

# Accessory Dwelling Units (ADU)

## What is an Accessory Dwelling Unit?

An accessory dwelling unit is essentially a small, second home on your property. Typically, it would be more like an apartment. If you have a bedroom, bathroom, and kitchen separate from the main house, it's an ADU. The kitchen is the big deal. A bedroom and bathroom, even if it is detached from the house, is just a guest room, not an ADU. So, what does a "kitchen" mean? Typically, it would need an oven or a full-size fridge. A mini fridge and microwave are not a kitchen. An ADU can be part of the main house, like in an attic or basement, or it can be detached.

### Can I get a Variance?

Possibly, but usually not. A variance can only be used when there is something limiting on the property, like a stream or a hill that prevents you from being able to use the site. It's not a tool that lets someone ask for a larger or smaller structure. If you think there is something limiting on your property, see City staff to discuss.

## How Big Can It Be?

An ADU must be between 250 and 650 square feet. However, you can have an extra 100 square feet of floor space for every 1,000 square feet of lot size over 11,000 square feet. In no event can the ADU be bigger than 900 square feet. In other words, any lot larger than 13,500 square feet can have an ADU no bigger than 900 square feet.



## Are There Any Design Requirements?

For detached units the exterior siding must be generally the same material and color as the main house. The roof must also have the same roof pitch, and the foundation must be the same as the primary home (no trailers). A conditional use permit can be used to request a different style. You can also place an ADU over (above) an accessory structure, most commonly a detached garage. Shipping containers are not permitted as ADUs. **You also cannot exceed 50% lot coverage.** See the Accessory Structure handout for more details.

## What Kind of Permit Do I Need?

You need a building permit, which is applied for at Millersburg City Hall and processed by the Linn County Building Department. You will need a site plan, elevations, and engineered drawings. The site plan and other requirements are outlined in the Permit Application and can be found on the City website. System Development Charges (SDCs) may be required as part of your permit also; ask staff for more details.



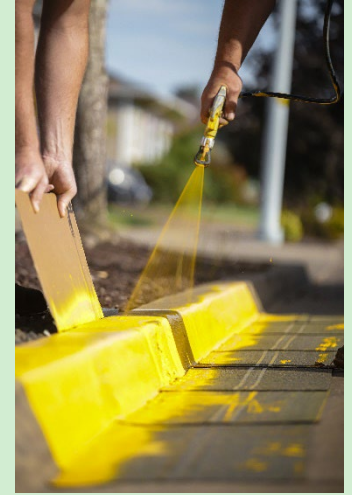
## What Are the Setbacks?

Attached ADUs have the same setbacks as a single family dwelling. The setbacks for a detached ADU are the same as an accessory structure:

Front	25' for a garage, 15' to a structure	
Rear/Side	For a 1 story structure	5'
	For a 2 story structure	8'
From the House	6'	

### Do I have to pay System Development Charges (SDC's) for my ADU?

Yes. SDC's are intended to help pay for City infrastructure. New homes and business pay SDC fees because they increase the burden on infrastructure like streets, sewer, water, parks, and stormwater systems. Because ADU's will bring more residents to the City, there is an impact to infrastructure. Therefore, SDC fees apply. However, understanding that they are smaller than new homes, the City reduces most of them by 1/2.



## What Code Sections Does This Come From?

Chapter 3.16 regulates ADUs, but you also should look at Chapter 3.15 which regulates residential accessory structures. An ADU is also an accessory structure if it is detached from the main house.

## Can I Rent My ADU Like an Apartment?

Yes! There are no regulations that limit you renting to anyone. There are no extra parking spaces required.



## Can I Have More Than One ADU?

No. There is a limit of just one per property.

## Can I Have an ADU if I Already Have an Accessory Structure?

The Code currently does not limit how many accessory structures can be placed on a property, but there are maximum lot coverage requirements that you need to be aware of. Also, the total cumulative square footage of all detached structures cannot exceed the maximum allowed (usually 1,200 sq. ft.).