

DOCUMENTS
LOCAL
DURHAM
(1979)

#89

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT
SEP 21 1979
SALEM

CITY OF DURHAM

COUNTY OF WASHINGTON, STATE OF OREGON

ORDINANCE NO. 80-79

AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE OF THE CITY OF DURHAM, OREGON.

The City of Durham, Oregon, ordains as follows:

Section 1:

Whereas the City of Durham through Citizen's Advisory Committee and Planning Commission has conducted hearings on the question of the adoption of a new Comprehensive Plan for the City of Durham and a new Land Development Code for the City of Durham pursuant to the rules and regulations of the Land Conservation and Development Commission, and furthermore, the City Council having also conducted public hearings for the purpose of receiving testimony on the Comprehensive Plan and Land Development Code.

Section 2:

The City Council of the City of Durham finds said Comprehensive Plan and Land Development Code is in conformance with LCDC Guidelines and herewith adopts as the Comprehensive Plan of the City of Durham the attached Comprehensive Plan and Land Development Code.

Section 3:

The City Council does hereby repeal all previously adopted Comprehensive Plans and Zoning Codes.

PASSED this 25th day of JULY, 1979.

FIRST READING: Date: July 18, 1979
SECOND READING: Date: July 25, 1979

Roll Call Vote:

| | |
|-------------------|---------------|
| William Gilham | <u>absent</u> |
| Paul Goldbeck | <u>absent</u> |
| Lorraine Winthers | <u>aye</u> |
| Mary Taylor | <u>aye</u> |
| Robert Percy | <u>aye</u> |

Robert D. Percy Date: 7/25/79
Mayor

Attested To: Jeanne L. Percy
(City Recorder)

ORDINANCE NO. 80-79

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B. NATURAL RESOURCES

Durham will convert open space, network greenways will provide for all Durham a number of use open space and from the Durham Plan element and to provide

C. HOUSING AND DEVELOPMENT

Durham is prepared to quickly four times a week to the City in all housing will be substantial effort to

Durham is prepared more they live in and industrial park will provide for the city

will be attractive, combination to provide

D. TRANSPORTATION SYSTEMS

The current four-lane road including a number of traffic law enforcement

several improvements through-truck devices, Mass Transit and arterial street system.

PART I: EXECUTIVE SUMMARY

A. DURHAM FROM 1975 to 2000

In 1975 the City of Durham was a very small, almost rural town of 250 inhabitants. Within a five mile radius of Durham were 30,000 suburban and rural residents. By the year 2000 there will be over 100,000 people living in a highly developed urban-suburban environment within this same area. How this development is directed over the next two decades is largely beyond the control of Durham, but the City is prepared to guide its future as much as is reasonably possible. The Durham Plan sets forth goals and policies relating to natural resources, growth and development, and support systems.

For purposes of this Plan, and in all of Durham's planning efforts, the limits of the City planning area are coterminous with existing City limits. Furthermore, all land within the City limits is considered urban in this Plan. The important features of the Durham Plan are summarized below.

B. NATURAL RESOURCES

Durham will convert over 70 acres of river land and floodplains into an open space network stretching from Tigard to Ivalatin. These developed Greenways will provide a variety of passive and active recreational opportunities for all Durham residents. Complementing the Greenway system will be a number of mini and neighborhood parks, designed to provide specific open space and recreational opportunities for small and large developments. The Durham Plan provides for substantial control over its natural environment and appearance.

C. GROWTH AND DEVELOPMENT

Durham is prepared to become home to more than 1,600 people by the year 2000, roughly four times the 1979 population of 440. In 1979, 94% of all housing stock in the City was of the single family detached type. By 2000, 35% of all housing will be of the multiple family type. Durham is making a substantial effort to provide for the housing needs of an expanding population.

Durham is prepared to provide employment opportunities for people near to where they live. Well designed, attractive, and unobtrusive office parks and industrial parks will combine to provide a stable and diverse economic base for the City.

D. SUPPORT SYSTEMS

The Durham Plan calls for several improvements along Upper Boones Ferry Road including (1) eliminating through-truck traffic, and (2) installing a number of traffic control devices. Mass transit, ample parking, restrictions on access to collector and arterial streets, and bikeways are other elements of the transportation system.

Public facilities and services are intended to be provided and improved at the expense of users. The Plan outlines the timing of City development in general, with full build-out not desirable until about 2000. A water and sewer system master plan is scheduled for completion in the early 1980's.

E. GENERAL LAND USE ALLOCATIONS

The Durham Plan allocates the City for the following general land uses:

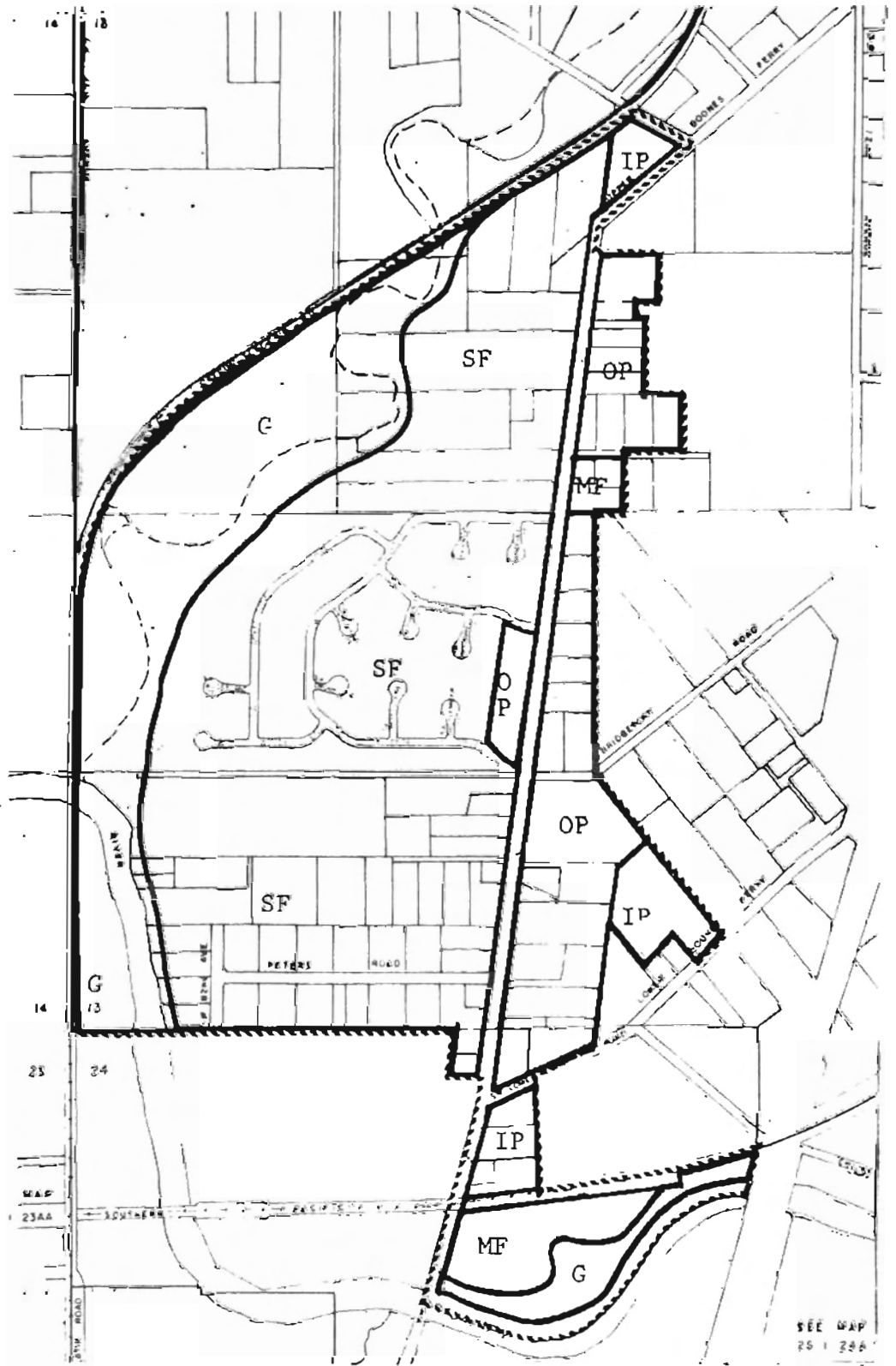
| Land Use Category | Area in Acres | Percent of Total |
|-----------------------------|-----------------|------------------|
| Residential | 105.8 | 39% |
| Greenway/Parks | 70.0 | 25% |
| Office and Industrial Parks | 47.2 | 17% |
| Streets | 52.0 | 19% |
| Total | 275.0 (approx.) | 100% |

DURHAM COMPREHENSIVE DEVELOPMENT PLAN

General Land Use Classifications

- SF Single Family Residential
- MF Multiple Family Residential
- OP Office Park
- IP Industrial Park
- G Greenway

Specific aspects of the Comprehensive Development Plan are described within the text.



PART II

ADMINISTRATIVE PROVISIONS

A. PLANNING PROCESS

In preparing its Comprehensive Development Plan, the City of Durham engaged in a planning process which included, as a substantial planning element, a citizen involvement program. This program was adopted by resolution by the Durham City Council on May 19, 1976, and later approved by the Land Conservation & Development Commission (LCDC). It included provisions for communications, citizen influence, technical information, feedback mechanisms, financial support, and evaluation. All minutes of work sessions and public hearings are on file with the City Recorder, as are copies of agency responses, Durham Technical Report, Durham Housing Stock Physical Condition Survey, two city-wide questionnaires, and one urban growth area questionnaire.

B. MAINTENANCE AND UPDATE PROCESS

This Plan and each of its elements may be amended or revised to conform to the Goals and Objectives and Plans of the Metropolitan Service District (MSD) and the Statewide Planning Goals of the LCDC on an annual basis, during the annual plan update process. In addition, proposals for a Plan amendment or revision may be submitted by any person during the annual Plan update process. The City Council may open the process to amend or revise the Plan more often if deemed necessary.

The annual Plan update process, and any other Plan amendment or revision required by the City Council, shall be considered legislative and shall be governed by the procedures described in the Community Development Code for legislative planning actions.

PART III

A. NATURAL RESOURCES GOALS

1. Protect life and property from natural disasters and hazards.
2. Conserve open space and protect natural and scenic resources.
3. Maintain and improve the quality of the air, water and land.
4. Provide satisfactory recreational opportunities.
5. Conserve energy.

B. NATURAL RESOURCE FINDINGS


1. WATERWAYS - The Durham study area consists of two major waterways, the Tualatin River and Fanno Creek. The Tualatin River originates on the eastern slope of the Coast Range at 3,400 feet elevation. The watershed averages 40 miles long and 25 miles wide, draining 711 miles before entering the Willamette River. The last three miles of the river consists of a narrow gorge with a verticle drop of 40 feet. This gorge limits the river's ability to pass flood flows causing the gorge to act like a dam, forcing water back up and flood into the Tualatin Valley.

Fanno Creek flows in a well-defined channel in a southerly direction through the cities of Tigard and Durham north of the Tualatin River. It flows through several miles of flat but urbanized land, crossing under several major arterials in the area.

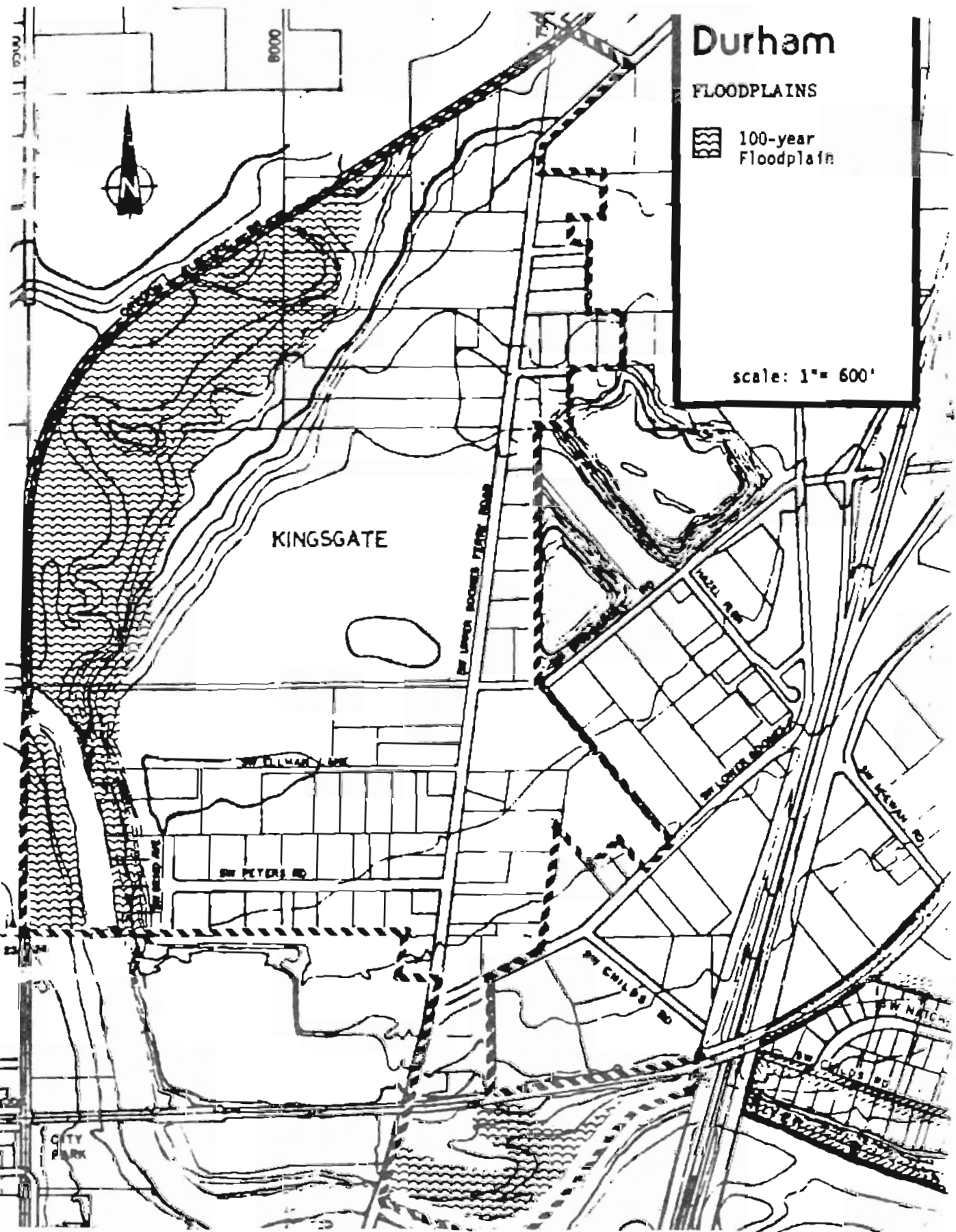
2. FLOODING - Flooding usually occurs between mid-November and mid-February as the result of rain and snowmelt. Unlike most streams, the wide flat floodplains of the Tualatin Valley store large volumes of water which causes the river to peak slowly and remain above flood stage for several days.
3. FLOODPLAINS - Drawn on the floodplain map are the 100-year floodplains as determined by the U.S. Army Corps of Engineers (Corps) and revised for HUD. A flood of a probable 10-year frequency would have a maximum water surface elevation of 120.4 feet at the Boones Ferry Bridge. The 100-year frequency flood would have a maximum elevation of 124.5 feet at the bridge. While these flood levels leave the City of Tualatin highly vulnerable to flooding from the Tualatin River, the developed portions of the City of Durham sit considerably above these flood levels.

Durham

FLOODPLAINS

 100-year
Floodplain

scale: 1" = 600'



4. TOPOGRAPHY - Durham ranges in elevation from slightly less than 100 feet to slightly more than 200 feet. The Fanno Creek and Tualatin River drainage system provides the sharpest relief found in the area, with slopes found as steep as 60% in some areas.
5. SOILS AND SLOPES - Soil information is relevant to planning because it provides determination of soil suitability for residential and commercial structures, sand and gravel deposit quality, drainage characteristics, sloping, and overall agricultural productivity.

The LDCD required an inventory of Soil Classes I-IV found within planning areas, due to their potentially high levels of agricultural productivity. Within the City of Durham more than 95% of the soils are identified by the Soil Conservation Service (SCS) as Classes I-IV soils and include:

Chehalis Series A; Hillsboro Series B, C, and D; McBee Series A; Bridewell Series 24B and 25B; and Wapato Series A. The Terrace Escarpment Series E soil is a Class VI soil. Soil capabilities and restrictive features are summarized on the table below:

Table 3.1 Soils and Slopes in Durham




| Soils | Class | Slopes | Residential Foundation Rating* | Commercial Foundation Rating | Gravel Quality |
|------------------------|-------|--------|--------------------------------|------------------------------|----------------|
| Chehalis 7A | II | 0-3% | Severe | Severe | Unsuited |
| Hillsboro 18B | II | 3-7% | Moderate | Moderate | Unsuited |
| Hillsboro 18C | II | 7-12% | Moderate | Severe | Unsuited |
| Hillsboro 18D | III | 12-20% | Moderate | Severe | Unsuited |
| McBee 22A | II | 0-3% | Severe | Severe | Unsuited |
| Bridewell 24B | III | 0-7% | Slight | Slight | Poor |
| Bridewell 25D | II | 0-3% | Slight | Slight | Poor |
| Wapato 46A | III | 0-2% | Severe | Severe | Unsuited |
| Terrace Escarpment 58E | VI | 20-60% | Severe | Severe | Unsuited |

*With or without basements

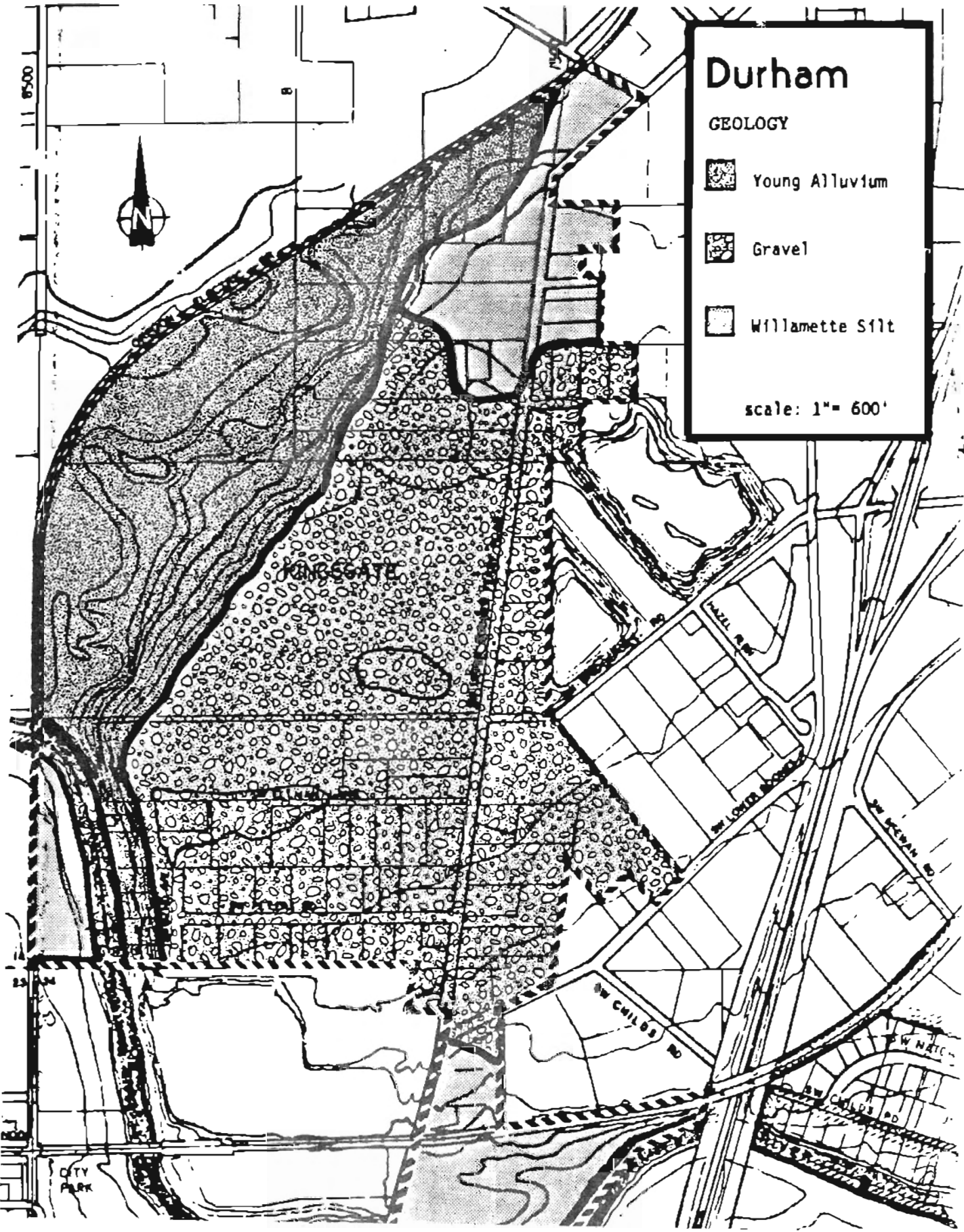
Source: U.S.D.A. Soil Conservation Service

Durham

GEOLOGY

-  Young Alluvium
-  Gravel
-  Willamette Silt

scale: 1" = 600'

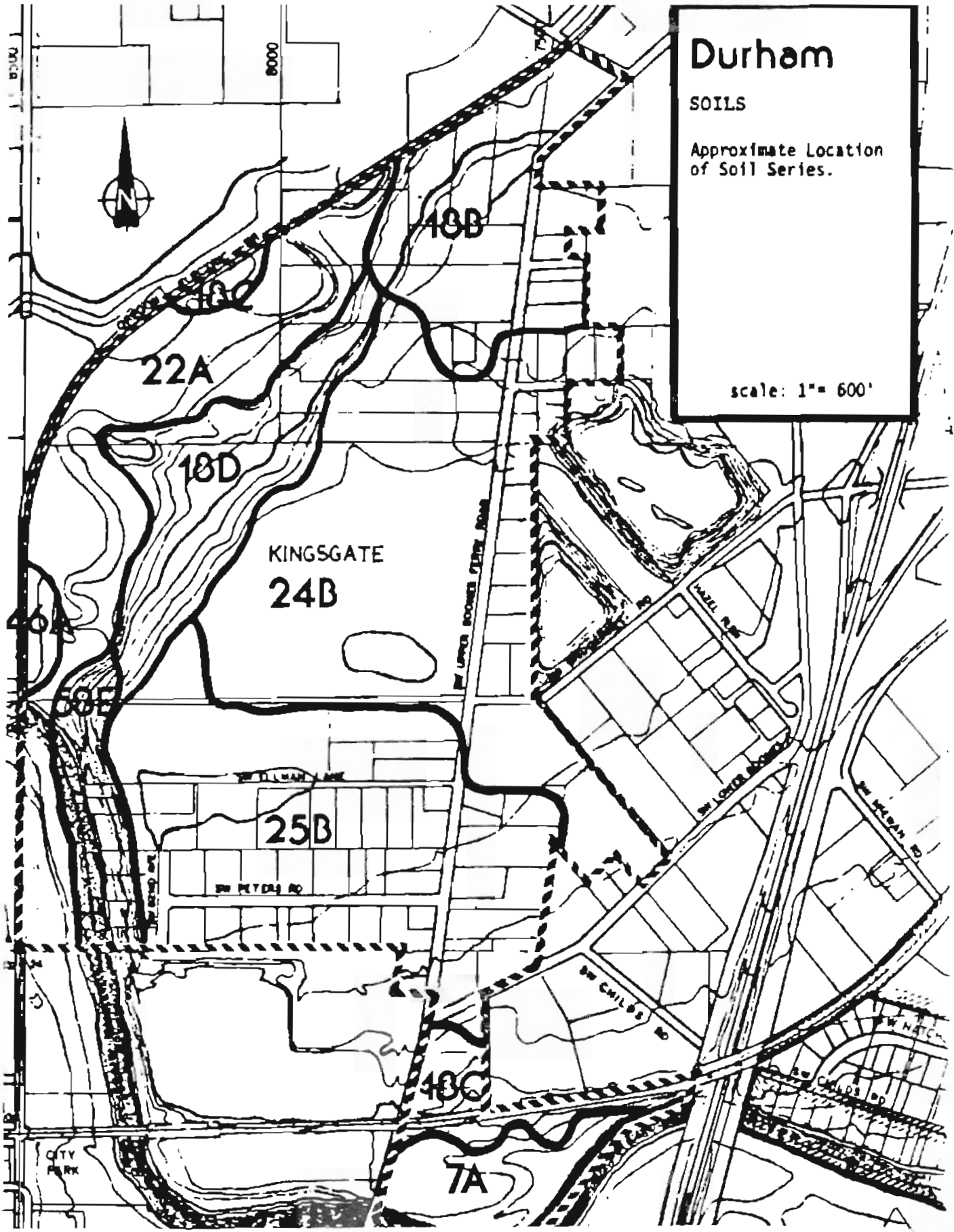


Durham

SOILS

Approximate Location
of Soil Series.

scale: 1" = 600'



6. STRUCTURAL GEOLOGY - Durham is located in the lower Tualatin Valley. This Valley is itself located in the southeastern end of an elongated, bowlshaped syncline (basin) caused by broad, regional downwarping. Columbia River basalt underlies the valley at a depth of about 560 feet, and has a thickness of about 1,000 feet in places. The Columbia River basalt formation has been buried by the Troutdale formation and younger alluvial and lacustrine (lake-like) deposits.

A northeast trending fault, which structurally separates the Chehalem Mountains and Parret Mountain crosses the lower Tualatin Valley in the immediate vicinity of the City of Troutdale. The fault is not apparent in the valley because it is buried underneath the Troutdale and younger sediments. This fault may extend northeasterly through the Osergo gap.

The geologic units within the City of Durham include Young Alluvium, Willamette Silt, and Lacustrine Sands and Gravels. Young Alluvium consists mainly of silty clay, clayey silt, and fine sand with localized areas of peat and organic clay. The unit is exposed along the Tualatin River and Fanno Creek. The Young Alluvium is generally 15 to 30 feet thick and overlies the Troutdale formation.

Torrential floods desposited sand, gravel, and boulders which form the Lacustrine Sand and Gravel unit. This unit overlies the Troutdale formation and ranges from 20 to 70 feet in depth. However, due to their relatively poor quality and the magnitude of urbanization which is expected and has already occurred, this resource should not be considered for further development.

Willamette Silt consists of consolidated beds and fine sand, silt, and clay stratified in 4- to 6-inch layers.

7. FISH RESOURCES - A wide variety of fish live in the Tualatin River system. The Tualatin River and Fanno Creek support both anadromous (migratory) and resident fish populations. No rare or endangered species of fish or other aquatic life are known to inhabit the Tualatin River or its tributaries. However, crayfish were once common and in amounts plentiful enough to support annual crayfish feeds in the City of Tualatin until recent years when water quality deterioration caused severe losses of the species.

Table 3.2 - General List of Fish Species Found in Durham

| <u>Fish Species</u> (Common Name) | <u>(Biological Name)</u> | <u>Tualatin</u> <u>River</u> | <u>Fanno</u> <u>Creek</u> |
|--------------------------------------|----------------------------------|---------------------------------|------------------------------|
| <u>Game Fish:</u> | | | |
| Fall Chinook Salmon | <u>Oncorhynchus tshawytscha</u> | S | |
| Coho Salmon | <u>Oncorhynchus kisutch</u> | M | |
| Winter Steelhead Trout | <u>Salmo gairdneri</u> | M | |
| Cutthroat Trout | <u>Salmo clarki</u> | M | |
| Channel Catfish | <u>Ictalurus punctatus</u> | R | |
| Brown Bullhead | <u>Ictalurus nebulosus</u> | R | |
| Yellow Perch | <u>Perca flacescens</u> | R | |
| Largemouth Bass | <u>Micropterus salmoides</u> | R | |
| Warmouth Bass | <u>Lepomis gulosus</u> | R | |
| Bluegill | <u>Lepomis macrochirus</u> | R | |
| White Crappie | <u>Pomoxis annularis</u> | R | |
| Black Crappie | <u>Pomoxis nigromaculatus</u> | R | |
| Pumpkinseed | <u>Lepomis gibbosus</u> | | |
| Crayfish | <u>Pacifacastacus sp.</u> | R | R |
| <u>Non-Game Fish:</u> | | | |
| Carp | <u>Cyprinus carpio</u> | | R |
| Northern Squawfish | <u>Ptychocheilus oregonensis</u> | | R |
| Largescale Sucker | <u>Catostomus macrocheilus</u> | | R |
| Redside Shiner | <u>Richardsonius balteatus</u> | | R |
| Sculpins | <u>Cottus sp.</u> | | R |
| Pacific Lamprey | <u>Lampetra tridentata</u> | | S |

M - Migratory
R - Resident
S - Suspected

Source: Oregon Department of Fish and Wildlife

8. WILDLIFE RESOURCES - Within Durham there are a variety of habitats which support diverse wildlife. The habitats are composed of grasslands, forests, shrublands, and riparian forests. A detailed list of wildlife species found in the area is provided below. Protection of these habitats ensures maintenance of wildlife within Durham as the city develops.

Table 3.3 - General List of Wildlife Found in Durham

| REPTILES | | |
|------------------------|--------------------------|---------------------------------|
| Species | Habitat Requirements | Remarks |
| Alligator lizard | brush | |
| Rubber snakes | brush | |
| Garter snakes | brush, fields | |
| Western painted turtle | riparian | |
| AMPHIBIANS | | |
| Species | Habitat Requirements | Remarks |
| Rough-skinned newt | riparian | |
| Salamanders | riparian | |
| Western toad | riparian | |
| Red-legged frog | riparian | |
| Tailed frog | riparian | |
| Pacific tree frog | riparian | |
| Bullfrog | riparian | |
| BIRDS | | |
| Species | Habitat Requirements | Remarks |
| Great Blue Heron | ponds, marshes, rivers | Nest in colonies |
| Canada Goose | ponds, grassy fields | |
| Mallard | ponds, marshes, riparian | Nest in area |
| Pintail | ponds, marshes, riparian | |
| Cinnamon Teal | ponds, marshes, riparian | May nest in area |
| Blue-winged Teal | ponds, marshes, riparian | |
| American Wigeon | ponds, marshes, riparian | also like to feed on park lawns |
| Northern Shoveler | ponds, marshes, riparian | |
| Ring-necked duck | deeper ponds and lakes | dive for food |
| Canvasback | deeper ponds and lakes | dive for food |
| Lesser Scaup | deeper ponds and lakes | dive for food |

BIRDS (Cont'd)

| Species | Habitat Requirements | Remarks |
|--------------------------|------------------------------------|-----------------------|
| Buffle Head | deeper ponds and lakes | dive for food |
| Ruddy duck | deeper ponds and lakes | dive for food |
| Common Merganser | lakes and rivers | |
| Wood ducks | riparian | nest in tree cavities |
| Turkey vulture | open farm and forested areas | |
| Red-tailed Hawk | open country, farms | |
| Rough-legged Hawk | open country, farms | rare winter visitor |
| American Vireo | open country, farms | most common |
| Cooper's Hawk | brushy areas | |
| Harsh Hawks | open agricultural land | |
| Ring-necked Pheasant | farm lands with adjacent brush | |
| California Quail | farm lands with adjacent brush | |
| Killdeer | grassy areas near water | |
| Common Snipe | wet meadows | |
| Gull | agricultural lands, garbage dumps | adapt well to man |
| Band-tailed pigeon | forested areas | use mineral springs |
| Mourning dove | farm land | |
| Screech Owl | brushy areas | |
| Great Horned Owl | brushy areas | |
| Belted Kingfisher | riparian | feeds on small fish |
| Common Nighthawk | forest and open areas | |
| Rufous Hummingbird | near flowering plants | feeds on plant nectar |
| Common Flicker | forested areas, riparian | |
| Yellow-bellied Sapsucker | deciduous trees | |
| Downy Woodpecker | deciduous trees | |
| Trail's Flycatcher | brush, riparian | |
| Horned Lark | grasslands | |
| Cliff Swallow | varied, catch flying insects | |
| Violet-green Swallow | varied, catch flying insects | |
| Tree Swallow | varied, catch flying insects | |
| Barn Swallow | varied, catch flying insects | |
| Rough-winged Swallow | varied, catch flying insects | |
| Steller's jay | brush | |
| Common Crow | farmland | |
| Common Bushtit | brush | |
| Black-capped Chickadee | deciduous trees | |
| Red-breasted Nuthatch | conifers | |
| White-breasted Nuthatch | deciduous trees | |
| Winter Wren | brushy areas | |
| Bewick's Wren | brushy areas | |
| House Wren | brushy areas | cavity nester |
| American Robin | varied, like lawns/parks | |
| Varied Thrush | brush and forest | |
| Swainson's Thrush | mixed conifers and deciduous brush | |

BIRDS (Cont'd)

| Species | Habitat Requirements | Remarks |
|-------------------------|---------------------------------|---|
| Ruby-crowned Kinglet | brush | |
| Golden-crowned Kinglet | conifers | |
| Cedar Waxwing | brush, farm land | |
| Warbling Vireo | brush | |
| Yellow Warbler | riparian | |
| Common Yellow-throat | brush, wet grass | |
| MacGuilliuroy's Warbler | low growing brush | |
| Orange-crowned Warbler | brush | |
| Yellow-rumped Warbler | brush, riparian | |
| Starling | farm lands, riparian | |
| House Sparrow | urban | crowd out native birds |
| Red-winged blackbirds | farm lands | |
| Cowbirds | farm lands | |
| Western Meadowlark | open grasslands | not compatible with residential developments. |
| Black-headed Grosbeak | riparian, brush | |
| Evening Grosbeak | trees with seeds | usually seen in flocks |
| Purple Finch | mixed conifers and herdweeds | |
| House Finch | shrubs, cropland | adapt well to urban areas |
| American Goldfinch | trees, brush, weeds | thistle & dandelion important foods |
| Laxuli Bunting | brush, open areas | |
| Rufous-sided Towhee | thick brush | |
| Chipping Sparrow | open woodlands | |
| White-crowned Sparrow | open woodlands | |
| Golden-crowned Sparrow | open woodlands | |
| Song Sparrow | brush patches | |
| Fox Sparrow | brush patches | |

MAMMALS

| Species | Habitat Requirements | Remarks |
|----------------------------|----------------------|---------|
| Chickoree | woodlots | |
| Californis Ground Squirrel | brush, cropland | |
| Raccoon | riparian | |

MAMMALS

| Species | Habitat Requirements | Remarks |
|-------------------|------------------------|--------------------|
| Shrews | woodlots, brush | |
| Deer mouse | woodlots, brush | |
| Striped skunk | brush, riparian | |
| Nutria | riparian | introduced species |
| Opposum | riparian, urban | introduced species |
| Brush Rabbit | brushy areas, riparian | |
| House mouse | urban, brush | |
| Little Brown Bat | riparian, woodlots | |
| Muskrat | riparian | |
| Mink | riparian | |
| Weasel | riparian | |
| Beaver | riparian | |
| Black-tailed Deer | woodlots, riparian | |
| Coyote | woodlots, riparian | |
| Red Fox | fields, brush | |
| Pocket Gopher | fields | |
| Gray Fox | fields, brush | |

9. VEGETATION a Vegetation is one of the primary elements of the natural landscape. Vegetation plays a crucial role in fixing sunlight which provides food for a wide variety of animal species. Vegetation provides living space for these animals. Vegetation also acts in a number to cleanse the environment by providing (1) noise buffering, (2) settling areas for dust and air pollution, and (3) soil binding to hold run-off waters in preventing soil erosion and changing natural conditions.

The vegetation found within Durham has been altered through time and will change in the future. The City is fortunate in having a substantial amount of both native and introduced plant cover. Durham is relatively undeveloped and where development has occurred, vegetation cover has been substantially preserved.

A variety of vegetation types characterize the City. Both coniferous and deciduous trees are found on the upland areas. The northwestern portion of the City has an abundance of ornamental vegetation which was introduced into the area by a nursery, which has since been abandoned. These ornamental bushes, trees, and shrubs provide Durham with a wide range of vegetation and give Durham an unusual natural asset.

The area around Fanno Creek has been identified as a significant natural area by local and regional planning agencies. The lower

reaches of Fanno Creek, that portion which flows through the City, has been identified as a riparian forest wetland-mixed deciduous, coniferous forest.

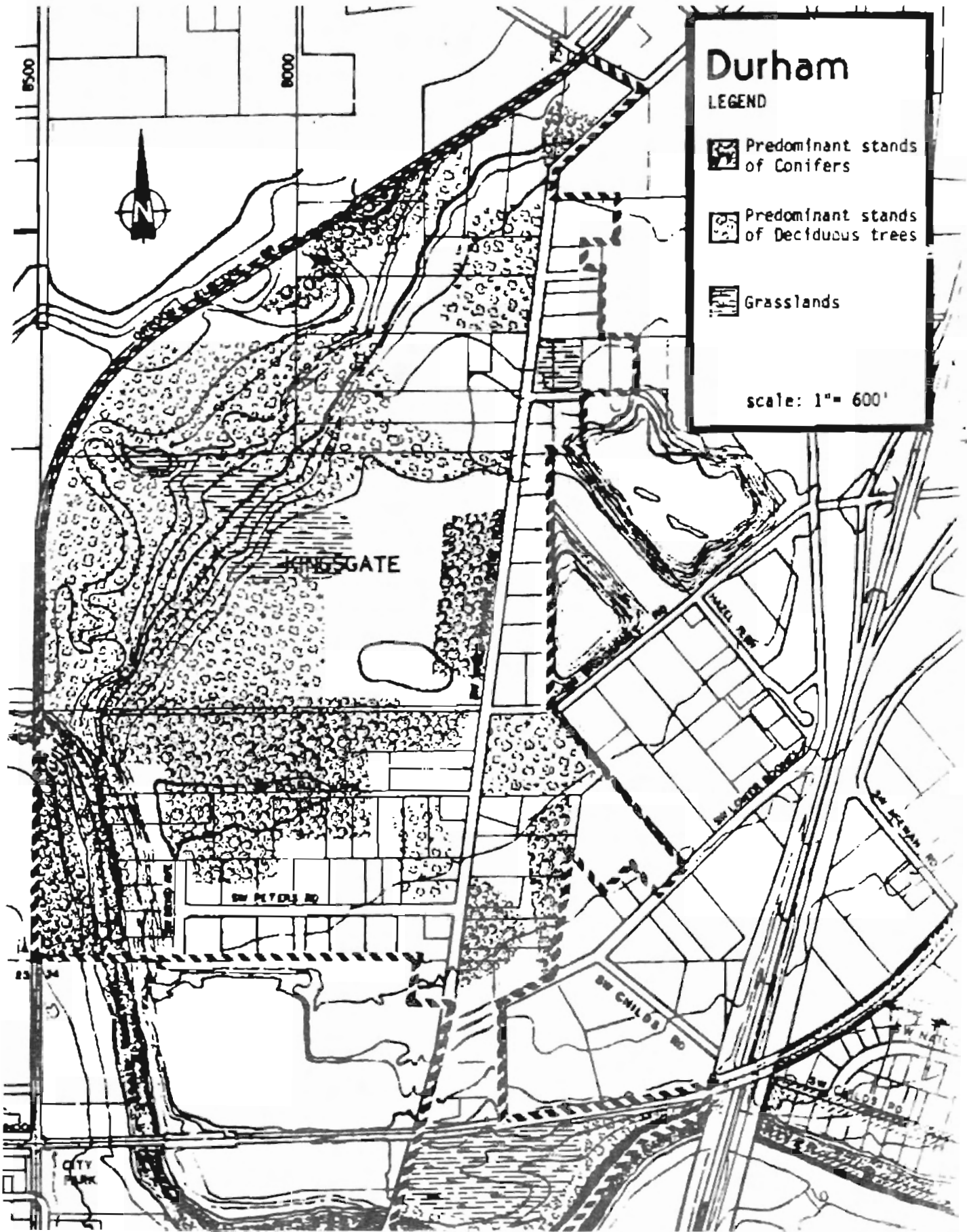
a. Riparian Forest - The forest along the banks of the Tualatin River and Fanno Creek is subject to annual flooding and is characterized by deciduous trees. There appears to be a zonation along the river banks with more flood-tolerant species lower on the banks and less-tolerant species higher on the banks. Willow (*Salix* sp) often form a light colored forest edge to the waters. Above the willow are ash (*Fraxinus latifolia*) and cottonwood (*Populus trichocarpa*). Oregon Ash is very characteristic of seasonally flooded and swampy habitats. Black cottonwood lies higher on the floodplain and is subject to less frequent inundation. The understory of herbaceous species varies with openings in the canopy.

b. Marsh/Swamp - Marsh/swamp habitats are differentiated by the presence or absence of tree cover. Marshes do not have tree cover while swamps do. Freshwater marshes support a wide variety of species. Areas of marsh without standing waters support common rush (*Juncus effusus*), horsetail (*Equisetum* sp.), sedges (*Carex* sp.), rushes (*Juncus* sp.), watercress (*Rorippa Nasturtiumaquaticum*), marsh pennywort (*hydrocyle vanunculoides*), mint (*Mentha arvensis*), and other herbaceous plants.

Swamp vegetation is characterized by a tree canopy cover of ash, willow, and black hawthorne (*Crataegus douglasii*) of swamp areas, cascara (*Rhamnus phushiana*) occurs with spirea (*Spirea douglasii*), and snowberry (*Symphoricarpos albus*). These species form the dense shrubby edge of swamp areas. Reed canarygrass (*Phalaris arundinaces*) is a common wetland plant found in both marsh and swamp areas. The swamp understory in areas of standing water is similar to the herbaceous vegetation of marshes.


c. Mixed Conifer-Deciduous Forest - The mixed conifer-deciduous forest generally represents a successional situation in which canopy dominance is shared by Douglas Fir (*pseudotsuga men-siesii*) and deciduous trees. The primary deciduous trees that are found in mixed conifer deciduous forests are big-leafed maple (*Acer macrophyllum*) and oak (*Quercus garryana*). The understory of these forests commonly has small Douglas firs, hazel (*Corylus cornuta*), snowberry, and poison oak (*Rhus diversiloba*). A mixed conifer-deciduous forest may be the result of wide-spread fires being stopped which maintained an oak forest in the past.


d. Conifer Forest - Forested lands within the City are dominated primarily by Douglas fir. The dryer areas, Madrone (*Arbutus*



Durham

LEGEND

 Predominant stands of Conifers

 Predominant stands of Deciduous trees

 Grasslands

scale: 1" = 600'

menziesii) occurs with fir, and in wetter areas, western red cedar (*Thuja plicata*) occurs with fir. Oak is a common understory element in coniferous forest and shares the canopy in mixed conifer-deciduous forests. Typical forest structure of the coniferous forest is an overstory layer of Douglas fir with occasional oak and big-leafed maple trees, an understory of hazel, vine maple (*Acer circinatum*), snowberry and rose (*Rose*, sp.), and a variety of herbaceous species as ground cover.

- e. Ornamental Vegetation - Throughout the City there exists substantial quantities of ornamental vegetation which were introduced to the area by the now-abandoned Pilkington Nursery. Throughout this area are found: silver fir (*Abies alba*), white fir (*Abies grandis*), spanish fir (*Abies pinsapo*), deodar (*Decrus deodars*), atlantis (*Cedrus atlantica*), blue atlantic cedar (*Cedrus atlantica glauca*), small cone cedar (*Cedrus chamaecyparis*), port orford cedar (*Cedrus lawsoniana*), Italian cypress (*Cypresses sempervirens*), oriental spruce (*Picea orientalis*), blue spruce (*Picea pungens*), himalayan pine (*Pinus griffithi*), Japanese umbrella (*Sciadopitys verticillata*), redwood (*Sequois sempervirens*), several varieties of Japanese maples (genus *Acer*), tulip trees (*Liriodendron tulipifera*), European beech (*Quercus coccolnea*, pin oak (*Quercus palustris*), and varieties of linds (*Filix*) and larch (*Larix*).

10. OUTSTANDING VIEWS AND SITES

Durham, with its abundance of aged conifers and striking ornamental vegetation, provides a visually appealing oasis to an observer who would otherwise be aghast with the site of gravel pits, industrial yards, and sewer plants which surround the City. Durham does not provide any Oregon-approved hiking trails, cultural areas, historic sites or structures or State scenic waterways. Preservation of Durham's most significant natural asset, its aged conifers and striking ornamental vegetation, is crucial to its character.

11. AIR QUALITY CONDITIONS: 1975

Existing air quality in Durham is well within allowable limits. Projections to 1990 suggest that concentrations of all pollutants will meet standards, due to increasingly effective emission controls on new vehicles.

The major source of air pollutants in Durham is motor vehicle traffic including vehicle exhaust, tire wear, and road dust. Industrial sources are minor and are projected to continue to be so. The Durham advanced waste water treatment plant is the largest single point source of pollution in the area.

- a. Existing Conditions - Estimates of existing air quality for Durham are taken from DEQ dispersion modeling done for the Portland Interstate Air Quality, Management Area (PIAQMA). DEQ's analysis of this area is on the basis of a grid system whereby the region is divided into square areas which are two kilometers on a side. The City of Durham is included in the parts of grid square numbers 74 and 75.

Table 3.4 shows the estimated emissions and resulting concentrations of particulate matter in the area for 1975. From these data can be determined that suspended particulate matter appears to be slightly higher than would be expected as normal background emissions. Emissions in the area are dominated by those associated with traffic (87%), followed by open burning incineration (5%) and small industry (8%).

TABLE 3.4 - 1975 Particulate Matter - Estimated Emissions and Concentrations

| GRID | EMISSIONS - TON PER YEAR | | | | | | | | CONCENTRATION mg/m ³ | |
|--------------|--------------------------|----------------|---------------|---------------------------|-------------|----------------|-------|-----------------------|---------------------------------|--|
| | PAVED ROAD DUST | MOTOR VEHICLES | SPACE HEATING | OPEN BURNING INCINERATION | AGRICULTURE | SMALL INDUSTRY | TOTAL | ANNUAL GEOMETRIC MEAN | 2nd HIGHEST 24-HOUR | |
| 74 | 3 | 3 | 0 | 4 | 0 | 0 | 10 | 35 | 98 | |
| 75 | 31 | 29 | 0 | 0 | 0 | 6 | 67 | 36 | 99 | |
| TOTAL | 34 | 32 | 0 | 4 | 0 | 6 | 77 | | | |
| DEQ STANDARD | | | | | | | | 60 | 150 | |

Source: DEQ, 1975

Consideration of the pollutant sulfur dioxide appears to be unnecessary.

Table 3.5 shows the emission of carbon monoxide, hydrocarbons, and nitrogen oxide from motor vehicles. The high levels found in grid 75 are due to the effect of I-5. Declines of greater than 60% in projected emissions of CO and HC between 1975 and 1990 are the result of improved emission controls for these pollutants, while the increase of over 150% in NOx emissions is in part the result of relaxed statutory emission control standards for nitrogen oxides in the Clean Air Act of 1977.

- b. Projected Future Conditions - Table 3.6 shows projections for both grids considered in the study area by DEQ of particulate emissions for 1990. Despite increased total emissions, it appears that projected ambient levels will remain within allowable limits. Of the 26 tons/year projected increase in "industrial" emissions, 14 are due to the Durham advanced water treatment plant at a predicted 1990 level. Emissions from gravel roads in around Durham will continue to cause the largest share of particulate emissions in Durham in 1990. Table 3.5 shows projected CO, NOx, and HC emissions for 1990.

Continuing growth and industrialization in the cities of Tigar and Tualatin, the major municipal neighbors of Durham, would not result in significant deterioration of air quality in the area. Industrial emissions from these areas will be primarily from light industries. The major source of industrial emissions for the lower Tualatin Valley will be the Durham treatment plant.

Table 3.5 - Adjusted Emissions per Grid - Kg/Day

| GRID | CO | | HC | | NOx | |
|--------------------------------|------|------|------|------|------|-------|
| | 1975 | 1990 | 1975 | 1990 | 1975 | 1990 |
| 74 | 831 | 246 | 94 | 38 | 55 | 100 |
| 75 | 7480 | 2853 | 947 | 169 | 771 | 2074 |
| TOTAL | 8311 | 4099 | 1041 | 307 | 826 | 2174 |
| PERCENT CHANGE 1975-1990 | | -64% | | -61% | | +158% |

Source: T. George, DEQ Indirect Source Supervisor

in /

Table 3.6 - 1990 Particulate Matter - Estimated Emissions and Concentrations

| GRID | EMISSIONS - TON/YEAR | | | | | | CONCENTRATION - mg/m ³ | | |
|---------------|----------------------|---------------|-------------|----------|-------|-------|-----------------------------------|------------------------|---------------------|
| | PAVED ROAD DUST | MOTOR VEHICLE | AGRICULTURE | INDUSTRY | OTHER | TOTAL | PERCENT CHANGE FROM 1975 | ANNUAL GEOMETRIC MEANS | 2nd HIGHEST 24-HOUR |
| 74 | 5 | 3 | 0 | 14* | 0 | 22 | 120% | 43 | 119 |
| 75 | 72 | 41 | 0 | 9 | 1 | 123 | 85% | 51 | 142 |
| TOTAL | 77 | 44 | 0 | 23 | 1 | 145 | 91% | | |
| DEQ STANDARDS | | | | | | | | 60 | 150 |

12. LAND RESOURCES QUALITY - The City of Durham, because of its low density development, enjoys unspoiled rural-like natural settings rich with vegetation and land.

All dwellings not located within the Kingsgate Planned Unit Development use subsurface sewage systems for waste treatment. Significant failures of these systems have not been determined, however.

13. WATER QUALITY - There exists no measures of the amount of storm drainage caused by the development of land within the City of Durham. However, problems with storm run-off in the future are not expected. The abundance of vegetation, limited development within fragile areas, and minimize coverage of land area by impervious surfaces will allow storm run-off to be treated naturally.

The MSD, Corps, and other regional plans for waste water treatment, along with industrial and commercial effluent restrictions, should provide adequate safeguards against water pollution in and around Durham.

14. 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, generally 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 for 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 lava unit forming the top several hundred feet of the bedrock. Groundwater is present in the basalt in cracks, fissures, and other porous zones. The Columbia River basalt frequently affords high producing wells, sufficient for municipal and industrial uses. Wells in Tigard and Sherwood, for example, have been pumped and tested in excess of 500 gallons per minute.

Only wells in the basalt could be expected to produce in excess of 200 gpm. Further, based on the experience with other wells in the area, a municipal well producing in excess of 600 gpm is unlikely. Dependence upon groundwater for sole municipal water supply, therefore, would require developing several wells capable of producing 200 to 600 gpm each. A small number of wells may be sufficient for the purposes of Durham given limited industrial development and population growth.

15. RECREATION - By 1980 the City of Durham will have within its limits two developed parks. A 20-acre park will be developed as part of the Kingsgate PUD and dedicated to the City upon completion. The

City of Tualatin purchased a six-acre parcel within the city limits of Durham for use as part of the Tualatin Community Park. This park totals about 24.7 acres and is situated along the Tualatin River adjacent to the Tualatin central business district. This park contains a broad range of facilities and activity opportunities for all age groups. It is not directly accessible to residents of Durham at the present time because of its isolation with regard to Durham. However, should the Fanno Creek bicycle pathway be constructed and connected with other planned bikeways, the Tualatin Community Park will be directly connected to Durham.

16. ENERGY USE AND CONSERVATION - Durham is reliant upon electricity for 14 percent of its residential energy requirements, natural gas 10 percent, and fuel oil 76 percent. Natural gas is the predominant fuel for space heat with electricity used to provide hot water for 91 percent of all households. Table 19 shows direct energy use by task, fuel form reliance by task, and fuel form reliance by housing type.

Durham can participate in energy conservation through its Comprehensive Plan in a number of ways. The following is a list of the LCDC planning goals with suggested ways in which the Comprehensive Plan can be related to energy conservation.

GOAL 1 - Citizen Participation:

- a. Educate the residents of Durham to the long and short term benefits of energy conservation.

GOAL 2 - Land Use:

- a. Encourage the "filling-in" of vacant land.
- b. Encourage employment centers in surrounding jurisdictions to provide employment opportunities for Durham residents.

GOAL 3 - Agricultural Lands:

- a. Retain close-in food sources by preserving as much farmland as possible by excluding land from the urban growth boundary.

GOAL 5 - Open Space, Scenic, Natural Resources:

- a. Preserve as much as possible for future use by residents.

GOAL 6 - Air, Water, Land Resources Quality:

- a. Minimize land coverage by paving. Maintain land in a natural state to allow more water to return into the ground.

GOAL 7 - Areas Subject to Natural Hazards:

- a. Protect from development to prevent costly replacement of buildings in the event of a disaster.

GOAL 8 - Recreational Needs:

- a. Develop a wide range of local recreational facilities to minimize the need to travel to recreational sites.

GOAL 10 - Housing:

- a. Locate higher densities along major transit routes to reduce automobile trips and encourage the use of mass transit.
- b. Encourage the construction of energy efficient housing. Develop minimum standards which require energy saving devices.

GOAL 11 - Public Facilities and Services:

- a. Construct facilities with extended life-cycle costs.
- b. Use materials which are produced or are made from replaceable energy sources.

GOAL 12 - Transportation:

- a. Encourage mass transit ridership among residents.
- b. Isolate truck routes for more efficient connections to and from the freeway to industrial sites of surrounding jurisdictions.
- c. Properly design and plan transportation routes to reduce future additions or corrections to the system.
- d. Develop a road classification system with related standards to make the system as efficient as possible.

GOAL 13 - Energy Conservation:

- a. Develop energy conservation policies and ordinances which enforce the policies of the Comprehensive Plan.

GOAL 14 - Urbanization:

- a. Urbanize in an orderly, planned manner so as to minimize the cost of goods and services to the public.
- b. Define and maintain an immediate and long term growth boundary.

C. NATURAL RESOURCES POLICIES

1. Policies to Protect Life and Property from Natural Disasters and Hazards

- a. The City shall adopt all maps and measurements pertaining to the 100-year floodplains published by the National Flood Insurance Program of the U. S. Department of Housing and Urban Development and incorporate measures necessary for the City to participate in the National Flood Insurance Program into the Community Development Code.
- b. Land found to be subject to slumping, sloping, or movement (as determined by any competent agency) shall not be developed unless there is adequate demonstration by the developed that problems associated with such land limitations can be avoided.
- c. Developments shall have adequate on-site and off-site drainage.
- d. The City shall participate in a cooperative, interjurisdictional watershed, storm drainage, and flood management study of the Fanno Creek basin. The City shall establish interim standards for development until sufficient data is available to set standards at adequate levels.
- e. 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.

2. Policies to Conserve Open Space and Protect Natural and Scenic Resources

- a. The City shall adopt standards and restrictions governing the removal and/or displacement of natural flora and fauna.
- b. If natural resource extraction is determined to be feasible and desirable within the City, then the City shall develop extraction and rehabilitation standards to minimize environmental problems and conflicts with adjacent land uses.
- c. Development shall be subject to Design Review.
- d. Combining floodplains with planned developments shall be encouraged as a means to ensure that floodplains are developed for the general public benefit.
- e. Hunting within the City shall not be permitted. Fishing only when in compliance with State fishing regulations may be permitted.
- f. The 100-year floodplains of Fanno Creek and the Tualatin River shall be established as the foundation of an open space network. This network may be developed for recreational activity if included as part of a planned development, or if otherwise secured by the City.
- g. Improvements in the Fanno Creek Greenway in accordance with the recreation policies of the Plan shall be limited to land in the Greenway owned by the City as part of a planned development.

3. Policies to Maintain and Improve the Quality of the Air, Water, and Land

- a. The City shall cooperate with MSD and DEQ in maintaining and enhancing air, water, and land resources quality.
- b. The transportation element of this Plan shall encourage the use of mass transit facilities.
- c. The City shall require installation of sanitary sewers in all developments.
- d. The MSD is addressing the issue of regional solid waste collection and disposal. Durham recognizes that solid waste and collection is a regional problem requiring a regional solution. Should the MSD determine there exists a site worthy of consideration as a disposal or transfer site within one mile of the City limits of Durham, the City shall create a Solid Waste Disposal Impact Committee which shall be charged with working closely with the MSD to ensure that all aspects of the potential impact of a disposal or transfer site are properly addressed, including, but not limited to, the following aspects:
 - (1) Regional disposal problem;
 - (2) Site access;
 - (3) Protection of community water resources;
 - (4) Visual impact;
 - (5) Energy efficiency;
 - (6) Potential for reclamation of resources from the landfill site;
 - (7) Gas and odor impact and control;
 - (8) Groundwater pollution;
 - (9) Bird control;
 - (10) Other vector control;
 - (11) Property value impact and compensation;
 - (12) Roadside debris;
 - (13) Traffic impact;
 - (14) Duration of filling;
 - (15) Hours of operation;
 - (16) Enforcement of landfill design and operator's criteria;
 - (17) Noise;
 - (18) Potential restoration of surface for beneficial uses; and
 - (19) Other aspects.
- e. Incompatible land uses shall be considered non-conforming uses by the Community Development Code and shall be regulated in accordance with non-conforming use standards.

4. Policies to Provide Satisfactory Recreational Opportunities

- a. Park classifications and standards shall be established and implemented to ensure an adequate supply of useable open space and recreational facilities directly related to the specific needs of local residents.

- b. Developments shall be responsible for providing their share of new or improved public parks consistent with the established park and open space system.
- c. Developments may also provide recreational facilities on-site for use by inhabitants of the development.
- d. Acceptance by the City of any land dedicated for park purposes shall be based upon its usefulness and adaptability to the City's park and open space system.
- e. Safe and convenient pedestrian and bicycle routes shall be provided throughout the community. All street construction or improvements shall be coordinated within the pedway/bikeway path plan.
- f. The City should budget an adequate portion of Public Works or General Account funds for path construction and maintenance each budget year. The City should also seek additional funding through grants, special levies, and other sources.
- g. Where developments provide pedways and bikeways, these developments shall provide easements to the City. Where developments increase the use on existing pedways/bikeways, they shall be responsible for necessary improvements. Where developments occur adjacent to planned pedways/bikeways which are unimproved or undeveloped, they shall be responsible for development of such pedways/bikeways.
- h. Park and Open Space System

(1) Mini-Parks: Purpose - to supply a minimum of park and recreation space to serve as a "back yard" for isolated areas or where density, lot size, and/or income conditions deny availability of such facilities.

| | |
|----------------------------|--|
| Size: | Minimum 2,500 square feet. |
| Service Area: | Within developments. |
| Location: | Required of developments |
| Facilities and activities: | Play equipment, hard surface for wheeled toys, sand area, benches and tables, and trash receptacles. |

(2) Neighborhood Parks: Purpose - to provide the neighborhood area with a center for passive and active recreation.

| | |
|---------------|-------------------------------------|
| Size: | Minimum 1/2 acre. |
| Service Area: | Neighborhood areas. |
| Location: | Required of developments as needed. |

| | |
|----------------------------|---|
| Facilities and Activities: | Play areas, picnic area, drinking fountains, trash receptacles. |
|----------------------------|---|

(3) Community Parks: Purpose - To provide facilities which serve the community at large.

Size: Community wide
 Location: Fanno Creek and Tualatin River Greenway.
 Facilities and Activities: Ball fields, tennis courts, multi-use paved areas (for basketball, volleyball, etc.), picnic areas with cooking facilities, open play areas, trails, restrooms, irrigation, trash receptacles, fencing, lighting, off-street parking, and internal road system to provide police surveillance.

- (4) Pedways/Bikeways: Purpose - To provide linear areas of natural and man-made beauty which will interconnect other members of the park system, schools, and other public places. To provide for conservation of scenic and natural areas, especially water courses and areas subject to flooding. To provide buffer areas along thoroughfares or between conflicting land uses. To give a feeling of general openness to the community.

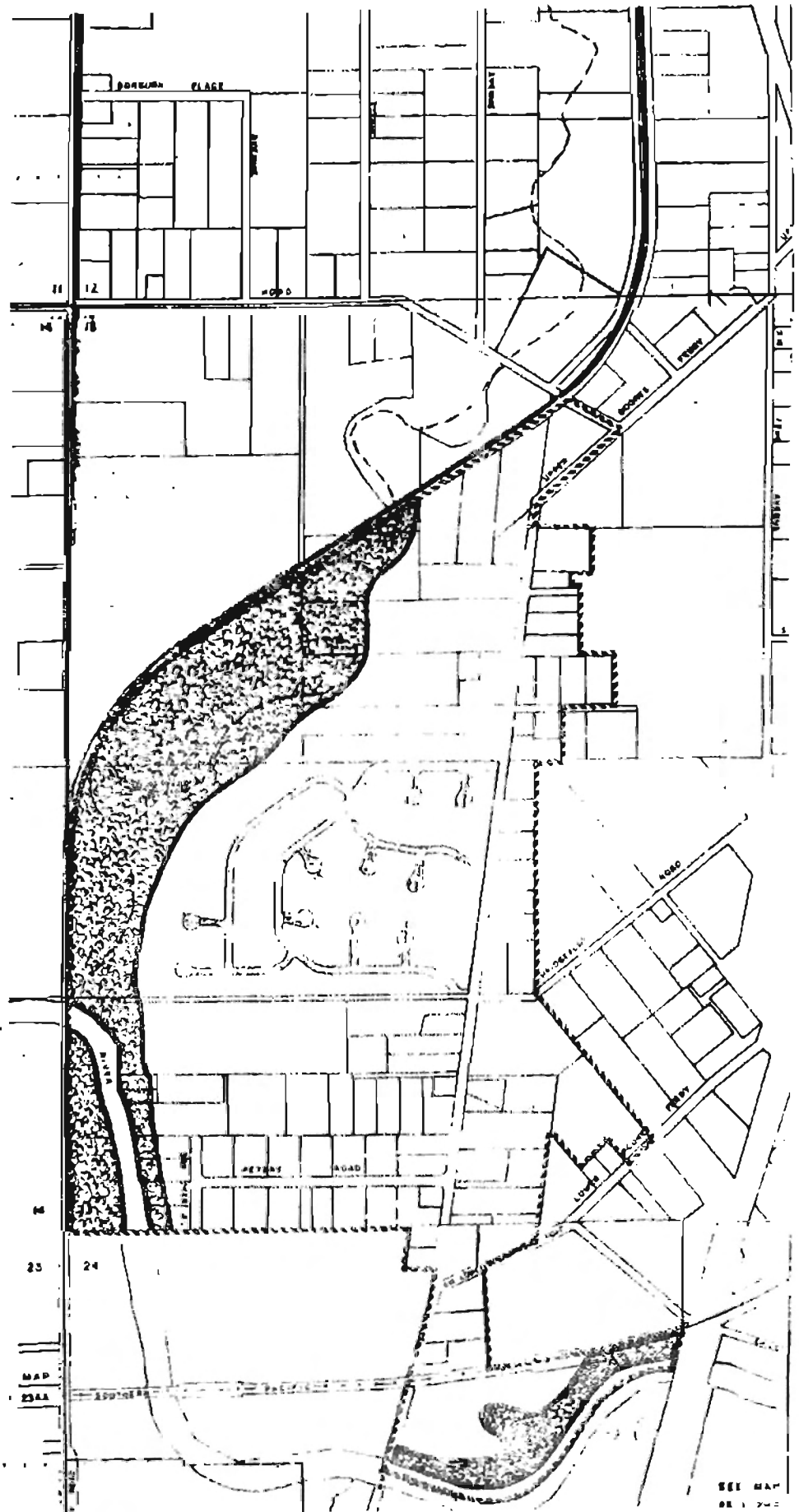
Location: Bordering waterways and areas subject to flooding, along transportation and utility corridors.

Facilities and Activities: Scenic ways shall provide trails or walkways and trash receptacles. The land shall be retained primarily in its natural condition along waterways and other areas of natural value. In areas where development has occurred, landscaping and design controls shall be applied. Additional landscaping should be provided along these corridors. Rest areas should be provided.

- (5) Landscaped Areas: Purpose - To beautify areas not serving an actual park function but that would enhance an atmosphere of open space.

**COMMUNITY PARKS:
GREENWAY NETWORK -
FANNO CREEK AND
TUALATIN RIVER**

Greenway network to be improved to provide active and passive recreational opportunities. Improvement to be a cooperative arrangement between developers, Tualatin, Tigard, and other governmental agencies.



SEE MAP
ON PAGE

Location: Along major transportation corridors and interchanges, commercial frontages, plazas, malls, and parking lots.

Facilities and Activities: Facilities should be limited to walkways, sitting areas, and landscaped areas; trash receptacles should be provided.

5. Policies to Conserve Energy

- a. The City shall provide opportunities for the "filling-in" of vacant developable land.
- b. The City shall provide office parks and industrial parks to offer employment opportunities for residents.
- c. In low density development areas, the City shall minimize paved land covering by (1) allowing streets to be developed to a standard which is less than normal urban standards, and (2) clustering dwelling units.
- d. The City shall encourage the development of a wide range of recreational facilities to minimize the need of residents to travel to recreational sites.
- e. The City shall restrict development in areas subject to natural hazards to prevent costly replacement of buildings in the event of a disaster.
- f. Developments shall be designed to take advantage of arterials and collectors and mass transit.
- g. Potential energy inefficiencies caused by low density development in areas designated for shall be offset by encouraging planned developments to (1) cluster dwellings, (2) incorporate energy conserving methods in the construction of residences, and (3) utilize site planning techniques which consider energy conservation.
- h. Alternatives to the single-person-single-transit mode shall be encouraged by the City.
- i. The City shall work toward developing truck routes which directly connect industrial areas with the freeway system and which remove the inefficiencies associated with combined truck and passenger traffic in residential areas.

PART IV: GROWTH AND DEVELOPMENT

A. GROWTH AND DEVELOPMENT GOALS

1. Provide for housing opportunities commensurate with Durham's ability to accommodate an expanding population.
2. Provide for economic development opportunities to create a local employment source and broaden the economic base.
3. Provide for a physically attractive community.

B. GROWTH AND DEVELOPMENT FINDINGS AND POLICIES

1. Buildable Land - Land which is subject to the 100-year flood, has slopes in excess of 20 percent, and is submerged is excluded from the total supply of land to yield gross buildable land in Durham. Table 4.1 shows the gross buildable land inventory for the City.

Table 4.1 - Gross Buildable Land

| Item | Area (Acres) | Total |
|---------------------------------------|-----------------|-------------|
| Total Land | | 274.9 |
| Less Buildable Land: | | |
| 1. Floodplain (including Fanno Creek) | 63.2 | |
| 2. Slopes greater than 20% | 2.2 | |
| 3. Submerged land (Tualatin River) | <u>11.1</u> | |
| Total Unbuildable Land | | <u>76.5</u> |
| TOTAL BUILDABLE LAND | | 198.4 |

Table 4.2 shows how buildable land is currently allocated by land use activity, and how much vacant buildable land exists. Vacant buildable land is defined as lots which are clear of any home or industry or, in the case of large lots upon which homes are located, the vacant portion

of the lot after allocating one-half acre for the homesite. A one-half acre allocation was used in Durham because most homes on large lots are so located, landscaped, or have a number of accessory structures requiring at least one-half an acre after the balance of the lot is developed. State, county, and city streets, excluding subdivision streets, are also factored out of the vacant buildable land inventory.

TABLE 4.2 - Committed Buildable Land; Net Buildable Land

| Land Use Activity | Acres |
|---|--------------|
| Total Buildable Land | 198.4 |
| Single Family residential | 88.5 |
| Multiple family residential | 2.0 |
| Industrial | 3.2 |
| Public facilities | .5 |
| Right-of-way | <u>12.4</u> |
| Total Committed Land | <u>106.6</u> |
| Total Vacant Buildable Land | 91.8 |
| TOTAL NET BUILDABLE LAND (91.8 x .75) = | <u>68.8</u> |

Allocations of net buildable land by category are found in Table 4.3 below.

Table 4.3 - Allocations of Vacant Buildable Land (In Net Acres)

| Land Use | Net Acres | Total |
|---|-------------|-------|
| Total Net Buildable Land | | 68.8 |
| Single family residential | 42.6 | |
| Multiple family residential | 8.0 | |
| Industrial park | 6.7 | |
| Office park | <u>11.5</u> | |
| Total Allocations of Net Buildable Land | | 68.8 |

2. Housing Conditions - The existing housing stock of the City of Durham is relatively new and in good repair. Table 4.4 shows the distribution of housing by age. The dramatic increase in the number of homes built during the 1970's is due to the Kingsgate PUD.

Table 4.4 - Distribution of Housing by Decade Construction

| <u>Decade</u> | <u>Single Family Units Built</u> | <u>Multiple Family Units Built</u> |
|---------------|--------------------------------------|--|
| 1920 - 29 | 1 | |
| 1930 - 39 | 4 | |
| 1940 - 49 | 33 | |
| 1950 - 59 | 16 | |
| 1960 - 69 | 15 | 18 |
| 1970 - 79 | <u>166</u> | — |
| TOTAL | 235 | 18 |

Source: U. S. Census, Oregon Department of Commerce, field surveys.

The housing mix of Durham is primarily single family residential with some multiple family dwellings. Prior to the Kingsgate PUD, about 18 percent of Durham's housing stock was multiple family. With Kingsgate included, the share of multiple family housing units to single family units dropped to seven percent. In the CRAG region, cities of less than 1,000 population (similar to Durham) average about 13 percent multiple family housing.

Durham conducted a "Physical Condition Survey" of the City's housing stock in October 1978, and found the following:

- a. The existing housing stock represents a major housing resource which should be maintained and improved.
- b. Less than one-third of the housing stock is old enough to have serious deficiencies resulting from obsolescence.
- c. The price of used housing is increasing at a faster rate than new housing.

- d. Only three percent of Durham's housing stock is in need of major rehabilitation. This compares to 10 percent for the CRAG region.

The City has developed a system of monitoring housing conditions annually, with major condition assessment to be conducted every six years in conjunction with the Washington County Assessor's office. The Citizen Advisory Committee to the Planning Commission sponsored and administered a questionnaire patterned after that recommended by the Oregon State Housing Division, contained in the Handbook for Housing Data Collection.

Table 4.5 - Housing Question Summary

| <u>Item</u> | <u>Figures and Comments</u> |
|---------------------------------------|---|
| Marital Status | 88% of all households are comprised of married couples. |
| Average Household Size | 2.96 |
| Annual Household Income | \$14,600 for renters \$23,000 for homeowners \$21,000 average |
| Median Monthly Housing Cost | \$335 for renters \$390 for homeowners \$380 average |
| Classification of Tenure | 77% homeowners 23% renters |
| Housing Adequacy | 90% claimed housing adequate 3 persons claimed home too small 4 persons claimed other reasons |
| N = 44 for homeowners, 13 for renters | |

3. Housing Needs and Objectives - Introduction: The City of Durham was formed in the late 1960's in response to encroaching industrialization and the desire of residents to maintain a livable

environment. Industrial activities had occurred on all sides of Durham. Toward the south, Tualatin had located manufacturing. Toward the east, gravel was mined from several pits. Toward the north, Tigard began developing an industrial park. And toward the west, the Unified Sewerage Agency (U.S.A.) installed a regional sewage disposal plant. Within this community surrounded by industry existed acreage homesites occupied by retired, semi-retired, and middle class families who believed themselves to be beyond the metropolitan Portland growth region. In addition to halting gradual industrialization in the community, Durham was formed to protect the residential investments of the low and moderate income residents.

Zoning throughout the west side of Durham has been R-15 from its formation (15,000 square feet minimum lot sizes). Very few lots are as small as 15,000 square feet, however. The mode lot size is one acre. Along the east side of Upper Boones Ferry Road, zoning has been A-1 (apartments). Development, however, has been primarily single family residential. Twenty-two of 30 lots have been developed into single family residential housing. The mode lot size in this area is also one acre. There exists a very strong tradition throughout Durham for large lots, therefore.

Durham recognizes that it has become part of the Portland-metropolitan region, and its planning efforts must therefore consider regional as well as housing needs. Durham's Comprehensive Plan housing element must provide for "fair share" of low and moderate income housing. MSD's (see CRAG) Urban Growth Findings (November 1978) established guidelines for housing planning which all jurisdictions must attempt to reflect. These guidelines are:

Achieve a 65 percent to 35 percent split between single family and multiple family housing units, respectively, by the year 2000.

Achieve a building rate of 50 percent single family and 50 percent multiple family housing starts between 1979 and 2000.

Achieve a density of six dwelling units per net buildable acre by the year 2000.

- a. Affordable Housing - There is little a small jurisdiction, such as Durham, can do to affect the major determinants of housing cost: prime interest rate, labor cost, State building codes, short-term higher-than-average housing demands caused by the "baby-boom" cohort, fluctuations in Federal monetary policy leading to shortfalls of mortgage capital, and inflation. However, given these constraints, there are some things Durham will do to reduce housing costs:
 - (1) Participate in the Area Housing Opportunities Plan, subsidizing low income housing;

- (2) Encourage multiple family housing, which will have the effect of reducing rents and purchase prices;
 - (3) Increase densities and decrease lot sizes in areas currently zoned R-15 by zoning these areas R-10.
 - (4) Encourage planned developments resulting in clustered housing.
- b. Housing Diversity - Many things done to make housing affordable also increases housing diversity. More specifically, Durham will attempt to provide for a greater diversity of housing by doing the following:
- (1) Provide for both single family and multiple family housing alternatives;
 - (2) Within the single family residential area, provide for a diversity of permitted lot sizes.
 - (3) Within the single family residential area, also provide adequate incentives for clustering of housing units into townhouses, zero lot line houses, and small lot sizes.
- In this Plan, Durham has attempted to accomplish all these regional objectives while still responding to the desires of its citizens to maintain a small town atmosphere and preserve the environmental amenities currently enjoyed. The attempt has been made in this Plan to balance the legitimate desires of Durham citizens with regional housing needs. In the absence of regional housing allocations for unassisted housing, Durham has attempted to determine its fair share of such housing. Such determinations are based on and consistent with projections in the MSD Urban Growth Findings.

4. Residential Land Allocations

- a. Population Projection - The City of Durham comprises only 40 percent of Traffic Zone (T.Z.) 455, the smallest population projection unit used in the official CRAG 208 Population Projections (January 1977). Table 4.6 shows the official population projection for T.Z. 455, and interpolates projections for Durham.

Table 4.6 - CRAG Official 208 Population Projections for
T.Z. 455; Interpolations for Durham

| Area | 1970 ¹ | 1975 ² | 1978 | 1985 | 1990 | 2000 |
|----------|-------------------|-------------------|------------------|------------------|------------------|------------------|
| T.Z. 455 | 611 | 723 | | 850 | 900 | 1,000 |
| Durham | 259 | 252 | 440 ³ | 350 ⁴ | 360 ⁴ | 400 ⁴ |

¹ U. S. Census, 1970

² Center for Population Research,
Portland State University, 1975.

³ Center for Population Research,
Portland State University, 1978.

⁴ Interpolations for Durham based on
208 projections, January 1977.

The official 208 projection for Durham appears to be 400 by the year 2000. This appears low, given Durham's capacity. To further assist in regional housing planning, the City's Plan will provide for a population capacity substantially greater than that expected of Durham. As a result of this Plan, Durham will have a population capacity of between 1,500 and 2,000 people living in a variety of housing types at a variety of rents.

- b. Allocating Land for Housing - In order to meet Durham's housing objectives, three primary housing areas are designated in the Plan. These areas are known as West Durham Single Family Residential, East Durham Multiple Family Residential, and South Durham Multiple Family Residential. Each area was selected on the basis of a number of criteria including the following:
- (1) Commitment to a particular kind of land use;
 - (2) Access;
 - (3) Availability of services;
 - (4) On-site amenities;
 - (5) Contribution to Durham's housing objectives; and
 - (6) Compatibility between uses.

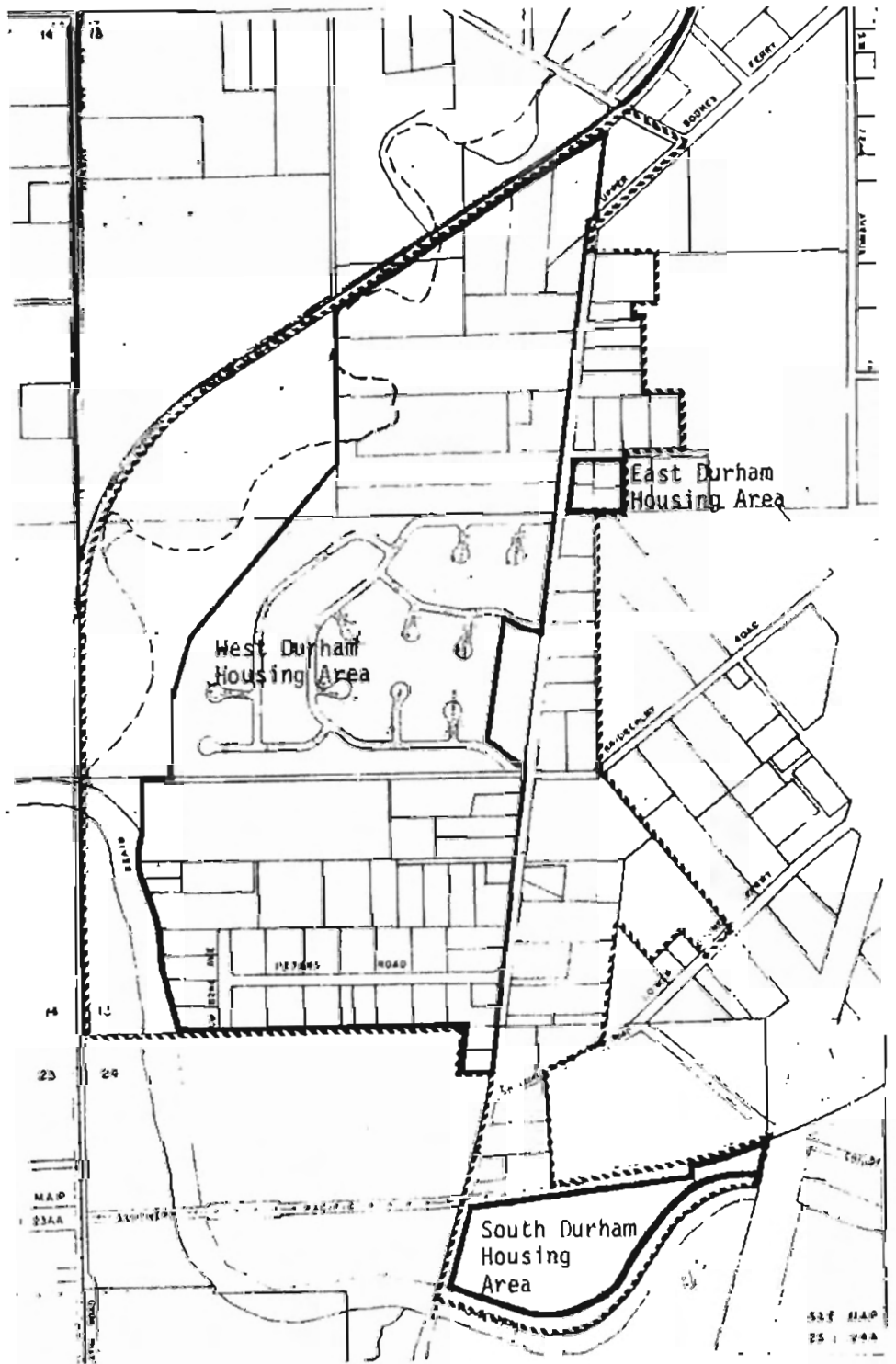
The West and East areas are predominantly committed to single family and multiple family residential activities respectively. The South area is completely vacant. All areas have adequate access to streets. All areas will have adequate availability of public water, sewer, and utilities. The West and South areas enjoy the potential Greenways of Fanno Creek and the Tualatin River for recreational and open space activities. The East area is virtually without adequate on-site recreational opportunities. All areas, at full build-out, should satisfy

Durham's housing objectives. The West and South areas should be compatible with neighboring activities owing to separation between different uses and on-site buffer opportunities. The East area may be in conflict with neighboring single family residential, commercial gravel pits, and office park activities. The East area is, however, an area already built-out and supplies Durham with a needed source of low income housing. Housing in each of these areas is described below.

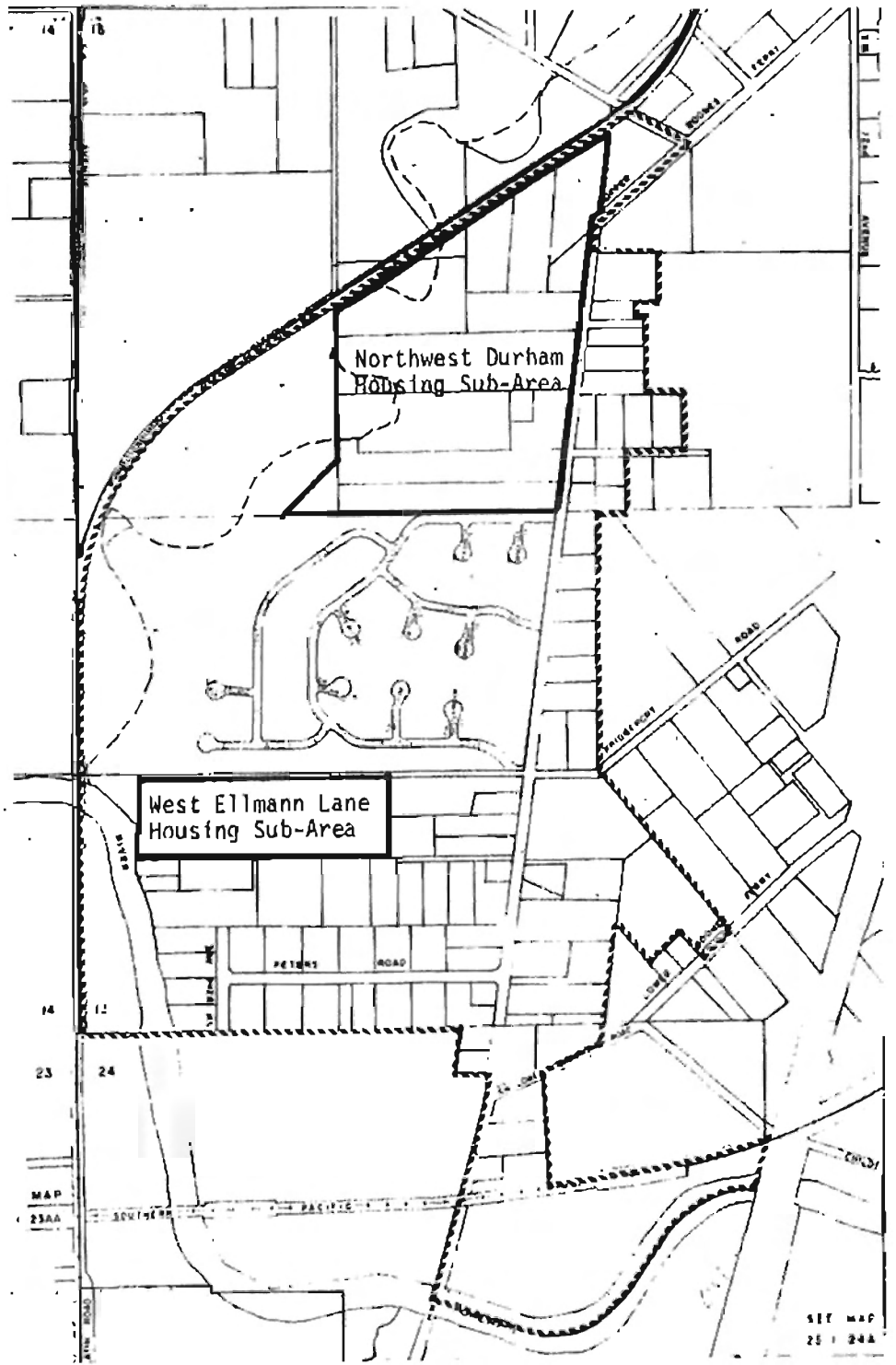
- (1) South Durham - This area consists of about 13.25 acres of which about eight acres are buildable. However, because parking is an acceptable floodplain activity, and because there exists the possibility that some of the Tualatin River floodplain may be filled, actual buildable land should be closer to 10 acres. This area is designated for 16 units per acre. The purpose of the 19 unit per acre designation is to allow for density transfer from floodplain land to buildable land. As part of this density transfer, the floodplain shall be improved to provide open space and recreational opportunities to residents of this area. Density should be about 20-25 dwelling units per net buildable acre.
- (2) East Durham - This area consists of 1.78 acres, all of which is developed. Three four-plexes and one single family dwelling provide 13 dwelling units in this area. At 16 units per acre, this area may be able to add 15 dwelling units. This area shall only access to Findlay Road and shall provide at least 30 percent land area landscaping.
- (3) West Durham - This area consists of 96 net buildable acres (128 gross buildable acres x .75) of which 59 acres are committed to single family residential housing. Zoning in the area has been R-15 since Durham's formation. With 207 total dwelling units in the area, density per net acre is 2.3 units. There exists only four vacant parcels throughout the west area. The west area is designated four units per net acre. Zoning shall be R10 (10,000 square feet minimum lot sizes). Within this area, however, there are two subareas which have substantial amounts of vacant buildable land: Northwest and Ellman Lane. In the Northwest and West Ellman Lane subareas, a density bonus of 25 percent shall be allowed in Planned Residential Developments. In the Northwest area, an additional one dwelling unit per acre of floodplain land included in a Planned Residential Development shall be allowed. The Northwest area shall be subject to special standards which include:
 - (a) Requiring lot sites within 100 feet of the floodplain to be not less than 10,000 square feet;
 - (b) Clustering homes toward streets; and
 - (c) Restricting direct access onto Upper Boones Ferry Road.

Within the West Durham single family residential area there is a diversity of housing densities. Where Planned

DURHAM HOUSING AREAS



WEST DURHAM HOUSING
SUB-AREAS WITH
SUBSTANTIAL
VACANT BUILDABLE
LAND



Residential Developments occur throughout the West Durham area, a variety of housing types will be allowed. Single family detached and attached dwelling units situated on large lots, lots as small as 2,500 square feet and zero lot line lots shall be allowed, when approved by the City.

Where Planned Residential Developments occur throughout the West Durham area, a variety of housing types will be allowed. Single family detached and attached dwelling units situated on large lots, lots as small as 2,500 square feet, and zero lot line lots shall be allowed, when approved by the City.

c. Durham Housing Element Features

Tables 4.8 and 4.9 describe how Durham should develop in terms of housing by the year 2000.

Table 4.7 - West Durham Housing

| ITEM | Northwest | West Ellman | Balance of West | Total West |
|-------------------------|------------|----------------|--------------------|---------------|
| Gross Buildable Land | 33.5 acres | 12.5 acres | 82.0 acres | 128.0 acres |
| Net Buildable Land | 25.2 acres | 9.4 acres | 61.5 acres | 96.0 acres |
| Dwelling Units 1979 | 14 | 0 | 193 | 207 |
| Units/Net Acre 1979 | .5 | 0 | 3.6 | 2.3 |
| Net Vacant Land 1979 | 18.2 acres | 9.4 acres | 13.0 acres | 42.6 acres |
| Dwelling Units Allowed | 142 | 50 | 246 | 438 |
| Units/Net Acre Expected | 5.6 | 5.3 | 4.0 | 4.6 |

Table 4.8 - Durham Housing Element Features

| Category | Single Family | Multiple Family | Total |
|--|---------------|-----------------|-------------|
| Gross Buildable Land | 128 acres | 9.8 acres | 137.8 acres |
| Net Buildable Land | 96 acres | 9.8 acres | 108.8 acres |
| Dwelling Units | 438 | 240 | 678 |
| % of Total Housing | 64.6% | 35.4% | 100% |
| Pop/Unit, 2000 BPA Est. | 2.64 | 1.83 | |
| Population Capacity | 1,160 | 440 | 1,600 |
| Vacancy Rate | 3% | 6% | |
| Population Capacity w/Vacancy Rate | 1,125 | 415 | 1,540 |
| City-wide Dwelling Unit Density/Net Acre | | | 6.2 |

Table 4.9 - Comparison of Durham's Housing Element Features with Regional Housing Objectives

| Regional Objective | Durham Housing Feature |
|--|--|
| 1. 65% single family units 35% multiple family units | 1. 438 single family units = 64.6% 240 multiple family units = 35.4% |
| 2. 50% new single family units 50% new multiple family units | 2. 231 new single family units = 50% 228 new multiple family units = 50% |
| 3. Participation in Areawide Housing Opportunities Plan | 3. Resolution adopted by City Council to participate in Areawide Housing Opportunities Plan. |
| 4. Housing density of 6.0 dwelling units per net acre of buildable land. | 4. Housing element allows for 6.2 dwelling units per net acre of buildable land. |
| 5. Diversity of single family lot sizes. | 5a. Zoning to change from R-15 to R-10 in single family residential area. b. Lots as small as 2,500 square feet allowed in Planned Residential Developments. c. Variety of single family dwelling unit types allowed. d. Density throughout single family residential area to double between 1979 and 2000 from 2.3 to 4.6 dwelling units per net buildable acre. |

5. Residential Development Criteria

All residential developments shall be reviewed and approved in accordance with the following criteria:

a. Access

- (1) Project takes into consideration traffic safety.
- (2) Project has direct access to public streets capable of serving the project.

b. Site Characteristics

- (1) Site is of a size and shape to reasonably accommodate present and future users in a manner which emphasizes user convenience and energy conservation.
- (2) Natural hazards such as flooding, landslides, erosion, sinking, are adequately incorporated into the project design.

c. Services

- (1) Project has access to adequate supplies of public water.
- (2) Project is served by sanitary sewer.
- (3) Project provides for adequate fire protection.
- (4) Project provides for adequate drainage.
- (5) Project provides adequate recreation improvements in accordance with the recreation policies of the Plan.
- (6) Project provides adequate improvements of Greenways in accordance with the Greenway policies of the Plan.
- (7) Local schools can absorb additional students.
- (8) Project provides adequate provision for mass transit access by residents.

d. Community Benefits

- (1) Project makes adequate consideration of providing low and moderate income housing.

6. Employment and Economic Base a The Portland metropolitan area functions as an economic center within the Pacific Northwest. Employment in the City of Durham is closely tied to economic prospects in the Portland metropolitan area.

Over the past 10 years the regional economy has been growing in the service, technical, professional and manufacturing areas. Measured in employment, the fastest growing employment sectors and their respective annual growth rates were the following over the 1960-1970 period:

- Services - 6%
- Finance, insurance and real estate - 5.2%
- Government - 4.6%
- Trade - 3.3%
- Manufacturing - 2.9%

Major shifts in job classifications are occurring with the emergence of a post-industrial society. Local trends follow national trends

as service, technical and professional occupations are increasing while primary industry occupations are decreasing.

In 1970, Washington County's labor force amounted to 63,989 while locally supplied employment accounted for only 49,600 jobs. Approximately 46 percent of Washington County's labor force worked outside of the County. A severe employment deficiency of finance, insurance, real estate, and service jobs existed throughout the County. In 1970, 20,000 Washington County residents were employed in these kinds of jobs, while only 4,000 such jobs were available within the County.

Durham recognizes its responsibility for providing employment opportunities for future residents. Table 4.10 shows how many jobs Durham must provide as part of its share of meeting CRAG's 208 employment projections for T.Z. 455 for the year 2000. Because Durham is 40 percent of T.Z. 455, interpolations of the 208 projections for the traffic zone are made.

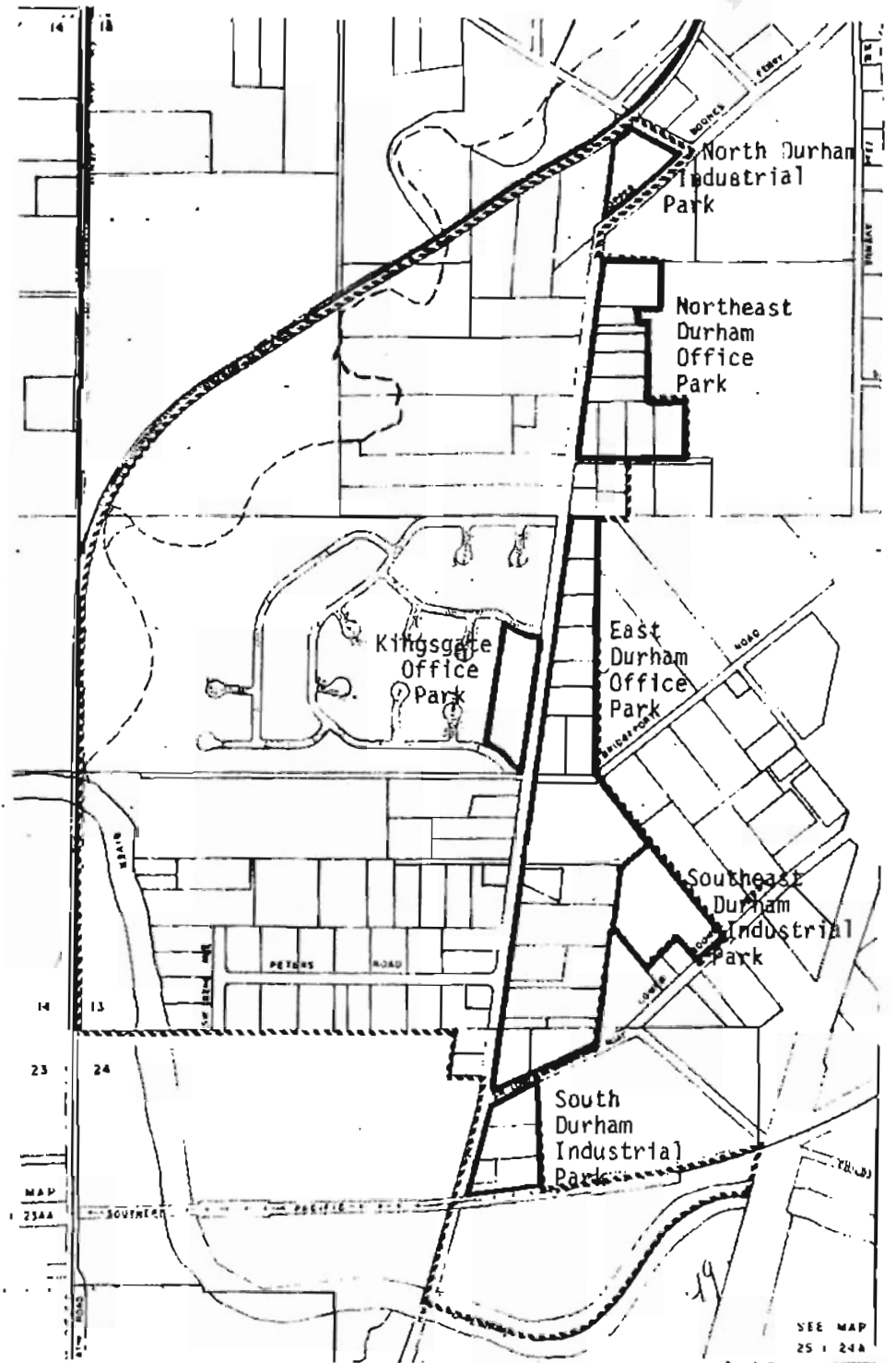
Table 4.10 - Employment in Traffic Zone 455;
Interpolations for Durham; 1970 - 1990

| Area | Retail | | Other | | Total | |
|------------------|--------|------|-------|-------|-------|-------|
| | 1970 | 1990 | 1970 | 1990 | 1970 | 1990 |
| Traffic Zone 455 | 33 | 50 | 350 | 2,750 | 383 | 2,800 |
| Durham | | 20 | | 1,100 | | 1,120 |

Consistent with the need throughout Washington County for increasing its share of finance, insurance, real estate and service jobs, Durham will provide land for office and industrial parks. In reviewing office and industrial parks throughout the Portland area and nationally, Durham can expect an average of 20 employees per acre of land zoned office and industrial park. Actual employment will vary between about five and 40 per acre on a case-by-case basis. Using an average of 20 employees per office/industrial park acre, Durham needs 56 acres of such land in order to reasonably satisfy its need for providing 1,120 jobs by the year 2000.

Durham has selected six areas for designation as office park or industrial park. These five areas are identified as:

DURHAM INDUSTRIAL
AND OFFICE PARKS



- a. North Durham Industrial Park;
- b. Northeast Durham Office Park;
- c. East Durham Office Park;
- d. Southeast Durham Industrial Park;
- e. South Durham Industrial Park; and
- f. Kingsgate Office Park.

These areas were selected for a number of reasons including:

- a. Accessibility to collectors, arterials, freeways, and mass transit.
- b. Availability of facilities and services currently or expected in the future.
- c. Separation from residential activities.
- d. Compatibility with neighboring commercial, industrial, and gravel pit activities.
- e. Function as buffer between freeway related or gravel pit activities and residential activities.
- f. Availability of vacant land or land upon which structures will be amortized and ripe for conversion prior to the year 2000.

Existing and projected land use characteristics for each of these areas is summarized on Table 4.11 below:

Table 4.11 - Existing and Projected Land Use Characteristics of Office/Industrial Parks

| Item | Kingsgate O.P. | North I.P. | N.E. O.P. | East O.P. | S.E. I.P. | South I.P. | Totals |
|--------------------------------|-------------------|---------------|--------------|--------------|--------------|---------------|--------|
| Buildable Land | 3.6 | 2.2 | 8.7 | 24.0 | 4.7 | 4.0 | 47.2 |
| Committed Land | 3.6 | 2.2 | 2.0 | 18.5 | 4.7 | 2.0 | 31.2 |
| 1979 Available Land | 0 | 0 | 6.7 | 9.5 | 0 | 2.0 | 18.2 |
| 2000 Available Land | 0 | 0 | 8.7 | 24.0 | 0 | 3.0 | 35.7 |
| Employment in 2000 @ 20/acr | 72 | 44 | 174 | 480 | 94 | 80 | 940 |

From this table it appears that, if all land designated for office and industrial park is developed by the year 2000, there should be employment for about 940 people; or about 200 jobs fewer than what Durham should provide. Nonetheless, Durham has provided substantially more employment opportunities in this Plan than has been available since Durham's formation.

Areas designated office and industrial park shall be closely observed in the next few years to determine the successfulness of these designations. In 1985, these designations shall be reviewed for their applicability and potential.

7. Office and Industrial Park Development Criteria - 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 not exceed the following intensity standards:

- a. Leasible floor area ratio of .25 per gross acre.
- b. Forty (40) employees per gross acre.
- c. One-hundred (100) vehicle trips per day per gross acre.

Industrial parks shall be designed to provide a park-like setting for light industries and businesses, and shall not exceed the following intensity standards:

- a. Floor area ratio of .25 per gross acre.
- b. Forty (40) employees per gross acre.
- c. One-hundred (100) vehicles per day per gross acre.

Office 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 adequately incorporated into the design plan.
- c. Services
 - (1) Project has access to adequate supplies of public water.
 - (2) Project is served by sanitary sewers.
 - (3) Project provides for adequate fire protection.
 - (4) Project provides for adequate drainage.
 - (5) Project provides for adequate access to mass transit by employees and customers.
 - (6) Project provides adequate crime deterrence.

- 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 and the National Environmental Protection Agency.
 - (5) Project is aesthetically landscaped and designed.
 - (6) Project will be compatible or enhance nearby industrial, office and commercial activities.
- 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.

8. Provide for a Physically Attractive City

The City shall:

- a. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.
- b. Discourage monotonous, drab, unsightly, dreary and inharmonious development.
- c. Promote the City's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
- d. Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in office and industrial properties.
- e. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements.
- f. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment; and thus promote and protect the peace, health and welfare of the City.

PART V: SUPPORT SYSTEM

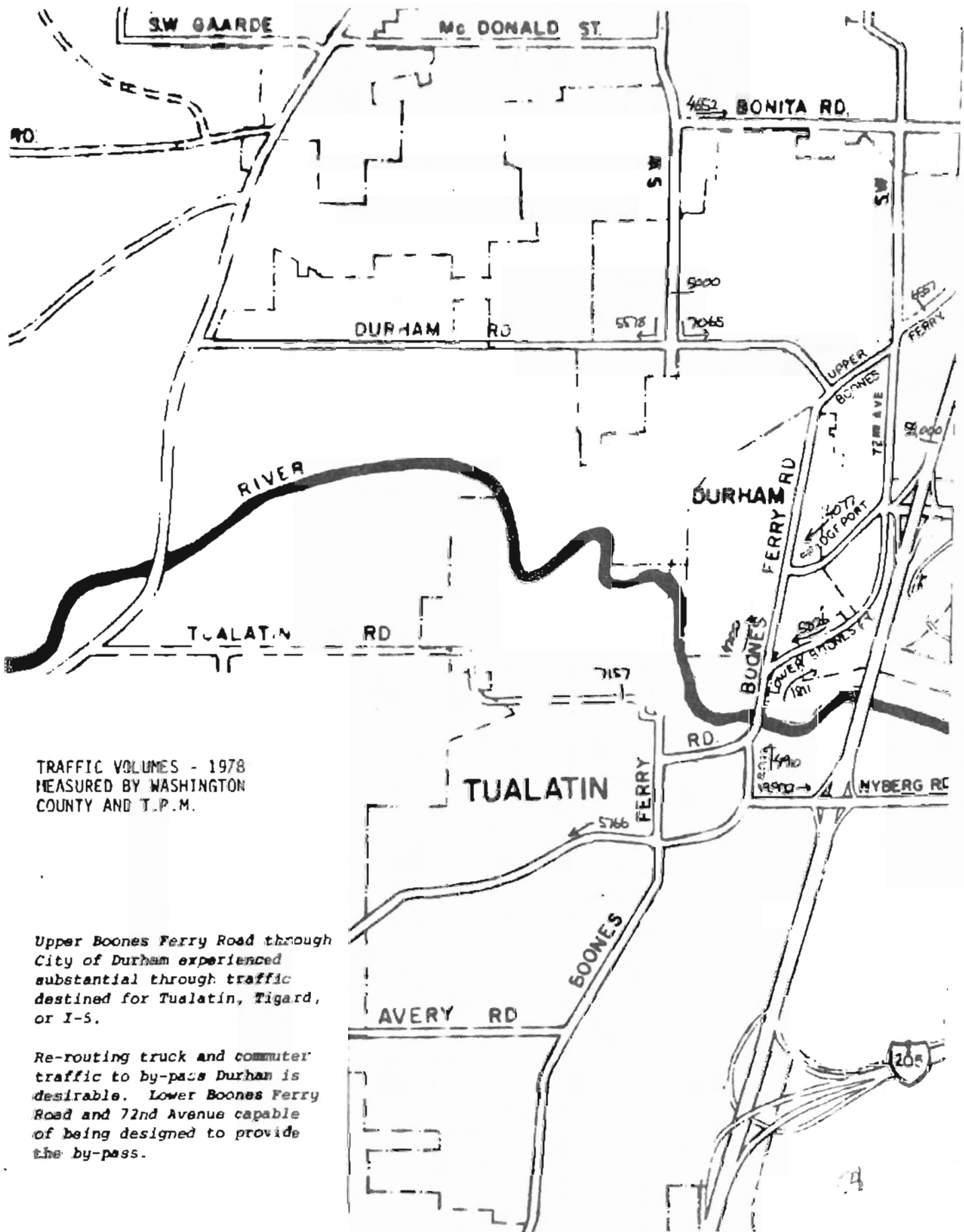
A. SUPPORT SYSTEMS GOALS

1. Provide a safe, convenient, and economic transportation system.
2. Provide for the public facilities and service needs of the citizens.

B. SUPPORT SYSTEMS FINDINGS

1. TRANSPORTATION

- a. Traffic - Traffic counts have been taken at several locations throughout Durham and the immediate vicinity. The 1978 traffic count map shows counts and directions of traffic as measured by Transportation Planning and Management, Inc., a traffic planning consulting firm retained by Washington County. In addition to these traffic counts, there are a number of specific traffic circulation problems and situations in Durham. These include the following:
 - (1) The end of Findlay Road does not provide adequate turn-around space.
 - (2) The intersection of Bridgeport and Upper Boones Ferry Roads is a traffic hazard and, with continuing development of Kingsate POD, will become an increasingly hazardous intersection.
 - (3) The intersection of Upper and Lower Boones Ferry Roads are partially blind due to the oblique angle of intersection and overgrowth of brush.
 - (4) Ellmann Lane is too narrow for two-way traffic. Further development along the road should be accompanied by road improvements.
 - (5) Heavy truck traffic along Upper Boones Ferry Road occurs and poses some danger and noise problems.
 - (6) Several residences have direct access to Upper Boones Ferry and therefore pose considerable hazards to both on-coming traffic and residents desiring to enter the road.
 - (7) The intersections of Peters and Findlay Roads, and Ellman Lane with upper Boones Ferry Road are not wide enough to allow adequate turning distance when turning off Upper Boones Ferry Road.
 - (8) Traffic along Upper Boones Ferry Road is too fast for safety.
 - (9) At no place along Upper Boones Ferry Road is there an adequately marked pedestrian or bicycle crosswalks.



TRAFFIC VOLUMES - 1978
MEASURED BY WASHINGTON
COUNTY AND T.P.M.

Upper Boones Ferry Road through City of Durham experienced substantial through traffic destined for Tualatin, Tigard, or I-5.

Re-routing truck and commuter traffic to by-pass Durham is desirable. Lower Boones Ferry Road and 72nd Avenue capable of being designed to provide the by-pass.

- (10) The City of Durham does not have an adequate road classification system.
- (11) The intersection at Upper Boones Ferry and Durham Roads is confusing and poses a safety problem.
- (12) The City of Tualatin is planning for development of Lower Boones Ferry Road as an arterial providing a cross-downtown connection between Myberg Road and 72nd Avenue. Unless adequate bypass measures are taken, arterial-level traffic may find itself spilling over into the residential areas of Durham.
- (13) Traffic from the I-5 freeway is directed through Durham via Bridgeport Road enroute to Tualatin. In the future the level of traffic along Bridgeport may pose serious safety and circulation problems through Durham.
- (14) Upper Boones Ferry Road is a State highway classified as an arterial. In its present designation, this road through Durham will thwart any attempt by the City to improve safety and decrease commercial and industrial traffic along the road.
- (15) Surrounding Durham are substantial traffic generators. Tualatin to the south and east, and Tigard to the north and east are developing land use plans which will require substantially improved streets to accommodate the traffic expected to be generated. Unless a transporations network within this area is developed to alleviate the pressure on Upper Boones Ferry Road, the residential areas of Durham should expect increasing competition and conflict from heavy through commercial, industrial and commuter traffic.



- b. Public Transportation - Residents of the City of Durham have access to downtown Portland and Tualatin directly by Line 38 of Tri-Met. Service is provided at hourly intervals with slightly better service during the commute times and no service between approximately 10:00 p.m. and 2:30 a.m. A park-and-ride lot has been established at the K-Mart/Thriftyway Shopping Center in Tualatin. This affords access to Lines 38 and 37, with Line 37 having better frequencies of service. The park-and-ride station has room for 30 vehicles and can be used for carpooling as well. The typical trip to downtown Portland on any line from the Durham-Tualatin area is about 40-45 minutes.

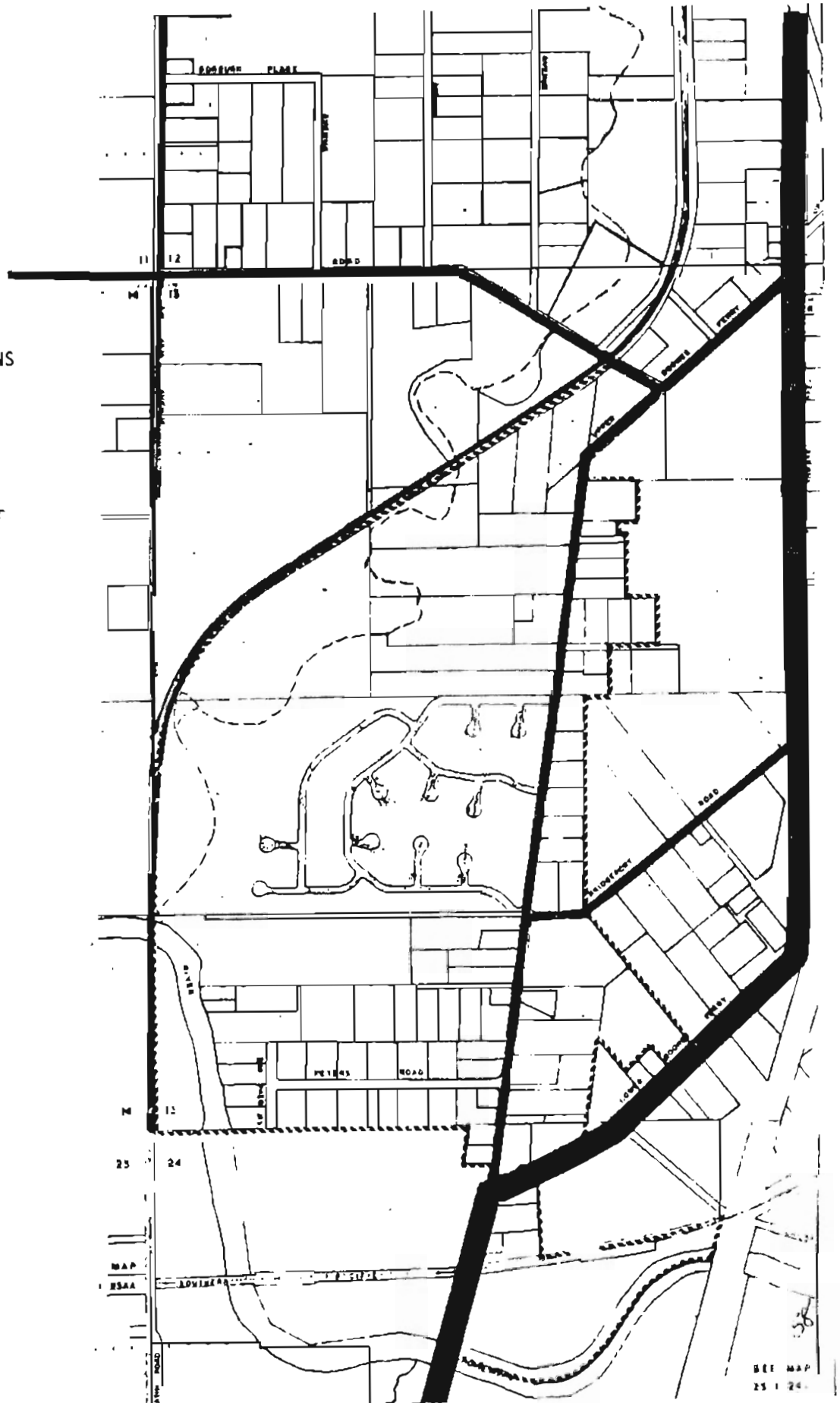
Tri-Met is currently developing plans for improved service throughout the region by 1990. These improvements include express bus service with exclusive or high occupancy vehicle lines, park-and-ride stations, or options including light rail. For the immediate future, Tri-Met has proposed a new line 43 which will connect Washington Square and Tualatin. If this line is approved, it will provide Durham residents with access to Tigard and Washington Square.

2. Public Facilities and Services

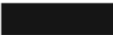

- a. Water - Residents along Upper Boones Ferry Road and Peters Road and in Kingsgate are provided public water by the City of Durham through an agreement with the Lake Grove Water District. The Lake Grove Water District has sufficient capacity to serve the City in the future.
- b. Sanitary Sewer - Only the Kingsgate PUD is provided with sanitary sewer service. The PUD's interceptor is connected directly into the Durham advanced waste water treatment plant by way of a sewer line to a Durham interceptor. The Washington County Sanitation Department has indicated that future applications for septic systems may be denied due to the availability of sewer. All future sewer hook-ups will go to the U.S.A.
- c. Energy/Communications - Durham is served by Portland General Electric Company, which foresees no problem in providing adequate supplies of electrical energy for the City of Durham in the future, based on existing demand projections. Durham is also served by Northwest Natural Gas, which also foresees no supply limitations to Durham based on existing demand projections.
General Telephone provides telecommunications services for the City. At the present time there exists overloading within GTE exchanges causing dissatisfaction among customers. GTE is proposing the development of a new central office in Tualatin or expansion of its existing Stafford office to handle projected exchange loads.
- d. Education - Existing and planned school buildings within the Tigard School District 23J will be adequate to serve children from Durham in the future, according to school district planning personnel. At the present time there are no plans by the school district to locate a new school within the Durham city limits. There are two potential school sites within Durham: one 12-acre parcel south of the Kingsgate PUD and another similar sized site in the extreme southern portion of the City.
- e. Police Services - Durham currently contracts with Washington County for police protection services. In addition, Durham has a volunteer deputy police force. In recent years, Durham's crime rate has dropped substantially with these police protection measures. There are no anticipated problems by Durham in providing adequate police services for the future.
- f. Fire Protection - Durham is located within the Tualatin Rural Fire Protection District, with stations located less than five minutes from any part of the City. The fire district will be able to provide Durham with continued protection services in the future.

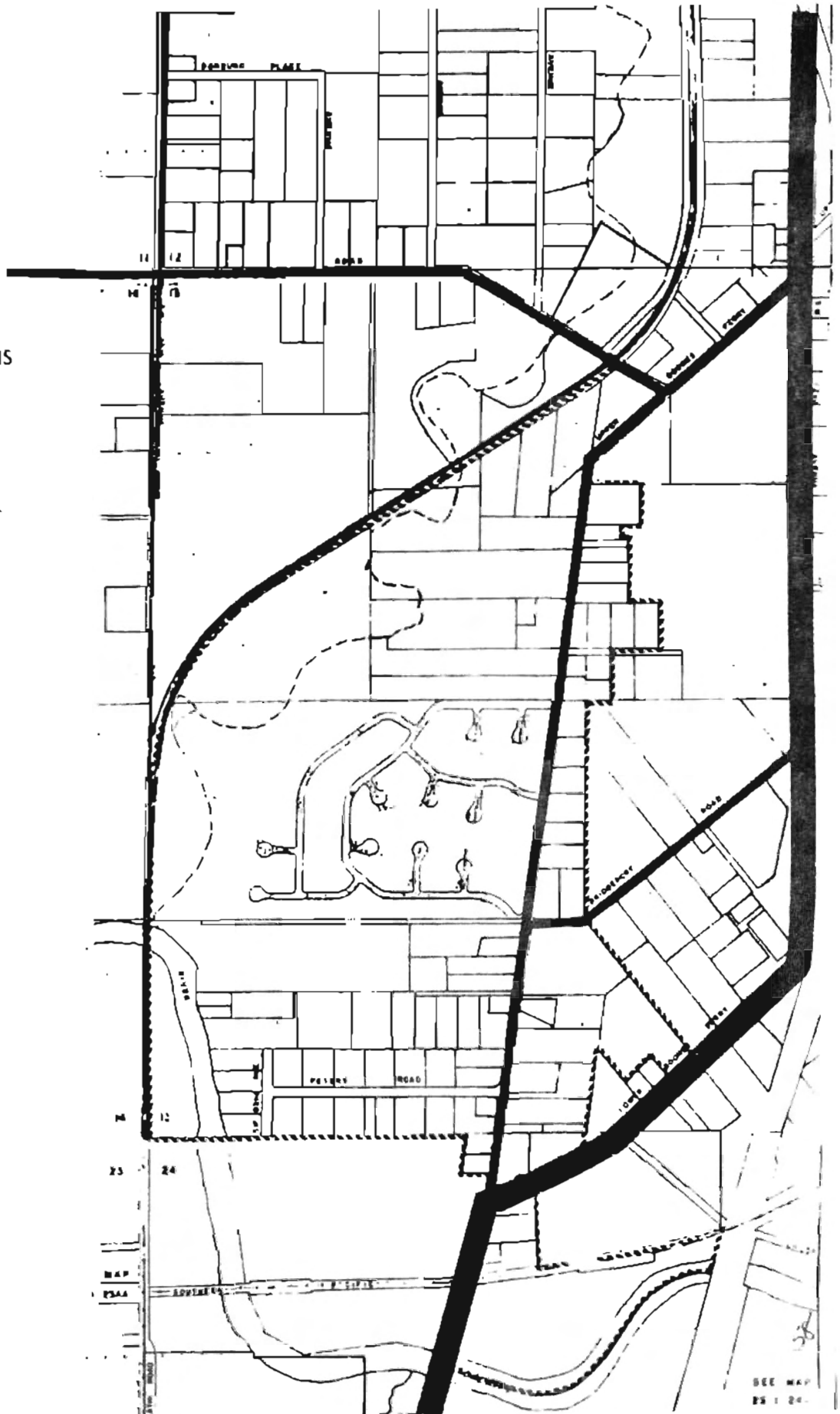
ROAD CLASSIFICATIONS

-  Arterial
-  Collector



ROAD CLASSIFICATIONS

-  Arterial
-  Collector



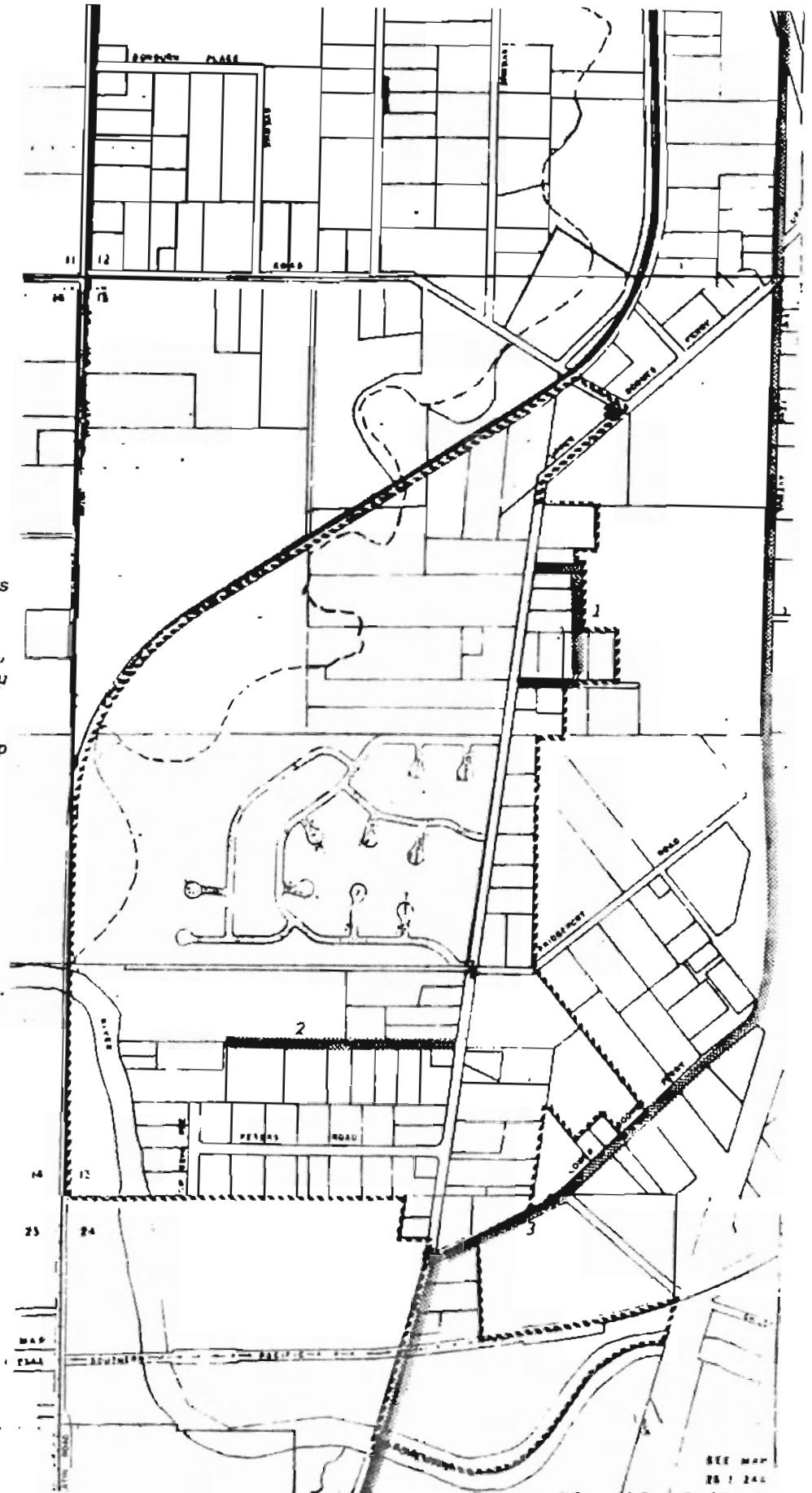
will always be one-way at the intersection. Development of this improvement will require cooperation between future developments in the area, and it is possible that full connection of the loop would not occur for several years. Developments will be required to contribute to their portion of the loop plan, but will also be allowed to have two-way access onto Upper Boones Ferry Road until such time as the loop is completed.

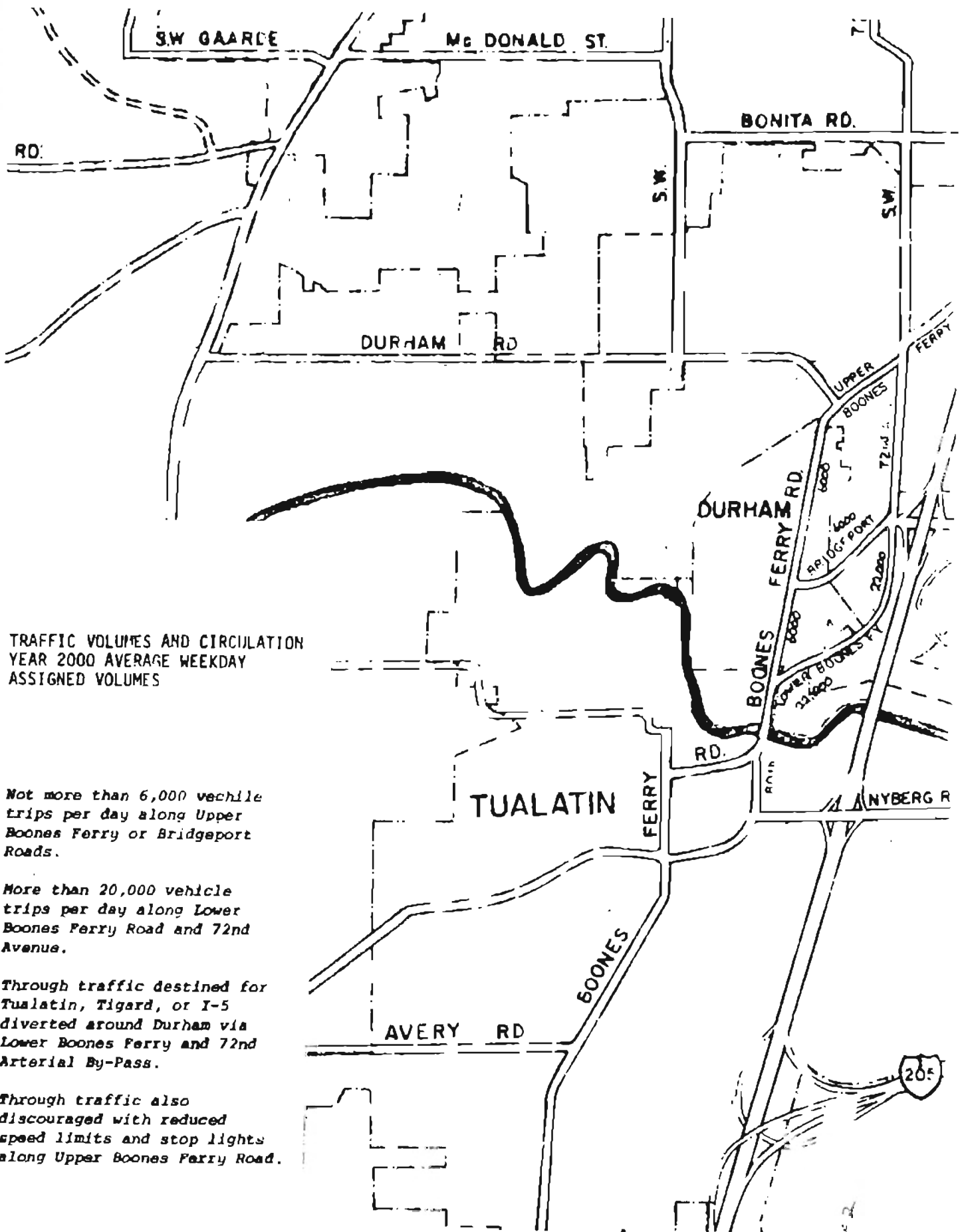
- (6) Improvement of Ellmann lane from its current 20 foot wide right-of-way status to 40 feet wide.
- c. Parking - The City shall implement measures to regulate parking in accordance with the following policies:
- (1) Parking shall not be allowed along arterials or collectors. Parking may be restricted along any local street.
 - (2) Office park and industrial park developments shall provide adequate off-street parking for employees and customers.
 - (3) Planned residential developments shall provide adequate off-street parking for employees and customers.
- d. Traffic Safety - The City shall pursue measures to provide for the following safety features:
- (1) Developments may be required to absorb all or part of the expense in providing for safe and controlled intersections.
 - (2) Lower Boones Ferry Road shall be designed to provide for continuous uninterrupted flow between the City of Tualatin and 72nd Avenue, while the intersection of Upper Boones Ferry Road and Lower Boones Ferry Road shall be designed to discourage vehicles from using Upper Boones Ferry Road as a through street. This may require development of a controlled intersection which is designed to funnel traffic along the arterial and limit access onto the collector.
 - (3) Installation of a stop light at the intersection of Bridgeport and Upper Boones Ferry Roads.
 - (4) Improvement of the Durham-Upper Boones Ferry intersection to avoid confusion in traffic circulation. This may require full stops in all directions or installation of a stop light.
 - (5) All future developments shall be required to demonstrate the intersections with their development and existing roads will be safe.
 - (6) The Durham Road extension is recommended for improvement by the City for the purposes of helping divert traffic around the City and improving otherwise unsafe traffic circulation conditions. Combined with improvements along 72nd Avenue and Lower Boones Ferry Road, commuter and truck traffic otherwise traveling through the City will be provided alternatives and will bypass the City. Under such a scheme, the City of Tualatin will redirect projected traffic from Bridgeport Road toward Tualatin to 72nd Avenue.
- e. Mass Transit
- (1) The City shall cooperate in metropolitan mass transit planning to ensure that mass transit is utilized to the maximum feasible extent.

- (2) The City shall support creation of a bus link between Tualatin and Washington Square, which, as part of its route, passes through Durham.
 - (3) The City shall encourage development of bus stops at regular intervals along Upper Boones and Lower Boones Ferry Roads. Bus shelters and other special bus stop improvements may be required by the City of a development.
- f. Transportation Indigents
- (1) Bus stops and shelters shall be designed to adequately accommodate the needs of the elderly and handicapped.
 - (2) Sidewalks may be required to be cut for use by handicapped persons in future developments.
- g. Pedways and Bikeways
- (1) Pedestrian ways shall be established in all developments.
 - (2) All non-motorized vehicle ways shall be separated from motorized vehicle ways.
 - (3) Non-motorized ways shall be constructed in improved portion of the Fanno Creek and Tualatin River Greenways.
 - (4) Bikeways will be developed along Boones Ferry Road between Tigard and Tualatin.
- h. Coordination
- (1) The City shall coordinate its transportation planning activities with those of other local, regional, and State agencies. Specifically, the City will coordinate transportation planning activities with MSD in preparing the Regional Transportation Plan, scheduled for completion in 1980, and with Washington County in preparing its Transportation Plan.
 - 2. The City shall endeavor to create a regional truck routing system which bypasses areas of residential and institutional uses.

**TRANSPORTATION
IMPROVEMENTS**

- * *Improved Intersections
along Upper Boones
Ferry Road at Durham
Road, Bridgeport Road,
and Lower Boones Ferru
Road*
- 1 *Findlay-East Road Loop*
- 2 *Widening of Ellman
Lane Right-of-Way*
- 3 *City By-Pass*





**TRAFFIC VOLUMES AND CIRCULATION
YEAR 2000 AVERAGE WEEKDAY
ASSIGNED VOLUMES**

Not more than 6,000 vehicle trips per day along Upper Boones Ferry or Bridgeport Roads.

More than 20,000 vehicle trips per day along Lower Boones Ferry Road and 72nd Avenue.

Through traffic destined for Tualatin, Tigard, or I-5 diverted around Durham via Lower Boones Ferry and 72nd Arterial By-Pass.

Through traffic also discouraged with reduced speed limits and stop lights along Upper Boones Ferry Road.

2. Policies to Provide for the Public Facilities and Service Needs of the Population

a. Water

- (1) The City shall maintain its agreement with the Lake Grove Water District for the provision of water until such time as acceptable alternative provider sources become available and/or preferable.
- (2) The City shall cooperate with the jurisdictions of Tualatin and Tigard in considering alternative water sources for the future.
- (3) Extension of public water to 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.
- (4) All planned residential developments shall utilize the City's public water source.
- (5) All office parks and industrial parks shall utilize the City's public water source.
- (6) The City will develop and adopt a Master Plan for water facilities by 1982.

b. Sewage

- (1) The City shall coordinate and enter into an agreement with the U.S.A. for the maintenance and improvement of 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 developments shall utilize sanitary sewer services.
- (4) All office parks and industrial parks shall utilize sanitary sewer services.
- (5) The City will develop and adopt a Master Plan for sanitary sewer extensions by 1982.

c. Drainage

- (1) All residential developments, office parks, and industrial parks shall demonstrate that provisions for drainage are adequate and consistent with the local, regional, State, and/or Federal drainage criteria.

d. Schools

- (1) The City shall coordinate decisions relating to approvals of planned residential developments with the Tigard School District 23J.

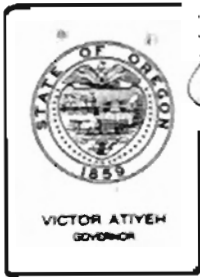
e. Solid Waste Disposal

- (1) The City shall require adequate solid waste disposal as necessary for approval of any planned residential development, or office or industrial park development.

- f. Fire Protection
 - (1) The City shall require adequate fire protection facilities within developments.
 - (2) The City shall coordinate decisions relating to approvals of planned residential developments, office parks, or industrial parks with the Tualatin Fire District.
- g. Utilities
 - (1) The City shall require adequate energy and communications services within all developments.
 - (2) All cable or plumbing utilities shall be underground.
 - (3) The City shall keep records of utility easements and shall coordinate the distribution network of utilities within the City.
- h. Police Services
 - (1) The City will provide police services. The City may contract with extra-jurisdictional police service agencies or private police service providers.
 - (2) The City shall require that crime prevention measures be incorporated into plans for planned residential developments, office parks, or industrial parks.
- i. Health Services
 - (1) The City may allow the location of health-related services in office or industrial parks.
- j. 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 the purpose of recovering the cost of such coordination.
 - (2) The City shall require that developments improve public facilities and sewers to have the capacity to satisfy the demand for future facility use as represented in the Plan.
 - (3) The City shall attempt to relocate City Hall from the area designated for low density urban residential to areas designated for office park or industrial park.
- k. Timing of Improvements
 - (1) The City shall consider the following schedule of transportation, water, sewer, and utility extensions as desirable in the timely and orderly development of the City:
 - (a) By 1980 full build-out of the Kingsgate PUD, including development of designated office park.
 - (b) Between 1980 and 1990 full build-out of east side of the City.
 - (c) Between 1985 and 1995 full build-out of southwest area of the City.
 - (d) Between 1990 and 2000 full build-out of northwest area of the City and south area of the City.
 - (2) Development proposals shall be considered in relation to the desired timing of development.
- l. Senior Citizen Center
 - (1) The City of Durham will coordinate efforts with other cities in developing a sub-regional senior citizens center, to be located in Tualatin, which will provide needed services to senior citizens in the area.

DOCUMENTS
LOCAL

DURHAM
(1979b)



492
Library
Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

ACKNOWLEDGED PLAN MATERIAL

December 24, 1979

The Honorable Robert Percy
Mayor, City of Durham
P.O. Box 23483
Tigard, OR 97127

Dear Mayor Percy:

It gives me a great deal of pleasure to confirm that the Land Conservation and Development Commission, on December 14, 1979 officially acknowledged the comprehensive plan and implementing ordinances of Durham as being in compliance with CRS 297 and Statewide Planning Goals.

The acknowledgment signifies a historic step for the city's land use planning program. By effectively planning ahead for the wise use of your valuable land, you have set an excellent example for other communities to follow.

I would like to commend the local officials, staff, and citizens of your community for their hard work and foresight in the field of land use planning.

Congratulations,

W.J. Kvarsten

W. J. Kvarsten
Director

Enclosure

cc: Washington County Board of Commissioners
Sue Klobertanz, Coordinator, Metro
Chris Nelson, Durham Planning Director
Linda Macpherson, Field Representative

WJK:LC:lzm
1022A G4(a)

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE CITY OF
DURHAM'S COMPREHENSIVE PLAN
AND IMPLEMENTING MEASURES

)
)
)

COMPLIANCE ACKNOWLEDGMENT
ORDER

On July 23, 1979, the City of Durham, pursuant to ORS Ch. 197.251 (1) (1977 Replacement Part), requested that its comprehensive plan and implementing measures, consisting of the Comprehensive Plan and Land Development Code, adopted July 25, 1979; Comprehensive Plan and Land Development Code Amendments, adopted October 24, 1979; and Washington County-City of Durham Urban Planning Area Agreement, adopted August 7, 1979, be acknowledged by the Land Conservation and Development Commission in compliance with the Statewide Planning Goals.

The Commission reviewed the attached written report of the staff of the Department of Land Conservation and Development on December 14, 1979, regarding the compliance of the aforementioned plan and measures with the Statewide Planning Goals. Section II of the report constitutes the findings of the Commission.

Based on its review, the Commission finds that the Durham comprehensive plan and implementing measures comply with the Statewide Planning Goals adopted by this Commission pursuant to ORS Ch. 197.225 and 197.245.

Now therefore be it ordered that:

The Land Conservation and Development Commission acknowledges that the aforementioned comprehensive plan and implementing measures of the City of Durham are in compliance with the Statewide Planning Goals.

DATED THIS 24th DAY OF December, 1979

W. J. Kvarsten
W. J. Kvarsten, Director for the
Land Conservation and Development
Commission

Ry A. Dan
Acting Director

LAND CONSERVATION AND DEVELOPMENT COMMISSION
ACKNOWLEDGMENT OF COMPLIANCE REPORT
City of Durham
Comprehensive Plan and Implementing Measures

DATE RECEIVED: August 28, 1979 DATE OF COMMISSION ACTION: December 13, 1979

SUMMARY OF RECOMMENDATIONS:

Staff:

Recommends the Commission acknowledge the City of Durham's plan and implementing measures to be in compliance with Statewide Planning Goals.

Metropolitan Service District (Metro):

Recommends the Commission approve the City of Durham's plan and implementing measures to be in compliance with Statewide Planning Goals.

FIELD REPRESENTATIVE: Linda Macpherson
Phone: 229-6068

LEAD REVIEWER: Greg Winterowd
Phone: 378-2328

METRO REVIEWER: Jill Hinckley
Phone: 221-1646

LOCAL COORDINATOR: Sue Kloberstanz
Phone: 221-1646

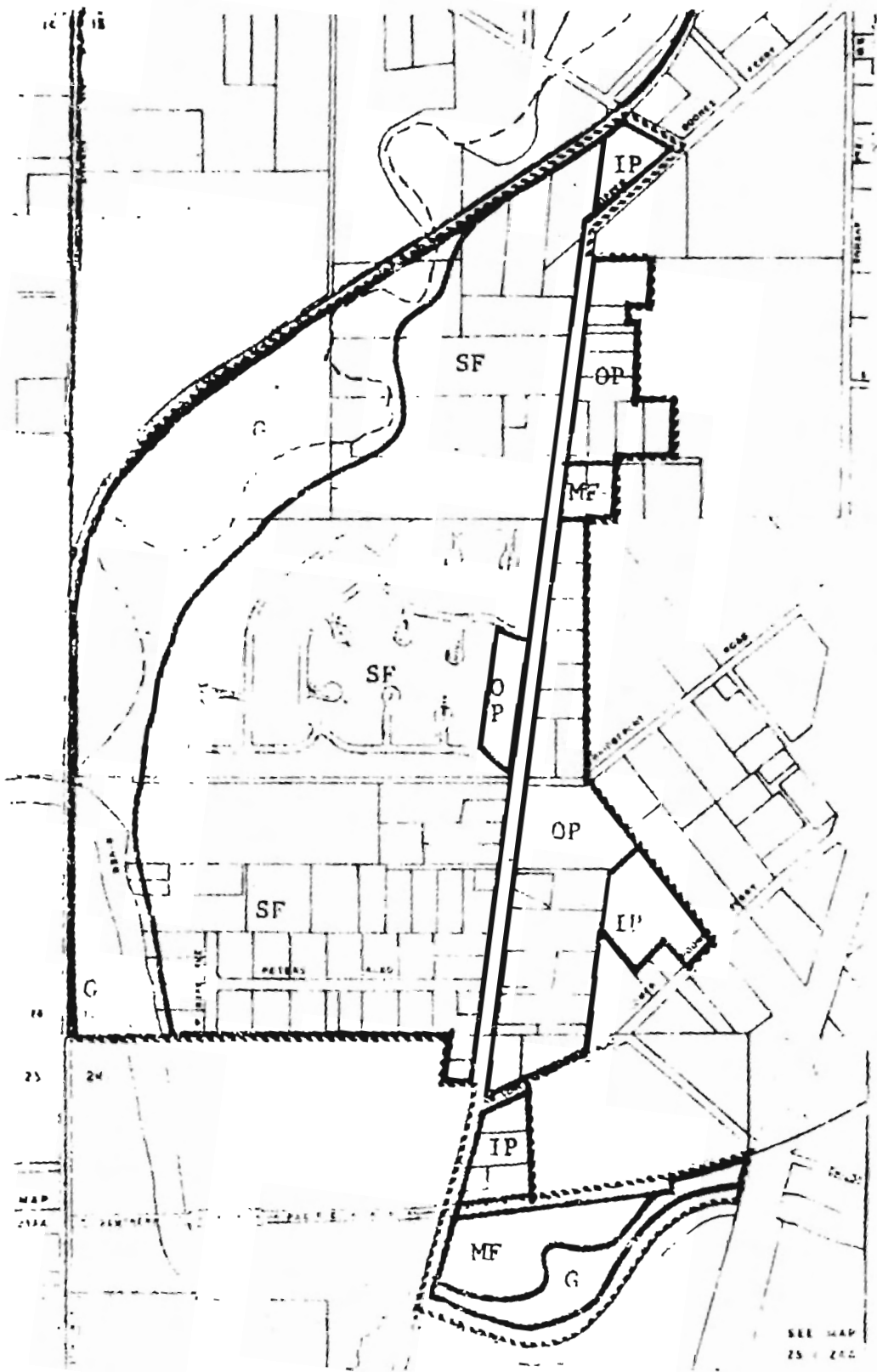
Date of Report: November 28, 1979

DURHAM COMPREHENSIVE
DEVELOPMENT PLAN

General Land Use
Classifications

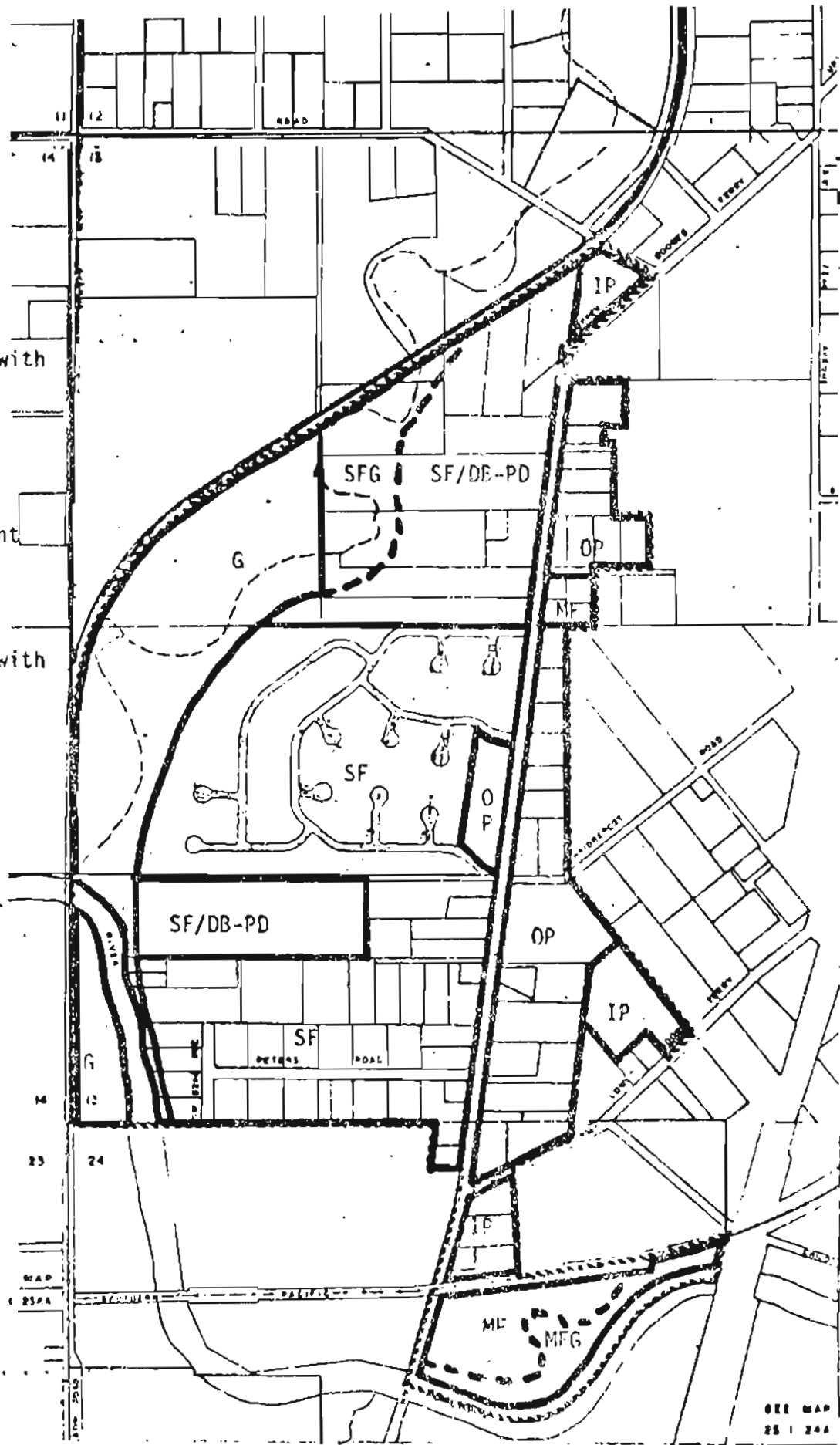
- SF Single Family
Residential
- MF Multiple Family
Residential
- OP Office Park
- IP Industrial Park
- G Greenway

Specific aspects of
the Comprehensive
Development Plan are
described within the
text.



DURHAM ZONING MAP

- SF: Single Family Residential
- SFG: Greenway Overlay with Single Family Residential
- SF/DB-PD: Single Family Residential with Density Bonus for Planned Development
- MF: Multiple Family Residential
- MFG: Greenway Overlay with Multiple Family Residential
- OP: Office Park
- IP: Industrial Park
- G: Greenway



I. BACKGROUND INFORMATION:

A. Geography:

Durham is located inside the Metropolitan Portland urban growth boundary in Washington County, between Tigard and Tualatin. Durham is bisected by Upper Boones Ferry Road, and is situated between I-5 on the east and the Tualatin River to the south and west.

B. Governing Body:

Mayor and four-member city council. Durham was incorporated in 1966.

C. Population:

Year 2000 projection: 1,600 (Note: This figure is based on the holding capacity of the Durham City Limits)

1979-440 (PSU estimate)
1977-252 (Official PSU population count)

D. Plan and Implementing Measures:

Comprehensive Plan and Land Development Code: Adopted July 25, 1979.

Amendments to Comprehensive Plan and Land Development Code: Adopted October 24, 1979.

Washington County - City of Durham Urban Planning Area Agreement: Adopted August 7, 1979.

E. Compliance Status:

Durham's compliance date was June 1, 1979. During the period of 1978-79 Durham received a planning assistance grant of \$4,000.

II. FINDINGS AND REASONS:

A. General Overview

The "Executive Summary" to Durham's Comprehensive Plan aptly describes the City's changing status from a rural to a metropolitan community:

"In 1975 the City of Durham was a very small, almost rural town of 250 inhabitants. Within a five mile radius of Durham were 30,000 suburban and rural residents. By the year 2000 there will be over 100,000 people living in a highly developed urban-suburban environment within this same area. How this development is directed over the next two decades is largely beyond the control of Durham, but the City is prepared to guide its future as much as is reasonably possible. The Durham Plan sets forth goals and policies relating to natural resources, growth and development, and support systems."

"For purposes of this Plan, and in all of Durham's planning efforts, the limits of the City planning area are coterminous with existing city limits. Furthermore, all land within the City limits is considered urban in this Plan. The important features of the Durham Plan are summarized below."

"Durham is prepared to become home to more than 1,600 people by the year 2000, roughly four times the 1979 population of 440. In 1979, 94% of all housing stock in the City was of the single family detached type. By 2,000 35% of all housing will be of the multiple family type. Durham is making a substantial effort to provide for the housing needs of an expanding population."

"Durham is prepared to provide employment opportunities for people near to where they live. Well designed, attractive and unobtrusive office parks and industrial parks will combine to provide a stable and diverse economic base for the City."

"Durham will convert over 70 acres of river land and flood plains into an open space network stretching from Tizard to Tualatin. These developed Greenways will provide a variety of passive and active recreational opportunities for all Durham residents. Complementing the Greenway system will be a number of mini and neighborhood parks, designed to provide specific open space and recreational opportunities for small and large developments. The Durham Plan provides for substantial control over its natural environment and appearance."

Durham has accepted its regional growth obligations, and has prepared a plan which will enable the City to accommodate growth while maintaining its strong commitment to natural resource preservation.

Durham's planning accomplishments are especially evident with regard to Goals 10 and 11. Durham incorporated in 1966 expressly to preserve environmental values. The City had originally conceived of itself as a rural community with a very limited regional housing role. Durham had planned for large lot zoning (1/2 acre lots) and allowed for septic tank development. Durham now provides for a housing mix and densities in excess of regional UGB guidelines and requires that new development connect with Unified Sewerage Agency sewerage facilities. The Department recognizes that this transition has been difficult for the City. Durham should be congratulated for its efforts.

The Metropolitan Service District has been constructive in assisting Durham in the development of its plan. The Department's acknowledgment report incorporates by reference portions of Metro's findings of fact, attesting to both the quality of Metro's comments and its active regional compliance role. The City's planning consultant is Chris Nelson, who has worked with Durham's City Recorder, Jeanne L. Percy, in preparing the plan for acknowledgment.

8. Goal Compliance Analysis

The list of factual base data, policies and implementing measures reviewed by the Department in making its recommendations is cited in Appendix A of this report.

1. Citizen Involvement: (Goal 1)

Durham's Citizen Involvement Program (CIP) was approved by LCDC on June 18, 1976, with the Planning Commission serving as the Committee for Citizen Involvement. An evaluation of the program was conducted by the CCI on June 20, 1979, with favorable results.

Procedures for annual legislative revisions of the comprehensive plan are outlined in Chapter VI, Article 1, Sections 5 and 6 of the Land Development Code, and include notification of all property owners in the City of Durham as well as governmental agencies having an interest in the hearing.

Conclusion: The City of Durham complies with Goal 1.

2. Land Use Planning: (Goal 2)

Durham has adopted necessary plan and implementing measures to meet Goal 2 process requirements. Factual information is provided in the plan to ensure informed decision-making. Affected governmental agencies were involved in plan development.

(see Durham Agency Involvement Program, dated February 6, 1978). Planning in Durham has been closely coordinated with the Metropolitan Service District (see Metro findings).

The Durham plan requires annual review and update, and opportunity is provided for review and comment by affected governmental units and citizens (see Goal 2 reference, Appendix A). Durham has adopted an Urban Planning Area Agreement with Washington County which establishes policies and procedures for amending the planning area boundary and for coordinating land use decisions.

It should also be noted that the Durham plan has undergone rigorous scrutiny by several housing interest groups, including 1000 Friends of Oregon and the Oregon Business Planning Council, in part as a result of the Seaman v. Durham appeal. Durham has considered these and Metro's comments in redrafting its plan and implementing measures (see Appendix B).

Metro noted in its findings that a conflict between the plan and zoning maps existed relative to the Greenway designation. As suggested by Metro, Durham corrected this Goal 2 deficiency as part of its October 1979 plan amendments.

1000 Friends of Oregon has commented on certain administrative provisions found in Chapter VI of Durham's Land Development Code:

"There remain some problems with administrative provisions. On page 51 of the code, the city attempts to distinguish between legislative and quasi-judicial land use actions in a manner not consistent with state law. On page 61 the city designates the writ of review as the only available means for appealing a council action. This requirement is inconsistent with Senate Bill 435, establishing the Land Use Board of Appeals. These deficiencies should be amended by Durham at the soonest possible time."

The Department had also noted these procedural limitations in its acknowledgment review, and stresses the need for Durham to address these problems as soon as possible.

Conclusion: The City of Durham complies with Goal 2.

Suggestion for Plan and Implementing Measure Improvement:

Durham should, next plan update, (1) reconsider its definition of "legislative land use action" (Code, p. 51) and (2) change its writ of review appeals requirement (Code, n. 61), consistent with state statute and Oregon case law.

3. Agricultural Lands: (Goal 3) is not applicable because the entire Durham planning area is inside the regional UGB and does not impinge on Agricultural Soft Areas identified by Metro for special protection.

4. Forest Lands: (Goal 4)

Durham has inventoried and mapped forested areas within the planning area as part of a general study of vegetation (Plan, pp. 14-17). Durham regards its "aged conifers and striking ornamental vegetation" as its "most significant natural asset" (Plan, p. 17).

Plan policies requires the adoption of standards governing vegetative removal and displacement, as well as the conservation of open space and flood plain areas, where most of the forested lands are found (Plan p. 28). The Land Development Code requires consideration of the individual trees and wooded areas in project design (See Appendix A).

Conclusion: The City of Durham complies with Goal 4.

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

Durham has prepared inventories for applicable Goal 5 topics including open space, mineral and aggregate resources, fish and wildlife habitats, scenic views, and water areas and wetlands (Plan, pp. 4-17). "Durham does not provide any Oregon approved hiking trails, cultural areas, historic sites or structures or State scenic waterways" (Plan, p. 17).

The Department of Transportation commented that the City should, at its next plan update, "develop some statement for historic preservation when and if there are any historic sites located."

Durham plans to preserve identified natural resources by converting "over 70 acres of river land and flood plains into an open space network stretching from Tigard to Tualatin" (Plan, p. 1). Policies stated on p. 28 of the Durham Plan require participation in the national flood insurance program, retention of open space land while achieving urban densities by encouraging planned developments, utilization of the flood plains of "Fanno Creek and the Tualatin River as the foundation of an open space network," and the development of code standards for protection of flora and fauna.

Durham also has a policy to develop natural resource extraction and rehabilitation standards when such extraction is determined to be desirable and feasible by the City (Plan, p. 28).

However, the City has determined that due to the relatively poor quality of identified sand and gravel deposits, and the "magnitude of urbanization expected," "this resource should not be considered for further development" (Plan, p. 17).

Durham has adopted a Greenway Zoning District "to protect and preserve natural water storage areas, flood plains and drainage areas...by discouraging or prohibiting incompatible uses..." (Code, p. 15). Planned Developments must consider natural features in project design (Code, p. 18). Density bonuses are provided for planned developments incorporating Greenway land when the development is clustered on buildable land outside the Greenway area, thus ensuring that the Greenway becomes part of the open space network (Code, p. 7). Subdivisions must also take identified natural resources into account in project design (Code, pp. 27-29).

Conclusion: The City of Durham complies with Goal 5.

Durham has done a commendable job of identifying and protecting its natural resources, especially in its unambiguous commitment to open space use of flood plain areas, and retention of natural features in the design of new development.

Suggestion for Plan and Implementing Measure Improvement.

The City should, at its next plan update, consult with the State Office of Historic Reservation and/or local historical societies to make sure that no historic sites or structures are located in the Durham planning area.

6. Air, Water and Land Resources Quality: (Goal 6)

Durham has addressed air, water and land resource quality on pp. 17-24 and 29 of the Plan. Durham has amended its plan consistent with Metro's Goal 6 comments on air quality. Durham is committed to cooperating with DEN and Metro towards meeting revised federal air quality standards (Plan Amendment, p. 17).

No water quality problems have been identified in Durham. Metro has commented that: "The only potential threats to water quality are residential septic tanks and drainage... Future problems are avoided by sewerage and drainage requirements for all future subdivisions and planned developments" (Code, pp. 9, 117). The Water Resources Department commented on Durham's water policy and potential water supply problems (see Appendix B).

The Plan recognizes the regional importance of solid waste management, and the potential impacts of siting disposal facilities near the City (Plan, p. 29). Metro has commented that: "Durham has come a long way in recognizing Metro's authority for landfill siting, and has adopted a policy consistent with Metro Procedures for Siting a Sanitary Landfill."

Durham has adopted a policy committing the City "to cooperate with MSD and DEQ in maintaining and enhancing air, water, and land resources quality" (Plan, p. 29). New development is required to connect to the sanitary sewer system (Plan, p. 40).

DEQ has objected to acknowledgment of Durham's plan because it feels the City has not adequately addressed noise pollution (see Appendix B).

Noise problems are addressed at several points in the Plan. Durham was originally incorporated in part to avoid impacts of encroaching manufacturing, gravel extraction, and regional sewerage treatment plants and transportation facilities on existing residential neighborhoods (Plan, p. 39). The transportation section of the Plan discusses in detail the conflicts between regional transportation objectives and environmental quality (Plan, pp. 53-54, 60). Noise problems with respect to truck traffic along Upper Boones Ferry Road are specifically cited (Plan, p. 53). The location of office and industrial park zoning in Durham was intended to buffer residential neighborhoods from the freeway and gravel pits (Plan, p. 50).

These compatibility concerns are apparent in plan policies which establish criteria for review of community impacts resulting from industrial and commercial developments (Plan, p. 52):

"Associated light and noise will not harm surrounding properties,"

"project meets appropriate standards for pollution control as administered by DEQ and the National EPA" (Plan, p. 52).

A more general policy calls for the maintenance of community "health, comfort, and tranquility" (emphasis added, p. 52). Noise impacts must be taken into account in the siting of regional solid waste landfills in conjunction with Metro (Plan, p. 39). The impact of traffic noise is considered in plan policies which require landscape areas around parking lots, commercial zones, and transportation corridors. Other policies call for the location of landscaped pedestrian and bikeways as buffers along thoroughfares and between conflicting land uses (Plan, pp. 31-32). Transportation policies suggest the rerouting of through truck traffic and lowering of speed limits along Upper Boones Ferry Road (see also Goal 12 section of this report).

The Land Development Code requires that industrial development meet specific noise, heat and glare, and vibration standards, and that dense landscaping buffer such uses from adjoining residential neighborhoods (Code, pp. 13-15). DEQ has objected that these noise standards are out of date and that it does not

"calibrate and certify" noise meters, as specified in the Durham Code (p. 15). All industrial and commercial development, and residential development in greenway overlav districts seeking density bonuses, is subject to the Planned Development section of the Code, which allows for conditions to be placed on permit approvals to meet Plan objectives (Code, pp. 16-19).

Conclusion: The City of Durham complies with Goal 6.

Update Items

The City shall, in accordance with plan policies and in coordination with Metro and the Department of Transportation, cooperate with DEO in addressing noise and in pollution problems, and in amending noise standards in the Industrial Park Zone, as part of its next plan update.

7. Areas Subject to Natural Disasters and Hazards: (Goal 7)

Applicable hazards in Durham are flooding and steep slopes. Natural hazards in Durham are found in association with the flood plains of the Tualatin River and Fanno Creek, and terraced escarpments with slopes of as much as 60% along these waterways (Plan, pp. 5-6). These hazard areas are excluded from the buildable lands inventory and amount to approximately 76.5 acres (Plan, p. 35).

Plan policies require participation in the FIA flood area management program, application of site specific engineering standards where soil conditions pose development problems, and City participation in inter-jurisdictional approaches to watershed, storm drainage and flood plain studies relative to Fanno Creek. Residential, commercial and industrial buildings cannot be constructed in flood hazard areas (Plan, pp. 28, 47, 51). The Subdivision, Planned Development and Greenway sections of the Land Development Code carry out natural hazards policies (see Appendix A).

Comments (see Appendix B for letters)

The Department of Water Resources commented that the City had applied for entry into the National Flood Insurance Program, but that "planned development should not be encouraged in the flood plain." Durham is not encouraging structures which would obstruct or be damaged by flood waters, but is allowing property developers to receive density bonuses for developing outside the flood plain (Code, pp. 47-48).

In response to Metro's expressed concern, Durham has amended its Zoning Map to include Greenway Zoning protection for a hazard area in south Durham (see Metro findings, Goal 7).

Conclusion: The City of Durham complies with Goal 7.

8. Recreational Needs: (Goal 8)

Durham expects to have two new developed parks as part of its recreational program by 1980 (Plan, pp. 24-25). Durham also has embarked on a greenway program which will include pedestrian and bike trails and retention of open space, primarily in conjunction with development along the Tualatin River (Plan, pp. 29-34). Provisions of the Subdivision, Planned Development, Design Review, and Greenway sections of the Land Development Code ensure that Durham's recreational policies will be implemented (see Appendix A). (See especially Code Amendments, pp. 10-11 and Code, p. 50.)

Conclusion: The City of Durham complies with Goal 8.

Durham has among the strongest recreational plans reviewed to date by the Department. It has an unambiguous commitment to implement its local greenway program along the Tualatin River and in so doing will provide recreational opportunities of regional significance.

9. Economy of the State: (Goal 9)

Durham "recognizes its responsibility for providing employment opportunities for future residents." Consistent with this objective, Durham analyzes its economic role relative to Washington County and comes to the following conclusion (Plan, pp. 48-49):

"Using an average of 20 employees per office/industrial park acre, Durham needs 56 acres of such land in order to reasonably satisfy its need for providing 1,120 jobs by the year 2000."

Durham has planned and zoned six areas totalling 47 acres for either office or industrial park use based on locational and service criteria, and concluded that more land may be needed to meet employment objectives to the year 2000. However, the Plan commits Durham to reexamination of land availability for industrial and commercial purposes in 1985 (Plan, pp. 50-51).

Criteria are established for the siting of industrial and office developments, which are subject to planned development standards (Plan, pp. 51-52). The Land Development Code provides for economic development in two zones (see Appendix A).

Comments (see Appendix B)

The Department of Economic Development noted that Goal 9 was omitted from a list of very general policies on page 26 of the plan and suggested that Durham review this apparent mistake in the next plan update, as well as adopt more measurable economic

objectives. It should be noted that there is a general economic policy listed on page 26 under "Goal 2" which states that, "employment centers in surrounding jurisdiction...will provide employment opportunities for Durham residents." This policy statement is inconsistent with Durham's commitment to providing local employment opportunities. In any event, policies listed on p. 26 of the Plan relate only to the immediately preceding energy conservation section of the plan only.

Conclusion: The City of Durham complies with Goal 9.

Durham has clearly shifted its Goal 9 emphasis away from a bedroom community orientation and towards providing a local employment base for existing and future residents.

Suggestion for Plan and Implementing Measure Improvement.

Durham should work with DED in setting more measurable economic objectives.

10. Housing: (Goal 10)

Goal 10 defines buildable lands as "...lands in urban and urbanizable areas that are suitable, available and necessary for residential use."

Lands Suitable and Available for Residential Use

Durham has conducted a buildable lands inventory for residential purposes and concluded that 68.8 net acres are "buildable" in the City. This figure excludes developed lots on one-half acre or less, land expected to be used for streets, and land subject to natural hazards (see Goal 7 section of this report). The Plan indicates that key public services in Durham are provided by special districts (p. 56) and has identified no service impediments to growth (pp. 63-64).

Lands Necessary for Residential Use

In assessing its housing needs, Durham took into account its existing housing stock and neighborhood characteristics, the desires of its citizens, and regional housing objectives (Plan, pp. 37-40): "The attempt has been made in this plan to balance the legitimate desires of Durham's citizens with regional housing needs":

"The official 208 projection for Durham appears to be 400 by the year 2000. This appears low, given Durham's capacity. To further assist in regional housing planning, the City's Plan will provide for a population capacity substantially greater than that expected of Durham. As a result of this Plan, Durham will have a population capacity of between 1500 and 2000 people living in a variety of housing types..." (Plan, p. 41).

Pages 41-45 of the plan consist of an in-depth analysis of the capacity of each of three "housing areas" and the rationale used in zoning each. Based on this analysis, Durham's plan concludes that enough land has been designated to achieve: (1) a 50:50 ratio of new single family to new multiple family construction; (2) an average density of at least 6.2 dwelling units per net acre; and (3) a 65:35 overall ratio of single family to multiple family housing in the year 2000 (Plan, p. 46). All of these ratios compare favorably with regional housing guidelines.

Plan Policies and Implementing Measures

Recognizing that Durham can do little to "affect the major determinants of housing cost," the plan does include the following policies which have been carried out in residential zoning allocations (Plan, pp. 39-40).

"Affordable Housing

1. Participate in the Area Housing Opportunities Plan, subsidizing low income housing;
2. Encourage multiple family housing, which will have the effect of reducing rents and purchase prices;
3. Increase densities and decrease lot sizes in areas currently zoned R-15 by zoning these areas R-10;
4. Encourage planned developments resulting in clustered housing.

Housing Density

1. Provide for both single family and multiple family alternatives;
2. Within the single family residential area, a diversity of permitted lot sizes;
3. Within the single family residential area, also provide adequate incentives for clustering of housing units into townhouses, zero lot line houses and small lot sizes."

There were, however, a number of vague and general plan policies which, before plan amendments, were intended to be applied in approving or denying housing developments (Plan, pp. 47, 52). Although their thrust was to ensure environmentally sound housing compatible with existing developed neighborhoods, there still existed the potential to discourage needed housing. The Land Development Code contained similar provisions (see Appendix A).

Metro, 1000 Friends of Oregon and Oregon Business Planning Council had all noted that the application of these standards in approving or denying needed housing violated the Commission's Housing Policy. According to Metro's preamendment comments:

"All multifamily and all single family subdivisions must be approved as 'planned developments'. Current provisions for planned developments violate LCDC's 'St. Helens' policy for the following reasons:

1. The Planning Commission may approve the development, deny it, or approve with conditions. No limits are placed on the grounds for denial, nor is there an inclusive list of the range of conditions which may be attached; the partial list includes those that ensure that 'the proposal is in harmony with the surrounding area'.
2. A number of 'program elements' are required with the preliminary plan (such 'contribution to the local economic base') which place an unfair burden on the developer and which are either superfluous or, if used in the decision process, inappropriate.
3. The proposal must also be found to be in conformance with the plan itself. The plan itself contains many vague policy statements including general standards on 'physical attractiveness' which could be used to deny proposed developments.

In addition, the plan contains 'residential development criteria' for services which place the burden for all service provision on the development without specifying how these criteria can be met. Requirements with respect to 'adequate recreation improvements,' and 'adequate provision for mass transit access' all may be sensible in theory; but how 'adequacy' is to be measured and what types of design features can meet it must be specified or these criteria can be used to impose unreasonable conditions for approval which substantially increase the cost of housing or otherwise make its production unfeasible. Policies on park dedications or fees in lieu of are also contained in other sections of the plan but are nowhere defined.

4. Finally, there are provisions for design review with no associated standards or criteria. Design review itself is acceptable but only where the range of features reviewed and the review standards are stated.

"The problems here are not as much with standards which are altogether inappropriate as with a lack of clarity about which standards are used, when, and how. The amendments now being considered by the City would remedy this problem by:

1. Exempting multifamily housing from application of the planned development and design review approval processes;
2. Applying design review only to a limited range of conditions and only as necessary for the approval of special permits or variances;
3. Replacing vague approval standards and procedures from the planned development provisions with clear and objective conditions for approval;
4. Adding policy to the plan itself limiting the application of vague standards therein to use as guidelines for the development of specific and nonexclusionary standards in the ordinances; and
5. The addition of a few specific requirements for multifamily housing.

Metro has reviewed these amendments in draft form and finds them adequate to meet goal requirements."

Durham has made substantial modifications in its plan and Development Code which all commenters agree brings the Durham Plan into full compliance with Goal 10. (See Amendments to plan and Code, adopted October 24, 1979.) These amendments have changed criteria which could have been misused to deny a legitimate development application, into objectives to be addressed by the developer in cooperation with Durham's Design Review Board as part of the approval process. The Planning Commission, in the event that agreement cannot be reached, must explain exactly what the developer must do to have a particular development approved (Amendment to Code, p. 17). In any case, "the implementing of the design review process in the Code shall not be used or intended to be used to discourage the development of needed low and moderate income housing... Standards established shall not unreasonably increase costs or decrease densities" (Amendment to Plan, p. 15).

Durham has fully carried out plan policies to increase densities and provide housing diversity through the Planned Development process. Virtually all of Durham's vacant buildable land is subject to density bonuses of 25% if developed as PD's, in addition to a bonus of "one dwelling unit per acre of designated greenway land included as part of the development" (Amendment to Code, p. 7). Although the Planning Commission and Design Review

Board still retain an element of discretion in applying PD standards, an amendment to page 45 of the Code requires strict adherence to maximum density levels established in the Durham Plan.

Multiple family housing is no longer required to go through the PD process, although design review standards for recreational needs, exterior appearance, and landscaping do apply (Code, p. 15). Net residential densities in Durham's only significant multiple family undeveloped area, 'may be as high as 26.5 units' per buildable acre" (Plan, p. 42).

Conclusion: The City of Durham complies with Goal 10.

Durham has made extensive amendments to its Comprehensive Plan and Land Development Code to fully comply with the spirit and the letter of Goal 10. 1000 Friends of Oregon, Metro and OBPC had previously noted Goal 10 deficiencies in their objections and comments. Although these amendments were made during the acknowledgment review period, these three groups now agree that adopted changes bring Durham into compliance with Goal 10.

Durham has forthrightly addressed housing problems identified in plan review, and is now well-equipped to meet housing needs in a regional metropolitan context. Durham serves as a model for smaller communities, in that it has accepted its housing obligations while ensuring that new development will be designed to meet environmental and neighborhood compatibility standards which are clearly set forth in plan and implementing measures.

11. Public Facilities and Services: (Goal 11)

Durham has inventoried urban level facilities and services. Water and sewer facilities and fire protection are provided by special districts. Durham has coordinated its school planning efforts with those of Tigard School District 235. Police protection is provided by Washington County. Durham has adequate public facilities and services to meet projected needs (Plan, p. 56).

Plan Policies

New development is required to connect with public sewer and water systems. The developer is responsible for the extension of these facilities. The City is committed to developing master sewer and water facilities plans by 1982. Development within Durham is phased within the City by area to the year 2000 (Plan, pp. 29, 63-64).

Other plan policies require the provision of key facilities and services in conjunction with development (Plan, p. 64), including fire protection, police services, utilities, schools, surface drainage, and solid waste disposal. Durham also has adopted detailed siting criteria for the location of a solid waste disposal facility in the Durham area (Plan, p. 29; see also Goal 6 section of this report).

Implementing measures in the Planned Development and Subdivision sections of the Land Development Code have been adopted to carry out plan policies in conformance with Goal 11 (see Appendix A).

Conclusion: The City of Durham complies with Goal 11.

12. Transportation: (Goal 12)

The City has undertaken an extensive review of traffic circulation problems in the Durham area (Plan, pp. 35-55). Public transit options for Durham have also been studied (Plan, p. 55).

Plan policies call for specific measures to alleviate identified traffic problems (Plan, pp., 59-60). The Department of Transportation has commented on several of Durham's traffic policy provisions, and is concerned that Durham may not have adequately considered state and regional transportation needs, concluding that, "The City needs to be prepared to reevaluate its transportation plan when MSD completes the regional transportation plan" (see Appendix B). Durham has responded to ODOT's concerns by reasserting its position with respect to plan policies, especially concerning Upper Boones Ferry Road (see November 8, 1979 letter, Appendix B).

It is clear that a conflict exists between ODOT and the City of Durham with respect to the traffic circulation. Durham has, however, adopted the following policy:

"The City shall coordinate its transportation planning activities with those of other local, regional and state agencies. Specifically, the City will coordinate transportation planning activities with MSD in preparing the Regional Transportation Plan, scheduled for completion in 1980, and with Washington County in preparing its Transportation Plan" (Plan, p. 60).

MSD has recommended acknowledgment of Durham's Goal 12 submittal, stating that:

"The plan contains appropriate inventories, analysis and policy for a City of its size. Some of its objectives with respect to traffic patterns (e.g., the closing of Upper

Boones Ferry Road to truck traffic) inconsistent with current local, regional, and state plans... but plan policy on local and regional coordination is adequate to insure that no action will be taken which is inconsistent with these plans."

Other plan policies mandate the design of bus stops and shelters to accommodate the needs of the elderly, and handicapped, the construction of bikeways and pedestrian ways in conjunction with new developments and cooperation in metropolitan mass transit planning (Plan, pp. 31, 59-60).

Implementing measures found in the City's Planned Development, Subdivision and Greenway sections of the Land Development Code have been adopted to carry out plan policies (Code, pp. 29-23, 27-28, 33-34, 35-40, and 48).

Conclusion: The City of Durham complies with Goal 12.

The Department is concerned with the lack of coordination thus far between ODOT and the City of Durham. The Department agrees with Metro, however, that Durham's policy to coordinate with Metro and Washington County in regional transportation efforts is adequate for compliance. This determination is consistent with ODOT's statement that Durham will need to reevaluate traffic circulation policies as a part of regional transportation efforts.

Update Item

The City shall, at its next plan update and as part of the preparation of the Regional Transportation Plan, follow plan policy to coordinate with ODOT and Metro in achieving regional as well as local transportation objectives.

13. Energy Conservation: (Goal 13)

Energy conservation is addressed on pages 25-27 of the plan. The plan suggests a number of ways that energy consumption can be made more efficient through land use planning and conservation techniques. Plan policies to effect these suggestions are found on page 26 of the plan, and encourage urban infill, local employment opportunities, minimization of paving in low density residential areas, the development of local recreational facilities to discourage travel, etc.

The Land Development Code carries out these provisions through the Subdivision, Planned Development and Greenway sections (see Appendix A). The Code has been amended to read as follows: "The Design Review Board shall encourage a development proposal to conserve energy in accordance with the policies of the Durham Plan" (p. 45).

Conclusion: The City of Durham complies with Goal 13.

14. Urbanization: (Goal 14)

Since the Durham urban planning area lies entirely within the metropolitan UGB, and this is a city limits only plan, review is limited to the four conversion factors of Goal 14.

Durham has adopted the following phasing policy for serviceable lands within the planning area (Plan, pp. 63-64):

"Timing of Improvements

- (1) The City shall consider the following schedule of transportation, water, sewer, and utility extensions as desirable in the timely and orderly development of the City:
 - (a) By 1980 full build-out of the Kingsgate PUD, including development of designated office park.
 - (b) Between 1980 and 1990 full build-out of east side of the City.
 - (c) Between 1985 and 1995 full build-out of southwest area of the City.
 - (d) Between 1990 and 2000 full build-out of northwest area of the City and south area of the City.
- (2) Development proposals shall be considered in relation to the desired timing of development."

MSD has commented that:

"All buildable land within city limits (approximately 70 acres, net) is considered ready for urban development and will be provided with a full-range of urban services. The plan identifies the likely timing of development in the urban area (page 64). Although the urbanization element of the plan has not been reviewed at this time for consistency with Metropolicies adopted August 23, 1970, no conflicts are apparent. The City may need to adopt additional policy at a later date, however, in order to insure consistency."

Conclusion: The City of Durham complies with Goal 14.

Durham can accommodate all projected growth within the City limits, has adopted policies for phased development, and requires the full range of urban services at the time of new development.

C. Overall Conclusions:

The City of Durham complies with all applicable Statewide Planning Goals. Durham's plan and Land Development Code reflect the City's recognition of its regional housing and employment obligations and its clear commitment to resource preservation.

D. Recommendations:

The Department recommends acknowledgment of Durham's plan and implementing measures.

1. Update Items (To be completed at next scheduled plan update):

Goal 6

The City shall, in accordance with plan policies and in coordination with Metro and the Department of Transportation, cooperate with DEQ in addressing noise and in pollution problems, and in amending noise standards in the Industrial Park Zone, as part of its next plan update.

Goal 12

The City shall, at its next plan update and as part of the preparation of the Regional Transportation Plan, follow plan policy to coordinate with ODOT and Metro in achieving regional as well as local transportation objectives.

2. Suggestions for Plan and Implementing Measure Improvement (Not mandatory, but recommended):

Goal 2

Durham should, next plan update, (1) reconsider its definition of "legislative land use action" (Code, p. 51) and (2) change its writ of review appeals requirement (Code, p. 61), consistent with state statute and Oregon case law.

Goal 5

The City should, at its next plan update, consult with the State Office of Historic Reservation and/or local historical societies to make sure that no historic sites or structures are located in the Durham planning area.

Goal 9

Durham should work with DEQ in setting more measurable economic objectives.

III. Commission Action (December 14, 1979)

Acknowledged the Comprehensive Plan and Implementing Measures of the City of Durham in compliance with the Statewide Planning Goals.

JBK:cz

APPENDIX A: REFERENCES

Goal 1

Factual Information, Plan Policies: Plan, Part II (Administrative Provisions).

Goal 2

Factual Information, Plan Policies: Plan, Part II (Administrative Provisions).

Implementing Measures: Urban Planning Area Agreement.

Goal 4

Factual Information: Plan, Part III (Natural Resources) pp. 14-17.

Plan Policies: Plan, Part III (Natural Resources) pp. 28-29.

Implementing Measures: Code, Chapter II, Article 4 (Planned Development Process), Chapter III, Articles 2 and 3 (Tentative and Preliminary Plat Approval).

Goal 5

Factual Information: Plan, Part III (Natural Resources).

Plan Policies: Plan, Part III (Natural Resources) pp. 28-33.

Implementing Measures: Code, Chapter II, Article 3 (Zoning Districts, including Greenway District), Article 4 (Planned Development Process); Chapter III, Articles 2 and 3 (Tentative and Preliminary Subdivision Plat), Article 7 (Open Spaces); Chapter IV (Design Review Board); and Chapter V (Greenways).

Goal 6

Factual Information: Plan, Part III (Natural Resources) pp. 17-24.

Plan Policies: Plan, Part III (Natural Resources) pp. 28-29 and Part IV (Growth and Development) pp. 40 and 50-66.

Implementing Measures: Code, Chapter II, Article 4 (Planned Development Process); Chapter III, Article 3, Sections 3 and 4 (OP and IP Zones), Article 8 (Improvements Requirements); and Chapter V (Greenways).

Goal 7

Factual Information: Plan, Parts III (Natural Resources) pp. 4-9, IV (Growth and Development) pp. 35-37.

Plan Policies: Plan, Parts II: (Natural Resources) p. 28 and IV (Growth and Development) pp. 47, 51.

Implementing Measures: Code, Chapter II, Article 4 (Planned Development Process); Chapter III, Articles 2 and 3 (Subdivision Approval); Chapter IV (Design Review); Chapter V (Greenways).

Goal 8

Factual Information: Plan, Part III (Natural Resources) pp. 24-25 (see also Goal 5 references).

Plan Policies: Plan, Part III (Natural Resources) pp. 29-34.

Implementing Measures: Code, Chapter II, Articles 3, Sections 5 (Greenway District), 4 (Planned Development Process); Chapter III, Articles 2, Section 10 (Design Review Board Approval) and 7, Section 6 (Open Spaces); Chapter IV (Design Review Board); Chapter V (Greenways).

Goal 9

Factual Information: Plan, Part IV (Growth and Development) pp. 35-37, 47-51.

Plan Policies: Plan, Part IV (Growth and Development) pp. 35, 51-52.

Implementing Measures: Code, Chapter II, Articles 3, Sections 3 and 4 (Office Park and Industrial Park Districts) and 4 (Planned Development Process).

Goal 10

Factual Information: Plan, Part IV (Growth and Development) pp. 35-47.

Plan Policies: Plan, Part IV (Growth and Development) pp. 35-47.

Implementing Measures: Code, Chapter II, Articles 3, Sections 1 and 2 (Single Family and Multiple Family Residential Districts) and 4 (Planned Development Process); Chapter III (Land Partitioning and Subdivision Control); Chapter IV (Design Review Board), Chapter V (Greenways). Note particularly amendments to Plan and Land Development Code adopted October 24, 1979, most of which directly affect the development approval process.

Goal 11

Factual Information and Plan Policies: Part V (Support Systems) Note: Part V is also relevant to Goals 6, 9, 10 and 14.

Implementing Measures: Code, Chapter II, Article 4 (Planned Development Process); Chapter III, Articles 7 and 8 (Design and Improvement Standards for Subdivisions).

Goal 12

Factual Information and Plan Policies: Plan, Part V (Support Systems) pp. 57-63.

Implementing Measures: Code, Chapter II, Article 5, Section 2 (Access and Egress); Chapter III, Article 5 (Approval of Streets and Ways), Articles 7 and 8 (Design and Improvement Standards); Chapter V (Greenways).

Goal 13

Factual Information and Plan Policies: Plan, Part III (Natural Resources) pp. 25 and 34.

Implementing Measures: Code, Chapter IV (Design Review Boards).

Goal 14

Factual Information and Plan Policies: Plan, Parts I (Executive Summary), IV (Growth and Development) and V (Support Systems).

Implementing Measures: Urban Planning Area Agreement, Land Development Code, Chapter II (Development Control and Zoning) and III (Land Partitioning and Subdivision Controls).

APPENDIX B: COMMENTS AND OBJECTIONS

| | |
|-------------------------------------|--|
| Department of Transportation | Comment* |
| Department of Economic Development | Comment* |
| Department of Environmental Quality | Objection* |
| Department of Water Quality | Comment* |
| 1000 Friends of Oregon | Conditional Acknowledgment* |
| Oregon Business Planning Council | Comment: changed to Recommendation for Acknowledgment* |
| Metro | Comment: Conditional Acknowledgment* |
| Jack Jones | Objection* |

*Statement(s) attached.

GW:jk
866A
49A



Department of Transportation
HIGHWAY DIVISION

TRANSPORTATION BUILDING, SALEM, OREGON 97310

October 24, 1979

In Reply Refer to
File No.

Mr. Robert B. Percy, Mayor
City of Durham
City Hall
Durham, OR 97223

Dear Mayor Percy:

Putting together a comprehensive plan and appropriate ordinances is an extremely complex task. The main elements must fit together to form a realistic plan to guide your area's growth. The portion of the plan that we reviewed relates to the Department of Transportation programs. We appreciate the manner in which your community helped with many of the issues directly affecting the Department of Transportation.

The Department is concerned about several changes proposed by the city for the Beaverton-Tualatin (Upper Boones Ferry Road):

1. Designation of Upper Boones Ferry Road as a collector. Since it is a state highway, it is an arterial on the interim transportation plan.
2. Discouraging through traffic from using Upper Boones Ferry and, through intersection improvements, routing traffic on Lower Boones Ferry Road and 72nd in Tualatin.
3. Installing a signal at Upper Boones Ferry and Bridgeport.
4. Developing a truck bypass along Lower Boones Ferry and 72nd and eliminating truck traffic on Upper Boones Ferry.
5. Improving Durham/Upper Boones Ferry Intersection.
6. Lowering the speed limit on Upper Boones Ferry Road.

Mr. Robert B. Percy
Page 2
October 24, 1979

In response to these issues:

1. The designation of a state highway as a collector runs counter to ODOT policy. This issue should be discussed with ODOT and MSD.
2. As long as Boones Ferry remains a state highway, traffic problems along it are the responsibility of ODOT. Durham has never requested us to look at any problems. Upon request, we would be happy to work with you on any problems you foresee.
3. The city needs to be prepared to re-evaluate its transportation plan when MSD completes the regional transportation plan.

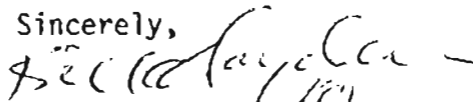
The city states in the plan they have no historic sites and they have not addressed the subject of historic site preservation in either the plan or the ordinance. It is our recommendation that during the time of the first plan update the city develop some statement for historic site preservation if and when there are any historic sites located.

We would like to be involved in future updates of the plan and ordinances. It will be helpful if you direct information on future plan revisions to Leo Huff, our Transportation Planning Representative, and Paul Taylor, our Parks Planning Representative. We would also appreciate your sending Leo notice of zone changes and subdivision approvals along state highways and ask that you send similar notices to Paul when they affect state parks facilities. Addresses and phone numbers of our representatives are enclosed.

We thank you for this opportunity to comment and look forward to working with you in the future.

A copy of this letter is being forwarded to the Department of Land Conservation and Development to let them know that we support those elements of your plan that relate to our jurisdiction.

Sincerely,



Robert E. Royer, Assistant Director
Policy and Program Development

Enclosure

cc: W. J. Kvarsten/Greg Winterowd

Linda Macpherson

Leo Huff, Paul Taylor



CITY OF DURHAM

P.O. Box 23483, Tigard, Oregon 97223 (503) 638-6831

MAYOR, Robert B. Percy

November 9, 1979

COUNCIL MEMBERS

William F. Gilham
Paul E. Goldbeck
Lorraine Winthers
Mary Taylor

Jeanne L. Percy,
City Recorder

Mr. Robert Royer,
Assistant Director
Policy and Program Development
Department of Transportation
Highway Division
Transportation Building
Salem, Oregon 97310

Dear Mr. Royer:

Thank you for your comments of October 24, 1979. We are certainly pleased to hear from ODOT after having sent the Department at least three previous drafts of our comprehensive plan over the past 18 months.

We appreciate concerns you raised regarding the future status of Upper Boones Ferry Road. As you know, this is a state highway which bisects the city from north to south. The CRAC Interim Transportation Plan projected this highway to have about 6,000 vehicle trips per day by the year 2000. In addition to accepting those projections and designing our entire city land use and transportation plan around such projections, we have made every attempt to ensure that this facility will be serve the safety and movement needs of our citizens. The plan has been acknowledged by the Metropolitan Service District, and it is therefore our understanding that our transportation planning is properly coordinated with local and regional agencies.

Furthermore, Durham has made every attempt to support alternative facilities which show far greater promise for traffic movement than designation of Upper Boones Ferry Road as an arterial street would. For example, we note that I-5 and Highway 99-E are major arterials located east and west of Durham, about one mile apart. Second, we note that Tigard, Tualatin, and Durham support creation of 72nd Avenue and Lower Boones Ferry Road as a regional arterial. These three major arterials, I-5, 99-E and 72nd-Lower Boones are or will be designed to carry literally tens of thousands of vehicles per day north and south near and adjacent to Durham. Designation of Upper Boones Ferry Road as yet a fourth arterial funneling traffic through the center of a designated residential area does not make for good planning. We have good reasons for downgrading the status of Upper Boones Ferry Road.

Accordingly, we are committed to informing your Department of actions which may affect Upper Boones Ferry Road. Perhaps the

Mr. Robert E. Royer
Assistant Director
Dept. of Transportation

Page 2

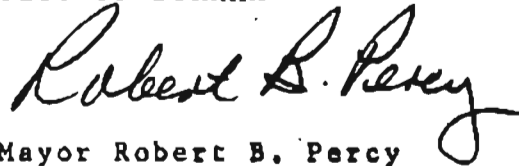
November 9, 1979

Department may realize at some point in time that the Durham Plan best utilizes Upper Boones Ferry Road and that other nearby arterials best serve the functions which Upper Boones may once have been envisioned to serve. Finally recognizing that the Department could perceive that Upper Boones no longer serves the regional functions which I-5, 99-E and 72nd-Lower Boones can and will serve, Durham may entertain accepting deed to Upper Boones between Durham Road and Lower Boones.

Thank you for your comments. You can be assured of our commitment to continued coordination.

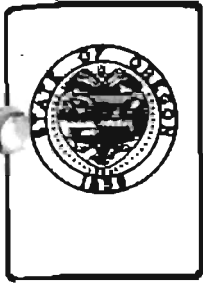
Yours very truly

CITY OF DURHAM

A handwritten signature in cursive script that reads "Robert B. Percy". The signature is written in dark ink and is positioned above the printed name.

Mayor Robert B. Percy

RBP: jlp



Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207

November 19, 1979

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT

NOV 26 1979

SALEM

W. J. Kvarsten, Director
Department of Land Conservation
and Development
1175 Court Street, N. E.
Sale-, OR 97310

Re: Objection - Durham Acknowledgment

Dear Mr. Kvarsten:

The Department reluctantly objects to LCDC Acknowledgment of the Durham Comprehensive Plan due to deficiencies related to noise control. Attachments include Jerry Jensen's memo spelling out the basis and remedies and offering assistance to relieve the objection. The Department's June 13, 1978, comments attached on Durham plan documents pointed out the need for discussion on noise control and offered assistance then, too.

Comments are offered for plan improvement on other topics.

Sincerely,

WILLIAM H. YOUNG
Director

RDJ:ahe
Attachments

cc: City of Durham
MSD Plan Review Team
Linda Macpherson, DLCD Field Representative
Sue Klobertanz, Local Coordinator
Bob Gilbert, Northwest Region, DEQ
Jim Claypool, DLCD
Mike Downs, Management Services Division, DEQ
Jack Weathersbee, Air Quality Division, DEQ
Bill Greene, Air Quality Division, DEQ
Hal Sawyer, Water Quality Division, DEQ
Neil Mullane, Water Quality Division, DEQ
Ernie Schmidt/Bob Brown, Solid Waste Division, DEQ
John Hector/Jerry Jensen, Noise Control Section, DEQ
Fred Bolton, Regional Operations, DEQ
Chris Zigler, DLCD
Greg Winterowd, DLCD Lead Reviewer



CW
DEPT
LAND OF
OR
SALEM
Department of Economic Development

921 S.W. WASHINGTON STREET, PORTLAND, OREGON 97205 PHONE (503) 229-5535

October 24, 1979

Mr. Wes Kvarsten, Director
Department of Land Conversation and Development
1175 Court Street, N.E.
Salem, Oregon 97310

Subject: Acknowledgement of Comprehensive Plan
City of Durham

Dear Mr. Kvarsten:

The Department of Economic Development has reviewed the Comprehensive Plan of the City of Durham and the Department does not object to acknowledgement of Durham's Plan.

We noted that a Goal 9 statement has been omitted from the listing of goals on page 26 of the Plan. Yet, an adequate economic analysis and economic development program is contained in the document. On page 35 of the Plan, the statement - "(to) provide for economic opportunities to create a local employment source and broaden the economic base" - appears to be the economic goal the Plan addresses. We, therefore, assume that a Goal 9 statement was not included with other goals listings due to an oversight. We suggest that at time of update, more complete and - preferably - measurable goals for the city's economic future be included in the Plan.

We otherwise found the Plan to be a very well prepared document which the City can take pride in.

Thank you for the opportunity to comment.

Sincerely,

Roger Eiss
Special Projects Manager



Department of Environmental Quality DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT
522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207
November 16, 1979 NOV 26 1979

MEMORANDUM

SALEM

To: Greg Winterowd, DLCD Lead Reviewer

From: Bob Jackman

Subject: Department of Environmental Quality Review and Comment on
Compliance Acknowledgment Request - Durham

Objection

The Department objects to LCDC Acknowledgment of the Durham Comprehensive Plan due to deficiencies related to Noise Control. Department Director Bill Young conveys this objection to DLCD Director Wes Kvarsten in the cover letter. Jerry Jensen, DEQ Noise Control Section, spells out in an attachment the corrections needed to remove the objection and pledges to work with the city to repair the Plan. We recommend an LCDC continuance.

Comments

Tom Blispham, DEQ Northwest Region, Portland, defers to DEQ's Noise Control Section and Solid Waste and Water Quality Division Reviewers but offers a specific air quality comment. On page 15 of "Environmental Standards," under titles of "Smoke and Particulate" and "Odor," the standard cited (no discharge) is unattainable. No mention is made of attainment or non-attainment status.

DEQ Air Quality Division comments on the Plan were conveyed to Durham in Bill Young's September 17, 1979, letter, attached. Review of Durham's October 24, 1979, adopted "Air Quality: 1979" amendment to page 17 of the Plan relieves some of our concern. Still needed as described in the September letter is acknowledgment of the contribution motor vehicle traffic throughout the area makes to the metropolitan area's ozone air pollution problem, that it appears significant reduction in projected 1987 Vehicle Miles Traveled (VMT) throughout the area will be needed to bring ozone levels within federal and state standards by 1987 and how Durham will help this in its planning process. A more accurate reference to the State Implementation Plan (SIP) would be to the adopted June, 1979 Revisions not the April, 1979 draft.

Solid Waste and Water Quality Divisions have nothing further to add to Plan comments.

Once the noise control objection discussed by Young and Jensen is solved and the other matters noted above are dealt with during Comprehensive Plan maintenance and update, it appears to DEQ that no substantive conflicts will

Compliance Acknowledgment Requests - Durham memo
November 16, 1979
Page 2

exist between the Durham Comprehensive Plan and DEQ plans and programs. We request that LCDC authorize and encourage Durham to develop and include in their Plan as soon as possible the needed improvements identified above.

RJJ:ahc
Attachments

cc: City of Durham
MSD Plan Review Team
Linda Macpherson, DLCD Field Representative
Sue Klobertanz, Local Coordinator
Bob Gilbert, Northwest Region, DEQ
Jim Claypool, DLCD
William H. Young, Director, DEQ
Mike Downs, Management Services Division, DEQ
Jack Weathersbee, Air Quality Division, DEQ
Bill Green, Air Quality Division, DEQ
Hal Sawyer, Water Quality Division, DEQ
Neil Mullane, Water Quality Division, DEQ
Ernie Schmidt/Bob Brown, Solid Waste Division, DEQ
John Hector/Jerry Jensen, Noise Control Section, DEQ
Fred Bolton, Regional Operations Division, DEQ
Chris Zigler, DLCD

TO: Bob Jackman

DATE: November 13, 1979

FROM: Jerry Jensen

SUBJECT: City of Durham Comprehensive Plan

The Department's Noise Control Section recommends that the Department object to LCDC acknowledgment of the City of Durham's comprehensive plan for three reasons:

1. The City's zoning ordinance contains industrial park standards that utilize octave band noise limits inconsistent with (less protective than) those of the Department. While a city may wish to regulate industrial and commercial sources to a greater degree than the Department, or may wish to regulate sources not covered by Departmental standards, a local regulation less protective than state standards conflicts with the goals and policies of the state program.
2. The above-mentioned ordinance specifies that measurements shall be taken with a meter certified and calibrated by the Department. The Department does not calibrate meters for general distribution, and in any event does not calibrate the kind of meter necessary for measuring octave band noise levels. Barring a direct conflict with Departmental standards, the noise section would not normally object to the substantive enforcement provisions of a local noise ordinance. In this instance, however, the mistake of fact upon which the ordinance is premised is so significant that the Department should object in the interests of ensuring that Durham's comprehensive plan is factually defensible.
3. The comprehensive plan fails to include some review mechanism that will prevent the city from allowing conditional uses that will violate Department noise standards. The Noise Section has found that an increasing number of industrial and commercial uses that violate Departmental noise standards are operating under conditional use permits or variances granted by local governments. The Department does not have legislative authority to develop a permit control program for noise control, so local government's affirmative action to prevent new non-complying uses is important to the integrity of the noise control program's overall effort.

It is incumbent upon the affected local government to be aware of the Department's regulations, and to require an applicant for any conditional use to make an affirmative showing that pertinent state standards will not be violated by the proposed use. Failure of the local government to so scrutinize the proposal before sanctioning the use will result in the local government specifically approving a use which may violate state law.

The Department should not require the local government to shoulder the burden of making a factual determination concerning noise emissions from a proposed use, but it is appropriate for local government to require an applicant to put forward some evidence that he is apprised of the state standards that apply to his proposed use, that he is capable of complying and he intends to comply.

This Section would be willing to offer assistance to the City to develop the items mentioned above, and recommends that LCDC grant the City a period of time in which to address the above issues.

JWJ:pw



DEUR-AM

1250
5-
6/17/78

RE: SCC

Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-6403

June 13, 1978

Dept. of Environmental Quality
RECEIVED
JUN 16 1978
NORTHWEST REGION

Mr. Gery Schirado, Chairman
Durham Planning Commission
P. O. Box 23483
Tigard, Oregon 97223

Dear Mr. Schirado:

The Department has concluded review of the goal topic question sheets, map, compliance schedule and work program and other planning materials forwarded to us in March, 1978. We are sorry our comments (attached and below) were not available to you as soon as requested. Hopefully our remarks will still be useful.

The memo comments of Bob Gilbert, DEQ Northwest Region Manager are attached.

Carl Simons, DEQ Air Quality Division comments that carefully developed industrial areas can be made compatible with adjacent residential areas, making it possible to avoid the automatic conflict Mr. Gilbert discusses. Clarence Hilbrick, DEQ Water Quality Division, anticipates future water quality problems if there is growth without consideration of need for sewers. DEQ's Solid Waste Division and Noise Control Section have nothing to add.

The materials you provided are being forwarded to our Northwest Region for reference. Thank you for the opportunity to review them.

If you have questions, please give us a call.

Sincerely,

Robert D. Jackman
Intergovernmental Coordinator

RDJ:cs

Attachment

cc: Bob Gilbert, DEQ
Linda Macpherson, DLCD Field Representative
Jeff Gibbs, Local Coordinator





State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Bob Jackman cc: File Date: March 30, 1978

From: Bob Gilbert

Subject: Comprehensive Plan Review - City of Durham - Washington County

The Department is prepared to assist the city in establishing its own noise control program. Enclosed is a copy of a model noise ordinance which can be used as a guide. The Noise Control Section staff would be pleased to provide any technical help to the city and answer any pertinent questions. Also enclosed is a copy of Department noise regulations in effect.

Control of air pollution in metropolitan Portland requires an area-wide program. The Department has established an Air Quality Maintenance Area (AQMA) for the Portland region and is preparing a program to achieve compliance with state and federal clean air standards. All cities are urged to participate with the Department in achieving these goals. A copy of the 1976 Air Quality Report is enclosed for your information.

Solid Waste in the metropolitan area is controlled by the Metropolitan Service District (MSD). MSD and Publishers Paper Company are planning for the construction of a resource recovery facility to be built in the Oregon City area. This facility will make possible the reclamation of certain materials such as glass and metals while also providing needed energy by the incineration of combustible materials to generate steam and electricity.

Water quality and pollution control are also administered by this Department in order to affect regional and river basin control programs. The Columbia Regional Association of Governments (CRAG) has been designated by the Department to prepare an area-wide water quality control plan in accordance with federal requirements. This plan is nearing completion however participation and comments from your city are encouraged.

The Department has also conducted special surveys in areas with localized pollution problems. A copy of any special report will be sent to the city in which these surveys are conducted.

The Department asks that the city carefully consider the compatibility of adjacent land use activities when establishing zoning patterns. Locating an industrial zone immediately adjacent to a residential area automatically insures conflicts between property owners. Homeowners could be faced with noise and odor problems while industry could be burdened with stringent environmental standards needed to minimize the noise and odor

MEMORANDUM
page 2
March 30, 1978

problems. We recommend the use of buffer strips between non-compatible land uses so as to minimize the conflicts. Flood plains, major highways, parks, school grounds, natural areas and commercial districts can serve this purpose. Consideration should also be given to restricting business operating and delivery hours as a means of reducing nighttime noise levels in sensitive areas.

Site specific reviews will be conducted at the city's request.

SCC/mjb
Enclosures



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT

6W

OCT 23 1979

SALEM

PHONE 378-3671

October 22, 1979

W. J. Kvarsten, Director
Department of Land Conservation and Development
1175 Court Street N.E.
Salem, Oregon 97310

ATTENTION: Greg Winterowd, Lead Reviewer

Dear Mr. Kvarsten:

We have the following comments regarding Durham's Comprehensive Plan on file with the Department of Land Conservation and Development.

- ✓ Page 4: Durham should join the Flood Insurance Program.
- Page 24: Item 14, Ground Water: How many wells would be required to keep pace with growth?
- Page 26: Goal 6 addresses ground water. Should surface water be addressed also?
- ✓ Page 27: Goal 7: How are existing structures protected in hazard zones? Durham should join the Flood Insurance Program in order for residents to purchase flood insurance.
- Page 28: 1a: The Office of Federal Insurance and Hazard Mitigation must approve the flood plain zoning ordinance before the city can join the Flood Insurance Program.
- Page 28: 2d: Planned development should not be encouraged in the flood plain. Define planned development and alternatives to flood plain development.
- Page 56: 2a: Water: Is the current water supply obtained from a dependable and firm source? What types of agreements with the Lake Grove Water District are presently in effect that will assure that this source of water can be used for future growth? Where does the rest of the city obtain its water supply? How much water is presently being used? What are the projected future uses?
- Page 63: Water Policy: What would Durham do if a drought occurred? How would Lake Grove Water District handle a drought situation for the city?

Sincerely,

Jake Szramek
Policy and Planning Division

cc: Linda Macpherson, DLCD
Durham City Hall
Washington County Planning Dept.



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3671

October 30, 1979

W.J. Kvarsten, Director
Department of Land Conservation & Development
1175 Court St. NE
Salem, OR 97310

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT

OCT 31 1979

SALEM

ATTENTION: Greg Winterowd, Lead Reviewer

Dear Mr. Kvarsten,

We have some additional information regarding the City of Durham's Comprehensive Plan.

The City has applied to the office of Federal Insurance and Hazard Mitigation for entry into the Flood Insurance Program. Thus, our previous comments regarding the City of Durham's Flood Plain no longer apply.

Sincerely,

Jake Szramek
Policy and Planning

JS:jt

cc: City of Durham
Washington County Planning Department



CITY OF DURHAM

P.O. Box 23483, Tigard, Oregon 97223 (503) 639-6851

November 9, 1979

Mr. Jake Szramek
Policy and Planning Division
Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

Dear Mr. Szramek:

Thank you for your comments to Mr. Wes Kvarsten of the LCDC of October 22, 1979, regarding the Durham Plan.

Our comments are in the order in which you made specific comments in your letter of October 22, 1979.

- Page 4. Durham has applied for entry into the National Flood Insurance Program and has been accepted.
- Page 24. Durham does not need to add more wells to keep up with growth. Durham has committed itself to requiring all future development to be served with public water. We have already denied the option of wells as a water source in recent developments. The Plan is very clear in this regard.
- Page 26. We do not envision surface water as a viable water source. Fanno Creek is dry parts of the year.
- Page 27. Durham has joined the National Flood Insurance Program.
- Page 28. We have been approved for entry into the National Flood Insurance Program.
- Page 56. Durham has a contract for water from Lake Grove. This is on file. Lake Grove receives their water from Portland, which uses Bull Run. This contract is on file. Water use figures are on file. The Lake Grove Water Engineer has reviewed Durham's Plan and sees no problem in continued supply and distribution.
- Page 63. Durham would handle drought problems like Lake Grove and Portland and probably all of Oregon.

Thank you for your comments regarding the city's water policies. If we change them, we will be sure and inform you.

Mr. Jake Szramek
Water Resources Dept.

Page Two

November 9, 1979

Yours very truly,

CITY OF DURHAM

Robert B. Percy

Mayor Robert B. Percy

BBP: jlp

Hand Delivered

OREGON BUSINESS PLANNING COUNCIL

1178 CHEMEKETA, N.E.

SALEM, OREGON 97301

PHONE (503) 370-8112

STAFF:
KATHERINE KEENE
Planning Director

October 18, 1979

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT

OCT 18 1979

1:30

SALEM

DAVID S. HILL
Natural Resources
Director

Mr. Wes Kvarsten, Director
Department of Land Conservation
and Development
1175 Court Street N. E.
Salem, Oregon 97310

Attention: Greg Winterowd

Dear Mr. Kvarsten:

The Oregon Business Planning Council has reviewed the Comprehensive Plan and Land Development Code submitted by the City of Durham in support of its request for Acknowledgment of Compliance. We believe the Plan is well-written and documents a commitment on the part of the City to accommodate its fair share of the metropolitan region's population and economic growth. Unfortunately at this time the Land Development Code may pre-empt such an accommodation, particularly with regard to multifamily housing. We are concerned that the Planned Development procedure must be applied to all multifamily development; the procedure contains vague approval standards and gives undue discretion to the Planning Commission to deny projects. In addition the procedure requires that findings of fact be based solely on the provisions in the Comprehensive Plan, yet the Plan contains many vague and discretionary policies. We are also concerned that while a Design Review process is also required, no standards are provided as part of the process; it appears that Design Review is totally discretionary at this time and thus it is potentially exclusionary towards needed housing types.

We understand that the City is making an effort to resolve these problems as a result of the plan review conducted by the Metropolitan Service District. However until we have reviewed the proposed changes and they are officially enacted, we cannot support the City's request for Acknowledgment.

Thank you for the opportunity to comment.

Sincerely,

Katherine Keene

Katherine Keene
Planning Director

KK:paw

cc: Robert B. Percy, Mayor
Chris Nelson
Jill Hinckley
Linda Macpherson



addressed to title

CITY OF DURHAM

P.O. Box 23483, Tigard, Oregon 97223 (503) 639-6851

C.P.
DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT

NOV 15 1979

SALEM

MAYOR, Robert B. Percy

COUNCIL MEMBERS
William F. Gilham
Paul E. Goldbeck
Lorraine Winthers
Mary Taylor

November 9, 1979

Jeanne L. Percy,
City Recorder

Katherine Keene
Planning Director
Oregon Business Planning Council
1178 Chemeketa, N.E.
Salem, Oregon 97301

RE: Durham Land Use Plan

Dear Ms. Keene:

Thank you for your comments to Mr. Wes Kvarsten regarding the Durham Plan. It is truly unfortunate that you have not been afforded the opportunity to read Durham's revisions to its final plan as adopted by the Metropolitan Service District. These revisions are enclosed.

You will note from these revisions that:

1. Multiple family housing is not part of the Planned Development procedure. Furthermore, the city stands four-square in its commitment to ensure that at least 35% of Durham's housing stock will be multiple family (compared to about 7% presently)
2. We have removed "St. Helenseque" language from the plan.
3. We have carefully defined the scope of Design Review.

We believe our plan is in a condition which is acceptable to the LCDC. Thank you again for your comments.

Yours very truly,

CITY OF DURHAM

Robert B. Percy
Mayor Robert B. Percy

RBp:jlp

OREGON BUSINESS PLANNING COUNCIL

1178 CHEMEKETA, N.E.

SALEM, OREGON 97301

PHONE (503) 370-8112

STAFF:
KATHERINE KEENE
Planning Director

DAVID S. HILL
Natural Resources
Director

November 21, 1979

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT
Hand delivery
NOV 21 1979
3:30
SALEM

Mr. Wes Kvarsten, Director
Department of Land Conservation
and Development
1175 Court Street N. E.
Salem, Oregon 97310

Attention: Greg Winterowd

Dear Mr. Kvarsten:

Since submitting a letter on October 18, 1979 in which we noted several concerns with the City of Durham's land development code we have received additional information from the City. The information consisted of amendments to the City's comprehensive plan and land development code officially enacted on October 24, 1979 and a letter explaining the City's intent re: multifamily housing from Mayor Robert Percy. Upon review the material submitted by the City appears to resolve the concerns noted in our earlier letter.

We are very impressed with the effort demonstrated by the City in responding to our concerns and we are pleased that the City is committed to meeting the intent of Goal 10 and the Commissions' "St. Helens" Housing Policy. We are happy to support the City's request for Acknowledgment of Compliance.

Sincerely,

Katherine Keene

Katherine Keene
Planning Director

KK:paw

cc: Robert B. Percy, Mayor
Chris Nelson
Jill Hinckley
Linda MacPherson

1000 FRIENDS OF OREGON

GW

400 DEKUM BUILDING, 519 S.W. THIRD AVENUE, PORTLAND, OREGON 97204 (503) 223-4396

October 10, 1979

DEPARTMENT OF
LAND CONSERVATION

SALEM

Mr. W.J. Kvarsten, Director
Department of Land Conservation
and Development
1175 Court Street, NE
Salem, OR 97310

Subject: City of Durham Request for Acknowledgment of Compliance

Dear Mr. Kvarsten:

1000 Friends of Oregon began reviewing drafts of the City of Durham comprehensive plan in July 1978, three months after the Commission decided Seaman v. City of Durham, LCDC No. 77-025. 1000 Friends presented oral or written testimony to the city council and the planning commission in July and September of 1978 and in May 1979. We have also consulted the Metropolitan Service District on this matter.

In the past five months, the city has done a complete turn-around in its plan policies. Until May 1979, the city continued to advocate policies that failed to comply with the LCDC goals or implement the Seaman order. However, in June and July, the city changed direction and adopted, on July 25, a comprehensive plan and zoning code which came close to compliance with the LCDC goals. The plan and code still contain several provisions which warrant denial of acknowledgment, including certain vague policies and criteria governing development proposals which conflict with the St. Helens housing policy. Examples of such criteria can be found on page 52 of the plan and on pages 19 and 45 of the code.

However, on October 3, 1979, the planning commission approved amendments to the plan and code which eliminate our objections to those documents. These amendments have not yet been adopted by the city council. On the condition that the city council adopts those amendments, we recommend that the Commission acknowledge Durham's plan and code as in compliance with the statewide planning goals. If the council fails to take that action, we recommend denial of acknowledgment.

In recommending conditional acknowledgment, we would like to bring to the Commission's attention some of the positive features of Durham's plan. The plan provides for a 65 percent single family/ 35 percent multifamily housing split to the year 2000, consistent with regional projections. Currently 94 percent of residential units in Durham are single family. The plan allows for construction of over 200 apartment units in Durham, at 16 dwellings units per gross acre. The plan encourages single family development on lots 10,000 square feet in size or smaller, rather than on 20,000 square foot

Mr. W.J. Kvarsten
October 10, 1979
Page 2

lots, and requires that such housing be serviced with sanitary sewer. Each of these provisions is a substantial change over policies recommended as recently as five months ago.

There remain some problems with administrative provisions. On page 51 of the code, the city attempts to distinguish between "legislative" and "quasi-judicial" land use actions in a manner not consistent with state law. On page 61 the city designates the writ of review as the only available means for appealing a council action. This requirement is inconsistent with Senate Bill 435, establishing the Land Use Board of Appeals. These deficiencies should be amended by Durham at the soonest possible time.

Very truly yours,



Mark J. Greenfield
Staff Attorney

MJG/eec

cc: Chris Nelson
Jill Hinckley
Linda Macpherson



CITY OF DURHAM

P.O. Box 23483, Tigard, Oregon 97223 (503) 639-6851

MAYOR, Robert B. Percy

November 8, 1979

COUNCIL MEMBERS

William F. Gilham
Paul E. Goldbeck
Lorraine Winthers
Mary Taylor

Jeanne L. Percy
City Recorder

Mr. Mark J. Greenfield
Staff Attorney
1000 Friends of Oregon
400 Dekum Building
519 SW Third Avenue
Portland, Oregon 97204

RE: Durham Land Use Plan

Dear Mr. Greenfield:

Thank you for your comments to Mr. Wes Kvarsten of October 10, 1979, regarding the Durham Plan.

The City believes it is justified in its particular delineation between "quasi-judicial" and "legislative" land use actions. Certainly temporary permits, conditional uses and variances are "quasi-judicial" as are subdivisions, road creations, major partitions, minor partitions, tree cutting, and planned development approval. Durham believes that changes in the text of the Plan or Code are "legislative" actions in that they affect a group or class of people or land. Finally, because the Plan map and the Zoning map are essentially one in the same, any change in the zoning map requires a change in the plan.

We have determined that any change in the plan map is legislative in nature because, owing to the city being 274 acres (.4 square mile) any such change is a substantial change in the character of the city.

Your comments regarding writ of review as the only means for appealing a council action are well taken. This language will be stricken at the earliest possible time. Thank you for your comments.

Yours very truly,

CITY OF DURHAM

Robert B. Percy
Mayor Robert B. Percy

RBP:jlp

GREG WINTEROWD

Durham indicates that it can make the necessary changes earlier in Nov.

DURHAM ACKNOWLEDGMENT REVIEW

(Number refer to items on the checklist in the Metro Plan Review Manual)

Introduction

Located in rapidly growing Washington County between Tigard and Tualatin, Durham is a small city likely to more than double its population by the year 2000. In 1975, its population was 250; by 1979, it was 440. About 70 acres, one quarter of its land area, is currently buildable vacant land.

For a city its size, with its limited resources, it has done a thorough and competent job of planning for its future. It has cooperated with the Metro plan review process to insure that its plan addresses regional as well as local needs.

At the time the City submitted its plan to LCDC for compliance acknowledgement, however, some problems with the plan still remained which Metro staff felt jeopardized compliance acknowledgement. Metro staff met with City officials to discuss these problems, and the City agreed to undertake the changes needed to remedy them. The City's planning consultant, Chris Nelson, has drafted proposed plan and code amendments for this purpose. These amendments were reviewed as part of Metro's acknowledgment review and found to be adequate to achieve compliance.

CONCLUSIONS AND RECOMMENDATIONS:

Metro finds that Durham's Comprehensive Plan, as currently adopted, complies with most LCDC goals and is consistent with regional plans, with the following exceptions:

1. Application of the Greenway Zone in South Durham is needed for consistency between the plan and zoning maps (Goal #2) and to provide adequate protection from hazards (Goal #7).
2. Revision to the plan and to the land development code are needed to remove vague and discretionary conditions for the approval of needed housing types, in order to insure the availability of an adequate supply of housing at appropriate price ranges or rent levels (Goal #10).

Metro further finds that proposed plan and code amendments adequately remedy these and other significant, if not critical, deficiencies.

Metro recommends, therefore, that Durham's plan be acknowledged by LCDC if these amendments are adopted as proposed. It is hoped that these amendments can be adopted and reviewed prior to Durham's acknowledgement hearing before LCDC in December, and that the City's plan can be acknowledged at that time.

If the admendments adopted differ from those currently proposed, Metro will review the changes and forward its recommendation on them for consideration by LCDC at that time.

General Requirements

All items on the completeness check have been included. The list of documents (0.1.5) composing the package submitted for acknowledgment is included--though no description of contents (0.1.5.1) is included, the documents are so few that the plan is easily comprehended without the benefit of such a summary. There are no other major supporting documents.

The plan references the CRAG "208" population projections (0.2) and suggests that they are low for the Durham area. Because the City has no major responsibilities for facilities planning and has not planned for any increase in City size, the plan does not include and does not need, a precise population "projection." The plan does provide for a population capacity in excess of the entire year 2000 population projected in "208" for the surrounding traffic zone, but it is unlikely that full capacity will be reached by the year 2000.

The difference between the population the City could accommodate if built to capacity (about 1,500 people if estimated using the assumptions in Metro's UGB Findings) and an estimate of future growth within a range consistant with "208" (between 700 and 1400, based on the "208" projection for the surrounding census tract and the proportions of vacant land in that area which is located in the City) is, in any case, so insignificant that the availability of local and regional plans is not threatened by the "inconsistency."

Conclusion: The City satisfies general requirements.

Goal #1 Citizen Involvement

All required documentation of the citizen involvement process is included. The evaluation of the process by the CCI is positive (attachment 6). No complaints about the process have been raised to Metro or the LCDC Field Representative.

Conclusion: The City complies.

Goal #2 Land Use Planning

An Urban Planning Area Agreement (2.2.2.1) has been signed by the governing bodies of Durham and Washington County and fulfills all requirements for such agreements. The City has not documented the opportunity for agency review (2.2.2.2), but we assume that the City has followed its agency involvement program and corresponded as appropriate with the agencies on the mailing list included as an attachment to the plan #4.

There is, however, an inconsistency between the plan and zoning maps (2.1.2.2) which jeopardizes compliance with both Goal #2 and

Goal #7. This problem is discussed under Goal #7. The City is in the process of amending its plan to eliminate this inconsistency.

Conclusion: Amendment to eliminate the inconsistency between the plan map and zoning map will be adequate for compliance.

Goal #3 Agricultural Lands -- Does not apply.

Goal #4 Forest Lands

Most of this goal is not applicable in urbanized areas. Durham has identified forested areas (4.1.4) as important to the character of the City and has adopted policies (4.2.2) to preserve them. In addition, the Development Code requires all planned development proposals to include an inventory of all trees over five inches in diameter.

Conclusion: The City complies.

Goal #5 Natural Resources

The plan addresses each of the 13 inventory items on the checklist (except for energy sources and wilderness, which are not applicable). In addition to several policies for preserving forested lands, about 70 acres (approximately 25 percent of the land within the city limits) is designated for parks and greenway. The Development Code contains a chapter on permitted and prescribed uses in the Greenway adequate to protect the City's natural resources.

Conclusion: The City complies.

Goal #6 Air, Water and Land Quality

In our preliminary reviews of the Durham Plan (letter to Gery Shirado, February 2, 1979), we indicated that the air quality data contained in the plan was outdated and that the problem could be rectified by referencing Metro data and indicating an intent to participate in the State Implementation Plan for Air Quality. Sample language was provided to the City. The Durham Plan has not been changed to comply with our requests.

This problem is not, in itself, sufficient to preclude acknowledgment. The City finished its analysis of air quality before the more current data were available; no plan can be expected to be continually current with all data updates. Moreover, though the plan does not specifically reference the SIP and the Metro role in air quality planning, it does contain a general policy expressing Durham's intent to cooperate with Metro and DEQ in maintaining and enhancing air quality (page 29). Metro believes that Durham should amend its plan to reflect current air quality data, but that the failure to have done so in the current time frame and circumstances is not a substantial goal violation. However, since Durham is now undertaking a series of plan amendments to address other compliance problems, this process provides an appropriate occasion to amend the

air quality section of the plan as well. Since the adoption of Metro's "sample language" on air quality does not require any additional staff work on the City's part, the failure to do so when adopting other plan amendments would indicate more than a pardonable oversight, but an active reluctance to recognize the problem and the process for its solution.

At Metro's request, therefore, the "sample language" has been included in the proposed amendments and Metro believes its adoption important for compliance.

The only potential threats to water quality are residential septic tanks and drainage. The plan states that neither currently present problems. Future problems are avoided by sewerage and drainage requirements for all future subdivisions and planned development (Development Code pages 9, 17).

The plan does not present information on solid waste production or methods of disposal. However, Durham has come a long way in recognizing the Metro authority for landfill siting, and has adopted a policy consistent with Metro "Procedures for Siting a Sanitary Landfill" (page 29).

Conclusion: The City complies. However, the air quality section the the plan should be revised when the City next amends its plan.

Goal #7 Natural Hazards

The plan inventories all applicable hazards defined by this goal (pages 4-24). Policies (pages 28-29) and implementing ordinances (Development Code pages 15 and 46) are included.

Because the City's hazard areas are located along the banks of the Fanno Creek and the Tualatin River, hazard protection is afforded by a Greenway Zone with Special Standards and review procedures for development. The plan map identifies Greenway areas in the north-west and southern corners of the city but only the former is currently shown on the zoning map.

Without application of a Greenway Zone to protect against hazard in the South Durham area, goal compliance is jeopardized. The City has prepared new zoning code provisions for a Greenway Overlay Zone which would be applied both to this area and an additional portion of land to the east of the current Greenway Zone. Adoption of the plan map and zoning code provisions which have been proposed would be adequate to remedy this deficiency.

Conclusion: Application of a Greenway Zone to the hazard area in south Durham will be adequate for compliance.

Goal #8 Recreation

The plan addresses all the applicable inventories required by the goal. In addition to the developed neighborhood parks, the plan

dedicates approximately 25 percent of the land area in the City to a Greenway along Fanno Creek and the Tualatin River which will serve as undeveloped recreational land. Analysis of future needs and location of facilities is presented (pages 28-34). Subdivision and Greenway Chapters of the Development Code are sufficient to ensure that recreation policies will be implemented.

Goal #9 Economy

The economic analysis presented in the plan (pages 47-52) is entirely appropriate given Durham's limited size. The plan explains the type and degree of economic growth the City desires and examines the reasons why such growth (primarily office parks) may be likely to occur in Durham. Sufficient land is zoned for the type of economic growth envisioned.

Conclusion: The City complies.

Goal #10 Housing

Because Durham has been the focus of a series of housing issues, it is instructive to review its history before analyzing its plan against the checklist.

The LCDC "Seaman Order" (April, 1978) found Durham in violation of Goal #10 because its ordinances were intended to maintain low-density housing and thus provide few housing opportunities for low-income households. The order warned other jurisdictions that LCDC would be examining plans to ensure that "jurisdictions which clearly lack meaningful diversity of housing do not turn the screws down even further." Subsequent drafts of Durham's plan showed that some multi-family housing had been added, but that minimum single family lot sizes had risen from 15,000 to 20,000 square feet. The Metro review in May, 1979, and a critique by 1000 Friends both identified these extremely low densities as unacceptable. Metro staff attended two work sessions with the Durham City Council to explain again the Goal requirements. We pushed for a 65/35 single family/multi-family ratio and a variety of single family housing densities, including small single family lots (5,000 to 7,500 square feet). There was serious discussion among Council and Planning Commission members about simply submitting the unrevised plan but it was decided finally that the City Council would consider the amendments to be prepared by the consultant. These amendments were subsequently adopted and the revised plan submitted to Metro and LCDC for compliance acknowledgment.

In general, the revised plan represents an important step forward towards goal compliance. However, although these changes have provided for more appropriate single family densities, some problems remain with review provisions for multi-family.

10.3.1.1. Sufficient land zoned for each needed housing type.

SINGLE FAMILY: All single family land is zoned for an average

minimum lot size of 10,000 square feet - twice the density provided for before the plan was amended. Some variation in actual lot sizes is provided for by means of planned development provisions and provisions for density transfers in areas located partially within the Greenway, but these provisions are discretionary in their application and, in any case, do not clearly result in any cost savings per lot. The new amendments currently being considered include revisions which specify standards for the approval of such density bonuses in a sufficiently clean and objective manner to provide assurance that some development can take place on smaller lots. Although these changes, if adopted, will strengthen the City's housing plan, Metro finds that current provisions for single family housing are adequate for goal compliance for the following reasons:

1. Until the plan's most recent amendment, Durham has been a suburban community with a minimum lot size of 15,000 square feet. The City has significantly loosened the screws;
2. The plan has presented ample evidence that there has been and will continue to be a demand for large lots in Durham. Metro recognizes that not all communities need have identical housing mixes and that some communities are more appropriate and efficient locations for certain types of housing than others;
3. Durham's housing mix has an insignificant impact on regional housing. Even if 50 percent of Durham's vacant buildable single family land were upzoned to R-7.5, the overall density increase would amount to one unit per year between now and the year 2000 (when buildout is assumed to occur).
4. A minimum lot size of 10,000 square feet allows for single family development densities consistent with those assumed needed in Metro's UGB Findings; in addition, the overall density of new development, including multi-family, will be over seven units an acre, above that assumed necessary in the UGB Findings.
5. Densities are sufficient to allow for the efficient sewerage of new development.

MULTI-FAMILY: The City has zoned a 13 acre area in south Durham for multi-family housing. Although some of this land lies in the flood-plain, density requirements are set on a gross acreage basis to allow for a total of 212 new units on however much or little of the land is used for actual development. Proposed amendments will help clarify these provisions.

Data from several sections in the plan can be assembled into the following summary of projected new development:

→

Durham: Synthesis of Housing Data
from the Comprehensive Plan

| | Single Family | Multifamily |
|-------------------------------|---|--|
| Units existing (1979) | 235 | 18 |
| Percentage of existing Units | 93 | 7 |
| Vacant buildable land | 42.6 acres (net) =56.8 acres (gross) | approximately 10 acres (net) 13.3 acres (gross) |
| Density permitted | 4 units/net acre | 16 units/gross acre up to 25.6 units/net acre |
| Potential new units | 170 | 212 |
| Percentage of potential units | 45 | 55 |
| Total units of buildout | 405 | 231 |
| Percentage of total | 64 | 36 |

It is apparent that the City has taken a giant step forward towards meeting its housing needs and has designated sufficient land for multi-family developments at sufficient density to allow for new multi-family development which is consistent with goal requirements and well in excess of that assumed needed in Metro's UGB Findings.

MOBILE HOMES: The plan does not include any reference to mobile homes. Nothing in the plan would preclude providing for mobile homes as needed in the future, nor is there anything to insure that such provisions will be made. Because of the City's small size and the small amount of vacant buildable land which might be suitable for a mobile home park; the fact that the plan does not contain any negative policy on mobile homes; the absence of any state or regional policy requiring that mobile homes be evaluated as a potentially needed "type" of housing; and because Durham has come so far in providing for other lower cost housing alternatives, Metro does not believe that the failure to address mobile homes jeopardizes goal compliance.

10.3.2 Approval standards clear, objective and reasonable when applied to a needed housing type.

All multi-family and all single family subdivisions must be approved as "planned developments." Current provisions for planned developments violate LCDC's "St. Helens" policy for the following reasons:

1. The Planning Commission may approve the development, deny it,

or approve with conditions. No limits are placed on the grounds for denial, nor is there an inclusive list of the range of conditions which may be attached; the partial list includes those that ensure that "the proposal is in harmony with the surrounding area."

2. A number of "program elements" are required with the preliminary plat (such as "contribution to the local economic base") which place an unfair burden on the developer and which are either superfluous or, if used in the decision process, inappropriate.
3. The proposal must also be found to be in conformance with the plan itself. The plan itself contains many vague policy statements including general standards on "physical attractiveness" which could be used to deny proposed developments.

In addition, the plan contains "residential development criteria" for services which place the burden for all service provision on the development without specifying how these criteria can be met. Requirements with respect to "adequate fire protection," "adequate drainage," "adequate recreation improvements," and "adequate provision for mass transit access" all may be sensible in theory; but how "adequacy" is to be measured and what types of design features can meet it must be specified or these criteria can be used to impose unreasonable conditions for approval which substantially increase the cost of housing or otherwise make its production unfeasible. Policies on park dedications or fees in lieu of are also contained in other sections of the plan but nowhere defined.

4. Finally, there are provisions for design review with no associated standards or criteria. Design review itself is acceptable but only where the range of features reviewed and the review standards are stated.

The problems here are not as much with standards which are altogether inappropriate as with a lack of clarity about which standards are used, when, and how. The amendments now being considered by the City would remedy this problem by:

1. Exempting multi-family housing from application of the planned development and design review approval processes;
2. Applying design review only to a limited range of conditions and only as necessary for the approval of special permits or variances;
3. Replacing vague approval standards and procedures from the planned development provisions with clear and objective conditions for approval;

4. Adding policy to the plan itself limiting the application of vague standards therein to use as guidelines for the development of specific and non-exclusionary standards in the ordinances; and
5. The addition of a few specific requirements for multi-family housing.

Metro has reviewed these amendments in draft form and finds them adequate to meet goal requirements.

SUMMARY: Durham has responded to the Seaman Order by considering regional as well as local housing needs, and in consequence, up-zoning its single family residential land, expanding opportunities for multi-family developing and committing to participation in the Areawide Housing Opportunity Plan to meet its fair share of regional needs for assisted housing. If the City had submitted its plan in its current form at the time the Seaman suit was filed, it would probably have received compliance acknowledgment. Since that time, however, LCDC has adopted new review standards in the form of the St. Helens policy paper. The City has demonstrated its good faith and its commitment to expediting construction of lower cost housing alternatives by undertaking the amendments necessary to eliminate violation of this policy.

CONCLUSIONS: Adoption of the amendments currently proposed will be adequate to achieve goal compliance.

Goal #11 Public Facilities

The plan addresses most of the criteria on the checklist. Though the City has limited responsibility with respect to public facilities, it has checked with service providers to ensure to its projected population can be accommodated. The plan is consistent with applicable regional plans.

The reduced lot sizes in the revised plan allows development to be sewerred efficiently and the plan requires sewerred of new subdivisions and multi-family development.

Conclusion: The City complies.

Goal #12 Transportation

The plan contains appropriate inventories, analysis, and policy for a City of its size. Some of its objectives with respect to traffic patterns (e.g., the closing of Upper Boones Ferry Road to truck traffic) are inconsistent with current local, regional, and state plans, but the plan policy is to "pursue measures" to achieve these objectives, rather than to take any immediate action on them, and plan policy on local and regional coordination is adequate to insure that no action will be taken which is inconsistent with these plans.

CONCLUSION: The City complies.

Goal #13 Energy

The sources, consumption, and distribution of energy are all discussed (pages 25 and 56). The plan identifies methods of and policies for conserving energy (page 34), which have been adequately implemented in the plan itself and in accompanying ordinances.

Conclusion: The City complies.

Goal #14 Urbanization

Durham is entirely within (that is, is nowhere coterminus) with the regional UGB, is planning for its city limits only and has signed an Urban Planning Area Agreement with Washington County to that effect.

All buildable land within city limits (approximately 70 acres, net) is considered ready for urban development and will be provided with a full range of urban services. The plan identifies the likely timing of development in the urban area (page 64). Although the urbanization element of the plan has not been reviewed at this time for consistency with Metro policies adopted August 23, 1979, no conflicts are apparent. The City may need to adopt additional policy at a later date, however, in order to insure consistency.

Conclusion: The City complies.

Goal #15 Willamette River Greenway -- Does not apply.

JH:ss
4882A
0061A

Jack Jones
Tigard, OR 97223
(503) 620-7907

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT

NOV 29 1979

SALEM

November 29, 1979

L. C. D. C.
1175 Court Street
Salem, OR

RE: Durham Comprehensive Plan and Code

I, John Lewis Jones, commonly known as Jack Jones, a licensed real estate broker in the State of Oregon, specializing in commercial and industrial real estate brokerage and consulting, have been authorized by my mother, Ivah Hermsen of 16805 S.W. Upper Boones Ferry Road to be her agent in matters pursuant to her residential zoned property and home which is located in the city of Durham.

Mrs. Hermsen, a Durham resident for over twenty five years is one of several elderly and other property owners whose homes are located within 100 feet of high traffic volume on S.W. Upper Boones Ferry Road which has an intolerable 45 M.P.H. speed limit. Crossing the street to retrieve mail is very hazardous and the situation will probably not improve.

In accordance with the Durham Comprehensive Plan, her property and the majority of other property fronting S.W. Upper Boones Ferry Road on the west side is to remain residential zoning which in my and the opinion of others in similar circumstances makes no sense at all in view of the fact that all property on the opposite side of the street has been up-zoned to commercial office park.

The net result of this inconsistent zoning practice I and others believe, will be high monetary rewards for the commercial zoned homeowners on the east side of the main street and many emotional, environmental, economic and financial problems for her and the residential home owners to the west, however, these adverse impacts should not apply to homeowners who live back in the trees so as to speak in the 200' to 1,000' range from the highway.

There is an exception, of course to the consistent residential zoning on the west side of the street in the plan which makes the property in front of the Kingsgate Development zoned commercial.

L. C. D. C.
November 29, 1979
Page 2

I and other property owners with similar circumstances and zoning, feel this type of inconsistency is the result of tradeoffs between special interest groups. Those wanting to maintain their seclusion in the trees and those who have wanted a higher and better commercial zoning use for monetary reasons.

A survey of people whom I feel will be most adversely affected reveals that most were unaware of the Durham Comprehensive Plan had never been contacted or briefed by any city councilman, planning commission members, citizen advisory staff, city hall staff or planners. No input to the plan was obviously desired.

However, most of these same disadvantaged homeowners were solicited for donations by them and their families for funds to hire attorneys for the purpose of defeating M.S.D.'s desire to use the Durham Pits for landfill purposes, which probably would be the highest and best overall interim use for that area.

I feel that for the above reasons, the Durham Comprehensive Plan is in noncompliance with goal #1 which plainly states that citizen input in the planning process is mandatory and that input should come from all the affected citizenry, not confined to those people in the trees off the road and to those who have gained sociologically and economically. Also, the Durham Development Code and Plan contains many vague, ambiguous and unclear conditions which should be cleaned up prior to your compliance acknowledgement.

Yours truly,



J. L. Jones

JLJ/cr

cc: M.S.D.
Durham Residents

DOCUMENTS
LOCAL
DURHAM
(1979C)

WASHINGTON COUNTY - CITY OF DURHAM
URBAN PLANNING AREA AGREEMENT

THIS AGREEMENT is entered into this 7 day of August, 19 79, by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF DURHAM, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that opportunities for review and comment by affected governmental units on plans and implementation ordinances shall be provided; and that city, county, state and federal agency and special district plans and actions shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS 197.705 through 197.795; and

WHEREAS, Chapter 655, Oregon Laws, 1977, empowers the Metropolitan Service District, hereinafter MSD, to adopt land-use planning goals and objectives for the district, review comprehensive plans adopted by cities and counties within the district and require changes in any such plan to ensure that the plan conforms to the goals and objectives, and coordinate the land-use planning activities of that portion of the cities and counties within the district; and

WHEREAS, the Oregon Land Conservation and Development Commission "Acknowledgement of Compliance Rule" (O.A.R. 660-03-010(2)(f)) requires each jurisdiction requesting Acknowledgement of Compliance to submit a statement setting forth the means by which a plan for management of the unincorporated area within the regional Urban Growth Boundary will be implemented; and

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WHEREAS, the COUNTY and the CITY, to ensure coordinated comprehensive plans, compatible land uses, and the orderly conversion of urbanizable land to urban uses, consider it mutually advantageous to establish:

1. A site specific Urban Planning Area (city limits); and
2. A site specific Mutual Interest Area, in the unincorporated land around the CITY, within which both the COUNTY and the CITY may formally review and comment on potential land use actions of mutual interest; and
3. A process by which land use conflicts in these areas may be resolved.

NOW THEREFORE, THE COUNTY AND THE CITY Agree as follows:

1. Location of Urban Planning Areas:

The Urban Planning Area defined mutually by the COUNTY and the CITY includes the area designated on Exhibit "A" to this agreement. The Urban Planning Area is coterminous with the city limits.

2. Location of Mutual Interest Area:

The Mutual Interest Area defined mutually by the COUNTY and the CITY includes the area designated on Exhibit "A" to this agreement. The Area boundary may be changed by Amendment (Section 5 below).

3. Correlation of Land Use Plans in the Mutual Interest Area:

A. The COUNTY'S Comprehensive Plan and implementing ordinances are the legally binding land use regulations in the unincorporated Mutual Interest Area, in conformance with the statewide goals, and the MSD Goals and Objectives where applicable. The CITY'S Comprehensive Plan and implementating ordinances apply within the city.

- B. At the time of this agreement, the CITY has found no inconsistencies between the CITY'S Comprehensive Plan and the COUNTY'S Comprehensive Plan.
- C. At the time of this agreement, the COUNTY has found no inconsistencies between the CITY'S Comprehensive Plan and the COUNTY'S Comprehensive Plan.

4. Review of Proposed Land Use Actions:

- A. If the CITY finds that a proposed land use action would create an inconsistency between the CITY and COUNTY Comprehensive Plans, a joint study will be completed prior to formal action on the proposal.
- B. The COUNTY will provide the CITY with the opportunity to review and comment on proposed land use actions within the Mutual Interest Area prior to COUNTY action. Such proposals include:
 - (1) Comprehensive plans or plan amendments, including any proposed changes in land use designations or policies.
 - (2) New or amended planning implementation ordinances and/or measures, including zoning and subdivision ordinances.
 - (3) Development proposals and land use actions, including the following:
 - a. Rezoning;
 - b. Conditional Use Permits;
 - c. Subdivisions and Major Partitions;
 - d. Administrative approvals of items requiring public notice.
 - (4) Proposed public improvement projects, including:
 - a. Construction of major Sewage Collection/Treatment systems (by the Unified Sewerage Agency);

- b. Major Street Improvement, Dedication, or Vacation (Public Works Department);
- c. Governmental Structures and Buildings.

C. The CITY will provide the COUNTY with the opportunity to review and comment on proposed land use actions within or by the CITY which will clearly affect lands or facilities or services within the Mutual Interest Area, prior to CITY action. Such proposals include:

- (1) Comprehensive Plans, or plan amendments including any proposed changes in land use designations or policies.
- (2) New or amended planning implementation ordinances and/or measures, including but not limited to zoning and subdivision ordinances.
- (3) Proposed land use actions within the CITY limits which would have a significant impact on lands, services or facilities outside the CITY limits, including the following:
 - a. Rezoning;
 - b. Conditional Use Permits;
 - c. Subdivisions;
 - d. Planned Unit Developments.
- (4) Proposed public improvement projects within the CITY limits, including:
 - a. Construction of or major changes to Water Distribution and Sewage Collection/Treatment systems;
 - b. Street Construction, Improvement, Dedication or Vacation;
 - c. Park or Recreational Facilities;
 - d. City Structures and Buildings.

(5) Annexations to the CITY.

D. The following PROCEDURES shall be followed by both the COUNTY and the CITY in fulfilling this Agreement.

(1) The CITY or COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall submit a copy of the proposal to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than 14 days prior to the date the originating agency's staff report must be in final form. If the proposed land use action would create an inconsistency between the CITY Comprehensive Plan and the COUNTY Comprehensive Plan, additional review time may be requested to allow completion of a joint study as noted in Part 4 above.

(2) The agency receiving the referral may respond at its discretion. Comments returned to the originating agency should be in written form, no less than 7 days prior to the date the originating agency's staff report must be in final form. Oral response may also be made at the time action is taken. Lack of response shall be considered "no objection" to the proposal.

(3) Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek administrative appeal of the action or other appeals as may be available.

5. Amendments:

This Agreement and the Urban Planning Area and Mutual Interest Area may be amended only by the mutual written concurrence of both parties.

The parties will jointly review this Agreement five years from the date of execution to evaluate the effectiveness of the administration of the processes set forth herein and to make any necessary amendments.

This Agreement commences on August 7, 19 79

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF TURHAM

BY X Robert S. Percy, MAJOR
James S. Percy, Administrative Recorder

WASHINGTON COUNTY

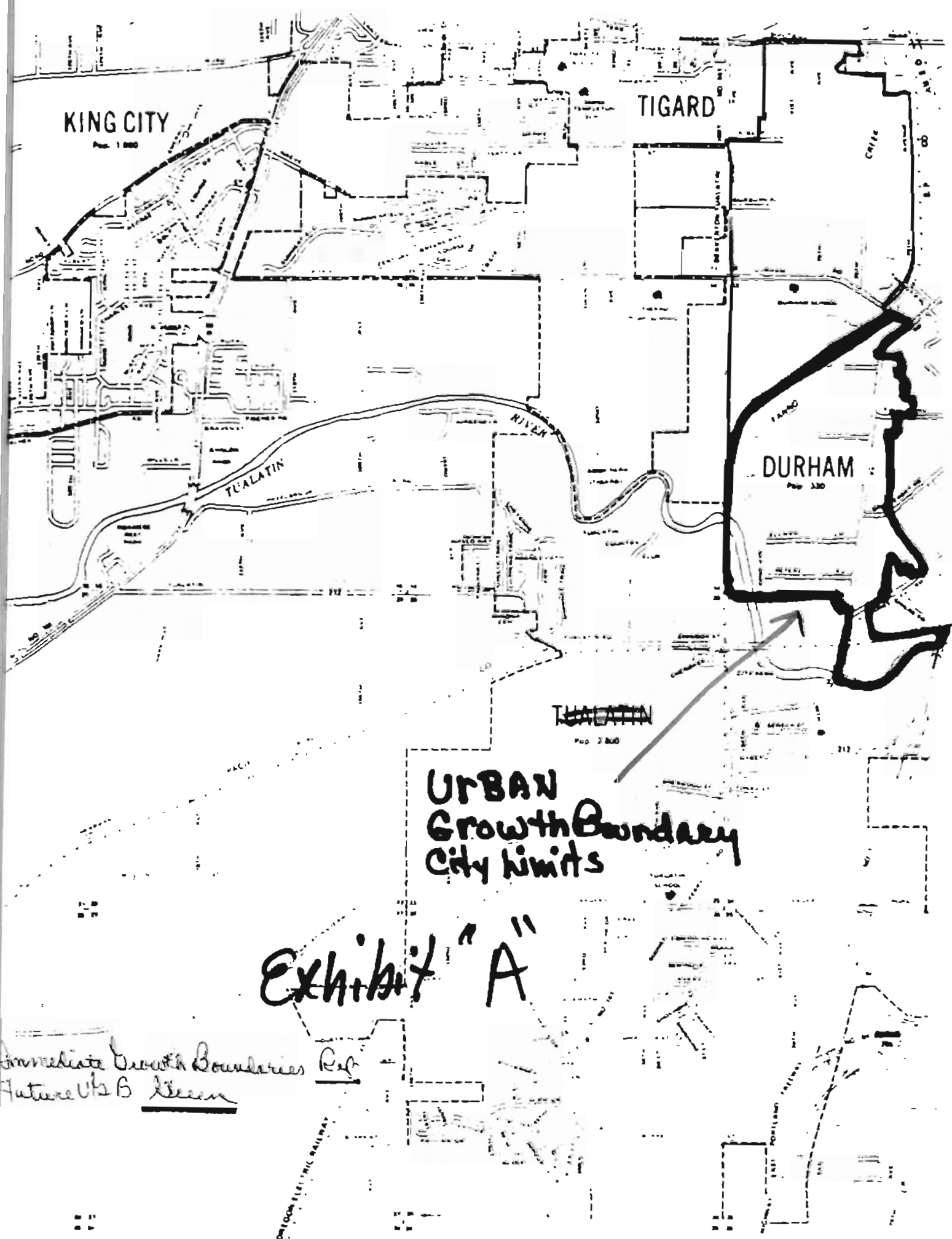
APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

MINUTE ORDER # 79-426
DATE 8-7-79
BY Barbara Cameron
CLERK OF THE BOARD Orosten

BY William Davis
Chairman, Board of County Commissioners
Barbara Cameron
Recording Secretary

APPROVED AS TO FORM

Al J. Baker
Assistant County Counsel
Washington County, Oregon



KING CITY
Pop. 1,000

TIGARD

DURHAM
Pop. 330

TUALATIN
Pop. 2,800

URBAN
Growth Boundary
City limits

Exhibit "A"

Immediate Growth Boundaries Ref
Future UG B Green