



City of Durham

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FINAL FINDINGS AND DECISION ORDER

APPROVAL of Durham Estates Addition, a 26-lot middle housing land division, located at the southwest corner of SW Boones Ferry Road and SW Taylor Lane.

CITY FILE: #598-26

APPLICANT: Emerald Homes; NW 10475 Helenius Street; Tualatin, OR

OWNER: Mohsen Alavi; Durham Estates Holdings LLC

LOCATION: 7506 - 7664 SW Taylor Lane; Tax Lots 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700; Map 2S1 13BD

LOT AREA: 2.68 acres

ZONE DESIGNATION: Single Dwelling Residential (SDR)

PREPARED BY: Alice Cannon, contracted City Planner

AUTHORIZATION: The review and approval criteria for the application are provided in:

- DDC Section 2.8 “Single Dwelling Residential (SDR) District”
- DDC Section 3.1 “Standard Site Design in Residential Zones.”
- DDC Section 3.7 “On-Site Access and Off-Street Parking.”
- DDC Section 3.9 “Street Design”
- DDC Section 7.12 “Townhouse Design and Development Standards”

ATTACHMENTS:

Attachment A: Findings of Fact for Development Application #598-26 – Durham Estates Addition Middle Housing Site and Design Review

I. Site Information and Proposed Development:

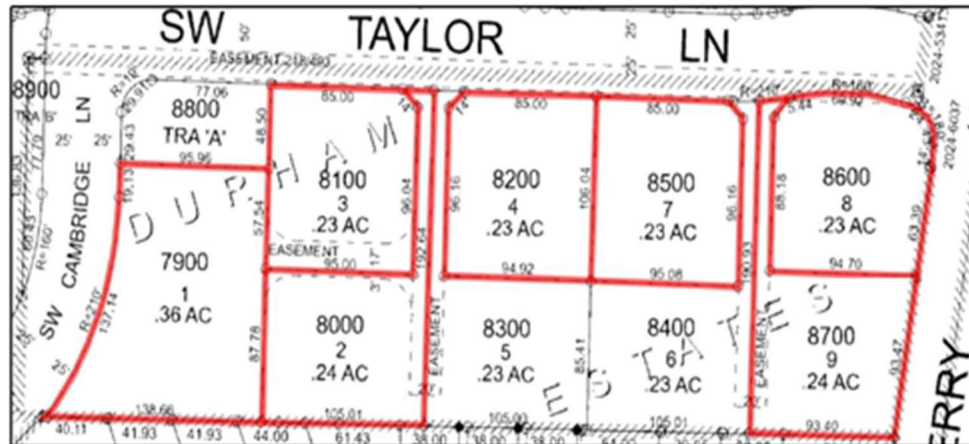
The subject property was previously developed with one single-family home, which previously had access from Upper Boones Ferry Road. The site is relatively flat, except for the western portion, which slopes downward toward Fanno Creek to the west.

The site is zoned SDR Single Family Residential. The total acreage of this site is 2.68 acres, and the site is comprised of nine (9) legal lots. Lots 5 and 6 are not proposed to be developed at this time. Staff included the acreage for these lots in the total site acreage calculation because construction of shared vehicle access ways over portions of those lots is a component of this application.

The Durham Estates nine-lot subdivision was approved on February 7, 2023 (File # 593-22). The applicant subsequently demolished a single home on-site, removed some of the site's trees, and completed grading and installation of part of the infrastructure required by File # 593-22 such as retaining walls, curbs around the perimeter, and shared vehicle access ways. Four of the lots resulting from File # 593-22 are considered "flag lots," with limited street frontage and access driveways along SW Taylor Lane. Eight of the lots resulting from File # 593-22 are over 10,000 square feet, while one exceeds 15,000 square feet. A 4,580 square foot open space tract is located at the southwest corner of SW Taylor Lane and SW Cambridge Lane. This tract was labeled "Tract A" on the Durham Estates Subdivision plat. The applicant has not completed all of the improvements approved with File #593-22 before applying for the Middle Housing Land Division and the Site and Design Review. Those improvements include utility infrastructure, landscaping, a covered structure for picnic tables, a fire pit, sidewalks, and benches.

The approved Middle Housing Land Division (#595-25) preliminary plat created 26 middle housing lots for attached townhomes in groups of three and four units, with each group located on an individual lot from Parent Lots 1-4 and 7-9.

Figure #1: Durham Estates Subdivision Plat – approved June 2025



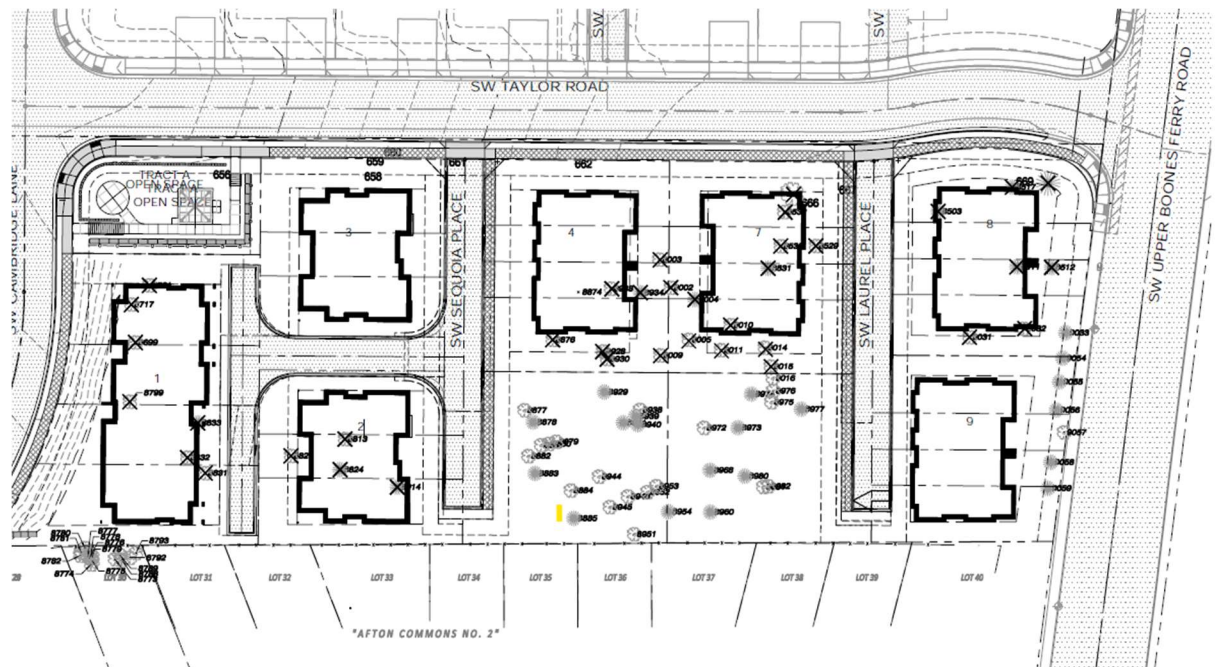
Overall, there will be two 3-unit buildings and five 4-unit buildings, making up the total of 26 units, as shown below.

Figure #2: Conceptual Layout of Durham Estates Addition Middle Housing Land Division (Application #595-25)



The middle housing townhouse lots take access from private vehicle access ways identified as Driveways A, B, C, and C-Leg.

Figure #3: Site Plan for Durham Estates Addition



- II. **Notification:** DDC Section 9.5 does not require public notice prior to the decision. DDC Section 9.5.4 requires that the Notice of Decision shall be “mailed to the applicant and to any person who may have appeared orally or in writing the decision process.”
- III. **Public Comments Received:** The City did not receive any public comments on this application.

IV. Submittal and Application Completeness

- Application submitted on March 26, 2026, and deemed complete on Monday, April 6.

V. Findings: See Attachment A.

VI. Decision: The City finds the application meets all applicable standards, subject to conditions of approval.

Based on the application materials and the findings attached to this decision as Attachment A, the City finds that the application meets all applicable application criteria outlined in specific sections of the Durham Development Code (DDC) listed above. **The application is hereby APPROVED, subject to the following conditions of approval:**

VII. CONDITIONS OF APPROVAL:

A. Prior to obtaining the first building or grading permit approval in connection with the Durham Estates Addition Subdivision or Durham Estates Addition Middle Housing Land Division, the applicant shall:

1. Apply for and receive a tree protection application approval.
2. Adjust all building permit plans and grading plans to be consistent with plans from the approved Site and Design Review (application number 598-26) and tree protection permit and all applicable rules and regulations.
3. Submit final plans of all unfinished street improvements along SW Taylor Lane, SW Cambridge Lane, and SW Boones Ferry Road associated with the nine-lot Durham Estates subdivision final decision (including sidewalks and street trees) to the City for its review of the plans for compliance with applicable local, state, and federal standards, and receive City approval of the same on this basis.
4. Install and receive final inspection of all unfinished street improvements (including sidewalks and street trees) along SW Taylor Lane, SW Cambridge Lane, and SW Boones Ferry Road associated with the nine-lot Durham Estates subdivision final decision.

B. Prior to final inspection and certificate of occupancy, the applicant shall:

1. For Lots 1 through 4, construct all vehicle access ways and pedestrian walkways serving these lots. Request an inspection from Durham's Contract Planner to review the constructed walkways. The planner must approve improvements prior to occupancy of any dwelling units on Lots 1 through 4.
2. For Lots 5 through 7, construct all vehicle access ways pedestrian walkways serving these lots. Request an inspection from Durham's Contract Planner to review the

constructed walkways. The Planner must approve improvements prior to occupancy of any dwelling units on Lots 5 through 7.

3. For Lots 8 through 10, construct all vehicle access ways and pedestrian walkways serving these lots. Request an inspection from Durham's Contract Planner to review the constructed walkways. The Planner must approve improvements prior to occupancy of any dwelling units on Lots 8 through 10.
4. For Lots 11 through 14, construct all vehicle access ways and pedestrian walkways serving these lots. Request an inspection from Durham's Contract Planner to review the constructed walkways. The Planner must approve improvements prior to occupancy of any dwelling units on Lots 11 through 14.
5. For Lots 15 through 18, construct all vehicle access ways and pedestrian walkways serving these lots. Request an inspection from Durham's Contract Planner to review the constructed walkways. The Planner must approve improvements prior to occupancy of any dwelling units on Lots 15 through 18.
6. For Lots 19 through 22, construct vehicle access ways and pedestrian walkways serving these lots. Request an inspection from Durham's Contract Planner to review the constructed walkways. The Planner must approve improvements prior to occupancy of any dwelling units on Lots 19 through 22.
7. For Lots 23 through 26, construct all vehicle access ways and pedestrian walkways serving these lots. Request an inspection from Durham's Contract Planner to review the constructed walkways. The Planner must approve improvements prior to occupancy of any dwelling units on Lots 23 through 26.

VIII.

In accordance with DDC Section 9.9, an appeal for this decision may be made as follows:

- An appeal must be filed with the City of Durham by Monday, May 18 and be accompanied by a \$250 fee.
- An appeal shall meet the requirements of DDC Section 9.9.
- The City Council shall schedule an appeal at its next available meeting.

DATE: May 4, 2026

SIGNED: _____
Jordan Parente, City Administrator

DATE MAILED: May 4, 2026

Note of Decision, #598-26

ATTACHMENT A

**Findings of Fact for
Development Application #598-26 -- Durham Estates Addition
Site and Design Review associated with 595-25 Middle Housing Land Division**

Applicable City of Durham Development Code Sections:

Section 2.8 *Single Dwelling Residential (SDR) District.*

2.8.1 *Uses permitted outright in the SDR district include:*

2.8.1.6 *Middle housing*

Finding 1: The subject property is at the southwest corner of SW Boones Ferry Road and SW Taylor Lane within the Single Dwelling Residential (SDR) Zoning District. The proposed uses fit the definition of Middle Housing from Section 12.2.22 which states that, "Middle Housing means duplexes, triplexes, quadplexes, cottage clusters, and townhouses." This development is composed of 26 townhouse lots. This criterion is met.

Section 3 *Site and Design Standards*

3.1 *Standard Site Design in Residential Zones.*

3.1.1 *The minimum density for residential development when averaged city-wide shall be maintained at no less than six dwelling units per buildable acre. The minimum density base density for the SDR district shall be 10,000 square feet per dwelling. The minimum lot area in the SDR district shall be 10,000 square feet except in a Planned Residential Development. The minimum lot area for townhouses is 1,500 square feet. Townhouses must comply with the supplemental standards in 7.12, and land division for townhouses must comply with provisions in Chapter 8.*

Finding 2: Lots 1-26 of the proposed Durham Estates Addition subdivision all exceed the minimum 1,500 square foot lot size for townhouse lots. Compliance with Section 7.12 and land division standards for townhouses will be addressed later in the document. This criterion is met.

3.1.5 The minimum lot frontage on a public or private street shall be 20 feet for all residential uses.

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Finding 3: Proposed lots 1-4, 10, 11, 18, and 19-26 all have frontage on public streets – either SW Cambridge Lane, SW Taylor Lane, or SW Boones Ferry Road. All lots meet the 20-foot minimum lot frontage requirement. Lots 1-4, 10, 18, 19, 23, and 26 all meet or exceed the 20-foot minimum lot frontage requirement. Lots 20, 21, 24, and 25 provide 18 feet of street frontage on SW Boones Ferry Road and therefore do not meet the minimum 20-foot-wide lot frontage on a public street. The Hearing's Officer decision (issued on January 13, 2026) for the Middle Housing Land Division (MHLD) associated with this Site and Design Review approved the 18-foot lot frontages on Lots 20, 21, 24, and 25. The application meets this criterion.

3.7 On-Site Access and Off-Street Parking

3.7.1 *Access to Public Right of Way. A land use in any zoning district shall provide for vehicle and pedestrian paved access to public right of way constructed and maintained within the boundaries of the property or by use of written and recorded property interest allowing use of property owned by another for such access. The form of any such interest in another's property for use for such access shall be acceptable to the City Attorney.*

Finding 4: This criterion requires both vehicle paved access and pedestrian paved access. The plan sheets show private sidewalk and vehicle paved access ways and easements provided on two shared private driveways, offering access to Lots 1-26. This criterion is met.

3.7.1.1 *In a residential zoning district, vehicle access to an occupiable structure shall extend to no less than 50 feet from a ground level access to that structure. Pedestrian access shall extend from each ground level entry to the public right of way.*

Finding 5: All vehicle access ways to individual structures and individual units shall be no less than 50 feet from a ground level access to that structure or unit. This criterion is met.

3.7.1.2 *In any zoning district, pedestrian access ways between the right of way and any occupiable structure other than a single unit detached residence shall be visually prominent and visually separated from any paved surface that is also used for motor vehicle access or parking by use of color, paving materials or marking, signage, striping or similar feature.*

Finding 6: The application package shows private sidewalk and shared access driveways offering access to Lots 5-14 and Lots 15-26. These two shared driveway access ways clearly delineate between the driveway and the sidewalk by using two different material types: asphalt and concrete. The applicant will provide separate pedestrian pathways to Lots 1-4, accessible from Cambridge Lane and Taylor Drive. This criterion is met.

3.7.1.3 *A vehicle access way to a single, detached residential structure shall be 10 feet to 18 feet wide or as wide as 35 percent of the lot frontage, whichever is greater, up to a maximum of 30 feet wide. Access width shall be measured at the property line.*

Finding 7: This criterion is not applicable because this project serves attached residential units.

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3.7.1.4 A vehicle access way to a multi-unit residential development shall have the following minimum dimensions, with at least 80% of the required width to be paved:

3.7.1.4.1 for 1-2 dwelling units, 1 access at least 20 feet wide, no sidewalk or curb required.

3.7.1.4.2 for 3 to 49 units, 1 two-way at least 30 feet wide or 2 one-way at least 30 feet wide, 5-foot sidewalk one side only, no curb required.

Finding 8: The Hearings Officer decision for 595-26 (the MHLD associated with this property) stated that State law precludes the City from applying the design standards like those listed above on a preliminary plat review for middle housing. Further, the Hearings Officer found that it would be illogical to impose access standards such as these during Site and Design Review if the standard would require an adjustment to the previously approved tentative plat. Therefore, these standards do not apply to the proposal.

Table 3.7.5 Required Off Street Parking per Land Use (see table below)

TABLE 3.7.5: REQUIRED OFF STREET PARKING PER LAND USE	
(Per 1000 Sq Ft Gross Floor Area for Non-Residential Uses)	
Type of Use	Min/Max Spaces
Single Dwelling and Middle Housing, Attached or Detached	1 / No maximum

Finding 9: The proposed building elevations show single garages for each of the townhouse units. Staff find that the application meets this criterion.

3.9 Street Design

3.9.3.3 On-site facilities shall be provided for safe and convenient pedestrian and bicycle access from land divisions, multi-unit and planned residential developments, and by identified access ways in land uses in the BPO, IP, and OP Districts.

Finding 10: The terms “safe and convenient” are not objective or measurable. This standard does not apply to the proposal because it is not written in a clear and objective manner for required housing, as required by State law.

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3.9.5 *Private Streets. The City may allow private streets if designed and constructed to standards published by the City Engineer.*

Finding 11: This criterion was addressed during the MHL D (Application #595-25).

3.9.5.1 *Private streets providing access to more than six dwelling units may be permitted only within Planned Residential Developments, mobile or manufactured home parks and multi-dwelling residential developments.*

Finding 12: The applicant is not proposing private streets – only two private, shared driveways. Staff find this standard inapplicable.

Chapter 5 Tree Protection

Finding 13: The narrative states that the applicant will obtain Tree Protection and Removal permits prior to construction. These criteria are met on the condition that the applicant apply for tree removal permits for any additional tree removal from the site at the time the applicant applies for a building permit.

Chapter 7 Supplemental Land Use Regulations

7.12 Townhouse Design and Development Standards

7.12.1 *Townhouses are permitted in the Single Family (SDR) District*

Finding 14: The applicant is proposing a townhouse development on property zoned SDR. This is a permitted use in the (SDR) zone. This criterion is met.

7.12.3 *New lots or parcels. Creation of new lots or parcels as a part of a townhouse project must comply with provisions in Chapter 8.*

Finding 15: This criterion was addressed during the MHL D #595-25. The criterion was met.

7.12.4 *The maximum number of townhouses allowed to be attached shall be four.*

Finding 16: The application proposes seven new townhouse buildings with either three or four attached units. This criterion is met.

7.12.5 *The minimum distance between adjacent sets of townhouses shall be 20 feet.*

Finding 17: According to the plan sheets submitted, the distance between proposed townhouse buildings ranges meet or exceed 20 feet. This criterion is met.

7.12.6 *The minimum lot size for a townhouse shall be 1,500 square feet. A townhouse project may apply separate minimum lots for internal, external, and corner townhouse lots provided that they average 1,500 square feet, or less.*

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Finding 18: The minimum proposed lot size is 1,764 in the project. This criterion is met.

7.12.7 *The maximum density for townhouses shall be 18 dwelling units per gross acre.*

Finding 19: The development is proposed to be approximately 15 dwelling units per gross acre. This criterion is met.

7.12.8 *All townhouse lots shall meet the same front and rear yard setbacks as for the SDR District. External and corner lots shall meet the same side setbacks as for the SDR District. Internal side yards shall be zero feet. All other Site and Design Standards shall be the same as for the SDR zone.*

Finding 20: DDC Section 3.1.3 requires that the minimum setback from the edge of the street right of way shall be 20 feet in all residential districts and shall be 10 feet from the side and 20 feet from the corner of a residential structure in the SDR district. The minimum setback from the rear property line shall be 15 feet for attached units. The submitted plan sheets show that all buildings meet required setbacks. This criterion is met.

7.12.9 *Off-street parking areas shall be accessed on the back façade or located in the rear yard. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are prohibited unless the following standards are met (Figure 7.12.9):*

Option 1: A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot.

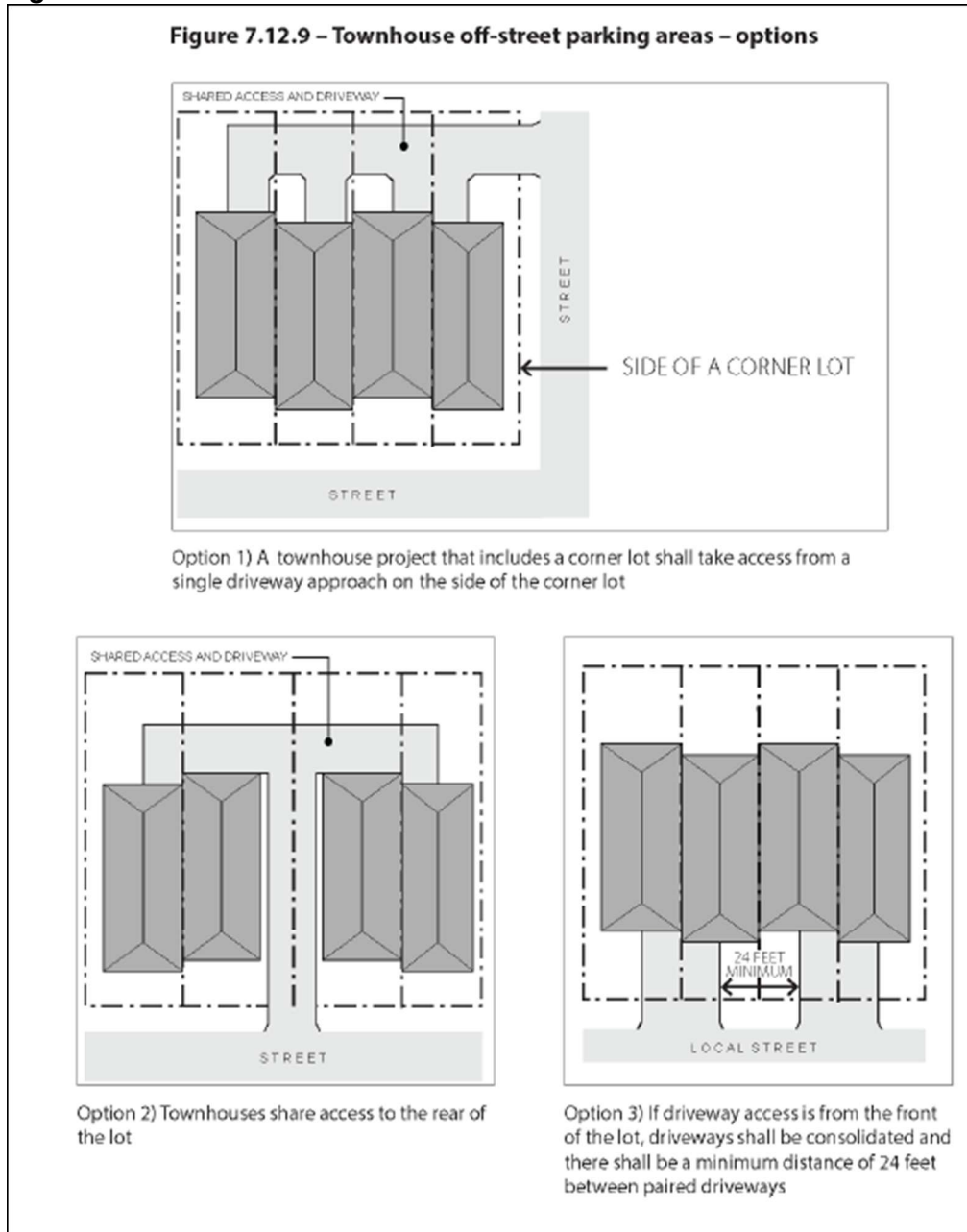
Option 2: Townhouses share access to the rear of the lot.

Option 3: If driveway access is from the front of the lot, driveways shall be paired and there shall be a minimum distance of 24 feet between paired driveways (See images of all Options below):

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ATTACHMENT A

Figure #1: Screenshot from DDC Section 7.12.9



Finding 21: The Hearings Officer decision for the MHL (application # 595-25) stated that, to remain consistent with State law, the City could not impose the standards listed above. Furthermore, the City could not impose these requirements during the Site and Design Review if it would require the applicant to revise the tentative plat approved on January 13, 2026. Therefore, these standards do not apply to this application.