



Marion County
OREGON

Accessory Dwelling Units



Regulations for accessory dwelling units in Marion County

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Are these new regulations?

On December 20, 2017 the Marion County Board of Commissioners adopted Ordinance #1382, allowing accessory dwelling units (ADUs) in urban growth boundary areas of Marion County, outside city limits. This ordinance amended Marion County Urban Zone Code Chapter 16.26.

Are ADUs allowed in rural Marion County?

No. State regulations that cover the County's rural zones (Exclusive Farm Use, Farm/Timber, etc.) currently prohibit ADUs.

What is an "accessory dwelling unit"?

An accessory dwelling unit is a second dwelling unit built on a lot that already has an existing house, attached house or manufactured home. This second dwelling unit is accessory to the main dwelling on the property and has standards to ensure the unit remains accessory to the primary use of the property and cannot function as a separate, independent use on the lot.

What types of ADUs are now allowed?

Interior units - units built inside an existing dwelling or attached garage;

Attached ADUs - units constructed as an addition to a dwelling or attached garage or a new structure constructed within 5 feet of an existing dwelling or attached garage;

Detached ADUs - an existing or new structure, including modular and manufactured dwellings, located more than 5 feet from an existing dwelling or attached garage.

What about other types of dwellings (tiny houses, RV, mother-in-law quarters, guest houses, mobile home, park models, etc.)?

Generally, any structure on wheels cannot be used as an ADU. This regulation is based on current State of Oregon building codes.

Recreational vehicles - not allowed as an ADU as these are considered a type of vehicle.

Tiny houses - if a "tiny house" is on wheels, it cannot be used as an ADU. If it is not on wheels, it could be used as an ADU if it meets all of the standards listed below.

Mother-in-law quarters – generally speaking, if the detached or attached unit can meet the standards below, it could be used as an ADU.

Guest houses – Marion County Code 16.49.128 defines "Guest Facility" as an accessory building maintained for the purpose of providing temporary and gratuitous living accommodations, but dependent upon the main dwelling for cooking or bathroom facilities or both. This type of unit would not be considered an accessory *dwelling* unit.

Park models – as these units are built to RV standards and can be registered with the DMV, they cannot be used as an ADU.

A manufactured home is allowed as an ADU provided it meets the ADU standards and must be Energy Star certified and exhibit the US Housing and Urban Development (HUD) certification label pursuant to OAR 918-500-0450.

Are there standards that must be met?

Yes. Standards, such as size and location, ensure that the ADU is consistent with existing residential neighborhoods.

Size: maximum 900 square feet in floor area or 75% of the size of the footprint of the main dwelling, whichever is less.

Location

- Detached ADUs are allowed only in side yards or rear yards.
- Attached or interior ADUs are permitted in front, side or rear yards.

Land Division: the area of a property with an ADU cannot be divided off from the rest of the property containing the main dwelling.

Number of ADUs permitted: only one ADU is allowed on a property.

Height

- Detached ADU - maximum height of 25 feet.
- Attached or interior ADU - same height requirements as the primary dwelling on the property.

Setbacks from property lines

In urban growth boundary areas other than the urban area of Salem:

- Attached or interior ADU - same setback requirements as the primary dwelling on the property.
- Detached ADU - meet the setbacks for accessory structures in MCC 16.28:
 - side yard: behind the front plane of the home and 5 foot minimum from side property line.
 - rear yard: behind the rear plane of the home, not take up more than 25% of the required rear yard, and not project above the following height limits:

- nine feet at the lot line, increasing one foot for each one foot of distance from the lot line to a maximum height of 20 feet. Roof drainage shall be accommodated within the confines of the property.

To be consistent with setback requirements inside the City of Salem, in the Salem urban area required setbacks for an ADU:

- Detached in rear yard - 5 feet from property lines
- Detached in side yard - 3 feet from property lines.
- Attached: 3 feet if located in side yard and 14 feet if located in rear yard

Parking

- One additional parking space is required. Existing driveway and/or garage space may suffice.
- No new curb cuts are permitted.
- Existing curb cuts may be expanded with an approved access permit up to the maximum width allowed.

Rental duration: If rented, an ADU shall be rented for a minimum duration of 30 days.

This standard is to ensure that ADUs are not used as short-term rentals or vacation stays. ADUs are intended to be occupied over longer durations in order to address the need for affordable, long term housing.

Deed Restriction: The property owner shall be required to record a deed restriction acknowledging the use and standards for ADUs.

This ensures that future property owners are made aware of the standards that apply to the ADU that is already on the property they are purchasing.

Are ADUs allowed everywhere in urban growth boundary areas?

ADUs are allowed only in these zones:

- Urban Transition Zone - allows interior or attached only, subject to standards in MCC 16.26.100.
- Single Family Residential and Urban Development zones - allow interior, attached, or detached, subject to standards in MCC 16.26.100.

Is a permit required?

- Building permit(s) from Marion County Building Inspection Division.
- No land use/zoning review is required.
- Non-conforming and/or illegal ADUs existing as of December 20, 2017 (when the ordinance was adopted) may become conforming through the Urban Adjustment process provided for in MCC 16.41. This requires an application be submitted by the property owner and approved by the Marion County Planning Division.
- Standards for new ADUs may be varied through the Urban Adjustment application process.

For more information, visit our web site at <http://publicworks.co.marion.or.us/planning>