



Building Safety Division
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ACCESSORY STRUCTURES HABITABLE VS. NON-HABITABLE SPACE

Based on the State of Oregon statewide [code interpretation No. 03-01](#), a detached accessory building that is not exceeding 200 square feet in area and meets the height requirements in the 2023 Oregon Residential Specialty Code section R105.2(1) or the exception, that does not contain a kitchen and is not used for overnight sleeping purposes would be considered non-habitable space and would not require a structural permit.

The exemption from a structural permit does not negate other required permits when applicable such as electrical, mechanical, and plumbing (i.e. for the heating/cooling system).

A Structural Permit is required if:

- The structure is more than 200 square feet;
- Average highest roof surface (ridge) exceeds 15'; or
- The structure includes a kitchen, full bath, toilet, or sleeping space

Whether or not a permit is required, the provisions of the Oregon Residential Specialty Code apply; see R105.2.

Planning Division Requirements/Notes

- Please see Planning Division's [Accessory Uses and Structures Quick Reference Guide](#).
- Residential Accessory Structures are subject to all development standards (unless where noted as exempt), whether or not they require a building permit.
- Accessory Structures must meet setback requirements, are subject to lot coverage calculations, and are subject to special standards of the Development Code under [BDC 3.6.200.M](#).

Contact the Planning Division with questions regarding Planning requirements at (541) 388-5580 ext. 3 or email planning@bendoregon.gov.