



ACCESSORY DWELLING UNITS

Category: Residential Construction

Revised: April 15, 2010 _____ *[Paul L. Scarlett]* _____, Director

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I. BACKGROUND

The Portland Zoning Code permits the creation of Accessory Dwelling Units (ADUs) in all residential zones of the city. ADUs can be created in a variety of ways, including conversion of a portion of an existing house, addition to an existing house, conversion of an existing garage or the construction of an entirely new building. This Program Guide outlines the application and review procedures for obtaining a permit to create an ADU. This guide does not address the use of second sink agreements.

For information regarding the use of second sink agreements, please see Code Guide CC/33/#2. In addition, this guide contains a summary of key zoning design and construction standards that apply to ADUs. The Zoning Code states that the intent of allowing ADUs is to increase the housing stock while respecting the look and scale of single dwelling neighborhoods.

II. ADU DEFINITION

The Zoning Code defines an Accessory Dwelling Unit as a second dwelling unit created on a lot with a house, attached house or manufactured home. The second unit is created auxiliary to, and is smaller than, the house, attached house (rowhouse) or manufactured house.

III. APPLICATION AND REVIEW PROCESS

A. Application Requirements.

1. Construction of a new unit.

Where an ADU is to be established by creating a new building, the permitting and inspection process is the same as that of new single family construction. Please contact the Development Services Center for additional information.

2. Conversion of an existing space.

Where an ADU is being created from existing space either through conversion of a garage or interior dwelling space, an early assistance process has been created to help with project development.

a. Early assistance process.

An early assistance process has been created to facilitate construction of an ADU in an existing space. Before an application for an ADU may be made, the early assistance process must be followed. The process requires a visit to the DSC and in some cases a pre-application ADU inspection.

1) Initial DSC visit.

The initial DSC visit provides an opportunity to discuss the space, structural and cost issues 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. The drawing shall indicate:

- a)** The approximate building square footage; and
- b)** The existing ceiling heights of the attic, basement or garage being converted.

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

At the initial DSC visit those interested in creating an ADU will meet with a permit technician, a Fire and Life-Safety Plans Examiner and a Planning and Zoning Reviewer. The Plans Examiner and the City Planner will discuss the project and will review the simple drawing to determine any immediate concerns with the proposal. This visit also provides an opportunity to discuss project costs such as building permit fees or System Development Charges (SDC's) that are assessed by the Water Bureau, Bureau of Environment Services, Parks Bureau and Bureau of Transportation.

2) Pre-application ADU inspection.

After the City Planner and Plans Examiner have reviewed the preliminary drawings, a pre-application ADU inspection, also called a fee paid inspection, may be required. This inspection will provide the owner with additional information about what changes may be necessary to make the project meet minimum code requirements.

The form for a Fee Paid Inspection Request (special inspection) is available at the Development Services Center. Contact Trade Permits in the Development Services Center at (503) 823-7363 for the inspection charge. The Combination Inspections staff will conduct the requested inspections.

When a fee paid inspection is required, the inspector will complete an inspection report noting any corrections necessary for the ADU.

B. Review Process

1. Permit Applications.

Applications for ADUs, whether within an existing building or in a new building, will be taken in for review prior to issuance. All permit applications for ADUs shall be 'RS' case types. ADU permits cannot be issued over the counter.

Applications for permit require 4 copies of the following documents:

- a. A site plan;
- b. Floor plans including all portions of the existing house (sufficient to show square footage and relationship to the ADU) and the proposed ADU. Floor plans are to indicate wall thickness (double line drawings) at a minimum scale of 1/4" = 1.0';
- c. Exterior building elevations of both the primary building and any detached building involved in the creation of the ADU;
- d. The total number of plumbing fixtures in both the primary and accessory dwelling units;
- e. Proposed method for disposal of stormwater for a new structure;
- f. Requested Inspection Report (see III A 2 a 2) above); and

g. The address, legal description or parcel (tax) number of the site.

2. Fees and System Development Charges (SDCs).

The creation of an ADU may require fees in the form of building permit fees, water service fees or SDCs. In some instances, fees or SDCs can be substantial. Fees and SDCs 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.

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

These SDC fees will be waived for ADU projects where a complete building permit application has been submitted between April 15, 2010 and June 30, 2013, and where the ADU receives a certificate of occupancy no later than June 30, 2014.

If you have any questions, please contact the appropriate system development bureau listed below.

b. 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:

- 1) The ADU must be built within an existing single family residence (not attached houses or rowhouses);
- 2) The primary unit must be at least 1,400 square feet of living space (unfinished basements, garages or attics are not included in this calculation); and
- 3) The ADU must be created within 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 ½ of the SDC charged for a new single-family house. Please call Transportation at (503) 823-7002 for the current rate.

c. 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 BES at (503) 823-7761 for the current charge.

In some cases, it may be necessary to increase the size of the sewer or waste line or to provide the ADU with a separate connection to the sanitary sewer system. In these cases, additional fees will be required.

d. Parks SDC.

Parks charges an SDC for the creation of any ADU. The fee changes annually on July 1. Please call Parks and Recreation at (503) 823-5105 for the current rate.

e. Water Works SDC.

The Water Bureau does not automatically charge a 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 Bureau of Water Works at (503) 823-7368 for more information.

IV. SUMMARY OF ZONING STANDARDS

Chapter 33.205 of the City of Portland Zoning Code provides the standards for Accessory Dwelling Units (ADUs). Below is a summary of those standards. In addition, the Planning and Zoning staff is available to answer questions regarding the ADU provisions of the code either by phone at (503) 823-7526 or in the Development Services Center.

A. General.

1. ADU's are allowed on sites that are zoned as residential and can be created in a house (detached single family dwelling), an attached house (rowhouse) or a manufactured home.
2. The total number of residents that can live in both units (the ADU and the primary house) shall be 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. Home occupations.

- a) ADUs meeting the requirements of Zoning Code Section 33.815.040 B 1 are allowed on sites with an approved bed and breakfast.
- b) ADUs are not allowed on a site with a Type B home occupation. A Type B home occupation is one where 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. Methods to create an ADU

An ADU may be created in any of the following ways:

- 1. Converting existing living area;
- 2. Finishing an existing basement or attic;
- 3. Building an addition to an existing structure;
- 4. Building a new structure; or
- 5. In some instances, converting an existing detached accessory structure such as a garage or shed. *(See Section 33.205.030 D 4 of the City Zoning Code or speak with Planning and Zoning staff for additional information)*

C. 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 ceiling height is either less than 5 feet or the area is not accessible by a stairway.

For example, if an existing house has 1,000 square feet of living area after subtracting all spaces as 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 ADU's.** In addition to the size limitations listed above, detached ADU's are limited by the following conditions:
 - a. **Height.** The maximum height for a detached ADU is 18 feet.
 - b. **Building coverage.** The building coverage for a detached ADU may not be larger than the building coverage of the house. The combined building coverage for all detached accessory structures may not exceed 15 % of the total site area.
 - c. **Set back.** Detached ADU's must be set back 60 feet from a front lot line or 6 feet behind the house.

D. Design Standards.

1. **Location of entrances.** Only one main entrance may be located on the street-facing facade of the house, unless the house 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.
2. **Exterior design details.** Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match the house.

E. Parking.

Additional parking is not required for an ADU. However, if parking is required for the existing dwelling unit, that parking must either be retained, or if eliminated in the creation of the ADU, replaced.

F. Adjustments.

An Adjustment (exception) to ADU development standards as outlined in Zoning Code Chapter 33.805 may be requested. Adjustment requests will be approved or denied based on the approval criteria in Chapter 33.805.040.

V. CONSTRUCTION STANDARDS

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

A. New Construction and Additions.

Where an ADU is created at the same time the rest of the home is constructed, or where the ADU is created through adding on to an existing building, the construction must comply fully with the requirements of the Residential Code. All standards of that code, which apply to two unit structures, will apply to the creation of an ADU in a new building or an addition. Where an ADU is created in a new building accessory to, and detached from, the primary dwelling unit, it shall also be constructed to the standards for dwelling units in the Residential Code.

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 Dwelling Code except as modified below:

1. Electrical System.

- a. ADUs shall have separate circuits and, where a separate sub panel within the ADU is not feasible, direct access to the panel location in a common use area must be available. Occupants of both units shall have direct access to branch circuit disconnects in their unit.
- 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.

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.** Where 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

Bureau of Water Works 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 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.

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, ceiling heights must be at least 6 feet 8 inches high. Beams, heating ducts, pipes etc. may project below 6 feet 8 inches as follows:

- (1) Ceiling projections may be as low as 6 feet where they are located within 2 feet from the wall, or
- (2) Ceiling projections may be as low as 6 feet 2 inches where 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:

- (1) The 6 feet 8 inches ceiling height is over an area comprising at least 50% of the minimum required room area; and
- (2) 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 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 where 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 Residential Specialty Code Section 305.1 Exception 4.

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 the Residential Specialty Code (Section 310).

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 Section 313 of the Oregon Dwelling Specialty Code.

f. Stairways:

1) New. New stairs being added to an existing building are required to meet current code (Sec 311 and 312 of the Oregon 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 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 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 R-15 rating.
- e. Attic and garage ceilings must be insulated to current code. Where the existing ceiling height prohibits insulation meeting current code, 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 Residential Specialty Code Section R303.1.

VI. CITY UTILITY CONNECTIONS

A. Water.

Bureau of Water Works regulations require that each separate structure have a separate water service. 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 Storm 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, storm water from either attached or detached ADUs will be required to be disposed of on site.

VII. OTHER

A. Addresses.

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

B. 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 at (503) 823-7526.

C. Discontinuance of Accessory Dwelling Units or Accessory Rental Units

To discontinue an existing ADU or ARU, a building permit is required. The purpose of the permit is to document that the accessory unit no longer exists; and to cap off the kitchen sink in the area formerly used as the accessory unit.

D. “Illegal” Accessory Units

Where existing accessory dwelling units were created without the benefit of permit, property owners may use the procedures and standards of this Program Guide to legalize such units.

Updates September 1, 2007 edition

Updates February 1, 2006 edition

Updates March 1, 2004 edition

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