

1321 Main Street, Philomath, Oregon

Building Renovation & Use – Frequently Asked Questions (FAQ)

Do the bathrooms need to be ADA compliant?

Per Oregon Building Code and state law, when renovations are completed to an existing building, the “25% Rule” applies. This means that 25% of the total project cost must be allocated toward removing barriers to accessibility.

The State of Oregon provides a priority list for accessibility improvements. This list typically prioritizes:

- ADA parking spaces
- Accessible access to the building entrance
- ADA-compliant restroom facilities

Additionally, any **new construction within the building** must comply with current building code requirements and ADA accessibility standards.

Is it possible to create residential units upstairs?

Interested parties should consult with a licensed architect to determine the specific requirements associated with converting the upper level to residential use.

Potential considerations may include:

- Installation of fire sprinkler systems
- Rated floor/ceiling assemblies between the first and second floors
- Fire/life safety separation requirements

There were historically apartment units located on the upper floor. Interested parties may wish to contact the City of Philomath and/or Benton County to determine whether residential use could be considered an existing use and whether installation of a full building sprinkler system would be required to accommodate an R (Residential) Occupancy classification.

Would short-term rentals (e.g., Airbnb) be permitted upstairs?

Short-term rental use (including Airbnb-type operations) is still classified as an **R Occupancy** under building code.

Please refer to the residential use question above. Additionally, local jurisdiction may impose specific zoning, licensing, or operational requirements for short-term rental properties.

Would the building require seismic improvements?

Seismic upgrade requirements are typically dependent upon the intended use of the building.

If the building's use remains unchanged — or does not shift to a **higher risk occupancy category** — seismic improvements may not be required.

If the upstairs is finished, would an elevator be required?

See note above regarding ADA restrooms and the 25% rule. If within 25% of your project budget, then an elevator may be required. The intended use of the second floor also will dictate if an elevator is needed.

Can improvements be completed in phases (e.g., main floor first, upper floor later)?

Yes. Building permits may be applied for in phases, allowing work to be completed incrementally.

Architectural plans submitted for each phase must clearly document how that phase of work complies with all applicable building and life safety codes.

The information contained herein has been obtained from sources believed to be reliable and is provided for general informational purposes only. While every effort has been made to ensure accuracy, no representations or warranties are made as to its completeness or correctness.

Prospective buyers, tenants, and interested parties are advised to conduct their own independent due diligence and verify all information with a licensed architect, contractor, or the appropriate local building and planning authorities, including the City of Philomath and Benton County, regarding requirements for their intended use.

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