



Memo

Date: September 1, 2022
To: Planning and Sustainability Commission members
From: Ingrid Fish, Phil Nameny, and Marty Stockton
cc: Patricia Diefenderfer and Sandra Wood
Re: Electric Vehicle (EV) Ready Code Project

Staff Recommendation

Staff proposes that the Planning and Sustainability Commission recommend that City Council:

- Adopt this report.
- Amend Zoning Code Chapter 33.266, Parking and Loading, and other sections of Title 33 as listed in the Proposed Draft, to require all new multi-dwelling and mixed use development with five or more units – that include onsite parking – to provide electric vehicle (EV)-ready charging infrastructure at higher rates than required by Oregon State rules. The amendments include development standards that will apply to EV charging installations.

Key elements of the EV Ready Code Project

Zoning Code changes proposed:

1. Require developments with five or more new dwelling units, when including parking spaces, to provide electric vehicle-ready infrastructure as follows:
 - 100% of parking spaces when six or fewer spaces are provided; or
 - 50% of parking space when more than six spaces are provided.
2. Add development standards (e.g., placement) for all EV-ready installations.
3. Clarify how EV-ready installations are categorized in land use code; they are generally an accessory use/development, and in infrequent situations, could be a primary use.
4. Target certain incentives to include EV charging for structured parking and carpool parking.
5. Exclude the cost of EV improvements from the value of the site's improvements, for the purpose of triggering nonconforming upgrades.

Related Building Code provision: While the proposed Zoning Code language above regulates the number of parking spaces that must provide EV-ready infrastructure, the provisions in OAR 918-



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460-0200 (Building Codes Division) contain the requirements for what EV-ready infrastructure means, while the Oregon Structure Specialty Code is the mechanism under which plans will be reviewed. In general, “EV-ready” requirements include conduit and designated space within the building (or a designated location on the property, for installing remote service) for current or future electrical service capacity to support at least a Level 2 EV charger.

Purpose and Background

Purpose

- This report contains amendments to the Portland City Zoning Code (Title 33) to bring relevant zoning code regulations into consistency with state law and additionally tailor the regulations to the local context.
- These amendments will clarify land use requirements and standards for the installation of EV-ready infrastructure in new buildings. These development standards will also provide guidance for voluntary EV installations within existing parking areas.
- The proposed amendments do not create any new minimum parking requirements. Projects that are currently exempt from parking requirements will continue to be exempt. The amendments only dictate the number of EV-ready spaces in situations where new parking spaces are created.

Background

- In 2021 the Oregon legislature passed House Bill 2180, which required an update to the Oregon Structural Specialty Code (i.e. the commercial building code). These new rules require that 20% of parking spaces in newly constructed, privately-owned commercial buildings – as well as multi-dwelling and mixed-use buildings with five or more residential units – provide EV-ready spaces (as described above). The legislation allows a municipality to go above the 20% requirement for these building types through a “process concerning land use.” The Building Codes Division (BCD) rules went into effect on 7/1/22.
- In 2021-2022, the Department of Land Conservation and Development (DLCD) led the [Climate-Friendly and Equitable Communities Rulemaking](#) process, which augments HB2180 provisions addressing climate-friendly and equitable land use and transportation planning. As part of the rulemaking, DLCD increased the required percentage of EV-ready parking spaces for mixed-use/multi-dwelling development with at least five units to 40%.
- The City’s EV Ready Code Project brings Portland’s Zoning Code into alignment with these new state regulations, while adopting higher local ratios based on years of study and outreach begun by the City through the following actions: Council directed Climate Emergency Work Plan – Resolution No. 37585 adopted on August 24, 2022; Climate Emergency Declaration Resolution No. 37494 on June 30, 2020; and 2017 Portland Electric Vehicle Strategy – Resolution No. 37255 on December 14, 2016.

Outreach and Engagement

- Public notice of the PSC hearing was sent on 8/09/2022.
- Staff attended 15 meetings during the concept and Discussion Draft phases, hosted by the following stakeholder and interested party groups: state and local government agencies, trade unions, electric vehicle industry, development industry, community-based and advocacy groups.
- Staff hosted nine meetings during the concept and Discussion Draft phase, including:



- Enabling Tenant Access to EV Charging Project Stakeholder Advisory Group: Project team hosted four meetings and supported discussions with the stakeholder group in January through April 2020.
- Technical Planning Series: BPS re-convened participants in the above group to hold five Technical Planning Series public meetings from January through June 2021.
- Staff held interviews with BIPOC multi-dwelling residents who are EV owners.
- A consultant, Johnson Economics, held interviews with local commercial and large-scale residential real estate developers.

Issues

- Misconception that this project will require minimum onsite parking. It does not.
- Concerns that e-bikes aren't as prevalent in city plans for transportation electrification. Portland already requires 5% of long-term bike parking to be electrical.
- Concern that EV chargers are not allowed in required perimeter parking lot landscaping. Landscaping provides benefits such as screening stormwater management and heat island effects. EV chargers are allowed in the parking lot but not in the perimeter landscaping.
- Concern that the proposal doesn't allow for flexibility in implementation/market. Proposed rules set up a conduit minimum, augmenting state guidelines.
- Requiring the actual chargers in addition to the conduit. State building code doesn't allow this.

PSC Schedule (tentative)

9/13/22 Briefing and Hearing
 10/11/22 Work Session
 10/25/22 Work Session/Recommendation

Related Projects

- Portland Bureau of Transportation (PBOT) is working on opportunities to increase EV charging of vehicles in the right-of-way. Information can be found on PBOT's [Electric Vehicles web page](#) and include:
 - Residential: Level 1 charging electrical cords are allowed to cross the sidewalk when accompanied with an ADA accessible cord cover.
 - Neighborhood Centers: Permit and licensing programs to allow utilities and charging companies to locate publicly accessible Level 2 chargers in designated centers.

Note: The U.S. Access Board released the [Design Recommendations for Accessible EV Charging Stations](#). These are not yet incorporated into Building Code but may inform future state amendments.

For more information

Webpage: portland.gov/bps/ev-ready

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