### CLEARANCES

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<td>Pete Kremen</td>
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### TITLE OF DOCUMENT:

Electrical Vehicle Infrastructure

### ATTACHMENTS:

1. Proposed Ordinance
2. Planning Commission Findings of Fact and Reasons for Action
3. Staff Memorandum

### SEPA review required? (X) Yes ( ) No

### SEPA review completed? (X) Yes ( ) No

### Should Clerk schedule a hearing? ( ) Yes (X) No

### Requested Date

1 The Council must hold a hearing if they want to change the Planning Commission's recommendation [WCC 2.160.100(2)].

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

A proposed ordinance to amend WCC Title 20 to allow electric vehicle infrastructure in all zones.

### COMMITTEE ACTION:

1/10/2012: Discussed and recommended to the full Council with no changes.

### COUNCIL ACTION:

12/06/2011: Introduced

1/10/2012: Council Adopted 6-0-1, Knutzen out of the room

Ord. 2012-001

### Related County Contract #:

PLN2010-00022

### Related File Numbers:

Ord. 2012-001

### Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
ORDINANCE NO. 2012-001

AMENDING THE WHATCOM COUNTY ZONING CODE TO ALLOW ELECTRIC VEHICLE INFRASTRUCTURE

WHEREAS, State law requires counties to allow electric vehicle infrastructure in their nonresidential zones; and

WHEREAS, the Whatcom County Planning Commission held a public hearing on October 13, 2011 on draft amendments to the zoning code. The Planning Commission recommended approval of amendments following a work session on October 27, 2011; and

WHEREAS, the Whatcom County Council has reviewed the Planning Commission recommendations; and

WHEREAS, legal notice requirements have been met; and

WHEREAS, the Whatcom County Council hereby adopts the following findings of fact and conclusions:

FINDINGS OF FACT

1. 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.

2. 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.

3. Notice of the proposed amendment was sent to the Department of Commerce and other state agencies on August 16, 2011. On August 16, 2011 Commerce notified Whatcom County that notice of the proposed amendment had been received and had been forwarded to other interested parties as required. No comments regarding the proposed
amendment have been received from Commerce, to date.

4. On August 24, 2011 the Whatcom County State Environmental Policy Act (SEPA) Official issued a SEPA threshold Determination of Non-Significance (DNS) in regards to the proposed text amendment, a non-project action.  The comment period for this determination ended on September 19, 2011.  No comments were received regarding this determination.

5. Notice of the Planning Commission hearing for the proposed text amendment was published in the Bellingham Herald on September 30, 2011.

6. Pursuant to Whatcom County Code (WCC) 20.90.050, Whatcom County Planning and Development Services has: evaluated the proposed amendment in relationship to the goals, objectives and policies of the Whatcom County Comprehensive Plan as authorized by the Washington State Growth Management Act (GMA) – RCW 36.70A; and considered possible environmental impacts that have been identified by the lead agency designated SEPA official through the State Environmental Policy Act (SEPA) threshold determination process.

CONCLUSIONS

1. The proposed amendments are consistent with the Comprehensive Plan, and are in the public interest.

2. The proposed amendments will result in no significant environmental impacts, and are intended to result in a reduction in per-vehicle tailpipe emissions.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Whatcom County zoning code (WCC Title 20) is hereby amended as shown in Exhibit A.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.
ADOPTED this 10th day of January, 2012.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

APPROVED as to form:

Approved ( ) Denied

Jack Louws, County Executive

Date: 1/11/2012

Page 3 of 3
Title 20 Electric Vehicle Infrastructure Amendments

20.24 Urban Residential Mixed (UR-MX) District

20.24.150 Conditional Uses.

The following uses may be approved within a neighborhood center where the locational criteria (WCC 20.24.161(2)) and site criteria (WCC 20.24.161(3)) are met; the floor area per nonresidential use does not exceed 5,000 square feet; and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal.

(1) Uses.

(a) Commercial uses with a neighborhood or specialty nature including, but not limited to, barber and beauty shops, bakeries, drugstores; provided, that food markets may have no more than two gasoline pump islands, hardware stores, restaurants and coffee shops with or without drive-up service, electric vehicle rapid charging stations and battery exchange facilities (accessory to food markets with gasoline pump islands), stationery stores, laundromats, video rental, bookstores, frame shops and other small convenience retail, rental, or repair shops.

20.59 Rural General Commercial (RGC) District

20.59.100 Accessory Uses
.106 Electric vehicle rapid charging stations and battery exchange facilities, accessory to automobile service stations.

20.60 Neighborhood Commercial Center (NC) District

20.60.100 Accessory Uses.

.105 Electric vehicle rapid charging stations and battery exchange facilities, accessory to conditionally approved service stations.

20.61 Small Town Commercial (STC) District

20.61.100 Accessory Uses.

.109 Electric vehicle rapid charging stations and battery exchange facilities, accessory to automobile service stations.

20.62 General Commercial (GC) District
20.62.100 Accessory Uses.

.105 Electric vehicle rapid charging stations and battery exchange facilities, accessory to automobile service stations.

20.63 Tourist Commercial (TC) District

20.63.100 Accessory Uses.

.105 Electric vehicle rapid charging stations and battery exchange facilities, accessory to service stations.

20.64 Resort Commercial (RC) District

20.64.100 Accessory Uses.

.112 Electric vehicle rapid charging stations and battery exchange facilities, accessory to conditionally approved service stations.

20.65 Gateway Industrial (GI) District
20.65.100 Accessory Uses.

.108 Electric vehicle rapid charging stations and battery exchange facilities, accessory to service stations.

20.66 Light Impact Industrial (LII) District

20.66.100 Accessory Uses.

.108 Electric vehicle rapid charging stations and battery exchange facilities, accessory to gas stations.

20.67 General Manufacturing (GM) District

20.67.100 Accessory Uses.

.109 Electric vehicle rapid charging stations and battery exchange facilities, accessory to gas stations.

20.68 High Impact Industrial (HII) District
20.68.100 Accessory Uses.

.108 Electric vehicle rapid charging stations and battery exchange facilities.

20.69  Rural Industrial - Manufacturing (RIM) District

20.69.100 Accessory Uses.

.110 Electric vehicle rapid charging stations and battery exchange facilities, accessory to gas stations.

20.70  Airport Operations (AO) District

20.70.100 Accessory Uses

.107 Electric vehicle rapid charging stations and battery exchange facilities, accessory to gas stations.
20.97.111 Electric vehicle battery exchange facility.

"Electric vehicle battery exchange facility" 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.

20.97.113 Electric vehicle charging station.

"Electric vehicle charging station" means a private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (no more than 220 volts, by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station is allowed accessory to any principal use and 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.

20.97.115 Electric vehicle rapid charging station.

"Electric vehicle rapid charging station" means a type of electric vehicle charging station that allows for faster recharging of electric vehicle batteries through higher power levels (typically 480 volts) 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.