

**CITY OF MILTON  
ORDINANCE 1769-11**

**AN ORDINANCE OF THE CITY OF MILTON,  
WASHINGTON; ADDING A NEW SECTION 17.69  
ELECTRIC VEHICLE INFRASTRUCTURE TO  
THE MILTON MUNICIPAL CODE; AMENDING  
MMC 17.14; PROVIDING FOR SEVERABILITY;  
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Milton Planning Commission met on December 15<sup>th</sup> to consider the proposed amendments to the Municipal Code; and

WHEREAS, the City of Milton Planning Commission held a public hearing on December 15<sup>th</sup>, 2010 to allow for public input on the proposed amendments to the Milton Municipal code; and

WHEREAS, a SEPA threshold Determination of Non Significance was issued for the proposed amendments the Milton Municipal Code on January 25, 2011; and

WHEREAS, the Washington State Legislature passed Second Substitute House Bill 1481, requiring the cities adjacent to Interstate 5 to allow electrical vehicle infrastructure in all zones except residential, resource and critical areas; and

WHEREAS, the City of Milton is required to adopt electric vehicle infrastructure regulations, due to the City's proximity to Interstate 5;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The above recitals are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following additional findings:

A. The code amendments set forth herein bear a substantial relation to the public health, safety and welfare.

B. The code amendments set forth herein are in the best interest of City of Milton residents.

C. The code amendments set forth herein satisfy all relevant criteria for approval and adoption.

D. The zoning code amendments set forth herein have been processed, reviewed, considered and adopted in material compliance with all applicable state and local procedural

requirements, including but not limited to the requirements codified in and Chapter 36.70A RCW and Chapter 35A.63 RCW.

E. The code amendment is supported by Goal TL 1 and Policy TL 1.2 of the City of Milton Comprehensive Plan.

**Section 2. Section 17.69 entitled “Electrical Vehicle Infrastructure” of the Milton Municipal Code is hereby created to read as follows:**

**17.69.010 Intent**

- A. To provide adequate charging stations throughout the City of Milton for the convenience of the Citizens of Milton as well as the traveling public.
- B. To provide a fair and predictable review process for the permitting and placement of electrical vehicle infrastructure improvements.
- C. To provide development regulations to ensure that electrical vehicle infrastructure is designed and constructed in a manner that is safe, efficient, and consistent with the character of the surrounding area.

**17.69.020 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. This requires a 15 or 20 amp breaker on a 120-volt AC circuit and standard outlet. Level 1 charging stations can fully charge a BEV between 8-32 hours and a PHEV between 3-15 hours.
  - 2. Level 2 is considered medium charging. This requires 40 to 100 amp breaker on a 240-volt AC circuit. Level 2 charging station can fully charge a BEV between 4-6 hours and a PHEV between 1-2 hours.
  - 3. Level 3 is considered fast or rapid charging. This requires 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. Charging times range from 25-40 minutes for BEVs and less than 20 minutes for PHEVs.

- E. **“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.
- F. **“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. 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.
- G. **“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.
- H. **“Electric vehicle parking space”** means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- I. **“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.
- J. **“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.
- K. **“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.
- L. **“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.

### 17.69.030 Location

- A. **Zones.** Electric Vehicle Infrastructure shall be allowed in accordance with the table of allowed uses found in MMC 17.14.
- B. **Compatibility.** Charging stations installed as an accessory use shall be designed and sized proportionately to accommodate the demand of the underlying permitted use. Electric vehicle infrastructure in residential zones shall be limited to residential use and shall not be used for purposes of wholesale or retail sales unless authorized as a home occupation. Charging stations installed as a permitted use in commercial areas or along the Interstate 5 corridor should be sized proportionally to the expected demand and be suitable for the desired location

### 17.69.040 Review Process

- A. **New Residential Construction** New residential construction which proposes to include an Electric Vehicle Charging station shall be reviewed with the underlying permits and is exempt from the requirement of this section.
- B. **Retrofitting Single Family Residential.** Retrofitting of existing single family residential structures shall only be subject to applicable electrical and/or building permits, and is exempt from this section.
- C. **New Commercial, Multi Family or Mixed Use Construction.** Review of electrical vehicle charging station(s) associated with new commercial, multifamily, or mixed use development shall be through the underlying Site Plan review process identified in MMC 17.62. In the case where the underlying development does not meet the threshold for site plan approval, as determined by MMC 17.62.020, the development of the electrical vehicle charging station, shall be reviewed with the underlying permit(s).
- D. **Retrofitting Commercial, Multi Family or Mixed Use.** When retrofitting a commercial, multi family or mixed use development, the applicant shall provide to the City documentation on the new impacts associated with the electrical vehicle charging station. If the director determines that the new electrical vehicle charging station has an adverse impact on the public health, safety and welfare, then the retrofit shall be reviewed in compliance with a Minor Site Plan approval. If there is no substantial impact to the public health safety and welfare, the electric vehicle infrastructure shall be reviewed with the underlying electrical and/or building permit.
- E. **Battery Exchange.** All battery exchange facilities shall be subject to Site Plan review regardless of size or location. Facilities that do not meet the threshold for minor or major site plan review shall be processed as minor site plans.

## 17.69.050 Design Criteria and Guidelines

### A. Design Criteria and Guidelines for commercial, multifamily, and mixed use developments.

1. **Minimum Number.** There is no required minimum on the number of parking stalls for electric vehicle recharge stations. Electric vehicle recharging stations may utilize parking spaces required by MMC 17.48
2. **Signs.** All signage shall comply with title 17.50 MMC. Such signs should include:
  - a) **Signage to identify.** Each charging station space shall have signage to identify that is an electric vehicle charging station and identify any restriction such as use limits, towing provisions etc.
  - b) **Signage to find.** Electric vehicle charging stations should have sufficient signage at to direct would be users to the charging station.
  - c) **Signage shall be consistent with the following guidance documents:** “Electric Vehicle Infrastructure: A guide for Local Government in Washington State” (July 2010) or the Manual on Uniform Traffic Control Devices (MUTCD).
3. **Size.** Electric Vehicle charging stations should be sized the same as a regular parking pace as identified in MMC 17.48.020
4. **Public Streets.** Generally electrical vehicle charging stations should not be allowed within the publicly owned right of way. Placement of electric vehicle charging stations proposed to be located in the publicly owned Right of way shall serve a public purpose and receive the approval of the Public Works Director.
5. **Maintenance.** Maintenance of the electrical vehicle charging station, including but not limited to functionality of the station, shall be the responsibility of the property owner.
6. **Lighting.** Unless the charging station is designated as day time use only, adequate lighting shall be provided for the charging station.
7. **Notification of station specifics.** Notification shall be placed on the unit to identify voltage and amperage levels, time of use, fees, safety information and other pertinent information.

### B. Design Criteria for residential development

1. Installation of an electric vehicle charging station on single family residential sites shall be exempt from the design criteria. This does not exempt installation of electric vehicle charging stations from other adopted codes such as the International Building Code and National Electrical Code.

**Section 3. Section 17.14 “Table of Allowed Uses” is hereby amended as follows:**

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
<b>Commercial Use Category</b>								
<u>Electric Vehicle Infrastructure</u> <sup>5</sup>	<u>acc</u>	<u>acc</u>	<u>acc</u>	<u>au</u>	<u>au</u>	<u>au</u>	<u>acc</u>	<u>acc</u>

1 Minimum lot size 9,600 square feet.

2 Minimum lot size 12,000 square feet.

3 Maximum one animal/acre.

4 Subject to the limitations of MMC 17.44.090.

5 Battery Exchange stations and Rapid charging stations are only allowed in the MX, B, & M-1 zones.

**Section 4. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 5.** Copy to Department of Commerce. Pursuant to RCW 36.70A.106, the City Clerk is hereby authorized and directed to forward a copy of this ordinance to the Department of Community, Trade and Economic Development.

**Section 6. Effective Date.** This Ordinance shall take effect and be in full force 5 days after its publication.

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**PASSED AND APPROVED** by the City Council of the City of Milton, Washington, at a regularly scheduled meeting this \_\_ day of \_\_\_\_\_, 2011.

CITY OF MILTON

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Debra Perry, Mayor

ATTEST/AUTHENTICATED:

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Amy Stevenson-Ness, Deputy City Clerk

Approved as to form:

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Phil Olbrechts, City Attorney

Date of Publication: March 24, 2011  
Effective Date: March 29, 2011