



ACCESSORY DWELLING UNITS

Category: Residential Construction

Revised: June 22, 2016 *[Paul L. Scarlett]* , Director

Responsible Bureau Sections: Development Services Center
1900 SW Fourth Avenue
Portland, OR 97201
503-823-7310

Residential Inspections
1900 SW Fourth Avenue
Portland, OR 97201
503-823-7388

I. BACKGROUND

The Portland Zoning Code allows Accessory Dwelling Units (ADUs) to be added to a site accessory to a house, attached house, or manufactured home in all Residential zones, all Commercial zones, and the Central Employment (EX) zone as described in Chapter 33.205 of the City Zoning Code. ADUs provide additional housing units that are compatible with the look and scale of single dwelling development, make more efficient use of existing housing stock and infrastructure, and provide a mix of housing options. They can be created by converting part of an existing house, adding area to an existing house, converting an existing structure, or constructing a new building.

This program guide outlines the application and review procedures for obtaining a permit to create an ADU and provides a summary of key zoning and construction standards. This guide does not address the use of additional kitchen agreements which address additional kitchens that are not part of an ADU. For information regarding the use of additional kitchen agreements, please see City Code Guide CC/33/#2 at <http://www.portlandoregon.gov/bds/article/174914> .

II. ADU DEFINITION

The Zoning Code defines an Accessory Dwelling Unit as a smaller, auxiliary dwelling unit on the same lot or within a house, attached house or manufactured home. The unit includes its own independent living facilities with provisions for sleeping,

cooking, and sanitation, designed for residential occupancy independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

III. APPLICATION AND REVIEW PROCESS

A. Application Requirements.

- 1. Construction of a new building.** When an ADU is proposed in a new building, the permitting and inspection process is the same as that of new single family house construction. Please visit our website (<http://www.portlandonline.com/bds/index.cfm?c=36676>) and the Development Services Center (DSC) for additional information on how to submit an application for new construction of a detached ADU.
- 2. Conversion of an existing space or addition.** When an ADU is proposed in existing space, either through conversion of a garage or accessory structure, or within the house, or when an addition to an existing building is proposed, it may be helpful to make an initial visit to the DSC.

- a. Information required for DSC visit.** The initial DSC visit provides an opportunity to discuss the space, design and structural issues that may be associated with the development of an ADU. In order for the DSC staff to provide the best information possible, a simple single-line site and floor plan drawing is required. This drawing will be used to determine if it is possible to provide an ADU in the existing space, and should show:

- 1)** The approximate building square footage; and

- 2)** The existing ceiling heights of the attic, basement, structure or garage being converted.

Photos of the existing interior and exterior views of the building are not required, but may be useful in assisting with project assessment.

- b. Preliminary review.** At the initial DSC visit, those interested in creating an ADU can meet with a Life Safety Plans Examiner (Building Code) and a Land Use Services Planner (Zoning Code). The Plans Examiner and the Planner will review the simple drawing and discuss the project to determine any immediate concerns with the proposal. Please visit our

website to determine the hours for general questions.

(<http://www.portlandoregon.gov/bds/37988>)

To determine the costs associated with your permit, please use the online fee estimator at: <http://www.portlandoregon.gov/bds/59194>

B. Review Process.

- 1. Permit Applications.** Complete building permit applications with plans must be submitted for ADUs, whether they are created within an existing building or as a new building. Applications will be taken in for review prior to issuance; ADU permits are not typically issued “over the counter”.
 - a.** See Brochure #6, “What Plans Do I Need?” for more information on submittal requirements for converting a portion of an existing structure to an ADU or adding on to an existing structure.
<http://www.portlandoregon.gov/bds/article/93021>
 - b.** See “New Single Family Residence Application Packet” for submittal requirements for ADUs created as a new detached building.
<http://www.portlandonline.com/shared/cfm/image.cfm?id=184903>
- 2. Fees and System Development Charges (SDCs).** The development of an ADU requires building permit fees, water service fees and System Development Charges (SDCs). In some instances, fees or SDCs can be substantial. Fees and SDC charges are based on the information below.
 - a. Building Permit Fees.** Building permit fees are based on the value of the work to be done. Most permit fees are unique to a project and will be determined at the time of application.
 - b. System Development Charges.**

Please note: The construction of accessory dwelling units (ADUs) or the conversion of existing structures to ADUs is typically subject to System Development Charges (SDCs) that are levied by the Portland Parks, Environmental Services, Transportation, and Water Bureaus.

If you have any SDC questions, please contact the appropriate system development bureau listed at the end of this Program Guide.

The following SDC fees will be waived for ADU projects where a complete building permit application has been submitted on or before July 31, 2018, provided that the ADU receives approval of final inspection no later than June 30, 2019.

1) Transportation System Development Charges (SDC). The creation of an ADU will be exempt from the Transportation SDC if all of the following criteria are met:

- a) The ADU must be built within an existing detached single family residence (not an attached house or rowhouse);
- b) The primary unit must have at least 1,400 square feet of living space (unfinished basements, garages or attics are not included in this calculation); and
- c) The ADU must be created within the existing living area or by converting an unfinished basement or attic.

For all other ADUs (new buildings, additions, accessory structures), a Transportation SDC will be charged. The assessment for an ADU is $\frac{1}{2}$ of the SDC charged for a new single-family house. Please call the Bureau of Transportation for the current rate. (See "Contact Information" at the end of this Program Guide.)

2) Environmental Services SDC. The creation of an ADU requires the payment of an Environmental Services SDC. The amount of the SDC will be based on fees that were paid previously and the addition of an ADU based on the current sewer connection charge. Rates are effective from July 1 to June 30. Please call the Bureau of Environmental Services (BES) for the current charge. (See "Contact Information" at the end of this Program Guide.)

In some cases, it may be necessary to increase the size of the sewer or wastewater line or to provide the ADU with a separate connection to the sanitary sewer system. In these cases, additional fees will be required even if SDC charges are waived.

3) Parks SDC. Portland Parks and Recreation charges an SDC for the creation of any ADU. The fee changes annually on July 1. Please call Parks and Recreation for the current rate. (See "Contact Information" at the end of this Program Guide.)

4) Water Bureau SDC. The Water Bureau does not automatically charge or waive an SDC when an ADU is constructed. If the

ADU can be added without changing the size of the existing water service, there is no charge. (See “City Utility Connections,” Section A below.) Upon request, the Water Bureau can verify the existing water service size. If an increase in water service is required, then there is a charge for increasing the service along with the differential cost increase for the larger service. Please call the Water Bureau for more information. (See “Contact Information” at the end of this Program Guide.)

IV. SUMMARY OF ZONING STANDARDS

The base zones (Chapters 33.110, Single-Dwelling Zones, Chapter 33.120, Multi-dwelling Zones, Chapter 33.130, Commercial Zones, and Chapter 33.140, Employment and Industrial Zones) provide standards for all detached accessory structures, including detached ADUs. Chapter 33.205 of the Portland Zoning Code provides the additional requirements for all Accessory Dwelling Units (ADUs). The Portland Zoning Code can be found at www.portlandoregon.gov/zoningcode. Below is a summary of those standards. For more information, call the Zoning Information line (see “Contact Information” at the end of this Program Guide) or visit the Development Services Center.

A. General.

1. ADUs are allowed on sites that are zoned Residential, Commercial, and in the Central Employment (EX) zone and can be created accessory to a house (detached single family dwelling), an attached house (rowhouse) or a manufactured home. ADUs are not allowed with other development types (eg duplexes) and only one ADU is allowed per site. An ADU is also not allowed with an attached house using the provision for attached houses on corners in 33.110.240.E.
2. The total number of residents that can live in both units (the ADU and the primary house) is limited to the total allowed for a household. Under the Zoning Code, a household is defined as follows:

Household. One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

3. Short Term Rentals and Home occupations.

- a. ADUs are allowed on sites with a Type A accessory short-term rental as described in Chapter 33.207 of the Portland Zoning Code. A Type A accessory short-term rental is where no more than 2 bedrooms are rented to overnight guests and the guest rents the bedroom(s) for fewer than 30 consecutive days.
- b. ADUs are allowed on sites with a Type B accessory short-term rental as described in Chapter 33.207 of the Portland Zoning Code, if the Type B accessory short-term rental meets the approval criteria for conditional uses in sub-section 33.815.040.B.1 of the Portland Zoning Code. A Type B accessory short-term rental is where 3 to 5 bedrooms are rented to overnight guests.
- c. ADUs are not allowed on sites with a Type B home occupation. A Type B home occupation is one in which the residents use their home as a place of work, and either one employee or customers come to the site. Examples are counseling, tutoring, and hair cutting and styling.

B. Size Allowances.

1. **General.** The maximum size of an ADU may be no more than 75% of the living area of the house or 800 square feet, whichever is less. Living area is calculated by *excluding* the following areas from the overall gross building area:
 - a. The thickness of the exterior walls;
 - b. Garage areas;
 - c. Basement areas where the ceiling height measured from the floor is less than 6 feet 8 inches; and
 - d. Any other building areas where the floor to ceiling height is either less than 5 feet, or areas not accessible by a stairway.

For example, if an existing house has 1,000 square feet of living area after subtracting all spaces described above, the ADU size is limited to 750 square feet. For a house that has 2,500 square feet of living area, 75% of the floor area would be 1,875 square feet. In this case, however, the ADU size is limited to no more than 800 square feet.

- 2. Additional requirements for detached ADUs.** In addition to the size limitations listed above, detached ADUs are limited by the following conditions:
- a. Height.** The maximum height for a detached ADU is 20 feet when located outside of the required setbacks for the zone. If a detached ADU is allowed to be located within the required setbacks for the zone, the maximum height for the ADU is 15 feet.
 - b. Building coverage.** The building coverage for a detached ADU may not be larger than the building coverage of the house, attached house or manufactured home. The combined building coverage for all detached accessory structures may not exceed 15% of the total site area.
 - c. Location.** Detached ADU must be set back 40 feet from a front lot line or behind the rear wall of the house, attached house or manufactured home.
 - d. Exterior details.** For detached ADUs that are more than 15 feet high, additional standards for the exterior of the ADU are required. Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the house, attached house or manufactured home in type, size and placement, OR must be made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern with boards 6 inches or less in width. The detached ADU must also meet certain standards relating to roof pitch, trim, windows, and eaves. See Section 33.110.250 for Single-dwelling zones or 33.120.280 for Multi-dwelling, Commercial, or EX zones.

ADUs in "d" Design overlays (33.420), or some historic designations (33.445) may be subject to additional design requirements. These ADUs must meet the Community Design Standards (33.218), where allowed to use Community Design Standards, or be approved through Design review or Historic Resource review.

C. Entrances.

Only one main entrance may be located on the street-facing facade of the house, attached house or manufactured home unless the house, attached house or manufactured home contained additional entrances before the ADU was created. An exception to this regulation is an entrance that does not have access from the ground, such as an entrance from a balcony or deck. Detached ADUs are exempt from this standard.

D. Parking.

Additional on-site parking is not required for an ADU. However, if parking is required for the existing dwelling unit, that parking must either be retained or replaced on-site. Any replacement parking must meet the parking standards in Chapter 33.266 of the Portland Zoning Code.

E. Adjustments.

If any of the ADU development standards are not met, an Adjustment (variance) review is required, as outlined in Zoning Code Chapter 33.805. Adjustment requests will be approved or denied based on the approval criteria in Chapter 33.805.

V. CONSTRUCTION STANDARDS

Accessory Dwelling Units are regulated by the Oregon Residential Specialty Code (Residential Code) and this Program Guide. Residential building permit applications are required for the creation of an ADU. The Residential Code and the alternative standards listed in paragraph (B) below will also apply when an ADU is created within an existing detached or attached structure.

A. New Construction and Additions.

When an ADU is created at the same time as the primary home is constructed, or when the ADU is created by adding on to an existing building, the construction shall comply with all Residential Code requirements for two-family dwellings. When an ADU is created in a new building accessory to, and detached from the primary dwelling unit, it shall comply with all Residential Code requirements for single-family dwellings.

B. Conversions and Alterations.

Where an ADU is created by converting non-habitable space within an existing house or by dividing off part of existing living space, the conversion shall comply with the Residential Code, except as modified below:

1. Electrical System.

- a. ADU occupants must have ready access to the electrical panel with over-current devices that serve the ADU. The ADU occupants must also have ready access to service the over-current devices either directly or via a building manager. The building management's contact information should be provided to the ADU occupant.
- b. All new electrical work is to be conducted by a licensed electrical contractor. Exemptions that allow homeowners to do electrical work on

their own homes will not apply to work for the creation of an ADU. If a new service is installed for the ADU, or both the ADU and the main dwelling unit, an electrical contractor must perform such installation work.

2. Heating System.

- a. Ducted systems.** If the house has a ducted heating system, the ADU shall have a separate heating system (and air conditioning system, if provided). Existing ductwork in the ADU may be left in place, provided it is terminated at the point where the ductwork enters the unit. Occupants shall have direct access to their heating system for service and repair.
- b. Radiant systems.** When new radiant systems are installed, separate systems must be provided for both the ADU and the primary unit. Existing hot water radiant systems may be extended to the ADU provided both the ADU and the primary living space have separate climate controls. In such case, a single boiler may serve both the primary unit and the ADU.

3. Plumbing System.

- a.** The primary unit and an ADU may use a common water supply, provided each fixture in the ADU and the primary unit has a shut-off valve. The Water Bureau must also approve the use of a single supply line. (See “City Utility Connections,” Section A, below.)
- b.** ADUs may use a common building sewer. No more than three water closets (toilets) may be on a single 3-inch line.

4. Fire and Life Safety.

a. Separation between units.

1) Existing conditions.

- a) Walls.** A stud wall having either wood lath and plaster or a covering of 1/2 inch gypsum wallboard on both sides, in sound condition, is acceptable.
- b) Floor/Ceilings.** A single wood floor with a ceiling of either wood lath and plaster or 1/2 inch gypsum wallboard, in sound condition, is acceptable.
- c) Sound Insulation.** A sound separation is not required.

2) Construction of a new wall or floor ceiling assembly. Where a new wall or floor/ceiling is constructed to create the separation between the units, such new wall or floor/ceiling shall be constructed to the one-hour fire-resistive standards and sound insulation requirements for unit separations in new buildings.

3) Separation between shared space and dwelling units. When there is a shared interior space, such as a foyer or utility area, the walls and floor/ceiling must be constructed consistent with the provisions of paragraphs (1) and (2) of this section. Doors in the separation walls must be a minimum of 1 3/8 inch thick solid wood, honeycomb core steel, or 20-minute fire-rated construction.

b. Ceiling heights. In existing buildings, ceiling heights in habitable spaces of ADUs shall be as provided below. All ceiling heights shall be measured from the top of the finished floor surface to the bottom of the ceiling finish or projection. All projections must be located at least 3 feet away from any door leading into the room.

1) General.

a) Areas with flat ceilings. In areas with flat ceilings, the ceiling must be at least 6 feet 8 inches high. Beams, heating ducts, pipes etc. may project below 6 feet 8 inches as follows:

(i) Ceiling projections may be as low as 6 feet when they are located within 2 feet from the wall; or

(ii) Ceiling projections may be as low as 6 feet 2 inches when they do not take up more than 10% of the floor area in the room where they are located.

b) Areas with sloped ceilings. In areas with sloped ceilings, ceiling heights in a specific room may be a minimum of 6 feet 8 inches where the following conditions are met:

(i) The 6 feet 8 inch ceiling height is over an area comprising at least 50% of the minimum required room area; and

(ii) Portions of the room with a ceiling height less than 5 feet shall not be counted toward the overall room area.

- 2) **Hallways.** In existing hallways, the ceiling height shall be at least 6 feet 8 inches, except that hallways with a sloping ceiling may have a ceiling height of 6 feet 2 inches at the lowest side when the ceiling height at the center of the hallway is at least 6 feet 8 inches.
- 3) **Bathing or toilet rooms.** In bathing or toilet rooms with a sloped ceiling, the ceiling height shall comply with Chapter 3 of the Residential Specialty Code.

c. Doors.

- 1) **Unit entrance doors.** All interior and exterior doors serving as the primary entrance to an ADU shall be at least 6 feet 8 inches high and at least 30 inches wide.
- 2) **Other doors.** Doors leading to other converted spaces shall be at least 6 feet 4 inches high and shall be at least 30 inches wide.

d. Emergency escape (egress) windows. Basements or sleeping rooms that do not have a door leading directly to the outside must have a window large enough to allow escape or rescue in case of emergency.

- 1) **General.** Except as noted below, emergency egress windows must comply with Chapter 3 of the Residential Specialty Code.
- 2) **Sill height.** The windowsill height must be 44 inches or less above the floor. A single permanently installed step located below the window may be used to reduce the sill height to 44 inches, provided that all of the following conditions are met:
 - a) The step shall be no higher than 12 inches;
 - b) The run (depth) shall be no less than 12 inches;
 - c) The step shall be as wide as the window; and
 - d) There must be a minimum height of 6 feet from the top of the step to the underside of the finished ceiling.

e. Smoke alarms. The primary dwelling unit and the ADU shall be equipped with smoke alarms per Chapter 3 of the Residential Specialty Code.

f. Stairways.

- 1) **New.** New stairs being added to an existing building are required to meet current provisions of the Residential Specialty Code.
- 2) **Existing.** An existing stairway leading to a new living space may be narrower and may have lower headroom than the current Residential Code allows provided:
 - a) The stairway is at least 30 inches wide and has at least 6 feet 4 inches of headroom measured vertically from the edge of each tread nosing to the underside of the nearest projection;
 - b) The stairway has runs no smaller than 9 inches and risers no higher than 8 inches; and
 - c) The steps are relatively even. A difference of more than 3/8 of an inch between the biggest and smallest rise or run will not be approved.
- 3) **Existing winder stairs.** Existing “winder” stairs, which are triangular in shape, are allowed.

- g. Hallways.** Hallways shall be at least 2 feet 6 inches wide. For ceiling height see Section (b) (2) above.

5. Energy.

- a. In all instances where access to existing ceiling, floor or exterior wall space is possible without demolition, insulation shall be installed.
- b. New windows or doors must meet current Residential Code requirements for energy conservation. Existing double-glazed windows or storm windows placed over existing single glazed windows are acceptable.
- c. Where existing wallboard, lath and plaster or other finishes are removed from exterior walls or ceilings, the exposed cavities must be insulated.
- d. Existing concrete exterior walls must be furred out with 2 x 4 framing. Any wood in contact with concrete must be pressure-treated or “all-weather” wood. Existing 2 x 4 walls or 2 x 4 furred walls must be insulated with materials to achieve at least an R-15 rating.

- e. Attic and garage ceilings must be insulated to the current Residential Code standards. When the existing ceiling height prohibits insulation meeting current Residential Code requirements, a minimum R-15 insulation will be approved in spaces between existing 2 x 4 rafters.

6. Livability.

- a. For ceiling heights, see Construction Standards, Section B (4) (b) above.
- b. Every habitable room shall have at least one window facing directly to the outside. Except where an approved ventilation device is provided, the total openable window area in every habitable room shall meet the requirements of Chapter 3 of the Residential Specialty Code.

VI. CITY UTILITY CONNECTIONS

A. Water.

Water Bureau regulations require that each separate structure have a separate water service. Water Bureau staff will review each application on a case-by-case basis to see if a single service can be used. They will also determine if an existing service will need to be up-sized. This determination will depend on the total number of plumbing fixtures being served.

B. Sanitary and Stormwater Sewers.

Applicants have the option of connecting the ADU to the existing sanitary sewer system connection or having a separate connection for the ADU. If a separate connection is made, there will be additional permit and connection fees.

In most cases, stormwater from either attached or detached ADUs will be required to be disposed of on site. In most cases, installation of a stormwater treatment facility will be required when the ADU creates 500 or more square feet of impervious surface.

VII. OTHER

A. Septic Tanks or Cesspools.

If a septic tank or cesspool exists on site, it must be located. If it is within 10 feet of a new structure, it must be decommissioned.

B. Addresses.

Addresses for sites with an ADU will be assigned as a single street address (number) with A and B used to designate each separate unit.

C. Existing “Accessory Rental Units.”

Existing Accessory Rental Units (ARUs), which were created by permit under previous zoning regulations, will be considered ADUs under the new regulations. Because of the change in some standards, these pre-existing ADUs may be nonconforming to one or more Zoning Code standards. For additional information, please contact Planning and Zoning. (See “Contact Information” at the end of this Program Guide.)

D. Discontinuance of Accessory Dwelling Units or Accessory Rental Units.

To discontinue using an existing ADU or ARU as an independent living unit, a building permit is required. The purpose of the permit is to document that the accessory unit no longer exists as a separate legal living unit. The kitchen sink in the former ADU will need to be capped off or, if the unit was within the house, the owner will need to execute an additional kitchen agreement with the City.

E. “Illegal” Accessory Units.

Property owners may use the procedures and standards of this Program Guide to legalize existing ADUs that were constructed without a building permit.

F. County Assessment and Taxation.

Property taxes are not assessed or collected by the City of Portland. It is recommended that applicants consult their county assessment and taxation office to determine how property taxes may be affected by the addition of an ADU to the property.

Bureau of Development Services
Program Guide - Accessory Dwelling Units
Page 15 of 15
June 22, 2016

CONTACT INFORMATION:

Bureau of Development Services

Development Services Center:

503-823-7310

Residential Inspections:

503-823-7388

Planning and Zoning:

503-823-7526

Hours and General Questions:

503-823-7300

<https://www.portlandoregon.gov/bds/34154>

Bureau of Transportation

503-823-7002

Bureau of Environmental Services

503-823-7761

Portland Parks and Recreation

503-823-5105

Portland Water Bureau

503-823-7368

Updates January 4, 2016 edition

Updates February 20, 2013 edition

Updates April 15, 2010 edition

Updates September 1, 2007 edition

Updates February 1, 2006 edition

Updates March 1, 2004 edition

Updates July 1, 2000 edition, which superseded and replaced BDS (formerly Office of Planning and Development Review and Bureau of Buildings) Policy and Procedure D-81.