

## DURHAM WORK SESSION Summary

Tuesday, February 22, 2022, via Zoom @ 6:30 p.m.

### A. OPEN WORK SESSION @ 6:30 p.m.

### B. ROLL CALL OF COUNCIL MEMBERS

Mayor Gery Schirado, Council President Chris Hadfield, Councilors Keith Jehnke, Leslie Gifford, and Chuck Van Meter

### C. ROLL CALL OF PLANNING COMMISSION

Chairman Brian Goddard, Commissioners Pat Saab, Gary Paul, Joshua Drake and Susan Deeming. Also, in attendance Marcy McInelly with Urbsworks, Brandy Steffen with JLA Public Involvement, and Keith Liden, Linda Tate, and Assistant with City of Durham



### D. PRESENTATION ON CODE UPDATE PROJECT FOR MIDDLE HOUSING.

Presentation by Marcy McInelly

Mayor Schirado introduced the presentation and reminded the group that there will be further presentations over the next few months.

### Survey Snapshot

- Four people have taken the survey; we hope more will take it. Results were shared with the group.
- The FAQ from the public events were shared with the group including the following:
  - **What about Codes, Covenants and Restrictions (CC&R)?** Those are completely separate from the housing types allowed by the zoning code; however, this will cause confusion at permitting phase and should be addressed (outside of this project) by the Planning Commission and City Council.
  - **Will single-family homes be allowed?** Yes, that will not change.
  - **What happens if Durham doesn't adopt the ordinance?** The model code would go into effect. What we're preparing will support Durham more than the model code.
  - **What is the connection to Durham Heights project?** That was a different project, approved in 2021.
  - **Is there any connection with the Washington County Comprehensive Plan and zoning code updates?** No, those are parallel but separate processes.
  - **What about traffic?** People have expressed concern about access to SW Upper Boones Ferry Road and the effect of increased auto traffic caused by new development. To get some perspective, we looked at the Durham Heights project with 36 new lots as a current example. As a result of that development, ODOT and Washington County (who have

jurisdiction over SW Upper Boones Ferry Road) will only require additional striping and a stop sign. We don't know when new middle housing will be added but expect it to have much less impact to traffic than the Durham Heights project.

- **What about the requirement of one parking spot?** Concerns have been raised that there won't be enough parking but currently you don't require more than one parking spot, so there will not be a change to the zoning code; there is no maximum number of spots.

## Areas for Policy Choice

### *1. Cottage cluster*

Marcy reviewed this housing type: small footprint, up to 900 square feet (not including an upstairs) that are located in a cluster with a shared open space. These are exempt from density requirements. Marcy shared the example of Salish Pond.

- The minimum number of units is a choice that the City can set. Most cities select 4 units, but modeling suggests that 3 units would be more feasible on typical Durham lots. Consider that for Tuesday's Planning Commission meeting.
- Keith Jenke: Durham lots are typically 10,000 square feet. Can we fit 3 cottages per lot as a minimum? Other cities are doing a minimum of 4?
  - Yes, other cities are allowing on-street parking or remove parking requirements to allow more units to be built. Or they are fine with only doing cluster on bigger lots. Durham has the choice to either modify the minimum or accept the lower number of cottage clusters that could be built.
- Brian Goddard: Are these not typically garaged?
  - They typically have open, grouped parking but you could build the code to allow covered parking. However, this grouped, open parking is what makes it more affordable to build.
- Mayor Schirado: Is each cottage on its own plot/lot?
  - They can occupy one lot or using the new expedited land division (SB458) could be on their own lot to allow home ownership. They would have a shared common space through an easement or separate tract.
- Mayor Schirado: Who is responsible for taxes with multiple homes on one lot?
  - It's similar to an ADU or townhouse; the owner of the lot would pay the taxes and could include that in the rent.
- Josh Drake: A 10,000 square foot lot, 35% coverage, minimum of 4 units and how to fit on the site - are those some of the moving parts that we need to figure out?
  - Yes, those would be considerations when building within the HB 2001-required code. We recommend that if Durham adopts a "minimum lot coverage" as a new development standard that it not apply to cottage clusters.
- Keith Jenke: It seems like it would lend itself to condo type ownership.
  - Yes, there are many that are looking at condo laws to increase home ownership. Condo laws are harder in Oregon than other states. The expedited land division (SB458) will be easier to allow home ownership options.

### *2. Site Layouts and Scenarios*

Marcy talked to the group about additional considerations including if the additional units must detached vs attached. The code default is to have attached, but you have the opportunity to shape the

code; currently Durham only allows ADUs to be attached. Marcy walked through several examples showing additional units and the tradeoffs involved with having them attached/detached.

Parking options are also a consideration, particularly when considering the potential for land division between the units. Just a reminder that the expedited land division isn't required, it's just an option that landowners can utilize.

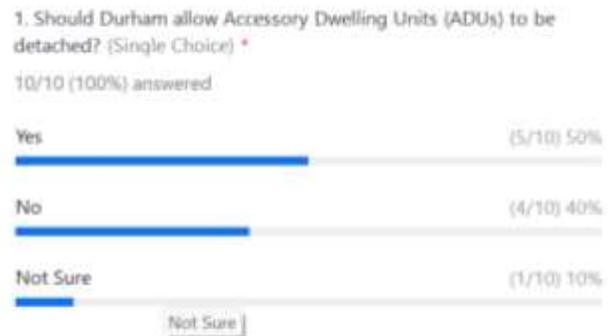
- Mayor Schirado: I would defer to the Planning Commission. What about triplexes or quadplexes?
  - We find it difficult to have 3 units on a 10,000 lot; however, they could be taller. We recommend that the height limit stay at 35 feet for the City.

The group then answered an anonymous poll in Zoom about the unit placement. Most were in favor of attached rather than detached placement.



### 3. ADU Choices

Marcy discussed ADUs and reminded the group that currently code requires ADUs to be attached. The main difference from the previous topic is that parking is not required for ADUs.



The group then answered an anonymous poll in Zoom about ADU placement. Most were in favor of allowing ADUs to be detached rather than attached.

### 4. Shaping Development

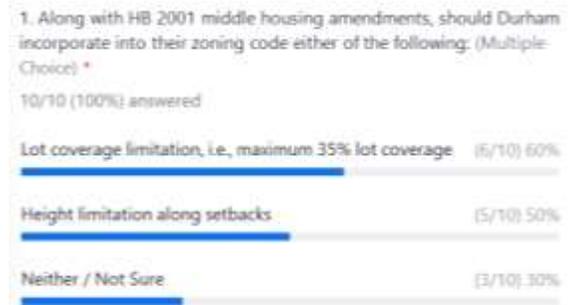
Marcy explained two remaining choices for the code that would allow the City to control the shape of any units built on a lot. These are not currently used by the City. She walked through examples to explain:

- **A. Lot coverage:** Current zoning code allows a house to be built to the edge of the setbacks and to the full allowed height, but that is a huge house and not many are built to the full extent. However, when there are more units on one lot that is a bigger concern, so lot coverage is one way to limit where the units are placed on the lot. We recommend studying total lot coverage of 35% to control the amount, massing, and development, while still allowing many compatible housing types.
  - Gary Paul: Where did 35% come from?  
That is a common regulation around the country for more than a decade, so we're able to see how that takes shape over time. Some cities have 50%, but typically 35% is used in a more traditional residential area, and 50% is used in transitional/downtown edge areas.
  - Josh Drake: I think that would be good to explore. Is there a way to find out what Durham is currently? If it's 45% now, and we limit to 35% for example.  
We wouldn't recommend an average but can provide information about the typical coverage on Durham lots as well as the extreme ranges.

**B. Side/rear yard height plane (height limitations):** This is another way to control where the units sit in the space but is focused on limiting the portions of a building over 20 feet tall that occur along the setback line. The “height plane” would require that the building above that height steps back or is angled at 45 degrees.

- Chris Hadfield: What jurisdictions use it?  
Many cities currently use this including Portland, Milwaukie, and Salem.
- Linda Tate: I’m thinking about row houses that are right next to each other with a thin strip of land between; that is typically seen but those go all the way up.  
Yes, there are lot of places where those same rules don’t apply. For some neighborhoods the requirements are waived to increase density. These two code options are appropriate for low height seen in Durham today. However, if you’re trying to get more height on smaller lots than you might not want to have this code language. Another consideration is that with the expedited land division, the relationship of the units will only apply to the neighboring property not the units built on the same lot that is then divided. That is written into the expedited land division.
- Mayor Schirado: Is there a setback between the two buildings on the same lot? Limit in proximity to old unit?  
The two buildings can be a minimum of 6 feet apart for fire code (from the eave line or widest projection of the home). However, the two units on lot the don’t have to be 6 feet away from the internal lot line or meet the setback requirements; the setback requirements will only apply to the perimeter of the lot.
- Chris Hadfield: Would the eaves extend over the internal lot line?  
No, you would measure from the widest part of the house; that will be included in the code.
- Josh Drake: Most homes in Durham with 20 feet height and 45-degree slope would fit into that now, but if you look at one lot and look at that slope do all units fit within that or each unit alone?  
All units together must fit into the envelope. That is somewhat limiting but not as much as you think. You can still fit a lot of dwelling space in that volume.

The group then answered an anonymous poll in Zoom about if they wanted Marcy to return with more information about lot coverage and/or Side/rear yard height plane (height limitations). Most were in favor of learning more about how both codes could be applied in Durham.



### E. DISCUSSION OF NEXT STEPS

Marcy will return at the next meeting with the additional information based on the poll results and guidance from the Planning Commission on Tuesday, 3/1. Mayor Schirado appreciated the presentation and ended the meeting.

### F. ADJOURN