



City of Durham

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PLANNING COMMISSION AGENDA

City Hall, Tuesday, October 13th, 2026, at 7:00 p.m.

A. CALL TO ORDER

B. ROLL CALL

(Chair Susan Deeming, Vice Chair Winkler, Commissioners: Pat Saab, Krista Bailey, Cheri Frazell, & Andrew Mast)

C. APPROVAL OF MEETING MINUTES

The Planning Commission will consider adopting meeting minutes from July 14, 2026 (pages 1-3)
Motion required

D. PUBLIC FORUM

For matters not appearing elsewhere on the agenda. Matters requiring further investigation or detailed answers will be referred to City Staff for follow-up at a future meeting. Please limit comments to less than three minutes.

E. WELCOME TO LAURA LAROQUE WITH PATHFINDER LAND USE CONSULTING

F. PRESENTATION BY LAURA LAROQUE: DEVELOPMENT CODE UPDATE & NEXT STEPS (pages 4-20)

G. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES

H. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION

➤ Tuesday, November 10, 2026, Regular Meeting of the Planning Commission at 7:00 p.m. (Durham City Hall)

I. ADJOURN



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A. CALL TO ORDER.

Planning Chair Susan Deeming opened the meeting at 7:04 PM at Durham City Hall.

B. ROLL CALL.

Commissioners present: Planning Chair Susan Deeming, Commissioners Patricia Saab, Cheri Frazell, and Andrew Mast.

Commissioners absent: Vice Chair Matt Winkler and Commissioner Krista Bailey.

Staff present: City Administrator Jordan Parente and Administrative Assistant Wyatt Bean.

C. APPROVAL OF MEETING MINUTES.

The Commission considered the June 9, 2026, Planning Commission meeting minutes. With no corrections offered, Commissioner Saab moved to approve the minutes as presented, and Commissioner Frazell seconded the motion. The motion passed unanimously (4-0).

MO 071426-01

D. PUBLIC FORUM.

Chair Deeming opened the public forum. No members of the public were present, and no testimony was received. Chair Deeming closed the public forum.

E. SIGN PERMIT REQUEST #481-26 FOR SUITE 245 AT 17400 SW UPPER BOONES FERRY ROAD - IMPACT WEST.

The Commission considered Sign Permit Request #481-26 for a wall sign identifying Impact West at Suite 245, 17400 SW Upper Boones Ferry Road. Staff reported that GSI Marketing Group submitted the application on behalf of Impact West and had previously manufactured signs considered by the Commission for nearby businesses. The Commission found the sign consistent with the applicable size, placement, and illumination requirements and expressed no concerns regarding the proposal.

Commissioner Saab moved to approve Sign Permit Request #481-26 as proposed, and Commissioner Mast seconded the motion. The motion passed unanimously (4-0).

MO 071426-02

F. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES.

Commissioner Frazell asked how the Commission would like to proceed regarding fences discussed at the previous meeting. Chair Deeming noted the Development Code would soon be updated, and no formal complaint was received. Commissioners agreed to address fence standards and procedures during the Development Code update.

The Commission discussed improving public awareness of permit requirements, particularly for newer residents who may not realize they live in Durham or understand City regulations. Commissioners supported recurring newsletter reminders encouraging residents to contact City Hall before replacing fences, removing trees, constructing decks, or undertaking similar work.

Commissioner Mast suggested supplementing the newsletter with social media or other communication methods. City Administrator Parente said the newsletter remained the City's primary communication tool, while Washington County alerts served emergency needs. He noted that social media would



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require staff capacity, create moderation and public-record considerations, and might receive limited participation. Printed newsletters are mailed to every household, while approximately 40 people receive the digital version.

Commissioners discussed the Comprehensive Plan's community-engagement goals and expressed interest in exploring low-cost methods of strengthening community connections. Suggestions included surveys, newsletter outreach, online feedback, neighborhood gatherings, park events, runs, potlucks, art projects, and other simple activities that could become recurring traditions. Commissioners noted that prior City surveys, including the Metro Local Share survey, demonstrated that newsletter and online outreach could generate useful feedback. The Commission agreed to continue researching community-engagement ideas for discussion at a future meeting.

City Administrator Parente reported that the contract planner was leaving sooner than expected. He had contacted planner Laura LaRoque and the Mid-Willamette Valley Council of Governments regarding potential services. A blended approach could provide flexibility for development reviews and larger projects such as the Development Code update.

Staff reported that the new tree-removal permit process was working but still required refinement, particularly in coordinating arborist reviews and communicating decisions. Routine dead-tree applications take longer than before, while more complex applications were generally being resolved faster. City Administrator Parente said the \$150 permit fee for most tree removal permits was below the City's arborist cost of about \$250 per hour. However, when there are multiple applications, several trees can be reviewed during one visit to minimize arborist billable hours. Staff had received little feedback from residents beyond concerns about higher fees. He also reported that longtime City Arborist Trevor March had retired from SavATree the week prior.

City Administrator Parente reported that City Council adopted the budget for the coming fiscal year.

Chair Deeming asked whether the revised Durham Estates middle-housing plans would return to the Commission. City Administrator Parente explained that state law requires administrative review and gives the Commission no discretionary role. The developer currently holds two valid townhouse approvals, one covering seven lots and another covering all nine lots. City Administrator Parente stated they would need to select which to pursue.

The Commission discussed state middle-housing requirements allowing multiple units or cottage clusters on property previously zoned for single-family housing. City Administrator Parente said the requirements reduced local discretion and may stress public services, like streets, water, sewer, and other cause other issues as populations grow with insufficient infrastructure in place. Commissioners acknowledged the need for more housing while discussing affordability, neighborhood compatibility, infrastructure capacity, and increased density.

City Administrator Parente also reported that residents had organized and agreed to maintain an additional dog-waste receptacle in the Durham Park off-leash area. Commissioners expressed appreciation for residents who volunteer to collect litter and dog waste in the park, as well as those who take other steps to care for the community on their own time.

G. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.

The next regular meeting of the Planning Commission is scheduled for September 8, 2026, at 7:00 p.m.



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H. ADJOURN.

Chair Deeming adjourned the meeting at 8:16 PM.

Approved:

Susan Deeming, Chair

Attest:

Jordan Parente, City Administrator/Recorder

DRAFT

MEMORANDUM

TO: Durham Planning Commission

FROM: Laura LaRoque, Contract Planner, Pathfinder Land Use Consulting, LLC

DATE: September 25, 2026

MEETING: Tuesday, October 13, 2026

SUBJECT: Development Code Audit – Housing and Land Use Legislative Updates

STATUS: Discussion Draft – Work Session

Requested Commission Direction: Review the audit findings, confirm the scope and sequencing of the proposed Development Code update, and identify any local policy issues the Commission would like staff to evaluate further during preparation of the draft amendments.

AUDIT AT A GLANCE

19 items are effective and should be addressed now; 8 items are effective January 1, 2027; and 9 items are future, monitoring, or screened items, including 6 associated with the January 1, 2028, Housing Choices framework or later conformity review.

1. Project Background and Grant Initiation

This project was initiated through a Housing Planning Assistance Grant awarded by the Oregon Department of Land Conservation and Development (DLCD) to the City of Durham. Grant HA-27-027, City of Durham Conforming Development Code Update, provides state funding to support preparation of a hearings-ready Development Code or recommendations for Comprehensive Plan and Development Code amendments needed to comply with housing laws. The grant specifically anticipates use of professional consultant assistance to complete the work.

The grant scope includes project management, a code audit, preparation of a draft code update, preparation of a final code update, and adoption. Required grant products include the code audit findings and recommendations, HAPO review of draft products, final draft amendments, adoption materials, and presentation/meeting materials associated with development and review of the grant products.

The grant establishes a project completion deadline of June 19, 2027. This audit establishes the framework for the grant-funded code update by identifying amendments that should be addressed in the current legislative package and items that should be deferred for later conformity review.

2. Purpose and Scope

The City's contract planner completed a code audit of the Durham Development Code, revised November 13, 2025, to identify housing and land use provisions affected by Oregon legislation enacted through the 2026 session and related implementation requirements.

The audit organizes the identified issues by implementation timeframe: requirements that are currently operative, amendments with a January 1, 2027, compliance date, and future requirements associated with the January 1, 2028, Housing Choices framework or other later implementation dates.

The review was cross-checked against applicable Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) provisions and DLCD housing model code and implementation guidance. The full audit matrix contains 36 screened items, including Development Code amendments as well as related Comprehensive Plan, zoning-map, public works, engineering, fee, and administrative procedure issues.

3. Key Findings

A. Effective – Action Now

A substantial portion of the immediate code work is procedural. Durham’s existing review chapters were written around earlier classifications, appeal rights, and hearing structures. The audit identifies several areas where a dedicated housing pathway or updated application classification is needed.

- Housing review procedures and approval criteria: revise Chapters 4 and Chapter 9 to establish a clear-and-objective housing pathway and reconcile application requirements, community-meeting requirements, approval criteria, notice, hearings, and appeals with ORS 197A.400.
- Expedited residential review: add the ORS 197A.146 process for qualifying residential upzones, planned developments/PUDs, and variances.
- Application classifications and adjustments: update limited land use / ministerial classifications and add the statutory housing-adjustment process rather than relying on DDC 10.2.
- Applicant election / changing standards: update procedures addressing which standards apply when land use regulations change while an application is pending.
- Middle Housing Land Division: rewrite DDC 8.9 around current ORS 92.031 and ORS 197A.140 rather than only replacing outdated statutory citations.
- Manufactured and prefabricated housing: revise construction-method-specific standards in DDC 7.5 and address manufactured dwelling park siting/capacity requirements.
- Other current items: behavioral-health residential facilities, emergency shelters, by-right affordable housing, residential design-standard exemptions, tree standards applied to housing, engineering-plan procedures, and related administrative/fee items.

B. Effective - January 1, 2027

Eight audit items have a January 1, 2027, implementation date. These amendments primarily address middle housing, SRO housing, childcare, density, and related development standards and procedures and can generally be prepared as a coordinated code package.

Topic	Durham Section(s)	Key Amendment
Middle housing definitions	DDC 12.2.8, 12.2.29, 12.2.41	Amend definitions so duplexes, triplexes, and quadplexes may include attached or detached dwellings in configurations authorized by ORS 197A.420.

Topic	Durham Section(s)	Key Amendment
Retention of existing units with middle housing	DDC 7.11.10; Ch. 2-3	Add provisions allowing qualifying existing dwellings to be retained when middle housing is developed; apply applicable siting and design standards to new units and allow separation through a middle housing land division.
Affordable / accessible middle-housing bonus	DDC Ch. 2, 3, 7	Add qualifying bonus units and related adjustments to developable area, FAR, height, density, or other standards as required by ORS 197A.421.
SDR density / minimum lot standards	DDC 3.1.1	Revise density and minimum-lot provisions as necessary so they do not prohibit or reduce required middle-housing capacity. Cross-check each housing type against applicable Division 46 standards.
Middle-housing traffic analysis / exactions	DDC 3.10; 4.2.13-.14	Add applicable limitations on individual traffic impact analyses and traffic-related exactions for middle housing, including statutory exceptions.
Townhouse standards	DDC 7.12	Revise townhouse standards as necessary to accommodate required middle-housing capacity and applicable bonus provisions.
Single Room Occupancy (SRO)	No SRO section or definition found	Add an SRO definition and standards addressing allowed locations, unit counts/density, parking, and clear-and-objective review.
Child care	DDC 2.8.2.1; use tables	Update definitions and use tables for family childcare homes and childcare centers in locations required by state law, including applicable residential, institutional, commercial, and industrial areas.

C. Future / Rulemaking Items

The audit separates items tied to future state rulemaking or later conformity deadlines from amendments addressed in the current code update. These items should be developed in coordination with the Housing Choices rulemaking and finalized as the applicable state standards become available.

- Cottage clusters: update the definition and comprehensively revisit DDC 7.11 for compliance by January 1, 2028.
- Housing Choices recheck: following adoption of the final rules, review SRO siting/design, manufactured and prefabricated middle housing, ADU siting/design, and other affected middle-housing standards for conformity.
- Other future items: continue monitoring Oregon Homes / preapproved plan rulemaking and the later statewide frontage-improvement requirements.

4. Recommendations and Code Update Schedule

Staff recommends that the Planning Commission receive the code audit, confirm the scope and sequencing of the proposed Development Code amendments, and direct the contract planner to proceed with preparation of the initial code amendment package. The anticipated schedule is summarized below.

Timing	Milestone
October 13, 2026	Planning Commission Code Audit Presentation – Review audit findings, confirm amendment priorities, and provide direction on the code update.
November 2026–January 2027	Draft Code Amendments / Planning Commission Work Session – Prepare initial amendments and conduct an additional Planning Commission work session if needed.
February–March 2027	Draft Review / Joint Work Session – Refine the amendment package and conduct a joint Planning Commission–City Council work session to review draft amendments and resolve remaining policy issues.
April 2027	Hearing Preparation and Notice – Complete the hearing-ready draft, agency coordination, DLCD notice, and required public notice.
May 2027	Planning Commission and City Council Hearings – Planning Commission recommendation followed by City Council consideration and adoption.
June 2027	Grant Completion – Complete grant-funded code update work and required project closeout tasks.
2027–2028	Housing Choices Conformity – Monitor final state rules and prepare later amendments for cottage clusters and other Housing Choices provisions.

5. Next Steps

Following the October 13, 2026, work session, the contract planner will incorporate Planning Commission direction and begin preparation of the draft Development Code amendments. The draft package will return for additional work-session review as needed, including a joint Planning Commission–City Council work session, before proceeding to public hearings in spring 2027.

ID	Topic	Timing / Flag	Authority	Durham Code Section(s)	Existing Durham Provision / Finding	Recommended Amendment / Action	Drafting / Implementation Notes
A01	Housing procedure	EFFECTIVE – ACTION NOW	HB 4037 (2026) §17; ORS 197A.400	DDC Ch. 9 (Types 1-3; appeals)	General Type 2/3 notice, hearing, and appeal rules can apply to housing applications; general appeal provisions allow broader local appeals.	Create an express clear-and-objective housing pathway. For applications reviewed exclusively under clear and objective standards, conform notice/hearing/appeal rules to current ORS 197A.400 and separate this pathway from any applicant-elected discretionary alternative.	Chapter 9 rewrite; coordinate with application forms and notices.
A02	Expedited residential review	EFFECTIVE – ACTION NOW	SB 974 (2025); ORS 197A.146	DDC 4.8, 9.7, 10.3	No expedited residential review section identified.	Add the ORS 197A.146 expedited procedure for qualifying residential upzones, planned developments/PUDs, and variances. Initial decision must follow the statutory expedited administrative process; hearing may occur on appeal as allowed by statute.	Treat separately from ordinary quasi-judicial Type 3 review.
A03	Application classification	EFFECTIVE – ACTION NOW	SB 1537 (2024); ORS 197.015 / 197.195	DDC 8.4; 9.5-9.7; 10.4	Property line adjustments are Type 1; nonconforming-use changes may be routed through variance/Type 3 procedures.	Reaudit application classifications for replats, property line adjustments, and extensions/alterations/expansions of nonconforming uses. Use the correct ministerial, administrative permit, limited land use, or quasi-judicial procedure under current statutes.	Do not assume the current Type 1 label is sufficient where standards require interpretation or judgment.
A04	Mandatory housing adjustments	EFFECTIVE – ACTION NOW	SB 1537 (2024); Oregon Laws 2024 ch. 110	DDC 10.2	Existing adjustment allows up to 10% and requires unique natural conditions/practical difficulties and discretionary findings.	Add a distinct statutory housing-adjustment process for qualifying housing applications. Do not rely on DDC 10.2 as the state-required adjustment mechanism.	Coordinate with HAPO exemptions and any local exemption status.
A05	Application vesting / applicant election	EFFECTIVE – ACTION NOW	SB 1537 (2024); SB 48 (2025); ORS 227.178	DDC 9.4.4	Code relies on standards applicable when the application was first submitted.	Add the statutory applicant election allowing qualifying UGB housing applications to request review under newly adopted standards, including required clock/review consequences and technical corrections.	Keep ordinary vesting rule but add the statutory election option.
A11	Middle-housing review process	EFFECTIVE – ACTION NOW	ORS 197A.400; OAR 660-046	DDC 2.3; 7.11.2; 7.12.2; Ch. 9	Code says permitted-out-right uses receive ministerial review, but cottage clusters and townhouses separately require a Type I application.	Reconcile the review framework so required middle housing receives the correct clear-and-objective administrative/ministerial process and is not subjected to inconsistent procedural requirements.	Can be addressed with the broader Chapter 9 housing procedure rewrite.
A13	Middle Housing Land Division	EFFECTIVE – ACTION NOW	ORS 92.031; ORS 197A.140; HB 2138 (2025); HB 4037 (2026)	DDC 8.9	Section 8.9 cites former ORS 197.758 / prior expedited-land-division statutes and reflects the older framework.	Rewrite Section 8.9 around current ORS 92.031 and ORS 197A.140, including current retained-unit and bonus-unit provisions, simultaneous application rules, approval duration, notice, appeal, and final plat requirements.	Do not merely replace statute numbers; update substance.
A18	Manufactured / prefabricated housing on individual lots	EFFECTIVE – ACTION NOW	HB 4064 (2022); HB 2347 (2025); ORS 197A.432	DDC 2.8.1.5; 7.5; 12.2.20	Manufactured/mobile homes are allowed in SDR but Section 7.5 imposes double-wide, 1,000-sq.-ft., roof pitch, appearance, and garage standards. No prefabricated/modular term found.	Remove housing-construction-method-specific standards not imposed on equivalent site-built dwellings unless expressly permitted by state law. Add express prefabricated-structure treatment and update terminology.	Use DLCD 2024 manufactured/prefabricated audit workbook as drafting aid.
A20	Manufactured dwelling / mobile home parks	EFFECTIVE – ACTION NOW	ORS 197A.434-438	DDC 2.9.2.2-3; 4.7	Manufactured and mobile home parks are conditional uses in MDR and are subject to discretionary conditional-use criteria.	Replace or revise the conditional-use framework so qualifying parks are allowed on sufficient residential land under clear/objective placement and design standards consistent with ORS 197A.434-438.	Review terminology: manufactured dwelling park vs manufactured home subdivision/park.
A21	Manufactured dwelling park 20-year capacity	EFFECTIVE – ACTION NOW	ORS 197A.436	DDC zoning map / Comprehensive Plan / MDR density	Development Code does not establish whether Durham has sufficient qualifying land at the required density range to accommodate projected 20-year park need.	Conduct a separate review of the Comprehensive Plan, zoning map, buildable lands, existing parks, and qualifying residential capacity. Amend the plan, map, or code if necessary based on that review.	Outside current grant scope. Address through a separate Comprehensive Plan, zoning-map, and residential land-capacity review.
A24	Preschool / pre-K at places of worship	EFFECTIVE – ACTION NOW	SB 1099 (2025); ORS 227.500	DDC 7.6; 2.9.2.5	Religious land use is conditional in MDR; code does not expressly recognize preschool/pre-K as an associated use.	Amend Section 7.6 or add a statutory cross-reference so nonresidential places of worship may include child care, preschool, and prekindergarten education as allowed by state law.	Coordinate with HB 3560 child-care amendments.
A25	Residential homes / facilities and behavioral health	EFFECTIVE – ACTION NOW	HB 2005 (2025); ORS 197A.385-386	DDC 2.8.1.4; 2.9.1.5-6; 12.2.31-.32	Residential Home allowed in SDR/MDR; Residential Facility allowed in MDR; definitions rely on older ORS ch. 443 framing.	Update definitions and use tables for qualifying residential treatment facilities/homes and review crisis-stabilization-center provisions. Ensure state-law by-right siting and process protections are reflected.	Review statutory exclusions/conditions carefully when drafting.
A26	Emergency shelters	EFFECTIVE – ACTION NOW	ORS 197.783; HB 3395 (2023)	No emergency-shelter use found	No emergency-shelter definition or use/process section identified.	Add an emergency-shelter definition and applicable siting/process provisions, or at minimum a clear statutory cross-reference preventing conflicting local zoning standards from being applied.	Coordinate with use table and procedural chapter.
A27	By-right affordable housing	EFFECTIVE – ACTION NOW	ORS 197A.445-470	DDC 2.6; 2.10; residential/commercial use tables	Affordable housing appears mainly as a PRD/MDDO purpose or incentive; comprehensive by-right affordable-housing implementation is not evident.	Add or cross-reference current by-right affordable-housing statutes, including eligible property, commercial-to-residential provisions where applicable, density/height bonuses, religious-organization property, and the correct clear/objective review process.	Draft from current ORS; individual subparts have different eligibility rules.
A28	Residential design-standard exemption	EFFECTIVE – ACTION NOW	SB 974 (2025); Oregon Laws 2025 ch. 330 §8; OAR 660-046 conforming rule	DDC 3, 7.1.6, 7.11, 7.12	Code contains aesthetic requirements for several housing types, including ADU matching standards.	Add a general applicability exception so prohibited aesthetic residential design standards are not applied to qualifying developments of 20+ units as required by current law/rule. Preserve health/safety and other standards not within the statutory definition.	Recheck 2028 terminology/application changes from 2026 legislation/rules.
A29	Tree standards applied to housing	EFFECTIVE – ACTION NOW	ORS 197A.400; HB 4037 (2026)	DDC Ch. 5	Tree chapter includes numerical preservation requirements plus discretionary compliance findings such as whether removal is 'necessary.'	Audit each tree standard that applies to housing for clear-and-objective compliance. Preserve a lawful applicant-elected discretionary alternative if desired, but do not make discretionary tree findings mandatory for the clear/objective housing pathway.	Coordinate with Housing Choices/Oregon Homes work on tree-removal standards.
A30	Final engineering-plan review	EFFECTIVE – ACTION NOW	SB 974 (2025); ORS 195.860	Public works / engineering procedures	This requirement is administrative and is not principally a Development Code provision. It establishes review timelines and completeness procedures for qualifying urban housing engineering plans.	Update City/public works administrative procedures for engineering-plan intake, completeness review, correction cycles, extensions, tracking, and applicable fees.	Administrative only; no Development Code amendment anticipated.
A31	Planning Commission membership	EFFECTIVE – ACTION NOW	HB 3136 (2025); ORS 227.030	DDC 1.4.2	DDC 1.4.2 describes Planning Commission membership limitations as being required by ORS 227.030, but the statutory requirements have changed.	Update DDC 1.4.2 to accurately reflect current ORS 227.030 requirements.	Outside current grant scope; housekeeping code amendment that may be addressed separately.
A35	Residential sprinkler-related SDCs	EFFECTIVE – ACTION NOW	HB 3505 (2025)	SDC methodology / fee resolutions	Not determined from the Development Code.	Review applicable SDC methodologies and fee resolutions for consistency with current requirements.	Outside current grant scope; administrative/fee review to be coordinated separately with water, fire, and finance staff. No Development Code amendment anticipated.
A06	Middle housing definitions	AMEND BY 1/1/27	HB 2138 (2025); ORS 197A.420	DDC 12.2.8, 12.2.29, 12.2.41	Duplex, triplex, and quadplex definitions require attached units.	Amend definitions so duplexes, triplexes, and quadplexes may include attached or detached dwellings in the configurations authorized by current ORS 197A.420.	Do not wait for 2028 Housing Choices rulemaking for the 2027 statutory definition changes.
A08	Retention of existing units with middle housing	AMEND BY 1/1/28	HB 2138 (2025); ORS 197A.420(4)	DDC 7.11.10; Ch. 2-3	Only cottage-cluster provisions expressly address an existing detached dwelling, and the existing dwelling is counted as a cluster unit.	Add general retained-unit provisions for qualifying existing detached dwellings, detached dwelling + ADU, and duplexes; apply siting/design standards to new units as required and allow separation through a middle housing land division.	Model code is useful implementation guidance but current statute controls.
A09	Affordable / accessible middle-housing bonus	AMEND BY 1/1/29	HB 2138 (2025); ORS 197A.421	DDC Ch. 2, 3, 7	No specific statutory bonus-unit provisions identified.	Add qualifying additional units and any necessary increases in developable area, FAR, height, density, or related standards required by ORS 197A.421.	Coordinate definitions, dimensional tables, and ministerial approval procedure.
A10	SDR density / minimum lot standards	AMEND BY 1/1/30	ORS 197A.420; OAR 660-046	DDC 3.1.1	SDR states a 10,000-sq.-ft.-per-dwelling base density and 10,000-sq.-ft. minimum lot, while middle housing is allowed on SDR lots.	Clarify or revise the density language so it cannot be applied to prohibit or reduce required middle-housing capacity on a qualifying lot. Cross-check each middle-housing type against current Division 46 standards.	Recheck again when Housing Choices siting/design rules are final.
A12	Middle-housing traffic analysis / exactions	AMEND BY 1/1/31	HB 2138 (2025); ORS 197A.420(6)	DDC 3.10; 4.2.13-14	TIA may be required for development over 200 trips/day or where a significant transportation effect is identified.	Add the statutory limitation on individual TIAs and traffic-related exactions for middle housing, including the statutory exceptions.	Coordinate with City Engineer and public-works standards.
A14	Townhouse standards	AMEND BY 1/1/32	HB 2138 (2025); ORS 197A.421; OAR 660-046	DDC 7.12	Townhouses are Type I; max four attached per structure; 1,500-sq.-ft. average minimum lot; max 18 du/gross acre.	Amend as necessary to accommodate statutory bonus units and ensure no current middle-housing standard conflicts. Retain compliant local standards unless current law or final rules require change.	Model-code differences alone are not automatically legal deficiencies.
A16	Single Room Occupancy (SRO)	AMEND BY 1/1/33	HB 3395 (2023); HB 2138 (2025); ORS 197A.430	No SRO section or definition found	No SRO definition, use allowance, unit-count framework, or SRO parking standards identified.	Add SRO definition, allowed locations, statutory unit counts/density, parking limits, and clear/objective review requirements.	Do not postpone the basic SRO allowance to 2028.
A23	Child care	AMEND BY 1/1/34	HB 3560 (2025); ORS 197.671	DDC 2.8.2.1; use tables	SDR lists only 'Child care facility within a residence' as conditional; broader required child-care-center allowances are not evident.	Update definitions and use tables for family child care homes and child care centers in the locations required by current law, including qualifying multiunit-residential, institutional, commercial, and industrial areas subject to statutory distinctions.	Use statutory terminology; verify heavy-industrial distinctions.
A07	Cottage cluster definition	FUTURE 1/1/28	HB 2138 (2025); ORS 197A.420	DDC 12.2.5; 7.11	Definition requires at least five detached dwellings with a footprint under 900 sq. ft.	Revise the cottage-cluster definition and related standards to conform to the 2028 statutory/rule framework, including attached subgroupings where authorized and the 'small footprint or floor area' standard.	Reserve this as a specific 2028 amendment item.
A15	Cottage-cluster siting/design standards	FUTURE 1/1/28	HB 2138 (2025); Housing Choices rulemaking	DDC 7.11	5-8 cottages; 10,000-sq.-ft. lot; 25-ft. height; 10-ft. separation; 900-sq.-ft. footprint; 1,400-sq.-ft. average floor area; courtyard and orientation standards.	Do not comprehensively rewrite before the 2028 rules are final. Reevaluate unit count, footprint/floor area, attached subgroupings, setbacks, courtyard, density, parking, and other siting/design standards as one 2028 package.	Specific future-code-amendment work item.
A17	SRO siting/design parameters	FUTURE – RECHECK AFTER 2028 RULES	HB 2138 (2025); Housing Choices rulemaking	Future SRO section	Durham currently has no SRO standards to evaluate against future cost/delay rules.	After adopting the required SRO allowance, recheck any siting/design standards against LCDC's forthcoming parameters governing unreasonable cost or delay.	Keep separate from the basic 2027 SRO compliance amendment.
A19	Manufactured / prefabricated middle housing	FUTURE – RECHECK AFTER 2028 RULES	HB 2138 (2025); Housing Choices rulemaking	DDC Ch. 7; middle-housing sections	Current code does not separately address manufactured or prefabricated middle-housing configurations.	Recheck local siting/design and construction-method provisions when LCDC adopts rules for manufactured, site-built, and prefabricated middle housing.	Future conforming package.
A22	Accessory Dwelling Units (ADUs)	FUTURE – RECHECK AFTER 2028 RULES	ORS 197A.425; HB 2138 (2025)	DDC 7.1; 12.2.1	ADUs are limited to interior/attached configurations; maximum size is the lesser of 33% of the primary dwelling or 600 sq. ft.; matching-design standards apply; no off-street parking is required.	Durham appears below the >2,500 population trigger in ORS 197A.425, so do not characterize the current configurational/size/design limits as a present ORS 197A.425 violation solely on population. Recheck population at adoption and revisit ADU siting/design after Housing Choices rules.	Metro status does not change the ORS 197A.425 population threshold. Recheck Durham's population and final Housing Choices rules before determining whether a future code amendment is required.

A33	Housing Choices rulemaking – general	FUTURE – RECHECK AFTER 2028 RULES	HB 2138 (2025)	DDC housing chapters generally	Multiple current Durham standards may be affected by forthcoming rules on middle-housing siting/design, prefabricated/manufactured middle housing, ADUs, SROs, cottage clusters, permissible discretionary criteria, and model SDC methodology.	Schedule a second comprehensive housing-code audit after final Housing Choices rules are adopted. Use this row as the umbrella work-program item; specific 2028 items are separately flagged in this matrix.	Current DLCD schedule runs through 2027; do not postpone statutes already operative or due 1/1/27.
A32	Oregon Homes / preapproved plans	MONITOR / RULEMAKING	HB 2258 (2025)	Future residential code/application procedures	No local Oregon Homes process is expected in the 11/13/25 code.	Monitor adopted OARs for preapproved site/building plans and then revise local application, adjustment/variance, tree-removal, and review procedures as required. Do not finalize local text from draft rules.	DLCD rulemaking is active; current draft modules are not final.
A34	Frontage-improvement exception	FUTURE – 1/1/31	HB 2658 (2025)	DDC street/public-facility standards	Durham is below the initial >15,000 population threshold reflected in the legislation reference; the requirement later extends to all cities.	Add the statutory frontage-improvement exception when it becomes applicable to Durham; monitor population-triggered applicability before 2031.	Future work item, not part of the immediate 2026-27 amendment package unless population/applicability changes.
A36	Commercial-to-residential conversion	N/A / SCREENED	HB 2984 (2023)	Commercial/office/industrial use tables	Legislation reference identifies this requirement for cities of 10,000 or more. Durham is below that threshold based on current population context used for this audit.	No current Durham amendment identified under this measure. Recheck if statutory scope changes or Durham crosses the applicable population threshold.	Included to document that the issue was screened rather than overlooked.

CITY OF DURHAM

Development Code Audit & Update Work Program

Planning
Commission
Work Session

October 13, 2026
Durham, Oregon

Housing and Land Use Legislative Updates

Audit of the Durham Development Code, revised November 13, 2025

CURRENT

Effective Now

NEAR-TERM

Effective 1/1/27

FUTURE

Rulemaking /
later conformity

Prepared for the Durham Planning Commission

Why this code audit now

Grant-funded update, audit basis, and the Commission’s role

**PROJECT
BACKGROUND**

DLCD Housing Planning Assistance Grant supports the City’s Development Code update.

AUDIT BASIS

Durham Development Code, applicable Oregon Revised Statutes and Oregon Administrative Rules, and DLCD guidance.

COMMISSION ROLE

Review audit findings, confirm scope and sequencing, and identify local policy issues for further evaluation.

Audit at a glance

36 screened items grouped by implementation timing

19

CURRENT

Effective Now

8

NEAR-TERM

Effective Jan. 1, 2027

9

FUTURE

Monitor / screened

Current Requirements

The highest drafting priority is making housing review procedures current, clear, and internally consistent.

01

Housing review procedures & criteria

Update Chapters 4 and 9 so housing applications use clear, objective standards and consistent review procedures.

02

Application classifications & adjustments

Clarify application types and add the required housing adjustment process.

03

Applicant election / changing standards

Clarify which rules apply if development standards change while a housing application is under review.

04

Middle Housing Land Division

Update DDC 8.9 to current state law, including review procedures and public improvement requirements.

Current Requirements: housing uses and implementation

Manufactured & prefabricated housing

Update housing standards and manufactured dwelling park requirements.

Required housing uses

Add or update state-required housing uses, shelters, affordable housing, and preschool/pre-K uses..

Housing design & tree standards

Update housing design exemptions and tree standards.

Final engineering-plan review

Update administrative review procedures for qualifying housing projects.

SDC / fee review

Review residential sprinkler-related SDCs and fees.

Planning Commission housekeeping

Update the Planning Commission membership provision in DDC 1.4.2.

Effective January 1, 2027: Middle Housing

Four near-term updates affect how middle housing is defined and developed.

Middle housing definitions	DDC 12.2.8, 12.2.29, 12.2.41	Allow duplexes, triplexes, and quadplexes in attached or detached forms.
Retention of existing units	DDC 7.11.10; Ch. 2–3	Allow an existing home to remain when middle housing is added.
Affordable / accessible bonus	DDC Ch. 2, 3, 7	Allow additional units and related development flexibility when state requirements are met.
SDR density / minimum lot standards	DDC 3.1.1	Update SDR density and lot standards so they do not limit required middle housing.

Effective January 1, 2027

Four additional updates address traffic review, townhouses, SRO housing, and child care.

Middle-housing traffic analysis / exactions	DDC 3.10; 4.2.13–.14	Limit when traffic studies or transportation-related requirements can be applied to middle housing.
Townhouse standards	DDC 7.12	Update townhouse standards to meet state middle housing requirements.
Single Room Occupancy (SRO)	New definition / section	Add standards for where SRO housing is allowed and how it is reviewed.
Child care	DDC 2.8.2.1; use tables	Update definitions and use tables for family child care homes and child care centers.

Future / rulemaking items

These items will be addressed later as new state rules take effect.

COTTAGE CLUSTERS	Compliance by January 1, 2028	Update cottage cluster definitions and development standards.
HOUSING CHOICES RECHECK	After applicable final rules	Recheck SRO, manufactured and prefabricated housing, ADUs, and other middle housing standards.
OTHER FUTURE ITEMS	Monitor separately	Track Oregon Homes HB 2258 (2025) / preapproved plans and future frontage-improvement requirement

Where Durham's code is most affected

The current ordinance package is concentrated in a manageable set of code chapters and related implementation systems.

CH. 4 & 9

Housing review

Applications, approval criteria, notice, hearings, and appeals.

CH. 8.9

Middle Housing Land Division

Review process, retained and bonus units, and public improvements.

CH. 10.2

Adjustments

Add the required housing adjustment process.

CH. 7

Supplemental uses

ADUs, manufactured housing, cottage clusters, and townhouses.

CH. 12

Definitions

Middle housing, SROs, prefabricated housing, and updated terms.

CH. 2-3

Use & site standards

Allowed uses, density, parking, and transportation standards.

Recommendations and code update schedule

From the October 13 audit presentation through drafting, work sessions, hearings, and grant completion



2027–2028 | FUTURE WORK

Monitor Housing Choices rules and prepare later conformity amendments.

Commission direction and next steps

COMMISSION DIRECTION

- Confirm the scope and order of the Development Code updates.
- Identify any local policy issues staff should consider during drafting.

NEXT STEPS

Incorporate Commission direction, prepare the draft code amendments, and return for additional work-session review as needed before public hearings.