

Application and Deadline for Action

OAR 660-012-0410(1) clarifies this Oregon Administrative Rule applies to all cities subject to the Climate-Friendly and Equitable Communities rules; that is, all cities in Oregon’s eight metropolitan areas. It does not apply to counties.

OAR 660-012-0012(5)(d) requires cities to implement requirements by March 31, 2023. That deadline is not eligible for extension.

Discussion

Section (2) has no additional legal effect on top of Oregon’s state building code. It is there for reference, and to draw attention to ORS 455.417.

Section (3) has legal effect of changing the percentage of parking spaces required to be served by “electrical service capacity” in certain new developments.

Electrical service capacity, as defined in ORS 455.417, has two parts:

1. **a designated location or space for electrical service**, if not actual service
2. **a conduit system** from that location to parking spaces. That conduit system must be able to support wiring to for installation of Level 2 or above electric vehicle charging stations.

The Oregon state building code and ORS 455.417 require this for 20% of spaces of certain building types, including commercial.

This rule requires cities to require conduit to support at least 40% of parking spaces for new multi-family (5+ units) residential buildings, and mixed-use buildings with at least five residential spaces and commercial private space.

To be clear, as of July 1, 2022 (by statute and building code), conduit must be sufficient to serve:

- 20% of parking spaces in commercial building garage or parking area
- 20% of parking spaces in mixed-use or residential building garage or parking area

As of April 1, 2023 (with the Climate-Friendly and Equitable Communities add-on), conduit must be sufficient to serve:

- 20% of parking spaces in commercial building garage or parking area
- 40% of parking spaces in mixed-use or residential building garage or parking area

Statute precludes local governments from requiring EV infrastructure for housing developments of four or fewer units or other development types not listed in ORS 455.417(3)(a).

What Do Cities Have to Do?

Cities may apply the state standard directly, or may amend their local codes to be clear the conduit to 40% of spaces is required.

This is the effect of the language in OAR 660-012-0012(4)(f) “shall adopt” not including rule 0410, and the language of “shall implement the requirements for” rather than “shall adopt” in OAR 660-012-0010(5)(d).

The department generally recommends amending local zoning code for ease of administration, and planners advise applicants and building officials 40% is required in certain circumstances.

Model Code Language

“Newly constructed multifamily residential buildings with five or more residential dwelling units, and newly constructed mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, to accommodate no less than 40 percent of all vehicle parking spaces serving the residential dwelling units. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.”

Additional Recommendations:

Serve People with Disabilities, Non-Car Charging, Panel Sizing

DLCD recommends charging conduit serve at least proportional numbers of spaces for people with disabilities, and that concerns about wires blocking walkways, chargers having ramps instead of curbs, and charging facilities be accessible in height and communications standards be taken into consideration. In addition to any requirements under the state building code, the department recommends local builders following the [design guidance](#) of the U.S. Access Board.

Provisions to require electric charging for bicycles, electric wheelchairs, and other vehicles were proposed but determined to not be within DLCD’s authority. Development review staff could suggest the potential market for such service when reviewing plans.

Development review staff could also suggest sizing the electrical panel to accommodate likely future demand for electrical vehicle charging.

Resources

Evan Manvel, DLCD – the language of these rules, deadlines, etc.
evan.manvel@dlcd.oregon.gov (971) 375-5979

Ingrid Fish, City of Portland – issues on city codes, equity and EV charging
ingrid.fish@portlandoregon.gov
<https://www.portland.gov/bps/planning/ev-ready/about>

Todd Smith, Oregon Building Codes Division – questions about Oregon building codes
Todd.r.smith@dcbs.oregon.gov, (503) 856-6819

Mary Brazell, ODOT – general questions about EV charging
Mary.Brazell@odot.oregon.gov, (503) 986-3839
<https://www.oregon.gov/odot/Programs/Pages/Electric-Vehicles.aspx>
<https://www.oregon.gov/odot/Programs/Pages/TEINA.aspx>

Disclaimer

This document aims to provide more details about the rules, and how the department intends to administer the rules. Nothing in this document should be construed as Oregon Administrative Rules. A current copy of the adopted Transportation Planning Rules should be acquired from the [Oregon Secretary of State](#) and used to fulfill planning requirements.

Rule Language

- (1) This rule applies to cities within a metropolitan area.
- (2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.
- (3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to accommodate 40 percent of all vehicle parking spaces.

Additional Legal Reference

Note: this is as of August 9, 2022 – we recommend double-checking it is current.

ORS 455.417 Provision of electric service capacity for charging electric vehicles in newly constructed buildings; requirements; exemptions; rules. (1) As used in this section:

(a) “Electric vehicle charging station” means a device or facility for delivering electricity for motor vehicles that use electricity for propulsion.

(b) “Municipality” has the meaning given that term in ORS 455.010.

(c) “Provisions for electrical service capacity” means:

(A)(i) Building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add the overcurrent devices;

(ii) Designated space within a building to add electrical service with capacity for electric vehicle charging stations; or

(iii) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations; and

(B) A conduit system installed from building electrical service, or from the dedicated spaces or locations described in subparagraph (A) of this paragraph, to parking spaces that can support, at a minimum, electrical wiring for installation of level 2 electric vehicle charging stations and, if the conduit is for future installation of electric vehicle charging stations, that labels both ends of the conduit to mark the conduit as provided for future electric vehicle charging stations.

(d) “Townhouse” has the meaning given that term in ORS 197.758.

(2) The Director of the Department of Consumer and Business Services shall adopt amendments to the state building code to require newly constructed buildings described in subsection (3)(a) of this section to include provisions for electrical service capacity for charging electric vehicles. The code must require that each building include, at a minimum, provisions for electrical service capacity at no less than 20 percent of the vehicle parking spaces in the garage or parking area for the building. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.

(3)(a) The director shall make code requirements under subsection (2) of this section applicable only to:

(A) Commercial buildings under private ownership;

(B) Multifamily residential buildings with five or more residential dwelling units; and

(C) Mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units.

(b) The director may not make code requirements under subsection (2) of this section applicable to townhouses.

(4) Notwithstanding ORS 455.040, a municipality may, by process concerning land use, require that each newly constructed building described in subsection (3)(a) of this section include provisions for electrical service capacity to accommodate more than 20 percent of vehicle parking spaces in the garage or parking area for the building. [2021 c.152 §1]