

- o home, and not project above the following height limits:
- o 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.

Quantity: only one ADU is allowed per parcel.

Rental duration: If rented, an ADU shall be rented for a minimum duration of 45 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 to address the need for affordable, long-term housing.

Deed Restriction: The property owner shall be required to record a deed restriction acknowledging the 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.

Sensitive Groundwater Overlay (SGO) Zone:

- If located in the SGO zone, the ADU must be connected to a 1,000-gallon water storage tank for use in conjunction with the primary well.
- An SGO declaratory agreement must be recorded into the deed.

Can my ADU have a new driveway?

Yes, an ADU may have a separate driveway,

if an access permit is issued by the Public Works Land Development, Engineering, and Permits Department (LDEP).

Are ADUs allowed everywhere in rural Marion County?

ADUs are only permitted in the Acreage Residential (AR) zone on parcels greater than 2-acres in size. They are not permitted in any other zone.

Is a permit required?

- Building permit(s) from Marion County Building Inspection Division must be obtained
- No land use application is required.
- Standards in Oregon Revised Statutes, such as size, location, and minimum parcel size for new ADUs cannot be varied by the Marion County Planning Division.

Which areas prohibit ADU development?

- ADUs may not be located:
 - o On a property less than 2.0-acres in size
 - o Within an urban reserve
 - o Within a designated area of critical state for water concern
 - o In an area in which new or existing ground water uses have been restricted by the Oregon Water Resources Department.



Marion County
OREGON

Rural Accessory Dwelling Units



Regulations for accessory dwelling units in Rural Marion County

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Are these new regulations?

In January 2024, the Marion County Board of Commissioners adopted Ordinance #1458, allowing accessory dwelling units (ADUs) in the Acreage Residential (AR) zone of Marion County, outside city limits. This ordinance amended Marion County Rural Zone Code Chapter 17.128.020.

What is an “accessory dwelling unit”?

An accessory dwelling unit is a second dwelling unit built on a lot that already has an existing dwelling unit. 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.

What types of ADUs are now allowed?

Interior ADU - units built inside an existing dwelling or attached garage.
Attached ADU - units constructed as an addition to a dwelling or a new structure constructed within 5 feet of an existing dwelling.
Detached ADU - an existing or new structure located more than 5 feet from an existing dwelling or attached garage.



What can be an ADU?

Any structure that qualifies as a dwelling in Marion County Building Code can be used as an ADU.

- Manufactured homes can be used 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.

What cannot be an ADU?

Generally, any structure on wheels that can be registered with the DMV cannot be used as an ADU. These structures are built to standards other than the State Building Code. These include, but are not limited to:

- Recreational vehicles
- Park models
- Tiny house (on wheels)

The current edition of the Oregon Residential Code states “...transfer of loads from their point of origin through the load-resisting elements to the foundation (ORSC R301.1).” Proposing to remove wheels and axles and anchoring these structures to a foundation still does not comply as the remaining structures are still designed and built to standards other than the State Building Codes.

- Guest houses – Marion County Code 17.110.258 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.

Can a larger structure be used for an ADU?

- Yes. A portion of a larger structure may be used for an ADU if:
 - o All requirements in MCC 17.128.020(K) can be met.
 - o If the living space is confined to 900 square feet within the larger structure.

Are there standards that must be met?

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

Size: maximum 900 square feet of living space.

Location:

- A portion of a detached ADU must be located within 100 feet of the primary dwelling.
- New ADUs will receive special setbacks from any resource zone and are subject to the requirements of MCC 17.128.050.

Height:

- Maximum height of 35 feet - same as primary dwellings.

Setbacks from property lines:

In AR zone:

- Attached or interior ADU - same setback requirements as the primary dwelling on the property.
- Detached ADU - meet the setbacks for residential structures in MCC 17.117:
 - o Front or side yard: same setback requirements as the primary dwelling on the property.
 - o Rear yard: behind the rear plane of the