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191164

Ordinance

Amend Planning and Zoning Code in accordance with the Electric Vehicle Ready Code Project Recommended Draft to create regulations and standards for electric vehicle infrastructure (Amend Code Title 33)

Passed

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.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability \(BPS\)](#)

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Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

February 8, 2023

Requested Start Time

10:05 am

Time Requested

15 minutes

Changes City Code

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 and Appendix, 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.

Documents and Exhibits

 [Exhibit A: Legislative Findings](#) 934.02 KB

 [Exhibit B, Volume 1: EV – Ready Code Project Recommended Draft and Appendix](#) 2.32 MB

 [Exhibit B, Volume 2: Appendix and Economic Analysis Report](#) 460.21 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
February 8, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance amends the Portland Zoning Code to require Electrical Vehicle (EV)-Ready infrastructure with some new development and to add development standards for locating EV chargers and equipment.

Proposed Zoning Code changes

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% (or 6 whichever is greater) of parking spaces when more than six spaces are provided.
2. Add development standards (e.g. placement) for EV-ready installations in new development and within existing parking areas.

Purpose

- This report contains amendments to the Portland City Zoning Code (Title 33) to bring relevant zoning code regulations into compliance 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 required in situations where new parking spaces are created.

Background

- In 2022, the State implemented an EV-Ready statewide baseline requiring 20% of new commercial development parking spaces to include EV-Ready infrastructure and 40% of new multi-dwelling and mixed-use development parking spaces to include EV-Ready infrastructure. The State rule allows local jurisdictions to go above and beyond the baseline parking space percentages required to be EV-Ready, which the City of Portland is doing with this code update.
- 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.

Financial and Budgetary Impacts

BDS currently reviews permits to align with State EV-Ready requirements. While this increases the percentage of parking spaces to be reviewed by BDS staff, it will be incorporated with nominal impact and staff changes are not anticipated at this time.

Community Impacts and Community Involvement

This code update is critical to meeting the City of Portland's climate and renewable energy goal and is included in the City's 2022-2025 Climate Emergency Workplan, which lists the City's priority actions over the next three years. This code update makes it easier to install electric vehicle chargers in new buildings now and in the future. Convenient access to EV chargers is necessary to support the transition from fossil fueled vehicles to electric vehicles. Transitioning from internal combustion engines to electric vehicles is a key strategy to reducing carbon emissions within the transportation sector. Additionally, transitioning to EVs improves air quality, which disproportionately impacts low-income and communities of color.

Rental housing tenants often lack the ability to access or install a charger where they park at home due to an inability to afford the expense of charger installation or a property owner's unwillingness to install a charger. Renters also represent a greater portion of low- and moderate-income (LMI) and Black, Indigenous, and People of Color (BIPOC) households. [Joint Center for Housing Studies of Harvard University. (2017). Renter Households. Retrieved from:

https://www.jchs.harvard.edu/sites/default/files/02_harvard_jchs_americas_rental_housing_2017.pdf

To date, these households have largely been unable to benefit from the lower fuel and maintenance costs of electric vehicles.

There was a robust outreach and engagement process that informed the EV-Ready Code Update. In 2020, BPS received an Urban Sustainability Directors Network grant to convene stakeholders, including representatives from

Verde, Hacienda CDC, Portland Tenants United and Imagine Black, to discuss how to increase renter access to EV Charging. BPS staff hosted 4 meetings and supported discussions with the stakeholder group in January through April of 2020. During this initial outreach process, staff received general information that supported moving forward with the EV-Ready Code Project. Participants were re-convened from that same group to hold 5 Technical Planning Series public meetings from January through June 2021. These discussions were specific to this code project and the group helped staff draft code concepts which have become the submitted code changes.

Staff held interviews with BIPOC multi-dwelling residents who are EV owners. BPS commissioned a consultant, Johnson Economics, who held interviews with local commercial and large-scale residential real estate developers. Staff attended 15 meetings during the concept and Discussion Draft phases, hosted by state and local government agencies, trade unions, electric vehicle industry, development industry, community-based and advocacy groups.

The EV – Ready Code Project Proposed Draft of amendments was released on August 9, 2022. Also on August 9, public notice of the September 13, 2022, Planning and Sustainability Commission (PSC) hearing was sent out. Notice of PSC hearing was also mailed to over 350 individuals who had either commented on the Discussion Draft or were part of the legislative list of individuals that had requested to be notified of all BPS legislative projects. In addition, an email with notice of the draft release and PSC hearing was sent to approximately 150 contacts who had expressed interest in the project or who had served on any of the stakeholder or technical committees. The Map App was open to receive written testimony in advance of the hearing. Information on the release and upcoming hearing was also posted to the project website and on Planning and Sustainability blog releases.

The PSC received 9 pieces of written testimony through the Map App. At the hearing, three people testified in person or virtually. As a result of the testimony, the PSC held a work session to discuss potential amendments, including providing greater flexibility for locating chargers in perimeter landscaping and a consideration for any new provisions specific to electric bike charging. At the conclusion of their discussions, the PSC made the decision to forward their recommendation of staff's proposal with an amendment to allow EV chargers and their equipment to be partially located 2-feet into the required parking lot perimeter landscaping strip.

The EV – Ready Code Project Recommended Draft of amendments is being released in early January along with a notice of City Council Hearing. The Council hearing is scheduled for January 25, 2023. The Map App will be reopened to accept written testimony.

100% Renewable Goal

This action does not change the City's total energy use. It does facilitate the transition from fossil fuel powered vehicles to vehicles fueled by renewable energy sourced electricity, by making it easier to install EV chargers in new construction buildings. Oregon's energy grid includes renewable sources such

as hydroelectric, solar and wind power, and policies are in place to shift to 100% renewables by 2040. This action supports the City's 100% renewable energy goal.

Budget Office Financial Impact Analysis

No anticipated financial impact. Amending the code may nominally increase BDS workload as they review permit applications.

Agenda Items

87 Time Certain in [January 25, 2023 Council Agenda](#)

Passed to second reading

Passed to second reading February 8, 2023 at 10:05 a.m. Time Certain.

Oral and written record closed on January 25, 2023.

114 Time Certain in [February 8, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea