

ORDINANCE No. *[assigned by Clerk's office]*

Amend Title 33 Planning and Zoning in accordance with the EV – Ready Code Project Recommended Draft; to create regulations and standards for electric vehicle infrastructure. (amend Title 33) (Ordinance #)

The City of Portland Ordains:

Section 1. The Council finds:

1. The City of Portland 1990 Energy Policy (Ordinance No. 162975), 1993 Carbon Dioxide Reduction Strategy (Resolution No. 35207), 2001 Local Action Plan on Global Warming (Resolution No. 35995), 2009 Climate Action Plan (Resolution No. 36748), 2015 Climate Action Plan (Resolution No. 37135), 2017 Electric Vehicle Strategy (Resolution No. 37255), 2020 Climate Emergency Declaration (Resolution No. 37494), and the 2022-2025 Climate Emergency Workplan (Resolution 37585) established goals to reduce carbon emissions.
2. These plans and declarations acknowledge that climate change poses a significant threat to Oregon's natural resources, air and water quality, and that this human-made climate emergency requires immediate mobilization and new approaches to restore a safe climate. These reports indicate that lowering carbon emissions from transportation sources, are a key component to meeting our climate emergency goals. Electric vehicles (EVs) provide for the use of lower carbon fuel sources.
3. The City has established a goal to meet 100 percent of community-wide energy needs, including transportation fuels, with renewable energy by 2050 (Resolution No. 37289).
4. The development of the EV – Ready Code Project involved a year of engagement with bureaus, community-based organizations, utilities, environmental justice organizations, environmental advocacy organizations, and individual community members.
5. The Climate Emergency Declaration established new, more aggressive carbon emissions reductions targets to align with the Paris Climate Agreement to which Council affirmed Portland's responsibility to reduce carbon emissions fifty percent or more by 2030 and net zero carbon emissions before 2050.
6. The United Nations Intergovernmental Panel on Climate Change (IPCC) concluded that humanity must make immediate and deep carbon emissions reductions to limit global warming to 1.5 degrees Celsius to avert the direst consequences of climate change

(Summary for Policymakers of the IPCC Working Group III Report, *Climate Change 2022: Mitigation of Climate Change*).

7. It is the responsibility of government to recognize the climate impacts that result from the use of nonrenewable transportation fuels and proactively reduce citizens' reliance.
8. Electrifying the transportation system reduces carbon emissions that result from the use of fossil fuels and also improves air quality and public health.
9. The EV – Ready Code Project code amendments are grounded in a community of practice among cities that have net zero carbon goals, like the Carbon Neutral Cities Alliance and C40.
10. The EV – Ready Code Project centers the needs of residents living in multi-dwelling buildings who cannot easily install EV charging infrastructure at their home for reliable, affordable and convenient access to electric vehicle charging.
11. In 2021, the State Legislature passed House Bill 2180 (HB 2180) which directed the Director of Consumer and Business Services to adopt amendments to the state building code to require newly constructed buildings to include provisions for electrical service capacity for charging electric vehicles to 20 percent of the vehicle parking spaces. HB 2180 applied to multi-dwelling and mixed-use buildings with at least 5 dwelling units and to privately owned commercial buildings.
12. HB 2180 included a provision allowing local jurisdictions to exceed the percentage of vehicle parking spaces with electrical service capacity for charging electric vehicles through a process involving land use, such as amendments to a zoning code.
13. On July 1, 2022, amendments to the state building code were implemented requiring the electrical service capacity for newly constructed buildings required by HB 2180.
14. On July 21, 2022, the Land Conservation and Development Commission (LCDC) approved the permanent adoption of the Climate Friendly and Equitable Communities rulemaking proposed by the Department of Land Conservation and Development (DLCD).
15. The Climate Friendly and Equitable Communities (CFEC) rules created a statewide land use requirement for cities in urban areas to adopt a higher threshold for newly constructed multi-dwelling and mixed-use buildings consisting of at least 5 dwelling units. The threshold requires jurisdictions to provide electrical service capacity for charging electric vehicles to 40 percent of the vehicle parking spaces. These rules are listed in OAR 660-012-0410.

16. The CFEC rules state that cities must implement the rules in OAR 660-012-0410 no later than March 31, 2023.
17. The EV – Ready Code Project meets and augments the rules adopted by the LCDC and stated in OAR 660-012-0410 while meeting the City goals and policies stated above.
18. On August 9, 2022, the EV – Ready Code Project Proposed Draft was released for public review.
19. On August 9, 2022, notice of the proposed draft was filed online with the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
20. On August 9, 2022, notice of the proposed draft was mailed to members of the public who have requested public notice as well as to those who had expressed interest in the EV – Ready Code Project.
21. On September, 13, 2022, the Planning and Sustainability Commission held a public hearing on the proposed draft. The Commission held a follow up work session on October 11 before voting to forward the EV – Ready Code Project to City Council on October 25, 2022.
22. The EV – Ready Code Project Recommended Draft was released for public review on January 4, 2023.
23. On January 5, 2023, notice of the January 25, 2023 City Council public hearing was mailed to those who presented oral and written testimony at the Planning and Sustainability Commission public hearing. In addition, the city emailed notice of the hearing to the project email list.
24. The EV – Ready Code Project amendments include the requirements for providing EV infrastructure to parking spaces that are provided for multi-dwelling and mixed-use projects with at least 5 dwelling units. The amendments also provide the development standards for locating the EV chargers and accessory equipment.
25. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.

NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A, dated December 2022 as additional findings.
- B. Adopt the commentary in Exhibit B, EV – Ready Code Project Recommended Draft and Appendix, dated December 2022 as legislative intent and further findings.
- C. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Exhibit B, EV – Ready Code Project Recommended Draft, dated December 2022.

Section 2. This ordinance shall be in full force and effect on March 31, 2023.

Section 3. If any section, subsection, sentence, clause, phrase, diagram, or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid, or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram, and drawing thereof, regardless of if any one or more sections, subsections, sentences, clauses, phrases, diagrams, or drawings contained in this Ordinance, may be found to be deficient, invalid, or unconstitutional.