

## **ORDINANCE NO. 850**

### **AN ORDINANCE TO ADOPT TEXT AMENDMENTS TO CHAPTERS 1, 3, 5, AND 6 OF THE TROUTDALE DEVELOPMENT CODE.**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. Senate Bill 1051 was signed into law in 2017, requiring certain cities to allow for accessory dwelling units (ADU) in all areas zoned for detached single-family residential dwellings, subject to reasonable, clear, and objective standards.
2. The existing accessory residential unit (ARU) standards in the Troutdale Development Code are functionally obsolete and legally unenforceable without text amendments occurring.
3. Additional clarification on the standards for accessory structures affiliated with residential land uses was deemed necessary in order to clearly delineate the differing standards between accessory structures and accessory dwelling units.
4. The Planning Commission has reviewed proposed amendments at a public hearing during the August 15, 2017 regular meeting and voted 5-1 (with one abstention) to recommend these amendments as presented to City Council for approval.
5. No testimony has been provided by the Oregon Department of Land Conservation and Development or Metro on the amendments as proposed.
6. The City Council has adopted findings consistent with the provisions set forth in Troutdale Development Code Section 6.1100 as set forth in Attachment A.

#### **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE**

- Section 1. Chapter 1 shall be amended as set forth in Attachment B.
- Section 2. Chapter 3 shall be amended as set forth in Attachment B.
- Section 3. Chapter 5 shall be amended as set forth in Attachment B.
- Section 4. Chapter 6 shall be amended as set forth in Attachment B.

**YEAS: 5**  
**NAYS: 0**  
**ABSTAINED: 0**



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**Casey Ryan, Mayor**  
**Date: October 10, 2018**



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**Sarah Skroch, City Recorder**  
**Adopted: October 9, 2018**

# Attachment A

## **FINDINGS OF FACT FOR TEXT AMENDMENTS – CASE FILE # 75-02 APPROVAL CRITERIA [TDC 6.1120]**

**A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.**

The amendments proposed are consistent with the Comprehensive Land Use Plan, with no known conflicts. The amendments proposed are related to Goal 10 (Housing). While the expansion of accessory dwelling units is not specifically referenced in the Plan, the amendments are in the spirit of supporting policies 1.b. (residential areas providing a wide variety of housing types); 1.d (allow development of housing for all income levels) and 4.c (make standards become clear and objective). Furthermore, Goal 14 (Urbanization) calls for the City to “provide for orderly and efficient use of the land” in policy 1. The allowance of ADU in built areas allows for reasonable densification to occur. **The criterion is met.**

**B. The proposed change is consistent with the applicable Statewide Planning Goals.**

The text amendment application is a response to Statewide Planning Goals that were modified with Senate Bill 1051, which called for increasing housing variety and opportunities within cities and urban growth boundaries. A review of the most up-to-date residential buildable lands inventory (BLI) and housing needs analysis (HNA) indicate that the proposed change would not negatively impact the City’s future housing capacity and would actually be of benefit. This is because ADUs increase density within the existing built environment, which improves the efficiency of land use in the City and allows for future land to be preserved and more carefully considered for a variety of housing types as called for in the locally adopted Comprehensive Plan. Therefore, **the criterion is met.**

**C. The proposed change is consistent with the applicable provisions of Metro Code.**

The proposed text amendments are consistent with several Metro Code provisions and the overall regional housing goals identified in the 2040 Growth Concept. Within the Urban Growth Management Functional Plan [Chapter 3.07] exist two such provisions. Under Title 1 Housing Capacity, Metro requires cities to establish “at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. [3.07.120] Furthermore, under Title 7 Housing Choice, cities “within the Metro region shall ensure that their comprehensive plans and implementing ordinances include strategies to ensure a diverse range of housing types within their jurisdictional boundaries. [3.07.730] The new standards for accessory dwelling units increase Troutdale’s compliance with these provisions. **The criterion is met.**

**D. Public need is best satisfied by this particular change.**

Previous accessory residential unit structures were not clear and objective, which was required by changes in state law. The standards as proposed provide clear standards for applicants to understand and Staff to evaluate accessory dwelling units. The public is able to better pursue constructing additional housing opportunities to the community while being respectful of the community’s desire for reasonable regulations to ensure health, safety, and overall quality of life in those areas where the use is allowed. **The criterion is met.**

**E. The change will not adversely affect the health, safety, and welfare of the community.**

The City expects the majority of the accessory dwelling unit applications to be in the form of attached additions to the primary dwelling or in the conversion of a portion of the primary dwelling into a separate unit. Detached units are typically considered to be more controversial due to the visual impact on surrounding neighborhoods. Any detached unit proposal would be reviewed at a Type II level, which would allow the proposal to be reviewed based on the site conditions and offer the surrounding area an opportunity to comment on the application. If concerns about health, safety, and welfare of the community exist for that particular application, they can be articulated and appealed accordingly. Furthermore, the City has placed reasonable standards in place with regards to siting, parking, and construction to ensure the effect of having accessory dwelling units on a property are not disruptive to surrounding properties. **The criterion is met.**

# Attachment B

Amended pages to the Troutdale Development Code

Chapter 1 | Chapter 3 | Chapter 5 | Chapter 6

# Chapter 1

Page 1-2 | Item 1.020.04 Accessory Structure

Page 1-5 | Item 1.020.39 Dwelling, Accessory

the word "parcel" unless the context clearly indicates to the contrary. Where words are not defined in this Code, the following sources shall be consulted: State statute, and any dictionary of common usage, all of which shall be interpreted by context. Interpretations of the Code are the responsibility of the Director.

- .01 Abutting. Adjoining with any common boundary line(s).
- .02 Access. The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property of use.
- .03 Accessway. Paved pathways which provide direct and continuous pedestrian and/or bicycle passage through blocks. Accessways are designed to provide continuous pedestrian/bicycle routes by connecting a public street to another street or residential area, neighborhood activity center, industrial or commercial center, transit facility, park, school, open space, or trail system.
- .04 Accessory Structure. A structure not utilized as a dwelling unit which is subordinate to the principal structure that is located on the same lot serving purposes clearly incidental to the principal structure. Accessory structures include detached garages, detached carports, storage sheds, gazebos, detached decks over twelve (12) inches in height, play structures, or other similar structures detached from the primary structure determined to be similar by the Director.
- .05 Accessory Use. A non-residential use of a structure serving purposes incidental to the principal use.
- .06 Adjacent. Adjacent means next to, adjoining, or separated by right of way; for example, an industrial district across the street or highway from a commercial district shall be considered as adjacent.
- .07 Aggregate Resource. Any and all rock, sand, soil, or gravel product extracted for commercial, industrial, or construction use from natural deposits.
- .08 Alley. A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.
- .09 Automobile Wrecking Yard. See Junk Yard.
- .10 Bed & Breakfast. A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes and a meal provided, and for which compensation of any kind is paid. A Bed and Breakfast Facility is not a hotel, motel, boarding house or rooming house.
- .11 Bikeway. Any street or path which in some manner is specifically designated for the use of bicycles, or for shared use by bicycles, and other transportation modes compatible with bicycle use. The term "bikeway" includes bike lane and bike path.

- .38 Distribution Center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including shipment by boat, rail, air, or motor vehicle.
- .39 Dwelling, Accessory. An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.
- .40 Dwelling, Apartment Building. See Dwelling, Multiple-Family.
- .41 Dwelling, Apartment Unit. An individual dwelling unit intended for rent or lease within a multiple-family dwelling, or constructed above, below, behind, or beside another use, including mixed-use dwellings.
- .42 Dwelling, Condominium. A type of residential development offering individual ownership of dwellings—units and common ownership of open spaces, structures and other facilities.
- .43 Dwelling, Duplex. A building with two (2) dwelling units
- .44 Dwelling, Multi-Family. A building with four (4) or more dwelling units.
- .45 Dwelling, Shared. A dwelling unit in which five (5) or more bedrooms are rented or leased. Shared dwelling units include boarding houses, rooming houses, and the like. Shared dwellings are multi-family residential units.
- .46 Dwelling, Single-Family (Attached). A dwelling unit attached to one (1) or more separately owned dwelling units by common vertical walls. This definition includes but is not limited to townhouses and row-houses.
- .47 Dwelling, Single-Family (Detached). A detached dwelling unit, other than a mobile home or trailer house, that is not attached to any other dwelling and is surrounded by open space and yards.
- .48 Dwelling, Triplex. A building with three (3) dwelling units.
- .49 Dwelling Unit. Any building, or portion thereof, with independent living facilities, including provisions for sleeping, eating, cooking, and sanitation, for one or more persons.
- .50 Dwelling, Zero Lot Line. A single-family detached dwelling that is located on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.
- .51 Eating and Drinking Establishment. An establishment where meals or drinks (either alcoholic or non-alcoholic) are prepared and served to the public for consumption. This use includes: Restaurants, Brew Pubs, Cafes, Delicatessens, Sandwich Shops, Taverns, Bars, or other establishments primarily engaged in serving alcoholic beverages.

# Chapter 3

Page 3-3 | 3.012.B

Page 3-6 | 3.022.B

Page 3-9 | 3.032.B

Page 3-12 | 3.042.B

Page 3-15 | 3.052.B



**3.010 SINGLE-FAMILY RESIDENTIAL****R-20**

3.011 Purpose. This district is intended primarily for single-family detached dwellings at the lowest development density provided for in this Code. Such density is considered appropriate in areas developed at this density level or lower, and where natural features such as slope, flood plain, soil condition, etc., make these areas difficult to serve or inefficient to develop at higher densities.

3.012 Permitted Uses. The following uses and their accessory uses are permitted in the R-20 district:

- A. Single-family detached dwellings including manufactured homes on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes.
- B. Accessory dwelling units in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Livestock, poultry, small animals, greenhouses, and nurseries as accessory uses, provided no retail or wholesale business sales office is maintained on a lot of less than two (2) acres, and provided no poultry or livestock, other than household pets, shall be housed within one hundred (100) feet of any residence other than a dwelling on the same lot.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home Occupations in accordance with Section 5.100 of this Code.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.013 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-20 district:

- A. Community service uses.
- B. Day care center or facility other than a child care home.
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Accessory residential dwelling.
- E. Utility facilities, major.

**3.020 SINGLE-FAMILY RESIDENTIAL R-10**

3.021 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.

3.022 Permitted Uses. The following uses and their accessory uses are permitted in the R-10 district:

- A. Single-family detached, single family attached, and zero lot line dwellings including manufactured home on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Utility facilities, minor.
- E. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- F. Home Occupations in accordance with Section 5.100 of the Code.
- G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- H. Other uses similar in nature to those listed above.

3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-10 district:

- A. Community service uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Duplex dwellings on the same lot at intersections of any two (2) streets of at least neighborhood collector status. Lot size must comply with R-10 requirements.
- D. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- E. Shared dwellings, in accordance with Section 5.090 of this Code.
- F. Utility facilities, major.
- G. Other uses similar in nature to those listed above.

**3.030 SINGLE-FAMILY RESIDENTIAL****R-7**

3.031 Purpose. This district is intended primarily for dwellings in a low-density residential neighborhood environment.

3.032 Permitted Uses. The following uses and their accessory uses are permitted in the R-7 district:

- A. Single-family detached, single family attached, and zero lot line dwellings including manufactured home on individual lots in accordance with Section 5.1100 and including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units in accordance with Section 5.900 of this Code.
- C. Parks and playgrounds.
- D. Utility facilities, minor.
- E. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- F. Home Occupations in accordance with Section 5.100 of this Code.
- G. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- H. Other uses similar in nature to those listed above.

3.033 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-7 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

**3.040 MEDIUM DENSITY RESIDENTIAL R-5**

3.041 Purpose. This district is intended primarily for dwellings in a medium-density residential neighborhood environment.

3.042 Permitted Uses. The following uses and their accessory uses are permitted in the R-5 district:

- A. Single-family detached, attached, and zero lot line dwellings including manufactured homes and including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Manufactured home parks, in accordance with Section 5.800 of this Code.
- D. Parks and playgrounds.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home occupations in accordance with Section 5.100 of this Code.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.043 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-5 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses,
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

**3.050 ATTACHED RESIDENTIAL****R-4**

3.051 Purpose. This district is intended primarily for attached residential dwellings in a medium-density residential environment.

3.052 Permitted Uses. The following uses and their accessory uses are permitted in the R-4 district:

- A. Detached and Attached dwellings, duplex, and triplex dwellings, including residential homes, residential facilities, and registered or certified family child care homes, provided the base density is not exceeded.
- B. Accessory dwelling units, in accordance with Section 5.900 of this Code.
- C. Manufactured home parks, in accordance with Section 5.800 of this Code.
- D. Parks and playgrounds.
- E. Utility facilities, minor.
- F. Bed and breakfast inns in accordance with Section 5.500 of this Code.
- G. Home occupations in accordance with Section 5.100.
- H. Mobile Food Vendor operating a food stand in accordance with Section 5.200 of this Code.
- I. Other uses similar in nature to those listed above.

3.053 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-4 district:

- A. Nursing homes, day care facilities, assisted living facilities and similar uses not listed as permitted uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Shared dwellings, in accordance with Section 5.090 of this Code.
- D. Community service uses.
- E. Utility facilities, major.
- F. Other uses similar in nature to those listed above.

# Chapter 5

Page 5-1 | Section 5.010 in entirety

Page 5-29 | Section 5.900 in entirety

## Chapter 5 – Miscellaneous Uses, Standards, and Exceptions

5.010 Accessory Structures. Accessory structures are defined in Section 1.020 of this Code and include frame-covered accessory structures. The provisions of this Section apply only to accessory structures affiliated with residential uses. Accessory dwelling units are regulated in Section 5.900 of this Code.

For purposes of these regulations, portable swimming pools less than twenty-four (24) inches in depth are not considered accessory structures and are not subject to the provisions of this Section. Solariums, greenhouses, garages, or other enclosed areas which are attached to the residential structure shall not be considered accessory and shall be subject to the regulatory requirements of the underlying zoning district.

- A. Building Permit – When Required. A building permit shall be required as provided in Title 15, Building Code, of the Troutdale Municipal Code.
- B. Regulatory Requirements. No accessory structure, regardless of whether the structure requires a building permit, shall be erected or maintained, and no existing residential accessory structure shall be altered, converted, enlarged, moved, or maintained unless the structure complies with the following:
1. Cargo shipping containers are not permitted as accessory structures.
  2. No accessory structure shall be located:
    - a. Within the front yard setback or between the street and the front building plane of the dwelling;
    - b. Less than three (3) feet from the rear property line;
    - c. Less than three (3) feet from the side property line;
  3. No accessory structure shall exceed:
    - a. One thousand (1,000) square feet in floor area for any single accessory structure.
    - b. Twenty-five percent (25%) of the gross lot area, or fifty percent (50%) of the area of the required rear yard for all accessory structures cumulatively.
    - c. Twenty (20) feet in height.
    - d. Ten (10) feet in height or two hundred (200) square feet in size if located within a side or rear yard setback.
  4. Private Vehicle Storage on Corner Lot. Notwithstanding any other provision of this Section, residential accessory structures for private vehicle storage on a corner lot that have an entrance from the street side yard shall have a minimum street side yard setback of eighteen (18) feet. Vehicle access from the side street must be approved by the Public Works Director and constructed to City standards.
  5. Height shall be measured in accordance with Section 1.020.15. Setbacks shall be measured from projecting features, including but not limited to eaves and gutters.

**5.900 ACCESSORY DWELLING UNITS**

- 5.910 Purpose. The purpose of this Section is to provide standards for the establishment of an accessory dwelling unit as defined in Section 1.020 of this Code in relation to a primary single family dwelling. This Section is intended to enable a unit to be a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom, and sleeping area.
- 5.920 Review Procedures.
- A. Accessory dwelling units that are considered interior conversions of existing space or are attached to the primary dwelling as a physical addition shall be considered through a Type I review procedure in accordance with Section 6.900 of this Code.
  - B. Accessory dwelling units that are detached from the primary dwelling shall be considered through a Type II review procedure in accordance with Section 6.900 of this Code.
- 5.930 Number of Units. A maximum of two (2) accessory dwelling units are allowed per legal primary dwelling, provided that one (1) unit is either an interior conversion or attached to the primary dwelling and the other unit is detached from the primary dwelling.
- 5.940 Owner Occupancy. The owner of a property shall be required to reside on a full-time basis either in the primary dwelling or in an accessory dwelling unit on the property.
- 5.950 Development Standards.
- A. All accessory dwelling units shall comply with the primary dwelling's building setbacks and height standards of the underlying zoning district and overlay district, if applicable.
  - B. Accessory dwelling units shall not exceed eight hundred (800) square feet in area or fifty percent (50%) of the primary dwelling's floor area, whichever is smaller. For interior conversions only, accessory dwelling units that result from conversion of a floor may occupy the entire floor area, even if that area exceeds eight hundred (800) square feet.
  - C. Detached units shall be positioned within the side or rear yards of the primary dwelling.
  - D. Detached units may not exceed the height of primary dwelling.
  - E. Attached units shall utilize the same paint color as the primary dwelling. Attached units shall utilize the same exterior materials and roofing materials as the primary dwelling, except in instances where the primary dwelling has an exterior or roofing constructed with non-fire resistant materials. In such situations, the applicant may elect to utilize fire-resistant materials to construct attached units.
  - F. One (1) off-street parking space shall be required for each accessory dwelling unit.
  - G. All accessory dwelling units shall meet all applicable health, fire, and building codes.



# Chapter 6

Page 6-20 | 6.915.A.4 and 6.915.B.3

6.915 Review Procedures. Site development review shall be conducted using a Type I or Type II procedure to be determined as follows:

- A. A Type I application shall be used to review all of the following:
  - 1. Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking.
  - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than twenty-five percent (25%) floor area.
  - 3. Site improvements, such as modifications to a landscaped area or parking area.
  - 4. New accessory dwelling units that are considered interior conversions of existing space or are attached to the primary dwelling as a physical addition, in accordance with Section 5.900 of this Code.
  
- B. A Type II application shall be used to review all of the following:
  - 1. All new development not exempted or made subject to a Type I procedure above.
  - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds twenty-five percent (25%) or more floor area.
  - 3. New accessory dwelling units that are detached from the primary dwelling, in accordance with Section 5.900 of this Code.
  - 4. New bed and breakfast inns.
  - 5. Adjustment to applicable design standards for any development proposal.

6.920 Approval Criteria. In order to approve a site development review application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the proposal is consistent with the applicable approval criteria.

- A. An application for a Type I site development review shall be approved if the proposal meets all of the following criteria. The City decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.
  - 1. The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards, or a variance or adjustment is granted.