of the City of Millwood’s Ordinance numbered 419
and that the same was posted and published according to law.

Thomas G. Richardson

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____.

Notary Public in and for the
State of Washington.
Residing at Spokane.
My Commission expires _____.

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