

Accessory Dwelling Unit Standards from the Benton County Development Code

Effective June 30, 2018

51.020(2). “Accessory dwelling unit” means an interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. Standards for accessory dwelling units are found in BCC Section 91.050.

91.050 Accessory Dwelling Unit Standards. Where permitted by zoning within urban growth boundaries, every accessory dwelling unit (ADU) shall:

- (1) Be allowed in conjunction with and on the same lot or parcel as one legally established detached single-family dwelling. The single-family dwelling must be established prior to, or concurrent with, the establishment of the accessory dwelling unit or, if the existing single-family dwelling is demonstrated to meet the standards of this section for an accessory dwelling unit then it may be so designated and establishment of a single-family dwelling may be allowed. In any event, a maximum of one ADU is allowed per single-family dwelling;
- (2) Be constructed or renovated to comply with all applicable building code requirements, and shall comply with all other applicable regulations for a dwelling, including but not limited to floodplain provisions and setback requirements;
- (3) Contain no more than 900 square feet of habitable space. A single-car garage (no larger than 300 square feet in size) is allowed in conjunction with an ADU, but may not be used for human habitation. The garage area does not count towards the 900 square foot maximum size allowed for the ADU. One on-site parking space (which may be outside or in a garage) is required to serve an accessory dwelling unit, in addition to the parking required for the single-family dwelling;
- (4) Contain no more than two bedrooms and two bathrooms. For the purposes of this code, a bathroom is defined as a room containing, at minimum, a sink and a toilet; a bedroom is defined as a room or area designed for sleeping, in compliance with all applicable building code requirements for such rooms or areas. A studio space shall be considered a bedroom if it has the components of a bedroom;
- (5) Be served by either:
 - (a) A septic system; whether existing or new, the system shall meet all applicable requirements of Benton County Environmental Health and the Oregon Department of Environmental Quality (DEQ) [Note that DEQ rules may prohibit additional septic system loading if municipal sewer is located within a specified distance of the property.]; or
 - (b) A community/municipal sewer system, in which case the applicant shall submit evidence that the service agency is mutually bound and able to serve the accessory dwelling unit.
- (6) Be provided with water from an approved source, consistent with BCC 99.805. Well or spring water serving the ADU must comply with the well log and water quality requirements of BCC 99.810(1) and (2). A spring shall comply with the provisions of BCC 99.820 with the exception that the minimum gallons per minute required of the flow test described in BCC 99.820(4)(a) shall be increased by 50% if both the single-family dwelling and the ADU will be served by the spring. For a well, a minor pump test is required, consistent with BCC 99.845. If the ADU will be served by a separate well than the single-family dwelling, the pump test shall demonstrate compliance with the standards in BCC 99.845(1). If a single well is proposed to serve both the single-family dwelling and the ADU, the pump test shall

demonstrate compliance with the following modified standards for BCC 99.845(1):

- (a) Minimum supply = 1.5 gpm
- (b) Minimum required to avoid storage requirement = 7.5 gpm
- (c) If storage is required, storage within the tank and well must meet the following requirements:

1.5 – 2.99 gpm	No less than 2,250 gallons
3 – 4.49 gpm	No less than 1,500 gallons
4.5 – 7.49 gpm	No less than 1,000 gallons

- (7) Share the same road approach as the primary dwelling on the property.
- (8) Be located no more than 200 feet from the single-family dwelling unit on the site, as measured horizontally from structural wall to structural wall. Attached garages within 200 feet of each other may be used to meet this requirement;
- (9) Access to the ADU, and construction of the ADU, must comply with applicable Fire District requirements;
- (10) Either the single-family dwelling or the accessory dwelling unit shall be occupied by the owner, or one of the owners if more than one, of the subject property;
- (11) A manufactured home may be utilized as an ADU, if in compliance with all applicable standards;
- (12) Neither the single-family dwelling nor the ADU may be utilized for short-term accommodation purposes. Short-term accommodations are defined as lodging agreements for a period of less than one month;
- (13) An ADU is allowed in addition to a temporary medical hardship dwelling associated with the single-family dwelling, if all applicable requirements are met for all dwellings on the site;
- (14) Road improvement requirements consistent with the requirements of BCC Chapter 99 shall be met by the property owner, proportionate to the transportation impacts of the ADU;
- (15) The applicant for an ADU shall submit an urbanization plan, demonstrating that the location and placement of the single-family dwelling and accessory dwelling unit on the subject property will not prevent achieving the minimum density designated by the respective city's comprehensive plan. The urbanization plan shall show potential future roadways necessary to serve the development and potential lot configurations, and shall comply with natural features or natural hazard regulations on the site. All dwellings and all structures requiring building permits shall be placed within boundaries of the future parcels or lots shown on the urban conversion plan and shall meet urban setbacks of the respective city. The urban conversion plan shall be binding on future property owners, until such time as an alternative urban conversion plan is submitted by the property owner and approved by the County in consultation with the respective city, or the property is annexed to the city. In unusual circumstances, the urban conversion plan requirements may be modified by the Planning Official in consultation with the respective city.
- (16) The applicant for an ADU shall record a covenant to memorialize the requirements of Sections (3), (4), (10), (12), and (15) above for current and future property owners.