

City of Durham



Comprehensive Plan

Draft Amendments 10.01.2024

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INTRODUCTION

The Comprehensive Plan is a series of generalized, coordinated goal and policy statements based on factual data and projections on which the policies are based. The Plan is accompanied by a land use map through which the City has set out its vision of its future. The map generally designates future locations of various types of public and private uses for residential, commercial, industrial, open space, and recreational uses. The Plan responds to the context of the community and the Statewide Planning Goals that apply to Durham. Durham's limited size, population and financial resources, as well as its geographic location within the greater *Portland Metropolitan Urban Growth Boundary (Portland Metro UGB)* are all factors that shape the nature of its land use planning program.

The City of Durham was named after Albert Durham who migrated from New York and established a flour mill and a sawmill in the Fanno Creek area coined "Durham Mills". In 1908 the Oregon Electric Railway established a stop at the mill site, and it was named "Durham Station". Trees have been a prominent part of Durham history. Many pioneers chose to occupy land claims in the area because of the old growth Douglas fir, maple and cedar trees. In 1912 the Pilkington's established a large nursery in Durham because of the proximity to the railroad. It was one of the largest nurseries in the west known for high quality trees and shrubs, specializing in fruit and ornamental trees. Many existing oak, magnolias, spruce and pine trees in Durham were planted by the nursery in the early 1900's.

After the 1940's the area attracted residential growth partly due to the Interstate 5 construction. The City incorporated in 1966 to shield the community from industrial development. The new town was 265 acres with 218 people. The City continues to *prefer to remain largely residential*. Retail businesses have never been allowed within the City *in order to maintain good access to neighborhoods*. The City's zoning allows professional office use, light industrial businesses, single family and multifamily housing. In 2016 there were 96 businesses employing 985 people in Durham. The City has over 45 acres of Natural Resource zoning along Fanno Creek protecting the creek's floodplain, vegetation and wildlife habitat resources.

PLANNING GOALS

The Durham Comprehensive Plan is organized around Oregon's statewide planning goal topics. The beginning of each Plan chapter or element contains a preface of the Statewide Planning Goal. Two Statewide Planning Goals, Goal 3 Agricultural Lands and Goal 4 Forest Lands, are not part of the Durham Comprehensive Plan because the City and its Urban Services Boundary (USB) are within the Portland Metro UGB. There are no lands designated for exclusive agriculture or forest use within the City. Additionally, Statewide Planning Goals 15 – 19 are not applicable to Durham because they only apply to the Willamette River Greenway and coastal areas in Oregon.

Goal 1: Citizen Involvement

Goal 2: Land Use Planning

Goal 5: Open Spaces, Scenic and Historic Resources, and Natural Areas

Goal 6: Air, Water, and Land Resources Quality

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 8: Recreational Needs

Goal 9: Economic Development

Goal 10: Housing

Goal 11: Public Facilities and Services

Goal 12: Transportation

Goal 13: Energy Conservation

Goal 14: Urbanization

PLANNING BACKGROUND AND POLICIES

The goals are accompanied by a background section to provide information and context related to the goal and how it applies to the city. This is followed by plan policies to implement the goal.

STATEWIDE PLANNING GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

PREFACE

This Goal requires that the City adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land use planning process. The City's goal is to invite citizen participation in the land use planning and decision process by encouraging citizen interest in the Planning Commission meetings and hearings and in the City Council's land use decision making.

BACKGROUND

The City is obligated to adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land use planning process. The City's public involvement program is designed to invite citizen participation in the land use planning and decision process by encouraging citizen interest in the Planning Commission meetings and hearings and in the City Council's land use decision making.

Durham Citizen Involvement Committee

- The Council designates the Planning Commission as the Durham Citizen Involvement Committee (DCIC). To meet the program objectives above, the Council, consistent with state statutes, will limit the number of Commissioners working in any one profession and will attempt to appoint Commissioners from throughout the City.
- The City shall continue to publicize all openings for positions on the Planning Commission and the selection process. The City shall publish the names and the professional background of all persons appointed and make available the means to contact the Commission.

Functions of Durham Citizen Involvement Committee

The DCIC is charged with developing a program to promote and enhance citizen involvement in the land use planning and decision process including program implementation and evaluation. The City's limited population and geographic area and its limited financial resources make the formation of an additional volunteer committee for this purpose both unnecessary and unworkable. The City supports this effort by making available to the DCIC the full range of media employed by the City for regular

citizen communications. The DCIC shall submit an evaluation of its efforts to promote and enhance citizen involvement to the City Council as needed and in time for any requests for financial resources to be considered in the City's annual budget process.

Citizen Communication

- The City regularly publishes newsletters and utilizes its internet site to inform residents and local businesses of local planning applications and local legislative planning initiatives and enactments. The City ensures that technical information is presented and summarized in a simplified, understandable form. Published matter includes energy, environment, political, legal, social and economic data, maps and photos when relevant and available. The City shall continue to include response forms in all types of media used for these publications whenever appropriate and shall establish and maintain a convenient means, such as an email address, for citizen communication with City decision makers.
- The City shall continue to invite local providers of presentations on courses of study on land use and real estate to publicize their services on City-provided media and create opportunities for other local, regional and state planners to inform the public of land use planning initiatives and enactments. The City Administrator is charged with responding to all citizen communication on behalf of the DCIC, the Planning Commission and the City Council.

POLICIES

1. Whenever practical, the City shall attempt to involve the general public, as well as local residents and local business owners, in collecting data relevant to planning initiatives.
2. Adoption of a comprehensive land use plan and development code amendment shall include an initial public hearing to review the proposal and adoption or other action on the amendment only after a second public hearing.
3. The City shall send advanced notice of all pending land use decisions to persons whose interests may be affected, as defined by state law, and shall publish staff reports on legislative and quasi-judicial land use applications at least one week in advance of the Planning Commission or Council meeting that will hear the application.
4. The City shall formally allow and encourage Planning Commissioners and City Councilors to discuss local, regional and state planning initiatives with the general public and business owners, and to disclose the content of those communications when necessary or desirable in the decision process.

5. The City Council shall assure adequate funding for a citizen involvement program as an integral element of the land use planning function in the process of adopting an annual city budget. The Council and the citizen budget committee shall consider application fees, pass-through of professional staff costs, and other means to assure a source of program revenue.

CITIZEN INVOLVEMENT PROGRAM OBJECTIVES

1. Involve a broad section of the community in the civic planning process.
2. *Facilitate* effective communication between the community and City decision makers.
3. Provide opportunity for citizen involvement in all phases of planning.
4. Present technical info to citizens in an understandable form.
5. *Facilitate* a means to respond to relevant questions and concerns.
6. Assure appropriate funding for citizen involvement programs.

STATEWIDE PLANNING GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

PREFACE

All City land use actions must be consistent with the Comprehensive Plan. The City shall assure consistency with the Plan typically by enactment of criteria in the Durham Development Code for land divisions and land use approvals, including approvals for Oregon statutory limited land use decisions. An application for a land use, limited land use, or land division that meets those criteria thus may be deemed to be consistent with the Comprehensive Plan unless the Durham Development Code expressly requires a showing of consistency with one or more Plan objectives as a criterion for such approval. The Plan shall identify issues and problems and include inventories and other facts that address each relevant statewide planning goal, evaluate alternative courses of action and set out policy choices based on social, economic, energy and environmental needs. The Plan shall be coordinated with plans of other cities and the county by the process set out in ORS Chapter 195 (as amended from time to time). The Plan and all actions to enact or amend provisions of the Durham Development Code shall be adopted and amended only after public hearing(s) and with opportunity for prior citizen review and comment.

BACKGROUND

Plan Inventories

The Durham Comprehensive Plan relies on inventories and similar data regarding natural and artificial city features as the factual basis for relevant implementing regulations found in the Durham Development Code. The inventories may be amended from time to time by either a legislative or quasi-judicial process. Inventories may be generated by the City's own publicly funded effort, by applicants for land use approvals including amendments to the Plan and the Durham Development Code, and by third parties including the FEMA National Flood Insurance Program, the Oregon Division of State Lands, Metro and others. The notice and hearing process for decisions on those amendments shall conform to state law, this Plan and the Durham Development Code.

Plans and Implementing Measures

The City shall employ the City Administrator and other professional staff to collect facts relevant to a perceived or mandated need to amend a provision of this Plan or the Durham Development Code. The Administrator, professional staff and the Planning Commission shall refine the problem and any and all proposed solutions. The Planning

Commission acting as the DCIC shall proceed to incorporate citizen needs and seek citizen support and shall identify and resolve conflicts with other relevant plans, including the Metro Urban Growth Functional Plan and the comprehensive land use plans of the cities of Tigard and Tualatin, Oregon.

Implementing Measures

1. The Durham Development Code is the principal source of control of land uses within the City. The current adopted version of the State Building Code and the City's general ordinances relating to use of natural areas and public rights of way and the provision of public utilities are secondary sources of such controls.
2. The City shall adopt an annual capital improvements program after public notice and hearing in the course of its adoption of an annual budget under the process for the latter provided by Oregon law.
3. In the review and decision process for an application for a land division or land use as to property for which the zoning designation in the Development Code that is expressly inconsistent with the land use designation in the Comprehensive Plan, the land use designation in the Plan shall be controlling, notwithstanding the provisions of state law that certain land use applications shall be decided by the criteria in effect at the time the application is filed.

LAND USE PLANNING POLICIES

1. *General Land Use Planning Policies*

- A. It is the policy of the City to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.
- B. All City land use actions shall be consistent with the Durham Comprehensive Plan. Land use planning involves the balancing of many different factors and issues to make the best decisions for the community both for the short and long term. The goals, policies and action measures of Durham's Comprehensive Plan are intended to guide the community in making these decisions. The Plan is intended for use by all those who participate in the City's land use planning process, including local officials, persons with development interests, state, regional and federal agencies, neighborhood and community groups, and citizens representing all interests.

- C. The City shall assure consistency with the Plan typically by enactment of criteria in the Development Code for land divisions and land use approvals, including approvals for Oregon statutory limited land use decisions. An application for a land use, limited land use or land division that meets those criteria thus may be deemed to be consistent with the Comprehensive Plan unless the Development Code expressly requires a showing of consistency with one or more Plan objectives as a criterion for such approval.
- D. The Plan shall identify issues and problems and include inventories and other facts that address each relevant statewide planning goal, evaluate alternative courses of action and set out policy choices based on social, economic, energy and environmental needs. The Plan shall be coordinated with plans of other cities and the county by the process set out in ORS Chapter 195 (as amended from time to time). The Plan and any and all actions to enact or amend provisions of the Durham Development Code shall be adopted and amended only after public hearing(s) and with opportunity for prior citizen review and comment.
- E. The City Plan shall conform to all requirements of relevant Statewide Planning Goals, Oregon DLCDC Administrative Rules Implementing same, and to the Metro Urban Growth Management Functional Plan, ordinances and guidelines as are relevant to the City's location and circumstances.
- F. All development shall conform to applicable land use regulations and City codes.
- G. All development shall be adequately served by the full range of public facilities and services.
- H. Specific criteria shall be observed when considering amendments to the Comprehensive Plan.
- I. Special needs or desires of the City's population are based on goals to preserve natural resources, especially the tree canopy throughout the city; to maintain and preserve the residential character in keeping with adjoining natural resources; to prohibit retail commercial uses within the city limits; and, to confine employment areas to sites bordering arterial and collector streets.
- J. Development shall occur at densities appropriate to the scale and character of Durham's neighborhoods and shall provide for preservation of open spaces and natural resources. City-wide natural resources shall be protected, and open space shall be provided concurrent with large-scale development.

2. Policies for Adopting Exceptions to Statewide Goals

- A. The City shall consider adopting an exception to statewide land use planning goals only if and when a federal, state, regional or local law requires that the City designate or require a larger area for a particular use of land, for example, employment area or housing capacity, than is presently provided by the Plan.
- B. The criteria for an exception to a statewide land use planning goal shall include all relevant criteria for a major Plan amendment and in addition:
 - 1) A showing of reasons why the statewide goals should not apply;
 - 2) A showing of how other areas within the City or (if relevant) other areas outside the City limits cannot accommodate the exception use;
 - 3) A showing of how the long term economic, social and energy consequences of the exception are not worse than locating the exception area elsewhere; and,
 - 4) A showing that proposed exception uses will be compatible with adjacent uses.

3. Comprehensive Plan Content Policies

- A. The Plan shall include an agency reference to the current inventory of those natural resources as are listed in Statewide Planning Goal 5 and the capacity and limitations of those resources.
- B. The Plan shall include an inventory and aerial or other images of manmade structures and both government and privately-owned public utilities within the City, with information on location and condition of the utilities as furnished by the utility provider. The inventory and images shall be the basis of Plan goals and objectives as to those structures and utilities.
- C. The Plan shall include population estimates and forecasts to be obtained from independent sources such as the United States Census, Portland State University Center for Population and Research and Metro. It shall include such data as household and per-capita average income. As the City's political boundaries are constrained by the adjacent borders of two incorporated cities and in part by Fanno Creek and the Tualatin River, the City's population is likely to increase only with changes in the birthrate compared to the death rate and with redevelopment of property that presently is underutilized in its zoning district.
- D. The roles and responsibilities of other government units in the Plan adoption and amendment process shall be those allocated to them by federal, state, local and regional law. Those other units include:

- 1) Oregon Department of Land Conservation and Development and its administrative rules as to planning goals and guidelines.
- 2) The Oregon Department of Transportation as to maintenance of and connections to state highways within the City limits.
- 3) Metro and its regional Urban Growth Management Functional Plan.
- 4) Washington County as to coordination of its own Comprehensive Land Use Plan with those Plans adopted by Durham and other cities within county boundaries.
- 5) Cooperative and urban service provider agreements with Clean Water Services, a county service district as to sanitary and storm sewerage service, the City of Tigard as to the domestic water supply, and the City of Tualatin as to law enforcement.
- 6) Those Statewide Planning Goals delineated and discussed in the format of individual chapters of this Plan are deemed to be all of those Goals that are relevant to and binding on the City and its location and circumstances.

4. Plan Amendment Policies

There are two types of plan amendments in Durham, major and minor.

- A. Major Plan amendments shall include a material amendment to the boundaries of areas shown with certain land use designations on the Plan map; a material amendment to the Plan goals and objectives; a material change to the process proscribed by the Plan for public involvement and for review and approval of land division and land use applications; and any other amendment of like kind or effect.

Major amendments to the Plan text, Plan map or both may be initiated and reviewed by either a quasi-judicial or legislative decision process, whichever is appropriate, as those processes are defined by state law and the Durham Development Code.

- 1) A quasi-judicial Plan amendment shall be reviewed and decided by a Type 3 process as set out in the Development Code. The Planning Commission shall conduct the first evidentiary hearing on the amendment. The Council shall enact a Plan text and a Plan map amendment by ordinance.

2) A legislative major Plan amendment may be reviewed and decided by the Council in the first instance and by a Type 4 process as set out in the Development Code. A legislative Plan amendment shall be enacted by ordinance. The Council in its discretion may delegate any and all of the evidentiary hearings on a legislative Plan amendment to the Planning Commission.

B. Minor Plan amendments shall include those amendments that allow for or require limited discretion, such as:

- 1) An amendment to conform to newly adopted or amended provisions of state planning goals or guidelines;
- 2) Renaming of a city planning or zoning district or overlay;
- 3) Adoption of a new inventory of employment areas;
- 4) The delineation by the Oregon Division of State Lands and the US Army Corps of Engineers of wetland delineations and fill/removal areas;
- 5) FEMA-approved revisions to flood maps;
- 6) Changes to the inventory of natural resources, housing units, transportation and other infrastructure capacity as to which adoption of the inventory does not require a corresponding change in Plan goals or objectives.

Minor Plan amendments shall be reviewed and decided by a Type 3 or 4 process, with appropriate limits on the discretion that the Council may exercise.

Criteria for a major and minor Plan amendment shall include that the amendments will be consistent with all relevant provisions of the Plan not proposed for amendment, with all relevant provisions of Metro planning documents, with all relevant statewide planning goals, and with any other relevant provisions of federal, state, regional and local law.

LAND USE PLANNING OBJECTIVES

1. To assure orderly and efficient development in conformance with the Durham Comprehensive Plan.

2. The City shall maintain a planning process that facilitates coordination and consistency with federal, state, regional, county, adjoining city and special district plans and policies.
3. The City shall establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.
4. The Plan shall identify issues and include inventories and other facts that address each relevant statewide planning goal and administrative rules, that evaluate alternative courses of action and set out policy choices based on social, economic, energy and environmental needs.
5. The Plan shall be periodically reviewed and updated to address changing public policies and circumstances.

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STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS AND OPEN SPACE

To protect natural resources and conserve scenic and historic areas and open spaces.

PREFACE

The City is obligated to adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability. As per LCDC rules, the City shall determine significant sites for inventoried resources and developments to achieve this goal.

BACKGROUND

The Resources and Natural Setting

Durham is underlain by soils, geology and topography that form its natural resources including mineral deposits, vegetation, river drainage ways and seismic characteristics. Durham is located in the lower Tualatin River Valley and is mostly flat or gently sloping. The Durham planning area includes two major waterways, the Tualatin River and Fanno Creek. Their drainage systems provide the sharpest relief, with slopes as steep as 60% in some areas. The drainage ways create a broader floodplain area of wetlands and riparian vegetation. Columbia River basalt underlies the valley at a depth of about 500 feet deep. A northwest trending fault crosses the valley and causes periodic earthquakes. The basalt layer is buried by the Troutdale formation and younger alluvial deposits created by torrential floods that left sand, gravel and boulders. The relatively poor quality of the deposits and subsequent urbanization preclude mineral extraction in Durham. Willamette Silt is the top layer of consolidated beds of fine sand, silt and clay. Soils within Durham are classified by the Soil Conservation Service as Classes I – IV. Good soils and moderate climate support a vast array of vegetation in the city.

In addition to riverine riparian corridors and wetlands, natural areas consist of areas within the 45-acre Durham City Park (a nature park having within its boundaries the protected habitat of Fanno Creek and a play structure), the natural area commonly known as the Kingsgate Office Park, the small park in Heron Grove, and the Tualatin View Apartments greenspace within the Tualatin River floodplain. All areas in the City are protected by Durham's Tree Preservation Ordinance that requires a permit for removal of any tree 5" DBH and mitigation replacement for trees removed.

Inventory

The City and property owners can utilize city data and relevant agency website data to identify property-specific natural resources that may require preservation. The City of Durham Parks and Recreation Plan, 2018 provides information and maps of the City's nature parks, greenspaces and natural areas. Clean Water Services supplies maps and data identifying natural riparian areas, stream buffers and uplands in Durham.

The Oregon Division of State Lands (DSL) website provides one location for current state-recognized wetlands and waters mapping with updated data, maps and detailed information about local wetlands, waters and soils. The Statewide Wetland Inventory (SWI) includes data layers that also display US Fish and Wildlife Service NWI mapping, US Geological Survey National Hydrography Dataset (NHD) and USDA Natural Resources Conservation Service (NCRS) combined soil survey for Oregon and DSL-Approved Local Wetlands Inventories. All removal and fill in Compensatory wetland mitigation (CWM) sites require a DSL permit.

Vegetation

Vegetation is a primary element of Durham's natural environment. There is a wide variety of vegetative types including evergreen and coniferous trees and many kinds of ornamental shrubs and trees. The city was once the site of the large Pilkington Nursery, a regional nursery that served the greater Portland area. The remnants of the nursery give Durham an unusual natural asset.

The forest along the banks of the Tualatin River and Fanno Creek is subject to annual flooding and is characterized by deciduous trees. Fanno Creek is identified locally and regionally as a significant natural area. The lower reaches flow through the city creating various riparian forest and marsh and wetland habitats. The vegetation provides food and habitat for a wide variety of fish and wildlife species, it provides a natural noise buffer, it cleanses the environment, and the vegetation provides soil binding that holds run-off waters, preventing soil erosion and changing natural conditions. Tree cover enhances habitat, removes pollution, and stores and sequesters carbon. The City's 2012 Tree Ecosystem Analysis is a good resource in support of Durham's tree protection policies.

Fish and Wildlife

The Tualatin River and Fanno Creek support both anadromous (migratory) and resident fish populations. According to a US Fish & Wildlife Service Bulletin January 2015 there are several plants, fish, birds, reptiles and amphibious species of concern known to inhabit the Tualatin River or its tributaries, including the federally listed Upper Willamette River run Chinook and Steelhead. Crayfish were once common and in amounts plentiful enough to support annual crayfish feeds in the City of Tualatin until years of water quality deterioration caused severe losses of the species.

Durham contains a variety of habitats which support diverse wildlife. The habitats are composed of grasslands, forests, shrub lands, and riparian forests. Protection of these habitats ensures maintenance of wildlife within Durham as the City develops.

Scenic, Historic Areas and Open Space Resources

Durham does not provide any Oregon-approved hiking trails and has no cultural areas, historic sites, historic structures or state scenic waterways.

As of 2020, Durham has acquired over 50 acres of river land, floodplains and open space for a protected natural resource network stretching from Tigard to Tualatin. Preservation and protection of the natural resources represents perhaps the most fundamental principle embodied in the Comprehensive Plan. From a planning standpoint, the protected areas symbolize the most significant natural resources within Durham to be maintained in its natural state. Preservation of natural areas provides open space as well as protection of sensitive environmental resources associated with the rivers and their floodplains. In addition to natural areas and resources, the preservation of Durham's aged conifers and ornamental vegetation retains wildlife habitat and the natural visual appearance which may be seen throughout the City.

POLICIES

1. It is City policy to adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability. In accordance with the Land Conservation and Development Commission (LCDC) rules, the City shall determine significant sites for inventoried resources and developments to achieve this goal.
2. When considering new development or zone changes the city will consider the

need to conserve open space and protect natural and scenic resources.

3. In order to determine the need for open space the City may calculate the open space acreage ratio to city population in a form similar to other city comprehensive plans within Metro and utilize an established level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residents.
4. In order to protect natural and scenic resources the City may designate a Natural Resources District on land that should be preserved for the protection and preservation of fish, wildlife and riparian habitat, natural water storage areas such as flood ways and floodplains and stream side vegetated corridors to avoid converting important open space lands to inconsistent uses.
5. The City's Natural Resources District and Natural Resources Overlay District limit uses to protect various natural resources.
 - a. Planned Residential Developments may be allowed in the overlay district to preserve natural and open areas by transferring density to other parts of a site.
 - b. The City may grant density bonuses for development where density is transferred to preserve natural resources on a site.
6. Limitations on outdoor advertising signs in natural resource areas shall be implemented by sign regulations in the Development Code.
7. Conservation of natural resources and physical limitations of the land shall be used as the basis for determining the quantity, quality, location, rate and type of growth within the City.
8. Fish and wildlife areas and habitats should be protected and managed in accordance with local and state agencies and Metro Goal 5 management plans.
9. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, and aesthetics.
10. The City shall seek to implement policies and programs for conservation and protection of natural resources described in Metro's Tualatin Basin Goal 5 Program Implementation Report, 2007, and as modified from time to time. The report was prepared on behalf of the Tualatin Basin Natural Resources Coordinating Committee known as *Partners for Natural Places and including eight adjoining cities*. As a partner in this program the City of Durham complies

with LCDC Goal 5 and Metro Title 13 Nature in Neighborhoods acknowledged in the Metro Functional Plan 2018 compliance status report.

11. The City shall allow for use of alternate street designs (“green streets” or “skinny streets”) to limit paved surfaces, heat reflection and storm water runoff.
12. The City shall enforce standards for tree preservation and tree removal on private property as to both new and existing development and require mitigation of removed tree cover and wildlife habitat where feasible and proportional to the resources removed.
13. The City shall adopt and enforce standards to limit uses in flood-prone areas as a means to conserve water quality and riparian habitat.

(The following are current Plan Policies)

14. The 100-year floodplains of Fanno Creek and the Tualatin River shall be established as the foundation of an open space network. This network will also be subject to the *Design and Construction Standards for Sanitary and Surface Water Management* as adopted by Clean Water Services of Washington County. This network may be developed for recreational activity if included as part of a planned development, or if otherwise secured by the city.
15. Any development proposal which contains identified natural areas on-site may be required to dedicate the resource for use as a public park to the extent that the development has effects on the City's need for public parks. Such natural resource area dedication shall not preclude other recreation area dedication as may be specified under policies pertaining to recreational opportunities.
16. The City shall support the preservation and protection of historic and cultural resources which may be identified within Durham's jurisdiction including certain buildings, structures, objects or sites as: a.) historic areas with regional, statewide or national historic significance; or b.) historic resources that have a relationship to events or conditions of the human past.
17. Hunting within the City shall not be permitted. Fishing is permitted only when in compliance with State fishing regulations.

STATEWIDE PLANNING GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

PREFACE

This goal is to maintain and improve the quality of the air, water and land resources of the state. All waste and discharges from future development, when combined with those existing, shall not threaten to nor violate applicable state or federal environmental quality statutes, rules and standards. Such discharges shall not exceed the carrying capacity of such resources, degrade such resources nor threaten their availability. Waste and process discharges refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants or byproducts of same.

BACKGROUND

Air Quality

1. The value of trees to maintain air quality

The City of Durham is known for having abundant, mature tree canopy coverage that enhances the quality of life and improves human health for residents. In 2012 i-Tree Ecosystem Analysis conducted a study of “Urban Forest Effects and Values” for the City of Durham. The study quantifies services that demonstrate the functional and structural value of trees - values enhanced by tree maturity with proper management. Key air quality findings indicate 44% of the city is under tree cover whereby 2 tons of pollution are removed annually, 6,300 tons of carbon are stored within the trees, and 202 tons of carbon are sequestered from the air. In addition, 74% of the trees are native to the state or the district.

Poor air quality is a common problem in urban areas. It can lead to decreased human health, damage to landscape materials and ecosystem processes, and reduced visibility. Urban vegetation can directly and indirectly affect local and regional air quality by altering the urban atmosphere environment. The urban forest can improve air quality by reducing air temperature, directly removing pollutants from the air, and reducing energy consumption in buildings which reduces air pollutant emissions from power plants.

2. Regional air pollution management

Durham lies within the Portland-Vancouver Interstate Air Quality Maintenance Area (AQMA). The State Department of Environmental Quality (DEQ) utilizes this area to monitor air pollution in the Portland region. Air pollution exists in a variety of forms. For example, carbon monoxide results mainly from gasoline and diesel engines; sulfur oxides result from diesel and heating oil combustion; nitrogen oxides result from transportation sources; and particulate matter results from industry, road dust, open

burning, wood stoves and agricultural operations. These sources are all regulated by DEQ's air quality program. Excessive noise is also considered a form of air pollution, and DEQ noise regulations are enforced by the City.

The City is also located in a non-attainment area for carbon monoxide (CO) and ozone. This means that restrictive limits have been placed on volatile organic compounds for small industrial operations, and the potential for emission offsets for new or expanded industrial sources. In accord with the Transportation Planning Rule, the City will be seeking ways to reduce automobile use, which in turn reduces CO emissions.

Water Resources Quality

1. Waterways

The Durham planning area consists of two waterways - the Tualatin River and Fanno Creek. The quality and use of this water for domestic, livestock, municipal, irrigation, power, industrial, fish and wildlife and recreation uses are controlled by the Oregon State Water Resources Commission Water Management Plan for the Willamette Basin. Waste and discharges from development are regulated by Clean Water Services (CWS). The purpose of the CWS standards is to protect water quality in compliance with the performance standards of Metro Title 3 Water Quality, Flood Management, and Fish and Wildlife Conservation.

2. Groundwater

Almost the entire Durham area and the City of Durham is underlain by water bearing materials. The Tualatin Valley floor and hillsides contain clay, silt, sand, and some gravel beds. Groundwater is present in varying quantities, depending upon the porosity of the material and its proximity to adjacent streams. The shallower alluvial materials are replenished each year by precipitation and infiltration from surface runoff. Wells developed in the alluvial material are generally low producing, suited only for domestic and minor agricultural use.

Below the alluvial materials and valley fill is a saucer-shaped layer of Columbia River basalt, which is a stratum of lava forming the top several hundred feet of the bedrock. Groundwater is present in the basalt cracks, fissures, and other porous zones. The Columbia River basalt frequently affords high producing wells, sufficient for municipal and industrial uses.

Groundwater resources: OAR 660-023-0140 addresses significant groundwater resources, to be protected for use in areas planned for development up to the carrying capacity of those resources. According to the City of Tigard, Durham's domestic water

source, their hydrogeologist of record (2020) indicated there are no facilities or wells within the City of Durham that warrant concern regarding land use planning.

Land Resource Quality

Except for sensitive lands associated with the floodplains of the Tualatin River and Fanno Creek, the City of Durham has been mostly urbanized by residential, office and industrial park uses. There are no landfills in the City. There is potential for new residential development on several scattered mid-sized parcels as well as infill on large lots with existing dwellings. The waterways are protected by the Natural Resources and Overlay Zone Districts of the Durham Zoning Map and Development Code.

POLICIES

Areas designated for residential use shall have clearly identified facilities for sewage disposal.

1. The City, by intergovernmental agreement, shall enforce CWS policies as to required disconnection of septic tanks and connection to sanitary sewer mains when those mains are extended into a neighborhood by new development. Maps identifying available facilities shall be maintained by and readily available from CWS as the City's provider of storm and sanitary sewerage facilities.
2. When reviewing applications for Plan and Development Code map and text amendments, land use approvals and land divisions, the City shall consider whether the proposed or potential land uses which create or lead to conflicting requirements and impacts upon the air, water and land resources.
3. Provisions for the maintenance and improvement of air, water and land resources of the planning area should consider as a major determinant the carrying capacity of those resources.
 - A. The City shall coordinate its planning efforts with Metro, Oregon Water Resources, the Department of Environmental Quality (DEQ), and Clean Water Services in order to maintain the quality of air, water and land resources. Existing and future development must meet DEQ regulations pertaining to environmental quality including noise control. New development proposals shall satisfy requirements to provide water quality treatment of storm water run-off, and requirements as to the placement of fill in wetlands and sensitive areas.
 - B. The City shall strive to maintain its tree cover to reduce pollution and maintain air

quality.

- C. The City shall allow no use of that portion of the Tualatin River within Durham that is inconsistent with the Oregon State Water Resources Commission Water Management Plan for the Willamette River Basin, as that Plan is implemented in Oregon Administrative Rules.
 - D. The City acknowledges that it lies within a state-designated water quality limited basin.
 - E. The City by intergovernmental agreement with CWS has adopted that agency's Surface Water Management program to protect wetlands and floodplains, control erosion from construction sites, prevent or reduce pollution from new development, coordinate, design and construction practices throughout the local area and identify pollution sources and strategies to deal with pollution and flood control.
 - F. The City implements CWS Design and Construction Standards for Sanitary and Surface Water Management as that agency adopts by Resolution and Order and amends from time to time.
 - G. The City will look to the Oregon Department of Environmental Quality to enforce its air quality rules as to pollutants that may be emitted from any use of land within the City.
 - H. All new developments shall be required to be served by public water and public sanitary sewers. However, construction of a new single-family house on a pre-existing or partitioned lot may not be required to connect to public sanitary sewer if CWS determines that sewer is not legally and physically available and the property can comply with Washington County Department of Health and Human Services (HHS) standards regarding on-site sanitary septic systems. Permits to build on-site septic systems must include clauses prohibiting owners of the property from remonstrating against future efforts to construct sanitary sewer facilities or to connect the subject property to sanitary sewer facilities.
4. Land use controls and ordinances shall include some or all the following:
- A. Vehicle trip limits for uses in employment-oriented zoning districts.
 - B. Conditioning approval of proposed uses in office-and industrial zoning districts with limits on emissions of air pollutants.
 - C. Adoption of Metro regional allowances for vehicle parking spaces on development sites.
 - D. Requirements for bicycle parking space and for bicycle and pedestrian access

routes to structures including provisions for bicycle/pedestrian connections to employment districts.

- E. Limits on vehicle trips allowable for home occupation uses in residential districts.
 - F. Alternate street design standards to limit paved surfaces and to treat storm water pollutants before storm water discharges into waterways.
 - G. Requirements for tree preservation, tree cutting and suggested tree species.
- 5. The City will provide solid waste collection through a franchise agreement with a private sanitation company. Provision for solid waste disposal including recycling shall be performed through an intergovernmental agreement with Washington County in order to meet current and long-range solid waste needs.
 - 6. Multiple use and joint development practices in the City's zoning districts do not allow for commercial retail uses but may be amended to allow for live-work developments featuring both office-and residential space within the same structure at the Council's discretion.
 - 7. Capital facility planning
 - A. The City shall adopt an annual capital improvements program after public notice and hearing in the course of its adoption of an annual budget under the process for the latter provided by Oregon law.
 - B. The City shall participate in Metro's SW Corridor transit study to determine alternatives to car-based transportation that may become available and convenient to Durham residents and businesses.
 - C. The City shall participate with its domestic water supplier, its sewage and storm water services provider and with the Oregon Department of Transportation and Metro to plan and to determine funding for capital improvements necessary or desired to make for a carrying capacity of that infrastructure that equals or exceeds the demands placed on same by new development and redevelopment and population growth.
 - D. The City shall manage land conservation and development in a manner that reflects the community's desires for a quality environment and is consistent with state environmental quality laws and plans.
 - E. The City shall consider creation of improvement and reimbursement districts to recoup the public and private costs incurred to extend stormwater and sanitary sewerage and potable water facilities past un- or underdeveloped properties at such time as those properties develop or redevelop.

STATEWIDE PLANNING GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

PREFACE

This goal is to protect people and property from natural hazards. Local comprehensive land use plan inventories, policies and implementing measures shall be directed to reducing risk to people and property from natural hazards. Natural hazards as relevant to Durham include riverine floods, landslides, earthquakes and related hazards, and wildfires. "Local governments shall adopt comprehensive plans ... to reduce risk to people and property from natural hazards." A flood management map and code provisions controlling property development within flood management areas is the typical means to implement this goal. Plan policies should consider the benefits of maintaining natural hazard areas as open space, recreation and other low density uses and the beneficial effects of natural hazards on natural resources and the environment.

BACKGROUND

Flood Hazard Areas - Tualatin River and Fanno Creek Floodplains

The land area adjacent to Fanno Creek and the Tualatin River is subject to periodic flooding and landslides, which usually occur between mid-November and mid-February as the result of rain and snowmelt. Unlike most streams, the wide flat floodplains of the Tualatin Valley store large volumes of water which causes the river to peak slowly and remain above flood stage for several days.

The Federal Emergency Management Agency (FEMA) has performed a Flood Insurance Study for Durham. This study is used to convert Durham to the program of flood insurance by the Federal Insurance Administration. The study identifies the floodway and flood-plain areas within Durham. The developed areas of Durham are situated above these flood levels and floodplains are planned to remain as open space for park and recreation purposes.

A more detailed description of the 100-year floodplain and floodway for the Tualatin River and Fanno Creek is designated in the most current Flood Insurance Rate Map (FIRM) for the City of Durham, Oregon developed by FEMA. This information is used as a basis for establishing the floodplain elevation for sites in the northwest section of the city and is on file at City Hall.

The most current FIRM map generally conforms to Metro Title 3 maps. Title 3 quadrangle maps for Durham include the area to the south along the Tualatin River (Section 2s1w24) and the area to the west along Fanno Creek and the Tualatin River (Section 2s1w13). In lieu of more precise information, the Title 3 maps will serve to establish generally accepted boundaries for the Flood Management Area and Water Quality Resource Areas.

Landslide Hazards

The Department of Geology and Mineral Industries (DOGAMI) provides local lidar-based mapping information and guidelines for Durham. Their 2019 document *Preparing for Landslide Hazards: A Land Use guide for Oregon Communities* identifies moderate landslide risk on land adjacent to Fanno Creek and the Tualatin River. Landslide hazard mitigation is achieved by Durham Development Code provisions and building construction standards designed to assure increased landslide resiliency for new development in Durham.

Windstorms, Earthquakes and Fire Hazards

Durham residents are subject to natural hazards such as earthquakes, windstorms, and fires. The City does not provide emergency services but closely coordinates with the Tualatin Valley Fire and Rescue District (TVFRD) to assure emergency preparedness, response, recovery, and mitigation programs are available to Durham residents. TVFRD provides educational information to help residents prepare for floods, wildfires, windstorms, winter storms, hazard material spills and earthquakes. Fire danger in the City is reduced by burying electrical lines underground.

POLICIES

1. It is City policy to adopt programs that will reduce risk to people and property from natural hazards. Natural hazards for purposes of this goal include riverine floods, landslides, earthquakes and related hazards, windstorms, and wildfires.

In adopting plan policies and implementing measures to protect people and property from natural hazards the city will consider: the benefits of maintaining natural hazard areas as open space, recreation and other low density uses; the beneficial effects that natural hazards can have on natural resources and the environment; and the effects of development and mitigation measures in identified hazard areas on the management of natural resources. The City shall coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

2. The City will strive to update hazard information to improve the protection of residents from natural hazards. The City will evaluate the risks presented by new information by assessing:
 - the frequency, severity and location of the hazard
 - the effects on existing and future development
 - the potential for development in the hazard area to increase the frequency and

- severity of the hazard and,
- the types and intensities of land uses to be allowed in the hazard area.

Following such evaluation, the City may adopt or amend as necessary, plan policies and implementing measures to implement the evaluation, including measures to relocate development to other sites if and when risks of development on the original site cannot be mitigated and prohibiting the siting of essential facilities in identified hazard areas, including but not limited to such essential facilities as emergency management and response facilities.

- A. The City's review of development applications in hazard areas shall require site-specific reports (i.e., geo-technical or hydrologic) appropriate for the level and type of hazard and prepared by an Oregon licensed professional in an appropriate field of expertise. The reports shall evaluate the risk to the site as well as the risk to other sites from the proposed development.
- B. The City shall adopt the Flood Insurance Study published for the City of Durham through the National Flood Insurance Program, as administered by the Federal Emergency Management Agency (FEMA). This study includes maps and measurements pertaining to the floodway and 100-year floodplain in Durham.
- C. No new development will be allowed within lands designated as "floodway" according to the Flood Insurance Study (FIS), or as may be updated by Metro Title 3 maps, or the Fanno Creek Watershed Flood Insurance Restudy 100-Year & 500-Year Floodplain, or the most current FEMA Floodway and Base Flood Elevation.
- D. Any new development proposed within the 100-year "flood fringe", as designated by the aforementioned sources and verified by a topographic survey provided by an Oregon licensed surveyor, shall be flood-proofed as stated in the building codes of the Authority Having Jurisdiction (AHJ).
- E. The floodplains of Fanno Creek and the Tualatin River within the City shall be primarily maintained as an open space network, including use for recreational activity generally not including permanent structures.
- F. To minimize flooding and landslides the City shall restrict the alteration of natural drainage ways unless it can be demonstrated that the benefits realized are greater than the detrimental effects.
- G. Critical public facilities and services shall be located outside flood hazard areas, including but not limited to such essential facilities as emergency management and response facilities.

- H. The City may consider measures that exceed the National Flood Insurance Program (NFIP) such as:
- 1) limiting placement of fill in floodplains;
 - 2) prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and
 - 3) elevating structures to a level higher than that required by the NFIP and the state building code.
- I. The City supports programs to manage stormwater runoff to help address flood and landslide hazards.
- J. Review of an application for development or land division on a site that includes area within the Natural Resource Zone or NR Overlay shall consider a condition requiring dedication of that area for public open space or recreational use or both to an extent that the requirement is roughly proportional to the anticipated impact of the development or land division on the availability of public open space or recreational spaces city-wide.
- K. It is City policy to assure adequate emergency access is provided to protect residents. At the time of a land division proposal the city shall require adequate access and circulation, adequate water supply, fire protection and vegetation management.
- L. The City shall give special attention to emergency access when considering development in or adjoining identified hazard areas.
- M. To protect residents from fire damage, all new development shall have building roofing which is manufactured of fire-resistant materials. In addition, overhead electrical wires should be placed by underground to reduce fire hazard.
- N. Land found to be subject to landslides, slumping, sloping, or having movement shall not be developed unless geotechnical evidence provided by an Oregon licensed geotechnical engineer is provided to demonstrate that hazards associated with such land limitations will be avoided or successfully mitigated.
- O. All new building construction shall be designed to meet seismic requirements of the building codes of the Authority Having Jurisdiction (AHJ) to minimize damage from earthquakes.

STATEWIDE PLANNING GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

PREFACE

The City intends to satisfy the recreational needs of those residing within its planning area and visitors to the City. The quantity, quality and location of recreation areas shall be consistent with the availability of local resources to meet such requirements. The primary focus of the City shall be to enhance and maintain well-kept, attractive, and safe neighborhood recreational areas for the residents of Durham, while also protecting and preserving environmentally sensitive areas and its wide range of vegetation for the passive enjoyment of residents and park visitors.

BACKGROUND

City Recreation Area Inventory

The City of Durham Park and Recreation Plan is an element of the Durham Comprehensive Plan. It describes the history, physical setting, demographics, goals, objectives, and policies for park planning to meet the needs of Durham residents. The inventory of recreation areas within the City include open space and scenic landscapes, recreational lands such as playing fields, natural science areas such as the riparian areas of Fanno Creek and the Tualatin River, picnicking, and bicycle and pedestrian paths and trails.

The following inventory describes the park, trail and open space assets of the City:

| | <u>Acres</u> |
|---------------------------------|--------------|
| Durham City Park | |
| City Park | 20.85 |
| Afton Commons I/II | 3.10 |
| Afton Commons III | 2.73 |
| Schirado-Nelson Donation | 17.98 |
| Heron Grove Recreation Area A | <u>1.07</u> |
| Subtotal | 45.73 |
| Heron Grove Park | |
| Recreation Area B | 0.41 |
| Tualatin View Greenspace | <u>4.22</u> |
| Total | 50.36 |

The Kingsgate Office Park, presently maintained as a city-owned wooded area but zoned for development, may be developed in whole or part for public recreational use at the City's discretion. In addition, the City shall attempt to maintain cooperative relationships with those cities and agencies bordering the City having recreation and open space facilities along those borders, including access to and from those areas and facilities therein, including Cook Park in Tigard, Tualatin Community Park, and those areas open to the public that are within the CWS Durham Treatment Plant site.

POLICIES

- A. The goals, objectives and planning criteria of the City of Durham Park and Recreation Plan, and its updates, shall be the basis for determining park and recreation needs of the community.
- B. Park classifications and standards established by the City of Durham Park and Recreation Plan shall be implemented to assure a supply of usable open space and recreational facilities that are related to the specific needs of local residents.
- C. New residential developments shall be responsible for providing their share of public parks, including recreational improvements and access to existing park facilities, consistent with the City of Durham Park & Recreation Plan.
- D. Acceptance by the City of any land dedicated for active recreational purposes shall be based upon its usefulness and adaptability in accordance with the City of Durham Park & Recreation Plan. However, dedications will not always be suited for active recreational activities and will also be accepted for passive recreational purposes.
- E. Safe and convenient pedestrian and bicycle routes shall be provided throughout the community. All street construction or improvements shall be coordinated with the City or regional pedway/bikeway path plan. When appropriate, developments shall provide easements and/or construct improvements to accommodate pedestrian or bicycle access.
- F. The City should budget a portion of funds for path construction and maintenance each budget year. The City may also seek additional funding for these purposes through grants, special levies, and other sources including those described in the City of Durham Park & Recreation Plan.
- G. When developing recreation plans, the City should emphasize energy consequences of allowed uses and of the transportation access to recreation areas. The plans should prefer non-motorized types of activities and should address the needs of persons of limited mobility and finances.
- H. City recreation plans should consider the carrying capacity of the air, land and water resources of the planning area, and development actions should not exceed that

capacity.

- I. The City may plan to acquire lands for public recreational needs by fee acquisition, easements, planned unit development, dedication and similar techniques standing alone or in conjunction with land use development review and approval.
- J. Trees are integral to the health and welfare of residents, and they enhance recreational activities. The City shall strive to maintain its existing tree cover in accordance with adopted City tree removal and tree planting requirements.
- K. Residential Planned Unit Developments shall include open space for residents of the development, including preserving tracts of land suited to protect a natural resource.
- L. Density transfers may be utilized to preserve environmental resources that may be dedicated to a public open space or recreation purpose such as a community garden, bike and pedestrian path or athletic field.

DRAFT

STATEWIDE PLANNING GOAL 9, ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Note: The current Comprehensive Plan “Growth and Development Findings, Goals and Policies” (17 pages) combine economic goals with housing goals. The new format will separate the two goal topics compatible with goal drafts to date and with the statewide goal format prepared by Bill Scheidrich, city attorney. Further amendments and update to land use by Keith Liden.

PREFACE

Comprehensive Plans for urban areas must limit uses on or near sites zoned for specific industrial and commercial uses to those other uses that are compatible. The intent is to provide adequate opportunities for a variety of economic activities vital to health, welfare and prosperity. The Plan must include an inventory of commercial and industrial lands and project future needs for same, that is, project the need for future employment-generating land uses and plan and zone enough land to meet the need.

BACKGROUND

Adequate opportunities for a variety of economic activities and opportunities important to the city's health, welfare, and prosperity. In addition, this statewide planning goal requires local comprehensive plans for urban areas to limit uses on or near sites zoned for specific industrial and commercial uses to those other uses that are compatible. The Plan must include an inventory of commercial and industrial lands and project future needs for same, that is, within the confines of its boundaries, project the need for future employment-generating land uses and plan and zone enough land to meet the need. City has adopted long term industrial and employment zoning that correspond to Metro's maps (Metro Title 4).

City Employment Land

Office Park (OP) and Industrial Park (IP) are the two employment zones in the city. The Office Park Zone is intended for professional offices, studios, and similar uses. The Industrial Park Zone is intended for light manufacturing, warehousing, laboratories, trade and industrial schools, and similar uses.

The Office Park designation includes approximately 4.5 acres of vacant or redevelopable land, and the Industrial Park land is completely developed. The following table summarizes the land area, employment, and number of businesses within these to zoning districts. The developed and undeveloped land area was calculated in 2022 and

the estimates for employees and number of businesses were done in 2014.

In addition, the Business Park Overlay (BPO) may be applied to either the OP or IP districts to provide more flexibility regarding uses in return for design amenities that enhance the development and its relationship with surrounding development.

| District | Office Park (OP) | Industrial Park (IP) | Total |
|----------------------------------|------------------|----------------------|-------|
| Developed (2022) | 31.2 | 5.8 | 35.7 |
| Undeveloped (2022) | 4.5 | 0.0 | 5.8 |
| | | | |
| Total Employment (2014 estimate) | 754 | 72 | 826 |
| Number of Businesses (2014) | 57 | 9 | 66 |

1 Economic Development Patterns and Opportunities

1.1 Present an analysis of the city's economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends (ORS 197.712(2a) and include policies concerning the economic development opportunities in the City.

1.1.1 OAR 660-009-defines relevant terms, and 660-009-0015 lists the elements of this analysis:

1.1.1.1 Review of national, state, regional, county, local trends

1.1.1.2 Identification of required site types

1.1.1.3 Inventory of Industrial and Other Employment Lands, including certain details required under 660-009-0015(3a)

1.1.1.4 Opportunities analysis must estimate uses likely to occur, with advantages and disadvantages to be considered listed in 660-009 -0015(4).

1.1.2 Plan should Include policies concerning the economic development potential in the city (197.712(2b).

1.2 The Plan should address at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies (197.712(2c). City may consider land availability when designating land availability as per market factors listed in OAR 660-009-0025(7).

1.3 The Plan shall provide for compatible uses on or near sites zoned for specific industrial and commercial uses (197.712(2d)

1.3.1 Examples of strategies for compatibility are listed in OAR 660-009-0025(6).

1.3.2 **Note:** ORS 197.717 requires state agency technical assistance in determining suitable land for special needs of various industrial and commercial uses, including the provision of info to comply with 197.712(2a) above.

2 Implementing Ordinances.

- 2.1 Describe the IP and OP zones, with OP to act as a buffer between residential and industrial uses. **See Code 2.11 and 2.12**

- 2.2 Describe BPO zone as a supplement to IP and OP zones. **See Code 2.13**

- 2.3 Listed uses per zone are exclusive to assure compatibility. **See Code. 2.1.6, 7**
 - 2.3.1 Same section allows city to find and allow materially similar uses in a zone.

- 2.4 Require minimum FAR and lot size as part of site design but no maximum to allow flexibility. **See Code 3.4, .5**

- 2.5 Require bicycle and pedestrian connections to employment areas to enhance employment prospects for local residents and help compatibility. **See Code 3.9**

- 2.6 Allow adjustments and variances to site design with one criterion being to implement the comprehensive Plan. **See Code Chapter 10**

3 Supporting Facilities

- 3.1 The discussion below of Statewide Planning Goal 11, Public Facilities and Services, describe the status of water, sewer and transportation facilities within the city and the extent to which those facilities can support present and anticipated future land uses designated in the Plan.

POLICIES

1. Provide for economic development opportunity to create a local employment source and broaden the economic base.

2. Durham will provide locations suitable for office parks and industrial parks. It is intended that these activities will be compatible with surrounding uses, will provide buffers between potentially conflicting activities, and will broaden the City's economic base.

Office parks shall be designed to provide a park-like setting and shall not exceed the following intensity standards:

- A. Leasable floor area ratio of .35 per gross acre.
 - B. Forty (40) employees per gross acre.
 - C. Two hundred (200) vehicle trips per day per gross acre.
 - D. Industrial parks shall be designed to provide a park-like setting for light industries and businesses, and shall not exceed the following intensity standards:
 - 1) Floor area ratio of .35 per gross acre.
 - 2) Forty (40) employees per gross acre.
 - 3) One Hundred (100) vehicle trips per day per gross acre.
3. Business Parks shall be allowed at the following locations:
- A. Northeast Durham Office Park
 - B. East Durham Office Park
 - C. Southeast Durham Industrial Park
 - D. South Durham Industrial Park
4. Office and industrial park developments shall be reviewed and approved in accordance with the following criteria:
- A. Access
 - 1) Project takes into consideration traffic safety.
 - 2) Project will have direct access onto an arterial or collector.
 - B. Site Characteristics
 - 1) Site is of sufficient size and shape to reasonably accommodate the present and future use in a manner which emphasizes user convenience and energy conservation.
 - 2) Natural hazards are incorporated into the design plan.
 - C. Adequate infrastructure and services including:
 - 1) Public water.
 - 2) Sanitary sewer.
 - 3) Stormwater facilities.

- 4) Fire protection and emergency services.
- 5) Access to mass transit by employees and customers.

D. Community Impact

- 1) Project will be consistent with orderly and timely development.
- 2) Associated light and noise will not harm surrounding properties.
- 3) Privacy of nearby residential uses will be respected.
- 4) Project meets appropriate standards for pollution control as administered by the DEQ.
- 5) Project is aesthetically landscaped and designed.
- 6) Project will be compatible or enhance nearby industrial, office and commercial activities.
- 7) Project provides crime deterrence.

E. Benefits

- 1) Project will provide the opportunity for people to live close to where they work.
- 2) Project may provide multiple uses which support industrial and office activities and provide user convenience.
- 3) Project will enhance economic linkages.

STATEWIDE PLANNING GOAL 10, HOUSING

To provide for the housing needs of citizens of the state.

PREFACE

The City is obligated to inventory the supply of buildable lands and develop plans "...in a manner that ensures the provision of appropriate types and amounts of land within urban growth boundaries...that meets the housing needs of all income levels." ORS 197.296 implements this state goal but is expressly not applicable to cities within the Portland area Metro Regional Government urban growth boundary.

Metro's Functional Plan and the DLCDC Metro Housing Rule establish standards to ensure opportunity for provision of adequate numbers of needed housing units and the efficient use of land within the Metro UGB, to provide greater certainty in the development process and so to reduce housing costs. The Metro Housing Rule establishes regional residential housing density and mix standards to measure compliance with this goal and to ensure the efficient use of residential land consistent with Goal 14, Urbanization.

BACKGROUND

Housing Inventory and Needed Housing

The City has inventoried "buildable land" as defined in OAR 660-007-005. The inventory should show built density exceeding Metro's standard of at least 80% of zoned density. The inventory includes what lands are deemed non-buildable (as defined, above). ***Need also a projection of housing demand by housing type and income level.***

The buildable lands inventory must document the amount of buildable land in each residential plan designation. See Metro Code 3.07.120.

In 2022, the city calculated the amount of residential land available for potential redevelopment (defined as parcels ≥ 1.0 acre with 0.5 acre deducted for the existing residence) and undeveloped residential land by zoning district as summarized in the following table.

| District | Single Dwelling Residential (SDR) | Multi-Dwelling Residential (MDR) | Total |
|----------------------------|-----------------------------------|----------------------------------|-------|
| Redevelopment Acres (2022) | 18.2 | 0.0 | 18.2 |
| Undeveloped/Vacant | 5.3 | 0.0 | 0.0 |

| | | | |
|--------------|------|-----|------|
| Acres (2022) | | | |
| Total | 23.5 | 0.0 | 23.5 |

See Metro standard at Metro Code 3.07 Table 1.

ORS 197.303 exempts cities under 2500 population from any requirement to describe how attached and detached single and multi-unit housing for both owner and renter occupancy, and how manufactured homes on individual lots in single unit residential zones, would fill the need for various housing types within the UGB. This statute also defines government-assisted and manufactured housing as needed types for ALL cities regardless of population. This statute supersedes the broader definition of “needed housing” in the Metro Housing Rule, OAR 660-007-0005(7). ***(The City’s inventory does list those other housing types but that may be unnecessary for future inventories).***

POLICIES

1. The City shall adopt and apply clear and objective standards, conditions and procedures regulating the development of “needed housing” on buildable land that shall not have the effect of discouraging needed housing through unreasonable cost or delay. For purposes of this policy, “needed housing” is government-assisted and manufactured housing only, as per ORS 197.303.
2. The City may adopt or apply an additional, alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or part, appearance or aesthetics that are not clear and objective if:
 - A. The applicant retains the option to proceed instead under the adopted clear and objective standards; and,
 - B. The alternative approval criteria comply with applicable statewide goals and rules; and
 - C. The alternative criteria authorize a density at or above the density level in the zoning district authorized under the clear and objective approval process.
3. Plan designations that allow or require residential uses shall be assigned to all buildable land and may allow nonresidential uses as well as residential uses. The plan designations shall be specific to accommodate the various housing types and densities identified in the Metro Housing Rule to the extent that Rule is applicable to the City of Durham.

Note that the Durham Development Code as now drafted does NOT conform to this Metro rule. [Question whether the requirement of Goal 9 to designate sufficient buildable land for projected employment uses supersedes this rule].

4. Affordable Housing. The City may consider achieving affordable housing regional production goals by density bonuses, transferable development credits for affordable housing, policies to accommodate the housing needs of the elderly and disabled (such as accessory dwelling units) and policies to ensure that parking requirements do not discourage the provision of affordable housing.

5. Capacity. Metro Title 1, Housing and Employment Accommodation: Metro Code 3.07.110-120 require a compact urban form and a “ fair share” approach to meeting regional housing needs. Each city is to maintain or increase its housing capacity except as provided in Metro Code section 3.07.120.
 - A. The City shall determine its capacity for housing and employment to ensure it can meet Metro targets, using data provided by Metro. (Metro Code 3.07.120A) For Durham, dwelling unit capacity shall meet or exceed 243 units, job capacity 522 jobs. (Metro Code Table 3.07-1)
 - B. The City shall count the minimum number of housing units allowed in each zone where housing is permitted; upward adjustment permitted if development for prior 5 years has occurred at a higher number. (Metro Code 3.07.120B).
 - C. As per Metro Title 7, the City should adopt affordable housing production goals. The five-year goal as of April 2007 was for 10 units for Durham. Each local government shall report progress towards the goal as of July 31 2007 and every 2 years thereafter
 - D. All requirements of Metro Code 3.07.140 are to be included in city’s Plan and Development Code (Metro Code 3.07.160A).

6. Density. A minimum density standard that complied with the Metro UGMF Plan prior to January 2003 is deemed to comply with Metro Code 3.07.,140.
 - A. All land division and development applications shall provide for at least the minimum density required in the zoning district.
 - B. The City may change the minimum dwelling unit density of any zoning district so long as overall capacity for housing is preserved.
 - C. The City shall allow for at least one accessory dwelling unit per detached dwelling.
 - D. The City shall not prohibit the partition or subdivision of a lot or parcel that is at least twice the size of the minimum size for new lots or parcels in any zoning district in which dwelling units are authorized.

STATEWIDE PLANNING GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

PREFACE

It is a City responsibility to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Planning for services addresses the appropriate coordination, location, and delivery of services in a manner that best supports existing and proposed land uses while considering the carrying capacity of air, land and water resources. For the purposes of the Comprehensive Plan, “public facilities and services” refers to water supply and distribution, wastewater management, stormwater management, private utilities, and community facilities. The provision of these facilities and services is essential to a high quality of life and the health, safety, and welfare of the community. Their availability is also vital to promoting and sustaining a strong local and regional economy. For these reasons, the City and its partner agencies must efficiently plan for the impacts of future growth and development on the facilities and services provided.

The City contracts with regional cities and service districts for public water, sanitary and storm sewer, fire, police, schools, municipal court and building permit services by an Intergovernmental Agreement (IGA). The City maintains franchise agreements with utility providers for energy, communications, and solid waste. The City of Durham provides other public services including planning, zoning and land division controls, local streets and Durham Park and recreation services.

The City of Durham is exempt from the Oregon statutory requirement to create its own public facility plan in the nature of a long-term capital improvement plan, including financing, under ORS 197.712 and OAR 660 Division 11.

BACKGROUND

Public Facilities and Services

1. Water supply and distribution

It is the City’s responsibility to secure a reliable, high quality water supply to meet the existing and future needs of the community. Public water service is provided through an IGA with the City of Tigard. The City of Tigard maintains the existing water system and is responsible for water line improvements through their capital improvements program. Tigard has indicated that their water supply is of sufficient capacity to meet Durham's present and future water needs.

2. Sanitary sewer wastewater management

Sanitary sewer service is provided through an IGA with Clean Water Services (CWS). All new development shall be connected to the public sewer system. Future sewer hook-ups will be reviewed and permitted by the City and CWS.

3. Stormwater management

The stormwater infrastructure is a mix of natural and piped systems. As with most urban areas, the reliance on piped stormwater has been important to transport the water from impervious surfaces to the natural systems and move it out of the community.

Storm water management in the City of Durham is provided through an IGA with CWS who administers the Design and Construction Standards for Surface Water Management, applicable to all properties in the City. The Design and Construction Standards comply with Title 3, Metro's Water Quality, Flood Management and Fish and Wildlife Conservation requirements associated with the 2040 Urban Growth Management Functional Plan.

Private Utilities

1. Energy

Durham is served by Portland General Electric Company and Northwest Natural Gas through franchise agreements.

2. Communications

Durham is served by Comcast and NW Fiber (Ziplay) cable services through franchise agreements

3. Solid Waste

The City's solid waste is collected from individual households by a franchise agreement with Pride Disposal. The same company also provides monthly curbside pickup of recyclable material according to the provisions of Metro.

Community Facilities

1. Education

Existing and planned school buildings within the Tigard-Tualatin School District 23J (TTSD) serve Durham school-aged children. Durham has an IGA with TTSD which establishes a construction excise tax that Durham collects for the TTSD when a new home is constructed.

2. Police Services

The City of Durham currently contracts with the City of Tualatin Police Department for police protection services by an IGA.

3. Fire Protection

The City of Durham is provided fire protection by the Tualatin Valley Fire and Rescue district (TVFR), with stations located within five minutes from any part of town.

4. Senior Center

Durham residents have access to services at the Juanita Pohl Senior Center through an IGA with the City of Tualatin.

POLICIES AND PROGRAMS PROVIDING FOR THE PUBLIC FACILITY AND SERVICE NEEDS OF DURHAM CITIZENS

1. The City's process for capital improvement programming and budgeting shall be included in its annual budget adoption process, including public notice, public hearings and the use of a citizen's advisory committee.
2. At the time of development or redevelopment, all public and private facilities and services shall be extended at the property owner's expense to the boundary/ies of adjacent property/ies, unless the provider deems such extension is not necessary or desirable.
3. At the time of a proposed land division, the City shall consider planned land uses and densities of the area so that public and private infrastructure to serve those lots is sufficient to also serve future divisions of those lots.
4. All proposed public and private facility and service extensions shall be located underground unless determined infeasible by the provider.
5. The City may consider use of one or more of the following to achieve desired service types and levels:
 - A. tax incentives and disincentives;
 - B. land use controls and ordinances;
 - C. multiple use and joint development practices;
 - D. property acquisitions;
 - E. enforcement of local health and safety codes;
 - F. use of reimbursement districts to recoup the public or private cost of extending new public facilities past properties that are subject to future (re)development.
6. Management of public facilities plans is assigned to the local government entities that provide those facilities. Service Provider letters from applicable agencies

may be required by the City at the time of a proposed development.

A. Water

- 1) The City shall maintain its agreement with the City of Tigard for the provision of water until an acceptable alternative provider source becomes available and/or preferable.
- 2) Extension of public water to all developments shall be the responsibility of the developer. The City may assist in extending public water through sponsorship of a local improvement district, or other method which has the effect of the user paying for such improvement.
- 3) The City shall require all new development needing a water supply to connect to a public water system; pay a system development charge and other costs associated with extending service; ensure adequate pressure and volume to meet water consumption and fire protection needs and extend adequately sized water lines with sufficient pressure to the boundaries.
- 4) The City shall encourage water conservation through informational programs and maintenance of the system. The City shall prohibit activities that have the potential for contamination of the public water supply.

B. Sanitary Sewer

- 1) The City shall coordinate and maintain its agreement with CWS for the maintenance and improvement of sanitary sewer services.
- 2) Extension of sanitary sewer services shall be the responsibility of the developer. The City may assist in extending sanitary sewer service through sponsorship of a local improvement district, or other method which has the effect of the user paying for such improvement.
- 3) All residential, office park and industrial park developments shall utilize public sanitary sewer services. However, construction of a new single-family house on a pre-existing or partitioned lot may not be required to connect to public sanitary sewer if CWS determines that sewer is not legally and physically available and the property can comply with Washington County Department of Health and Human Services (HHS) standards regarding on-site sanitary septic systems. Permits to build on-site septic systems must include clauses prohibiting owners of the property from remonstrating against future efforts to construct sanitary sewer facilities or to connect the subject property to sanitary sewer facilities.

C. Storm Drainage

- 1) All development proposals shall demonstrate compliance with the Design and Construction Standards for Surface Water Management administered by CWS and in compliance with Title 3, Metro's Water Quality, Flood Management and Fish and Wildlife Conservation requirements associated with the 2040 Urban Growth Management Functional Plan. Dry wells for storm water storage are not permitted.
- 2) The City will coordinate with CWS to develop and maintain a sanitary sewer and stormwater system that protects development and maintains water resources, wildlife habitat, streams and wetlands in their natural state while maintaining their stormwater conveyance and treatment functions.
- 3) The City shall encourage low impact development practices and other measures to reduce the amount of stormwater runoff at the source. The City supports natural resource and habitat friendly development standards that utilize incentives for developers to incorporate green concepts and solutions into their design.

D. Private Utilities

- 1) The City shall require energy and communications services within all developments.
- 2) All private utilities shall be placed underground unless shown to be infeasible by the provider.

E. Solid Waste Disposal

- 1) The City shall require solid waste disposal.
- 2) Recycling of waste materials is required for all development in the City pursuant to Metro's regional service standards to achieve regional waste reduction goals, conserve natural resources and reduce greenhouse gas emissions.

F. Schools

The City shall coordinate decisions relating to approvals of planned residential developments with the Tigard-Tualatin School District (TTSD). When the School District updates a Facilities Plan, the City shall coordinate with the District to assure adequate services are provided to City residents.

G. Police Services

- 1) The City shall maintain its service agreement with the City of Tualatin (or other entity) for the provision of police services.

- 2) The City shall require that crime prevention measures, i.e., security lighting, be incorporated into plans for planned residential developments, office parks, and industrial parks.

H. Fire Protection

The City shall require fire access, water supply and other protection provisions within all developments. The City shall coordinate decisions relating to approvals of all planned developments with TVF&R.

I. Senior Citizen Center

The City will continue to support the Juanita Pohl Senior Center which provides needed services to elderly persons in the area.

J. Health Services

The City may allow the location of health-related services in office or industrial parks.

7. Administration of Public Facilities and Services

- 1) The City shall coordinate the provision of any public facility or service and may charge administrative fees for this purpose.
- 2) The City shall require that developments improve public facilities and services in accordance with the applicable Public Facilities Plan.

STATEWIDE PLANNING GOAL 12, TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

PREFACE

This Goal is “to provide and encourage a safe, convenient and economic transportation system.” A transportation plan is to consider all modes of transportation; be based upon an inventory of local, regional and state transportation needs; consider the different social consequences from reliance on various modes; avoid principal reliance on any one mode; minimize adverse environmental, social and economic costs; conserve energy; meet the needs of the “transportation disadvantaged”; facilitate the flow of goods and services; and, conform with other local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

BACKGROUND

Metro’s Regional Transportation Functional Plan (RTFP) interprets and implements this Goal as it relates to the City. Metro Order No. 12-072 entered August 15, 2012 granted the City a 10-year exemption from completing the planning requirements of Metro Code Chapter 3.08 pursuant to the Metro Regional Transportation Functional Plan.

Metro found that the City found that the City’s transportation system is generally adequate to meet transportation needs; that little population or employment growth is expected over the period of that exemption; that the exemption would not make it more difficult to accommodate regional or state transportation needs; and, that the exemption would not make it more difficult to achieve the performance objectives set forth in Section 23.08.010A of the RTFP.

POLICIES

1. The City shall continue to coordinate its planning for land partitions and development along SW Upper Boones Ferry Road, a state highway, with the Oregon Department of Transportation (ODOT).

2. The City shall implement ODOT's access rules as amended from time to time for access to and from the state highway and adjacent properties within the City.
3. The City shall maintain and may amend from time to time a street connectivity plan to control vehicle and pedestrian traffic on local streets and to control access to and from local arterials, including SW Upper Boones Ferry Road.
4. The City shall impose a Street Systems Development Charge, as it may be amended from time to time, to ***[paraphrase recitals in current Street SDC ordinance]***
5. The City may consider formation of reimbursement districts to recoup the public or private costs of transportation improvements that are found to provide future benefit to properties within the boundaries of such district(s) as those properties (re)develop in the future.
6. The City shall adopt and enforce standards and ratios for the minimum and maximum number of motor vehicle parking spaces to be required and allowed, respectively, as a condition of City-approved land uses, that comply with Metro Code Title 2 and Table 3.07.2.

STATEWIDE PLANNING GOAL 13, ENERGY CONSERVATION

To conserve energy.

PREFACE

This goal is intended to reduce the energy demand associated with land use by using land efficiently, integrating transportation and land use to minimize energy demand, and encouraging development of renewable energy.

BACKGROUND

The 2022 land use inventory confirms that the City is mostly developed with very modest land area that is vacant or likely to redevelop. As required by the state, the City amended the Durham Development Code in 2022 to encourage middle housing (duplex, triplex, fourplex, townhouses, and cottage cluster homes). This will allow for greater residential densities in close proximity to regional transportation facilities, transit service, commercial services, and employment.

ENERGY CONSERVATION POLICIES

1. The city shall give priority consideration in land use planning to measures that will assure achievement of maximum efficiency in energy conservation.
2. The city shall consider the following techniques to further a material impact on energy efficiency:
 - A. Lot size, dimension and siting controls;
 - B. Building height, bulk and surface area;
 - C. Density of uses, particularly housing densities;
 - D. Availability of light, wind and air; and
 - E. Conservation of vehicle fuel by requiring bicycle/pedestrian lanes and paths, pedestrian friendly access to building entrances and mandatory bicycle parking.

STATEWIDE PLANNING GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

PREFACE

It is incumbent on cities within the Portland metropolitan area to accommodate urban population and urban employment inside the urban growth boundary, to ensure efficient use of land, and to provide for livable communities.

BACKGROUND

The City of Durham lies within the Portland Metropolitan Urban Growth Boundary and is comprised of entirely urbanized land with no future urbanizable land or urban reserves within its boundaries. The City is bounded on all sides by fully urbanized areas within the cities of Tigard and Tualatin.

POLICIES

1. The City shall employ regionally recognized population forecasts and comply with the Portland Metro Regional Government Urban Growth Management Functional Plan ordinances and guidelines that are relevant to the City's location and circumstances.
2. The City shall accommodate urban population and urban employment in a manner that ensures efficient use of land and provides for livable communities.