

**An Ordinance Permitting
Accessory Dwelling Units (ADUs) in the Rural
Residential Zone) Ordinance No. 237
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This matter came before the County Court in public hearings on June 25, 2025 and July 9, 2025.

The Malheur County Court ordains as follows:

The Malheur County Code shall be amended to permit accessory dwelling units (ADUs) in the rural residential zone. The following provision shall be added:

Section 6-3C-2 PERMITTED USES: The following uses may be granted outright in an R-1 Zone.

E. Accessory Dwelling Unit (ADU) as defined in ORS 215.501; subject to the following:

1. One (1) new ADU, shall be no larger than 900 square feet of useable floor area;
2. One (1) single -family dwelling must exist on the lot or parcel;
3. Lot or parcel is at least two (2) acres in size;
4. Shall be no further than 100 feet from the existing single -family dwelling;
5. The lot or parcel is not located within a designated urban reserve area;
6. The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending actions under ORS 105.550 to ORS105.560;
7. The ADU shall comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment;
8. ADU shall be served by the same well, water supply source or water supply system as the existing single-family dwelling (ORS 215.495 (5));
9. If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1) (b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission;

10. No portion of the lot or parcel is within a designated area of critical state concern;
11. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410; and
12. The ADU must meet all setbacks in the R-1 Zone and setbacks from the well as required by the Water Resources Commission or Water Resources Department.
13. Must comply with all fire and specialty structural code laws if the ADU is on the statewide wildfire hazard map.
14. A historic home as defined in ORS 215.501 may be converted to an ADU upon construction of a new single-family dwelling as long as: (i) the ADU complies with this ordinance, (ii) the ADU is not altered, renovated or remodeled to more than 120 percent of the historic home's square footage at the time of construction of the new single family dwelling, (iii) the ADU may not be rebuilt if lost by fire and (iv) the ADU and the new single family dwelling must be served by the same water source.
15. Other Restrictions and Standards for an ADU:
 - i. An ADU may not be used for vacation occupancy.
 - ii. An accessory building (i.e. garage or outbuilding) to the ADU is not permitted.
 - iii. No subdivision, partition or any other reconfiguration of the lot or parcel may be allowed which would situate the existing single-family dwelling on a different lot or parcel than the ADU.
 - iv. A second ADU shall not be permitted on any lot or parcel.

Emergency

This ordinance is immediately necessary for the preservation of the public peace, health and safety; an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage.

Dated this ____ day of July 2025.

Judge Dan P. Joyce

Commissioner Ron Jacobs

Commissioner Jim Mendiola

ATTEST:

Kim Ross, Recording Secretary