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## 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 an accessory 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. ADUs are only allowed in conjunction with a single-family dwelling by conversion of existing floor area or as an accessory structure on the same lot with an existing single-family dwelling.

### **Variations and ADUs**

Major Variations and all Design Variations are prohibited when used solely to locate an ADU on the site. The only variations permitted for an ADU are minor variations to the applicable zone dimensional standards, the ADU design-specific standards, and the Oswego Lake setback. See Criteria (d) and (e), below, and as further described per Minor Variance Classifications (LOC 50.08.002.2.q).

### **Application Procedure**

A Pre-Application Conference (Pre-App) is required for any type of ADU that is *not* an internal conversion of existing floor area within the primary structure or if the ADU requires a minor variance. An ADU located in an accessory structure always requires a pre-app. Please refer to the City's Pre-App handout for more detailed information on this process: [www.ci.oswego.or.us/planning/pre-application-brochure](http://www.ci.oswego.or.us/planning/pre-application-brochure). Pre-application conferences must be scheduled by the applicant prior to submitting an application for development or prior to submitting for a building permit for an ADU that is not a conversion.

After the pre-app (if required), the applicant applies for a building permit using either the Residential Alteration and/or Repair (internal or attached to primary dwelling) or Accessory Structure application packets. Both are 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**

Public services (water, sewer, and stormwater) must be provided for the ADU. A variance is not permitted solely to construct an ADU on a site as the inability to have an ADU is not, in and of itself, an unnecessary hardship. When a detached ADU is less than 10 feet from a property line, any exception to the ADU-specific standards per LOC 50.03.004.1.b.vi(1)(e)] requires approval of a minor variance.

Before issuance of a building permit, the applicant is required to record a covenant if any System Development Charges (SDC) exemptions were granted per LOC 39.06.1055. 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 (commonly referred to as a “short-term rental”). If the ADU is used as a short-term rental in violation of the covenant, the SDCs will become due by the then-owner of the property. A template for the SDC exemption covenant will be provided by the Planning Department in cooperation with the Engineering Department.

## **ACCESSORY DWELLING UNIT REQUIREMENTS [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)** Public services are to serve both dwelling units.
- (b)** 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.
- (c)** No more than one additional unit is allowed.
- (d)** 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. Per Article LOC 50.08.002.2, a minor variance is allowed to the ADU-design standards per subsection e, to applicable zone dimensional standards, or to the Oswego Lake setback in order to locate an ADU on the site. Major Variances and Design Variances solely to locate an ADU on the site are not allowed.
- (e)** 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.
- (f)** 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 constitute an ADU 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. An 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.](#); or

b. A portion of the primary structure that contains the elements of an ADU pursuant to LOC [50.03.004.1.b.vi.](#) and the other portion of the primary 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 structure is as separate dwelling units, not as a single, interconnected housekeeping unit.