

**City of Durham**  
**PLANNING COMMISSION MINUTES**  
**May 3, 2022**

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1. **CALL TO ORDER.** Chairman Brian Goddard called the meeting to order at 7:30 p.m.
2. **ROLL CALL.** *Commissioners present:* Brian Goddard, Pat Saab, Gary Paul, Matt Winkler (via zoom), Joshua Drake, and Susan Deeming.  
*Commissioners absent:* Krista Bailey  
*Staff present:* City Administrator Linda Tate  
*Also present:* Marcy McInnelly with Urbsworks, Brandy Steffen with JLA Public Involvement (via zoom)
3. **PLANNING COMMISSION MINUTES.** Commissioner Saab moved to approve the minutes from the March 1, 2022 meeting. Commissioner Paul seconded the motion. The vote unanimously passed (6-0). **MO 050322-1**
4. **WORK SESSION MINUTES.** Commissioner Deeming moved to approve the minutes from the April 12, 2022 work session. Commissioner Saab seconded the motion. The vote unanimously passed (6-0). **MO 050322-2**
5. **PUBLIC FORUM.** None.
6. **PUBLIC HEARING ON MIDDLE HOUSING CHANGES TO DEVELOPMENT CODE.**  
Chairman Goddard reviewed the rules for the public hearing.

Commissioners individually stated names and declared no ex-parte contact or conflict of interest.

Goddard reviewed rules and format for the public hearing and asked for questions about the format. There were no questions about the process.

Goddard opened the public hearing at 7:38.

Goddard reviewed the purpose of the proposed amendments for the code to be compliant for HB2001 and SB458. Staff recommendations were provided to the commissioners to review. Goddard asked the commissioners if they had any questions, typos, or changes.

Deeming had a question about the finding regarding the transportation system listed on page 13 - 2<sup>nd</sup> paragraph. There are a few residential streets in Durham that do not have sidewalks. Marcy McInnelly proposed mentioning SB 458 in this section as a measure to require new middle housing land divisions to address local street improvements where they are needed.

Deeming pointed out a typo on the bottom of page 13.

Deeming stated that the minimum number for cottage cluster at the bottom of page 20 was different from the number agreed upon. McInnelly responded that the number of cottages should be 5 and not 3 as written.

Deeming questioned the inclusion of MDR on page 22. McInnelly responded that reference to MDR should be deleted as it is not the purpose of this project to address MDR.

Deeming pointed out a typo on page 23.

Deeming asked about finding #5 on page 25. McInelly clarified that for all housing except cottage clusters the maximum height has been kept at 35' (no change). Therefore, it would be helpful to add a clarifying statement in finding 5 that the maximum building height is maintained except for cottage clusters.

Deeming felt that the words "off street" should be inserted into finding 6 on page 25.

Deeming pointed out typos on pages 36 and 37.

Deeming questioned the reason for deleting the section that stated "one cottage cluster allowed to occupy a single lot". McInelly responded that it did not seem necessary to limit the number of clusters per lot since there is a limit of 5-8 number of houses per cottage cluster. The commission discussed this provision and agreed that they wanted to add it back in order to limit the number of cottage clusters per lot.

Commissioner Drake asked how many floors a cottage cluster could have if there was the maximum height limit of 25'. McInelly responded that cottage cluster houses would have about one-and-one-half stories; meaning, the second floor—if there is one—would likely be tucked within a sloped, gabled, or hipped roof. In built cottage examples this is referred to as a "loft." The goal is to have more low-profile cottage shapes as opposed to taller townhouses.

Deeming pointed out that sections 7.12.11 and 7.12.12 are missing from the current draft. McInelly explained that they were removed because other provisions met the objectives of those design standards; e.g., as shown in Figure 7.12.9, the objective was to increase curb space between driveways to allow street trees, uninterrupted sidewalk and/or on-street parking.

Deeming pointed out that "Manager" should have been changed to "City" in two places on page 52.

Drake asked if other cities are still looking at lot coverage. McInelly responded that cities are all handling it in various ways. Some cities are trying to increase housing amounts with a more permissive attitude, then they apply controls on size and shape through more restrictive dimensional standards like maximum lot coverage. This is known as a form-based approach. But for Durham the approach is to select the most conservative options so that the form does not have to be controlled. That seemed to be the most acceptable approach now, and it can always be changed in the future.

Chairman Goddard stated that public testimony could now be heard and provided the order for the testimony. Marcy McInelly from Urbsworks stated that she could provide the written testimony that has been received.

- A. **Fair Housing Council of Oregon** – They are reviewing all of the proposals from around the state. They asked that the findings be supplemented to address the Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) to provide a baseline understanding of how these amendments will address needed housing.

**McInelly stated:** There will be supplemental findings included in the Council packet.

- B. **DLCD Review Team** that is reviewing compliance with HB2001 and SB451 – We passed, but there was a request for additional clarity on a few things.

**McInelly stated:** The review process for middle housing is the same as for single dwellings and that fact has been confirmed with DLCD.

- C. **1000 Friends of Oregon and Fair Housing Council** – This document was provided in print to the Commissioners due to its late arrival; hours before the public hearing. The requests for consideration were:
- a. Allow ADU and plexes to be detached – to allow more variety of housing types.
  - b. Reduce required parking spaces further than the law requires, to 0 for some cases but right now it is just to 1. That is currently part of code (1).
  - c. Increase the size of ADUs (from 600 to 900).
  - d. Go further than the provisions incentive middle housing to provide a density bonus.

**Response:** Each suggestion was considered by the Commission. Deeming pointed out that if Durham reduced parking requirement to 0 that it would result in more street parking and that is already a huge issue for Durham. Pat Saab mentioned that it was especially a problem in Afton Commons which has townhomes. Winkler stated that cities that can reduce parking requirements may have proximity to alternative transit options, but Durham does not have that opportunity. Deeming asked if there were many ADU's in Durham and it was decided that there were probably not very many. After consideration of each suggestion, the Planning Commissioners were in agreement that the package of amendments as proposed was appropriate for Durham's unique situation and declined to change it to accommodate the suggestions in the letter.

There was no further public testimony and the public hearing was closed at 8:30.

Deeming moved to recommend the documents, once clarifications and corrections are made, to City Council for review and acceptance. The motion was second by Drake and passed unanimously (6-0). **MO 050322-3**

7. **SELECTION OF CHAIR AND VICE CHAIR FOR 2022.**

Deeming moved to appoint Josh Drake as Chair for 2022. Paul seconded the motion and it passed unanimously (6-0). **MO 050322-4**

Goddard moved to appoint Susan Deeming as Vice Chair for 2022. Paul seconded the motion and it passed unanimously (6-0). **MO 050322-5**

8. **COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.**

Goddard mentioned that he recently saw a home that was built by David Weekley Homes (the developer who will be doing Durham Heights) and was very impressed with their construction and the neighborhood of Summer Brook.

9. **ADJOURN.** Commissioner Saab moved to adjourn and Goddard seconded the motion. The meeting was adjourned at 8:39 p.m. **MO 050322-6**

Approved: \_\_\_\_\_  
**Joshua Drake, Chair**

Attest: \_\_\_\_\_  
**Linda Tate, City Administrator**