

ORDINANCE NO. 958

AN ORDINANCE OF THE CITY OF CHEWELAH ADOPTING ZONE TEXT AMENDMENTS RELATIVE TO DEVELOPMENT REGULATIONS REGARDING PRELIMINARY SUBDIVISIONS AND DEVELOPMENT REGULATIONS REGARDING ELECTRICAL VEHICLE BATTERY CHARGING STATIONS AS PART OF THE COMPREHENSIVE PLAN UPDATE PROCESS.

WHEREAS, the City Planner has initiated an application for the periodic update of the City's Comprehensive Plan, Development Regulations and Critical Areas Ordinance; and

WHEREAS, Preliminary subdivision approvals under RCW 58.17.140 are valid for a period of five, seven or ten years; and

WHEREAS, Development Regulations of all jurisdictions must allow electric battery charging stations in all areas except those zoned for residential or resource use, or critical areas; and

WHEREAS, proposed amendments to development regulations were referred to and a Public Hearing was held by the Hearing Examiner on February 9, 2021; and

WHEREAS, the Hearing Examiner after review and consideration of public comment and testimony, staff reports, and other relevant information, recommended that the City Council adopt the proposed development regulation amendments with minor corrections/suggestions; and

WHEREAS, the City Planner reviewed the minor corrections/suggestions of the Hearing Examiner and made revisions as determined appropriate; and

WHEREAS, a Public Hearing was held by City Council on June 2, 2021.

NOW THEREFORE, the City Council of the City of Chewelah finds as follows:

THAT the facts stated in the above recitals are true; and

THAT all procedural requirements for a Comprehensive Plan Amendment (CPA) in accordance with Chewelah Municipal Code Title 18 regarding the present CPA have been properly complied with; and

THAT the City Council of the City of Chewelah adopts the findings and conditions of the Hearing Examiner with regard to proposed development regulation amendments as presented in the "Findings, Conclusions, and

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Decision – File No. CPA-09-2020” dated February 24, 2021 as the basis for this ordinance.

NOW THEREFORE, the City Council of the City of Chewelah ordains as follows:

SECTION 1: Part D (Time Limit on Approval of a Preliminary Subdivision) of Section 17.12.050 (Preliminary Subdivision Plat) is amended as follows (**Deletions are denoted by strikeout; Additions are denoted by underline;** remaining text is unchanged):

17.12.050 Preliminary Subdivision Plat

D. Time Limit on Approval of a Preliminary Subdivision.

1. Approval of a preliminary subdivision plat shall be valid for ~~four~~ seven years from the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and for five years from the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. Prior to the expiration of the applicable time limit, ~~during which time~~ an application for a final subdivision meeting all the requirements of CMC 17.12.060 and of the preliminary subdivision approval shall be made.
2. The applicant may request a one-year extension prior to the expiration of the preliminary approval. The request for extension may be granted by the ~~hearing examiner~~ planner provided that an attempt in good faith has been made to submit the final plat within the ~~five-year period~~ applicable time limit, ~~and that there have been no significant changes to the city's policies or development code,~~ and there are no significant changes to the project.

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SECTION 2: Part A of Section 18.04.020 (Purpose and Intent) is amended as follows (**Deletions are denoted by strikeout; Additions are denoted by underline;** remaining text is unchanged):

18.04.020 Purpose and Intent

- A. CMC 18 is adopted for the purpose of promoting the health, safety, convenience, comfort, prosperity and general welfare of the city's population. In addition, the purpose of the ordinance is to promote an orderly, compatible use of land and to implement the city's growth in compliance with the provisions and objectives of the comprehensive plan and ~~RCW 36.70 and RCW 36.70A as now or~~

hereafter amended. The ordinance also intends to protect the Constitutional Rights of residents and landowners in the City, consistent with the provisions of Article XI, Section 11 of the Washington State Constitution, RCW 36.70A.370 and WAC 365-196-855, as now in effect or hereafter amended.

SECTION 3: The following definitions are added to Section "18.04.040 Definitions" of the Chewelah 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.

"*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 meet or exceed any standards, codes, and regulations set forth.

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

- i) Level 1 is considered slow charging.
- ii) Level 2 is considered medium charging.
- iii) Level 3 is considered fast, or rapid, charging.

"*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.

"*Rapid charging station*" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth.

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SECTION 4: The following use classifications are added to Table "18.08.020 Permitted, Conditionally Permitted and Prohibited Uses by Base Zone" as follows:

	R-1	R-1B	R-3	R-B	C-I	APGC	C-F
Electrical Vehicle Charging Station – Level 1	P	P	P	P	P	P	P
Electrical Vehicle Charging Station – Level 2	P	P	P	P	P	P	P
Electrical Vehicle Charging Station – Level 3	X	X	X	P	P	C	P
Electrical Vehicle – Battery Exchange Station	X	X	X	P	P	C	C

SECTION 5: Section 18.12.150 Electric Vehicle Charging Stations is added to Chapter "18.12 Supplementary Standards" of the Chewelah Municipal Code as follows:

18.12.150 – Electric Vehicle Charging Stations

- A. Purpose.
- B. Designation of electric vehicle charging stations.
- C. Where permitted.
- D. Standards for electric vehicle charging stations.
- E. Minimum parking requirements.

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- A. *Purpose.* The purpose of this section is to ensure the effective installation of electric vehicle charging stations.
- B. *Designation of electric vehicle charging stations.* An electric vehicle charging station is a public or private parking space that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:
 1. Level 1 is considered slow charging.
 2. Level 2 is considered medium charging.
 3. Level 3 is considered fast charging. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.
 4. Battery Exchange Station is considered 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.

C. *Where permitted.*

1. Level 1 and Level 2 electric vehicle charging stations are permitted uses in all zoning districts.
2. Level 3 electric vehicle charging stations are a permitted use in R-B, C-I and C-F zoning districts but require a conditional use permit in an APGC zone.
3. Battery exchange stations are a permitted use in R-B and C-I zoning districts but require a conditional use permit in APGC and C-F zones.

D. *Standards for electric vehicle charging stations.* Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the following standards. Due to the fact the technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change, and that there is a lack of municipal experience on consumer and community preferences and attitudes with regard to electric vehicles, the Administrator or designee may authorize variations from these standards, so long as the intent and goal of the standards and this section are addressed.

1. Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.
2. Signage. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes.
3. Accessibility. The design and location of the electric vehicle charging stations shall comply with the following barrier-free accessibility requirements:
 - a. Accessible charging stations shall be located in proximity to the buildings or facility entrances and shall be connected to a barrier-free accessible route of travel.
 - b. Accessible charging stations shall comply with the requirements of WAC 51-50-005.

E. *Minimum parking requirements.* Electric vehicle charging stations located within parking lots of garages may be included in the calculation of the minimum required parking spaces required pursuant to Section 18.12.020 Parking and Loading Standards.

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SECTION 6: Item 5 is added to Part B of *Section 18.12.020 Parking and Loading Standards* as follows:

5. Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required in that zone.

SECTION 7: SEVERABILITY CLAUSE. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 8: ORDINANCE TO BE TRANSMITTED TO DEPARTMENT: Pursuant to RCW 36.70A.106, the City Planner shall transmit this Ordinance to the Washington Department of Commerce within ten days of adoption.

SECTION 9: EFFECTIVE DATE. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

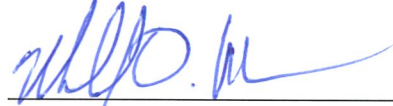


Mayor Dorothy L. Knauss



AUTHENTICATE: Pamela McCart, Clerk/Treasurer

Approved as to form:



Michael D. Waters, WSBA #46497
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