



December 5, 2021

To: Mayor and Town Council

From: Washington Grove Planning Commission

Re: Consistency of proposed electric vehicle (EV) chargers with Charter, zoning ordinances, and Master Plan

Dear Mayor Compton and members of the Town Council,

As part of the Council's evaluation of whether the installation of EV charging stations at one or more locations within the Town is a public benefit that merits the use of Town land, you asked the Planning Commission to:

- identify provisions within the Town Charter, the Code of Ordinances and the Town's current Master Plan that may pertain to the installation of such stations, and
- determine whether the installation of these stations would be consistent with our zoning ordinances and with our policies respecting commercial activity in public areas.

The Planning Commission has reviewed the Charter, Code of Ordinances and the 2009 Master Plan. Section 3.33 of the Code of Ordinances Article VII states that the Town's zoning ordinances do not apply to publicly-owned or leased land used for a public purpose or benefit. Should the Council determine that the installation of these stations is for a public purpose or benefit (notwithstanding whether or not the use of the stations is a commercial activity), then the zoning ordinances do not apply, and the Council is free to grant a franchise¹, lease property², and/or issue a business license³ in order to facilitate the installation and maintenance of the charging stations. The 2009 Master Plan does not contain any language that pertains to the possible installation of charging stations.⁴

We hope that this review assists in your evaluation.

¹ Section 21(b)(26) of the Charter gives the Council the power to grant and regulate franchises to utilities.

² Section 67 of the Charter gives the Town the right to lease any property belonging to the Town.

³ Section 2 of the Code of Ordinances Article XI permits the Mayor to issue business licenses.

⁴ Note that two new sections in the current draft of the 2022 Comprehensive Plan may have a bearing on future EV charging stations, were the current version of the draft Plan to go into effect:

- a parking policy, presented to guide actions by the Mayor and Council regarding parking of motor vehicles on public property, and
- a climate strategy, one element of which is the expansion of infrastructure to support the expanded use of electric vehicles by the Town and its residents.