The following table includes staff's responses to questions raised by members of the Commission following the December 14, 2021 hearing. PSC members are noted as ET – Erica Thompson, ES – Eli Spevak, and JB – Jeff Bachrach.

PSC	Topic/Question	Staff Response
	'z' overlay	
ET	Without the wildfire risk component, are there any R2.5, R5, or R7 lots that have the proposed 'z' overlay?	Subtracting wildfire risk, there are a total of 220 R2.5, R5, and R7 lots that have the proposed 'z' that don't currently have the 'z'. With the changes from NRI to ezone, there are about 2,000 parcels that will have the current 'z' removed.
ET	What analysis or research informed the assumption that wildfire risk areas are not well suited to evacuation.	See separate wildfire memo (attached)
ET	Infrastructure adequacy should not be factored into the creation of the 'z'	Agree. Staff's point was that to a large degree the wildfire risk and infrastructure constraints are overlapping. The full impact of infrastructure issues in those areas has not been evaluated, since they were proposed to be excluded. If the commission opts to reduce or eliminate the wildfire risk from the 'z' overlay, additional consideration will be needed for these infrastructure-challenged areas.
ES	What is the prevalence of non-maintained streets in R10/R20 and wildfire risk	See map (attached).
ES	How many R10/R20 sites have higher comp plan designation?	There are 26 R10/R20 lots with an RM1 designation, and 245 R10 zoned lots with an R5 designation
ES	How do infrastructure costs compare between R10/R20 and easier to develop parts of the city	The city explored this question during the development of the Comprehensive Plan. In the study, we defined what a complete infrastructure system would look like (in this case streets), costed it out, and then determined the share apportioned to the 20-year household growth horizon. We then compared several study areas and found that for areas with substantially complete infrastructure like MLK/Williams, the cost would be $88 per unit, whereas in Beaverton/Hillsdale the cost would be closer to $25,000 per unit.
ES	How does the 'z' overlay get updated? How often would e-zone/landslide/flood/fire data change?	There are two ways to update the 'z' overlay: 1) legislative project, like the ezones project 2) quasi-judicial request, like a parcel specific zone change. The various data components do not change substantially over time, but the methodology to determine rankings and the technology to accurately locate those components can

		change, either as part of a legislative project, state or federal compliance requirement, or with periodic review.
	SB458 land divisions	
ES	Can we change standard to require "legally permitted" structures to qualify, rather than "meeting current building code"	No. SB458 Sec 2(2) states: *(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel **will** comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels **will** comply with the Oregon residential specialty code.* The standard is not whether they "did" comply, but whether they "will" comply. However, a permit to seek approval under current code (including code appeals) could be a mechanism to address this.
ES	Could we get some clarification on how services will be handled? Will easements be allowed for some/all?	Staff will provide a walkthrough of the proposed SB458 process. SB458 requires that cities allow easements for services. It may be easier to identify tracts where multiple services/access are proposed. The code allows for either. The infrastructure bureaus are aware of the Bill's requirements and staff are currently troubleshooting various MHLD scenarios to identify any other conflicts or code inconsistencies.
ES	How do the submittal requirements compare to a building permit or regular land division?	The submittal requirements for a building permit with a MHLD are similar to a regular land division with a building permit because this information is necessary to 1) demonstrate the approval standards of the MHLD are met and 2) meet the land division requirements in ORS 92 (minus the requirements in 92.044 and 046).
JB	Are there any significant (or somewhat significant) deviations from SB 458 in the proposed review standards in 33.644 and 33.671 and procedures in 33.730?	In terms of the review standards and procedures, they are largely adapted straight from the bill, with some translation needed to match code terminology. A key distinction between a regular land division and a MHLD, is that the development either precede or happen concurrently with the creation of the lots. Unlike a regular land division where lots may be created for speculative purposes, because these lots are for a very specific housing type, and must generally be developed in unison, the lots will be platted as construction is occurring or has been completed.

JB	Can shared stormwater and sewer facilities, and waterlines and meters, be utilized as part of an expedited land division?	The standards will allow shared stormwater facilities where that meets the stormwater management manual. However, shared waterlines, sewer and meters runs counter to the desired fee-simple nature of this ownership type and in some cases would fail to meet state plumbing code.
JB	Can the service provider bureaus be bound by an expedited process established in state law and implemented through Title 33?	The infrastructure bureaus are bound by the state bill requirements. Those bureaus are currently assessing any necessary changes to other codes to comport with the bill.
	ADUs	
ET	What are the implications/feasibility of Fee simple lot division for ADUs ?	There are several fundamental challenges to ADU land division: 1. Definitional challenges. Title 33 defines an accessory dwelling unit as: "An additional dwelling unit created on a lot with a primary dwelling unit…" How would a divided ADU be differentiated from a house, which is defined as: "House. A detached dwelling unit located on its own lot" ORS197.312 defines an accessory dwelling unit as: an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. 2. Land Division Challenges: ADUs are not a type of middle housing and thus not eligible for SB458 land divisions. We would need to create a parallel land division track that mirrored SB458 and included no (or very minimal) street frontage requirements and make determinations about lot dimensional standards. Further, questions as to how development standards should be applied to the resulting lots would need to be reconciled, and what the resulting development was (see definitional challenges above). 3. State regulatory challenge: Per SB1051, for every detached single-family dwelling, cities must allow an accessory dwelling unit. If a house with an ADU splits, then both the house and presumably the ADU would be permitted to have an ADU which could then be divided, and so on and

		so on. Under SB458, a cottage unit would remain a cottage unit, regardless of the land division, and lots may be restricted from further division, so the Fibonacci problem does not exist. 4. As ADU units get to be larger, and be on their own lot, and look less like "accessory" dwelling units and more like second houses, this would call into question the incentives that currently exist for ADUs.
	Cottage Cluster	
ES	Is the only reason for the MD zone cottage cluster to use the expedited partition?	The RM1 zone is the only MD zone where cottage cluster style development was feasible given the minimum densities in the higher density zones.
ES	I think we should encourage preservation of existing units and make sure this is allowed.	The proposed draft reduced the minimum number required from 5 to 3 units to help with site layout, included flexible building separation/open space standards, excluded existing dwelling units from max footprint and max floor area standards, and gave applicants the option of including (better for smaller houses) or excluding (better for larger houses) the existing dwelling units from the average unit size standard.
SR	The other thing I heard in testimony was about movable cottages. I can understand it might be out of scope for this project on this timeline, but I think it's worth noting and considering where RVs and THOWs fit in our zoning future.	One challenge for tiny houses on wheels is that they are not a legal "dwelling unit" per the building code (they are a vehicle). In that regard, they would be ineligible for consideration as a cottage cluster under state rules. There are a couple interim strategies that may at least partially address the interest: Shelter to Housing Continuum project allows a single occupied recreational vehicle in conjunction with a house, and outdoor shelters of up to 20 recreational vehicles allowed outright in conjunction with an institutional use and allowed with a CU otherwise. Moreover, with RIP2 in cases where manufactured or modular homes are removed from wheels and placed on foundations, these could be regulated as cottage clusters.
	Minimum Lot Sizes	
ET	Do you have data on what percentage of R2.5-R7 lots do not meet the current size thresholds for 3+ units?	HB2001 admin rules establish minimum lot sizes for triplexes, fourplexes and cottage clusters. If we applied those, the following percentage of lots would be ineligible: Fourplex/cottage-R2.5=90%: R5=80%: R7=21% Triplex- R2.5=61%: R5=41%: R7=4%

		The adopted lot sizes from RIP1: All 3+ units- R2.5=13%: R5=13%: R7=4%
ET	What was the RIP 1 process of determining these thresholds?	Larger lot sizes were proposed to ensure that sites are big enough in conjunction with their associated FAR limits to accommodate reasonably sized units, plus provide suitable area for yards and any proposed parking. In addition to potential livability concerns, the problem is not that FAR won't limit building size, the problem is that as we create standards that permit more units on smaller lots, inevitably the pressure will be to increase the FAR, as the FARs applied to the small lot sizes with the units allowed being perceived as "unreasonable".
	Affordability Bonuses	
ES	How does the deeper affordability bonus work with PD's? Is there a way to earn bonus FAR or increase the unit multiplier higher than 4x?	Bonus FAR (+0.1) would be applied to PD sites meeting the normal affordability requirement. However, additional units are not factored in as this was a specific bonus created for single 4-6 plexes.
JB	Is it appropriate for the zoning code to establish a regulation that is subject to administrative alteration by the Housing Bureau? If it's a zoning-code based land-use bonus, shouldn't it be set by Title 33?	The housing bureau always sets two-tiered affordability thresholds—one for rental and one for ownership. (e.g. if the code says 60 percent MFI, then the ownership level set by Title 30 is 80 or 100 percent MFI). Title 33 doesn't differentiate regulations based on tenure in part because changing from renting to owning, or vice versa, does not require a building or zoning permit, and it would be impossible for BDS to track and enforce. Title 33 provides for the development bonuses, but the administration and enforcement of the affordability programs is conducted by PHB. Other bureaus also have adopted incentives based around affordability thresholds, that are all tied back to the housing bureau's programs. It would be untenable to create and administer separate programs for each different bureau's code incentive.
JB	Why are the thresholds for the regular FAR bonus (+0.1) for affordability being changed from 80% MFI to 60% MFI?	This change brings the language into alignment with PHBs affordability programs, and City Council's policies on targeting incentives around producing 60% MFI rental units. PHB has aligned all the voluntary bonus programs with SDC, HOLTE, CET exemptions and thresholds in order to better incentivize their use and reduce confusion and frustration from applicants who would otherwise find

		themselves able to achieve a zoning bonus, but not qualify for financial incentives.
ET	Can you comment on the changes to allow townhouse style 6-plex?	The changes needed to make townhouse style 6 plex units range from an upzone to RM1 (48 sf per unit outdoor area), RM3 (72% coverage), and RM4 (front setback of 5'). The 5' perimeter setback leaves insufficient room for planting the required 5 small, 3 medium or 2 large canopy trees. Options would include paying a fee in lieu (impacts affordability) or waiving tree requirements (impacts heat island)
	Miscellaneous	
ES	Change to definition of building coverage related to eaves. What is the impact?	There is no regulatory change between RIP1 and proposed RIP2 code. Prior to RIP1 the code stated: *Eaves are not included in building coverage* With the change to allow larger eave projections, the adopted RIP1 code stated: *Eaves up to 2 feet in depth are not included in building coverage.* The proposed change was requested by BDS to help clarify: *Eaves that are 2 feet or less in depth are not included in building coverage. Eaves that are greater than 2 feet in depth are included in building coverage.*