



City of Durham

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Jordan Parente - City Administrator Wyatt Bean - Administrative Assistant

FINAL FINDINGS AND DECISION ORDER

APPROVAL of Durham Estates Addition, a 32-lot middle housing land division and Site & Design Review, located at the southwest corner of SW Boones Ferry Road and SW Taylor Lane.

CITY FILE: #599-26

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, 8800; Map 2S1 13BD

LOT AREA: 2.32 acres

ZONE DESIGNATION: Single Dwelling Residential (SDR)

PREPARED BY: Alice Cannon, contract 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"
- DDC Section 8.9 "Middle Housing Expedited Land Division."
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ATTACHMENTS:

Attachment A: Findings of Fact for Development Application #599-26 – Durham Estates Addition Middle Housing Land Division and Site/Design Review

I. Site Information and Proposed Development:

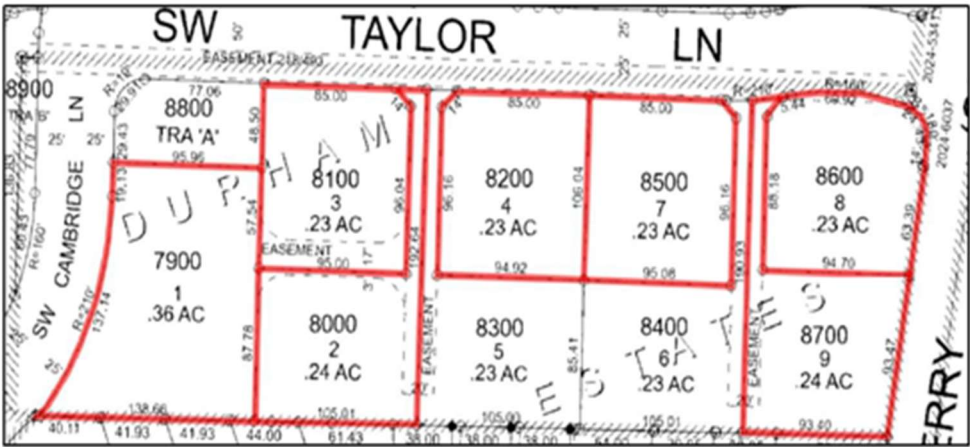
The subject property was previously developed with one single-family home, which previously had access from Upper Boones Ferry Road. The site is relatively flat, except for the western portion, which slopes downward toward Fanno Creek to the west.

The site is zoned SDR Single Family Residential. The total acreage of this site is 2.32 acres, and the site is comprised of nine (9) legal lots. 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 (see Figure #1 below). Those improvements include utility infrastructure, landscaping, a covered structure for picnic tables, a fire pit, sidewalks, and benches.

In early May 2026, the applicant constructed an unpermitted retaining wall in the SW Cambridge Lane right-of-way, two-foot private water easement, and eight-foot public utility easement. This wall bisects the applicant's planned location for a pedestrian walkway and may interfere with private water improvements. To ensure that the applicant may still construct the required pedestrian walkway and also construct a retaining wall to protect the sidewalk along SW Cambridge Lane from slope instability associated with Lots 1-4, the applicant shall obtain right-of-way and building permits to remove and relocate the retaining wall outside of the planned pedestrian walkway area. The relocated retaining wall shall be constructed and receive final inspection from the City of Durham prior to receiving the first building or grading permit in connection with construction or grading on Lots 1-4.

A 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. This plat was approved on January 13, 2026 (See Figure 2 below).

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



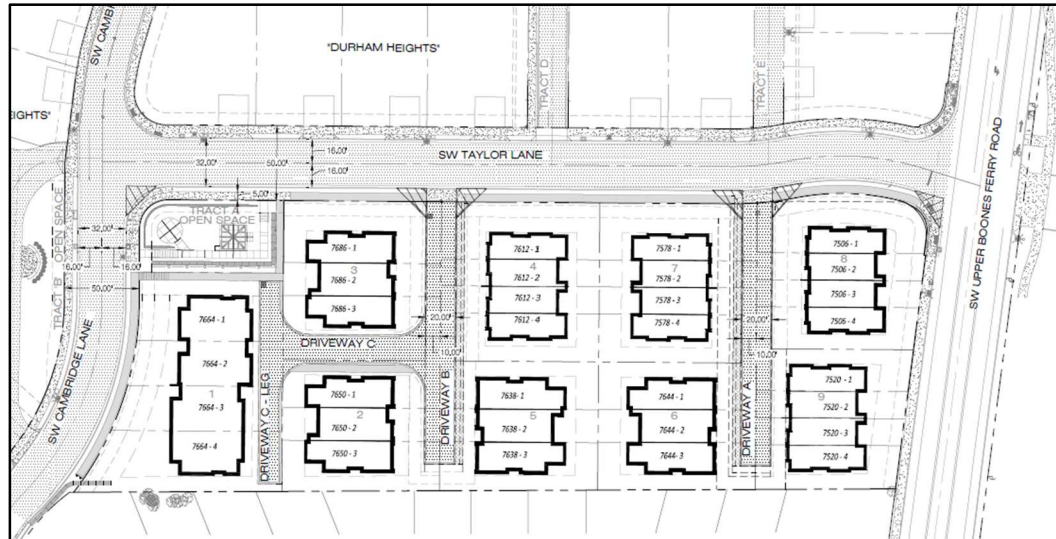
Overall, there will be two 3-unit buildings and five 4-unit buildings, making up the total of 26 units, as shown below.

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



The proposed middle housing townhouse lots on Figure 3 below take access from private vehicle access ways identified as Driveways A, B, C, and C-Leg.

Figure #3: Proposed Site Plan for Durham Estates Addition 32 lot MHL D (Application #599-26)



- II. **Notification:** Per ORS 197.365(2)(d), notice of the decision may not be required to be provided to any person other than the applicant. Per DDC Section 9.5, this decision is made without prior public notice.
- III. **Public Comments Received:** The City did not receive any public comments. Additionally, the City may not permit a third party to intervene to oppose the application per 197.365(2)(b). Public comments are not a consideration of the Middle Housing Land Division decision.
- IV. **Submittal and Application Completeness**
 - The application was submitted on April 6, 2026, and initially deemed incomplete on April 27, 2026. The applicant responded to all required issues on April 28, 2026. Therefore, the application was deemed complete on April 28, 2026.
- 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 (MHLD), the applicant shall:

1. Apply for and receive a tree protection and removal application approval.
2. Adjust all building permit plans and grading plans to be consistent with plans from the approved Middle Housing Land Division and Site/Design Review (application number 599-26) and tree protection permit and all applicable rules and regulations.
3. In early May 2026, the applicant constructed an unpermitted retaining wall in the SW Cambridge Lane right-of-way, two-foot private water easement, and eight-foot public utility easement. This wall bisects the applicant's planned location for a pedestrian walkway and may interfere with private water improvements. To ensure that the applicant may still construct the required pedestrian walkway and also construct a retaining wall to protect the sidewalk along SW Cambridge Lane from slope instability associated with Lots 1-4, the applicant shall obtain right-of-way and building permits to remove and relocate the retaining wall outside of the planned pedestrian walkway area. The relocated retaining wall shall be constructed and receive final inspection from the City of Durham prior to receiving the first building or grading permit in connection with construction or grading on Lots 1-4.
4. Apply for and receive approval of all unfinished improvements from the original nine-lot subdivision approval. These improvements are located on Tract A in the northwest corner of the site and include utility infrastructure, landscaping, a covered structure for picnic tables, a fire pit, sidewalks, and benches. Receive final inspection approval for of all unfinished improvements on Tract A.
5. Receive final inspection approval 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.
6. The building permit site plans shall show the fire flow calculation from Appendix B of the Oregon Fire Code, and a flow test must be obtained from one of the hydrants on SW Taylor Road (more recent than five years old) showing that the hydrants can provide no less than the amount of water required in Appendix B of the Oregon Fire Code.

7. All semi-public utilities shall be installed.
8. Demonstrate to the City that the building plans comply with applicable Oregon Residential Specialty Code, including but not limited to provisions relating to new proposed property lines.

B. Prior to submitting the final plat, the developer shall:

1. Apply for and receive approval of a Clean Water Services (CWS) Site Development Permit. The CWS Site Development Permit package shall include:
 - a. Evidence showing compliance with all provision of CWS Standards.
 - b. A drainage report addressing stormwater design may be required for project modifications from the original concept approval.
 - c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
 - d. A plan showing all existing and proposed easements to be included on the final plat. Any required storm sewer, and water quality related easements shall be granted to CWS.
 - e. Any proposed changes to the prior approval, or offsite construction activities will require an update to the current Service Provider Letter for this project.
2. Submit final plans of all unfinished street improvements along SW Cambridge Lane, SW Taylor Drive, and SW Boones Ferry Road including the removal and relocation of the retaining wall, 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.
3. Delineate all required notations and easements for common use areas or shared building elements on the final plat.
4. Delineate the pedestrian access easement as identified as number 13 on Sheet 2.0 on the final plat.
5. Submit Homeowners Association (HOA) documents and maintenance provisions for Tract A Open Space, private accessways, private utility lines, and private sidewalks to the City. This shall include a provision prohibiting yard debris dumping or other material dumping or pesticide applications into Tract A.

C. Prior to final plat approval, the applicant shall:

1. Provide the City with a performance bond, in a form acceptable to the City and in compliance with DDC 11.4, that covers the estimated cost of all associated public improvements and the removal of the retaining wall existing in the City right-of-way.

D. 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 City Administrator to review the constructed walkways. The City Administrator must approve improvements prior to occupancy of any dwelling units on Lots 1 through 4. Currently, the unpermitted retaining wall blocks the proposed stairway access to Lots 1-4 along Cambridge Lane. Any modifications to the approved pedestrian access to Lots 1-4 following the removal and relocation of the retaining wall shall be reviewed and approved by the City in a process defined by the Durham Development Code.
2. For Lots 5 through 7, construct all vehicle access ways pedestrian walkways serving these lots. Request an inspection from Durham's City Administrator to review the constructed walkways. The City Administrator 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 City Administrator to review the constructed walkways. The City Administrator 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 City Administrator to review the constructed walkways. The City Administrator 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 City Administrator to review the constructed walkways. The City Administrator 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 City Administrator to review the constructed walkways. The City Administrator 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 City Administrator to review the constructed walkways. The City Administrator must approve improvements prior to occupancy of any dwelling units on Lots 23 through 26.

VIII.

In accordance with DDC Section 8.9.3.7 and ORS 197.365, an appeal of this decision may be made as follows:

- An appeal must be filed with the City of Durham within 14 days of mailing this notice of decision and be accompanied by a \$250 fee.
- According to ORS 197.365(3), only the applicant may appeal this decision.
- An appeal shall meet the requirements of DDC Section 8.9.3.7.
- A hearings officer's decision made upon appeal is the City's final decision on this application. The applicant shall have the right to appeal this final decision under ORS 197.830 to 197.855.

DATE: June 30, 2026

SIGNED: _____
Jordan Parente, City Administrator

DATE MAILED: June 30, 2026