



Department of Planning and Building Services  
380 A Avenue  
Post Office Box 369  
Lake Oswego, OR 97034  
503-635-0290  
[www.ci.oswego.or.us](http://www.ci.oswego.or.us)

## ACCESSORY DWELLING UNITS

### **WHAT IS AN ACCESSORY DWELLING UNIT?**

An accessory dwelling unit (ADU) is one additional dwelling unit located on the same lot as the primary single-family dwelling. An ADU may be in a detached structure or may be located within or attached to the primary dwelling. The regulations for ADUs [LOC 50.03.004.1.b.vi] are listed on the following page.

### **APPLICATION PROCEDURE**

A Pre-Application (Pre-App) Conference is required for an ADU that adds floor area to the lot, such as an addition to an existing single-family dwelling, detached accessory structure, or a unit above a garage. If the proposed ADU is located within the primary dwelling (conversion) and does not add floor area or require a minor variance, a pre-application meeting is not required. An accessory dwelling unit that is located on top of a garage is considered a detached structure; not a conversion so a pre-application conference would be required. Please refer to the City's Pre-App handout for more detailed information on this process. After the pre-application meeting, or if the meeting is not required, the applicant applies for a building permit using either the Residential Alteration and/or Repair (internal or attached) or Accessory Structure application packets available from the Building Department (and on the website at [www.ci.oswego.or.us/building/permit-applications](http://www.ci.oswego.or.us/building/permit-applications)).

### **ADDITIONAL INFORMATION**

Either the ADU or the primary residence must be occupied by the property owner. Public services (water, sewer and stormwater) must be provided for the ADU. A variance is not permitted solely to locate an ADU on a site; the inability to site an ADU on a parcel is not an unnecessary hardship. A minor variance does apply to the standards in LOC 50.03.004.1.b.vi(1)(g) for a detached ADU located less than 10 feet to a property line. An ADU is not permitted to be used as a short-term rental. Before issuance of a building permit, the applicant is required to record a covenant that states the ADU regulations, owner-occupancy requirements and any SDC (System Development Charges) exemptions that were granted. An SDC exemption can be granted if the applicant agrees that within 10 years of the first use of the ADU as a dwelling unit, the ADU and any other structure on the Real Property shall not be rented to occupants for fewer than 31 consecutive days. A draft covenant template will be provided by the Planning Department upon request.

## **Accessory Dwelling Unit [LOC 50.03.003.4.vi]**

### **(1) Generally Applicable Standards**

An accessory dwelling unit (ADU) may be allowed in conjunction with a single-family dwelling by conversion of existing floor area, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, when the following conditions are met:

- (a)** The site is large enough to allow one off-street parking space for the accessory dwelling unit in addition to the required parking for the primary dwelling. The required parking for the ADU may be located within the front yard setback on an existing driveway provided the parking does not encroach into the public right-of-way.
- (b)** Public services are to serve both dwelling units.
- (c)** The maximum size of the ADU is limited to 800 sq. ft. of gross floor area, except where a portion of a dwelling existing as of August 2, 2018, is converted to an ADU up to 200 sq. ft. of floor area consisting of circulation areas (halls, stairs, etc.), chimneys, and heating and ventilation systems is excluded from the gross floor area calculation.
- (d)** No more than one additional unit is allowed.
- (e)** The unit is in conformance with the site development requirements of the underlying zone, including any allowed adjustments and additions listed in the base zone, or is located within a lawful nonconforming structure, or the ADU is located in a structure that was previously granted a variance pursuant to LOC Article [50.08](#) (provided, that any variance for the structure was not obtained solely to locate an ADU on the site; the inability to site an ADU on a parcel is not an unnecessary hardship).
- (f)** One unit shall be owner-occupied/the principal residence of the property owner. The owner shall be required to record a declaration of restrictive use in the appropriate County Clerk deed records prior to issuance of a building permit for the ADU on the lot. The declaration shall state that use of the parcel is subject to compliance with the City of Lake Oswego's ADU requirements, including the requirement that one of the dwellings on the lot be owner-occupied/the principal residence of the property owner, in order to permit usage of an ADU on the lot.
- (g)** The following standards shall be met where a detached ADU is placed less than ten ft. to a property line:
  - (i)** The ADU entrance shall be placed no closer than ten ft. to any property line;
  - (ii)** A six-foot-tall sight-obscuring wood fence shall be provided along the subject property line(s), from the ADU back to the closest side/rear property corner; and

(iii) Where a wall that is less than ten ft. from a property line contains window(s), the window panes on that wall shall be at least 72 inches above the finished floor of the ADU.

(h) For an internal conversion ADU, the required separate entrance to the ADU shall not be placed on the front facade of the existing house. No variance to this limitation is permitted.

## (2) Standards for Specific Zones

(a) In the R-5, R-3, R-2, and R-0 zones this use shall be associated with a detached single-family unit only.

(b) In the R-15, R-10, R-7.5, R-6, and R-DD zones this use is limited to one per lot.

## DEFINITIONS [LOC 50.10.003.2]

### Dwelling Unit

One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, sanitary facilities, cooking and eating.

### Dwelling Unit, Accessory

An accessory dwelling unit (ADU), either internal to, attached, or separate from a detached single-family dwelling unit and on the same lot as that dwelling. The following dwelling configurations shall also constitute an accessory dwelling unit regardless of whether the occupants of the second dwelling unit are a part of the family of the occupants of the primary dwelling unit:

- a. A detached accessory structure that contains all of the elements of a dwelling unit within the accessory structure and the accessory structure complies with LOC [50.03.004.1.b.vi](#). An accessory dwelling unit that is located on top of a garage is considered a detached structure; not a conversion; or
- b. A portion of the dwelling structure contains the elements of an accessory dwelling unit pursuant to LOC [50.03.004.1.b.vi](#), and the other portion of the dwelling structure meets the definition of "dwelling unit," and the two portions are physically separated from each other so that the usual and customary use of the two portions of the dwelling structure is as separate dwelling units, not as a single, interconnected housekeeping unit. A conversion is a remodel of existing floor area, which for purposes of this code includes garage floor area. An addition to an existing dwelling is not considered a conversion.