

House Bill 2704

Sponsored by Representative ZIKA; Representatives BREESE-IVERSON, LEIF, SMITH DB (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Office of Child Care to award grants to child care facilities supporting large employers. Appropriates moneys from General Fund to office for program. Sunsets program January 2, 2024.

Creates income tax credit for lessors of real property leased to certified child care facilities. Creates income tax credit for child care facilities with staff members who received 18 or more clock hours of training related to child care. Creates income tax credit for child care facilities rated three stars or higher with quality rating and improvement system. Applies to tax years beginning on or after January 1, 2022, and before January 1, 2028.

Includes attempts to obtain commercial advantage in provision of child care service as form of false reporting of child abuse.

Allows all residential structures to be used as certified or registered family child care homes. Prohibits conditions on child care facilities that are more restrictive than other uses allowable within land use zone. Allows development of child care facilities as conditional use on lands zoned for exclusive farm use.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to child care; creating new provisions; amending ORS 215.213, 215.283, 314.772, 318.031,
3 329A.030, 329A.250, 329A.440 and 419B.016; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

CHILD CARE FACILITIES FOR LARGE EMPLOYERS

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7
8 **SECTION 1.** Section 2 of this 2021 Act is added to and made a part of ORS 329A.250 to
9 **329A.450.**

10 **SECTION 2.** (1) As used in this section:

11 (a) "Eligible recipient" means a child care facility or person proposing to establish a child
12 care facility.

13 (b) "Large employer" means an employer with more than 100 employees who work in a
14 single office, facility, campus or region in this state.

15 (2) The Office of Child Care may award grants that support the development of child care
16 facilities to an eligible recipient that has contracted with a large employer to provide child
17 care primarily for the employer's employees.

18 (3) Grants awarded under this section may be used for the acquisition of land, con-
19 struction, remodeling, system development charges, rent or other costs of acquiring or using
20 space for a child care facility or the financing, refinancing or debt servicing of such costs.

21 (4) The office shall give priority to grant applications in which:

22 (a) The eligible recipient has identified available financial or in-kind resources other than
23 state funds to support the child care facility, including commitments from the large em-
24 ployer.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) The large employer has arranged to provide reduced-price child care at the child care
2 facility for the children of employees with low or moderate incomes.

3 (c) A shortage of child care facilities exists in the area where the child care facility will
4 operate.

5 (5) The office may provide technical assistance to eligible recipients to assist with the
6 development of grant proposals under this section.

7 (6) The office may adopt forms and rules necessary to carry out the provisions of this
8 section and to best leverage resources to address the shortage of child care facilities.

9 **SECTION 3.** Section 2 of this 2021 Act is repealed January 2, 2024.

10 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
11 ated to the Office of Child Care, for the biennium beginning July 1, 2021, out of the General
12 Fund, the amount of \$1, to award grants under section 2 of this 2021 Act.

13
14 **TAX CREDITS**
15

16 **SECTION 5.** Sections 6, 7 and 8 of this 2021 Act are added to and made a part of ORS
17 chapter 315.

18 **SECTION 6.** (1) As used in this section:

19 (a) “Certified child care facility” means a child care facility that is certified by the Office
20 of Child Care under ORS 329A.280 or has been issued a temporary certification under ORS
21 329A.300.

22 (b) “Child care facility” has the meaning given that term in ORS 329A.250.

23 (2) A credit against taxes that are otherwise due under ORS chapter 316 or, if the tax-
24 payer is a corporation, under ORS chapter 317 or 318, is allowed to the lessor of real property
25 if the lessee or, if the lessee is not the person that is in possession of the property, the
26 person that is in possession of the property operates a certified child care facility on the
27 property.

28 (3) The credit allowed under this section is equal to 10 percent of the amount of rent paid
29 to the taxpayer over a 12-month period under the terms of the lease, sublease or lease-
30 purchase agreement.

31 (4) The credit allowed under this section may be claimed for the first tax year in which
32 a child care facility is actually operated on the property and for the next succeeding year,
33 but no credit is allowed under this section unless a certified child care facility was actually
34 operated on the property on the last day of the tax year in which the credit is claimed.

35 (5) The credit allowed under this section may not be claimed by more than one taxpayer
36 with respect to the same property during a tax year and may not be claimed by a lessor that
37 is a parent or subsidiary of the lessee or is otherwise closely related to the lessee.

38 (6) The credit must be claimed on a form prescribed by the Department of Revenue that
39 contains the information required by the department.

40 (7) The credit allowed under this section may not exceed the tax liability of the taxpayer
41 for the tax year.

42 (8) Any tax credit otherwise allowable under this section that is not used by the taxpayer
43 in a particular tax year may be carried forward and offset against the taxpayer’s tax liability
44 for the next succeeding tax year. Any credit remaining unused in the next succeeding tax
45 year may be carried forward and used in the second succeeding tax year, and likewise any

1 credit not used in that second succeeding tax year may be carried forward and used in the
 2 third succeeding tax year but may not be carried forward for any tax year thereafter.

3 (9) A nonresident is allowed the credit under this section. The credit is computed in the
 4 same manner and subject to the same limitations as the credit granted to a resident. How-
 5 ever, the credit is prorated using the proportion provided in ORS 316.117.

6 (10) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085,
 7 or if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440,
 8 the credit allowed by this section is prorated or computed in a manner consistent with ORS
 9 314.085.

10 (11) If a change in the status of a taxpayer from resident to nonresident or from non-
 11 resident to resident occurs, the credit allowed by this section is determined in a manner
 12 consistent with ORS 316.117.

13 **SECTION 7.** (1) As used in this section:

14 (a) "Child care" and "child care facility" have the meanings given those terms in ORS
 15 329A.250.

16 (b) "Staff member" means a person employed by a child care facility who may perform
 17 some child care duties without being supervised by another employee.

18 (2) A credit against taxes that are otherwise due under ORS chapter 316 or, if the tax-
 19 payer is a corporation, under ORS chapter 317 or 318, is allowed in the amount of \$1,500 for
 20 each child care facility owned by the taxpayer if on the last day of the tax year:

21 (a) The child care facility is certified by the Office of Child Care under ORS 329A.280 or
 22 has been issued a temporary certification under ORS 329A.300; and

23 (b) All of the staff members have received 18 or more clock hours of training related to
 24 child care during the tax year, or any staff member employed for less than one year has
 25 received at least 1.5 clock hours of training related to child care for each month of employ-
 26 ment.

27 (3) The credit allowed under this section may not exceed the tax liability of the taxpayer
 28 for the tax year.

29 (4) The credit must be claimed on a form prescribed by the Department of Revenue that
 30 contains the information required by the department.

31 (5) Any tax credit otherwise allowable under this section that is not used by the taxpayer
 32 in a particular tax year may be carried forward and offset against the taxpayer's tax liability
 33 for the next succeeding tax year. Any credit remaining unused in the next succeeding tax
 34 year may be carried forward and used in the second succeeding tax year, and likewise any
 35 credit not used in that second succeeding tax year may be carried forward and used in the
 36 third succeeding tax year but may not be carried forward for any tax year thereafter.

37 (6) A nonresident is allowed the credit under this section. The credit is computed in the
 38 same manner and subject to the same limitations as the credit granted to a resident. How-
 39 ever, the credit is prorated using the proportion provided in ORS 316.117.

40 (7) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085,
 41 or if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440,
 42 the credit allowed by this section is prorated or computed in a manner consistent with ORS
 43 314.085.

44 (8) If a change in the status of a taxpayer from resident to nonresident or from nonres-
 45 ident to resident occurs, the credit allowed by this section is determined in a manner con-

1 **sistent with ORS 316.117.**

2 **SECTION 8.** (1) As used in this section, “child care facility” has the meaning given that
 3 **term in ORS 329A.250.**

4 (2) A credit against taxes that are otherwise due under ORS chapter 316 or, if the tax-
 5 payer is a corporation, under ORS chapter 317 or 318, is allowed for each child care facility
 6 owned by a taxpayer that is certified by the Office of Child Care under ORS 329A.280, or has
 7 been issued a temporary certification under ORS 329A.300, and that maintains a three star
 8 or higher rating with the tiered quality rating and improvement system implemented under
 9 ORS 329A.261 on the last day of the tax year in which the credit is claimed. The credit al-
 10 lowed is in the amount of \$50 multiplied by the average number of children cared for at the
 11 child care facility during the last month of the tax year.

12 (3) The credit allowed under this section may not exceed the tax liability of the taxpayer
 13 for the tax year.

14 (4) The credit must be claimed on a form prescribed by the Department of Revenue that
 15 contains the information required by the department.

16 (5) Any tax credit otherwise allowable under this section that is not used by the taxpayer
 17 in a particular tax year may be carried forward and offset against the taxpayer’s tax liability
 18 for the next succeeding tax year. Any credit remaining unused in the next succeeding tax
 19 year may be carried forward and used in the second succeeding tax year, and likewise any
 20 credit not used in that second succeeding tax year may be carried forward and used in the
 21 third succeeding tax year but may not be carried forward for any tax year thereafter.

22 (6) A nonresident is allowed the credit under this section. The credit is computed in the
 23 same manner and subject to the same limitations as the credit granted to a resident. How-
 24 ever, the credit is prorated using the proportion provided in ORS 316.117.

25 (7) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085,
 26 or if the Department of Revenue terminates the taxpayer’s taxable year under ORS 314.440,
 27 the credit allowed by this section is prorated or computed in a manner consistent with ORS
 28 314.085.

29 (8) If a change in the status of a taxpayer from resident to nonresident or from nonres-
 30 ident to resident occurs, the credit allowed by this section is determined in a manner con-
 31 sistent with ORS 316.117.

32 **SECTION 9.** ORS 314.772 is amended to read:

33 314.772. (1) Except as provided in ORS 314.766 (5)(b), the tax credits allowed or allowable to a
 34 C corporation for purposes of ORS chapter 317 or 318 shall not be allowed to an S corporation. The
 35 business tax credits allowed or allowable for purposes of ORS chapter 316 shall be allowed or are
 36 allowable to the shareholders of the S corporation.

37 (2) In determining the tax imposed under ORS chapter 316, as provided under ORS 314.763, on
 38 income of the shareholder of an S corporation, there shall be taken into account the shareholder’s
 39 pro rata share of business tax credit (or item thereof) that would be allowed to the corporation (but
 40 for subsection (1) of this section) or recapture or recovery thereof. The credit (or item thereof), re-
 41 capture or recovery shall be passed through to shareholders in pro rata shares as determined in the
 42 manner prescribed under section 1377(a) of the Internal Revenue Code.

43 (3) The character of any item included in a shareholder’s pro rata share under subsection (2)
 44 of this section shall be determined as if such item were realized directly from the source from which
 45 realized by the corporation, or incurred in the same manner as incurred by the corporation.

1 (4) If the shareholder is a nonresident and there is a requirement applicable for the business tax
 2 credit that in the case of a nonresident the credit be allowed in the proportion provided in ORS
 3 316.117, then that provision shall apply to the nonresident shareholder.

4 (5) As used in this section, “business tax credit” means the following credits: ORS 315.104
 5 (forestation and reforestation), ORS 315.138 (fish screening, by-pass devices, fishways), ORS 315.141
 6 (biomass production for biofuel), ORS 315.156 (crop gleanings), ORS 315.164 and 315.169 (agriculture
 7 workforce housing), ORS 315.176 (bovine manure), ORS 315.204 (dependent care assistance), ORS
 8 315.208 (dependent care facilities), ORS 315.213 (contributions for child care), ORS 315.237 (employee
 9 and dependent scholarships), ORS 315.271 (individual development accounts), ORS 315.304 (pollution
 10 control facility), ORS 315.326 (renewable energy development contributions), ORS 315.331 (energy
 11 conservation projects), ORS 315.336 (transportation projects), ORS 315.341 (renewable energy re-
 12 source equipment manufacturing facilities), ORS 315.354 and 469B.151 (energy conservation facili-
 13 ties), ORS 315.506 (tribal taxes on reservation enterprise zones and reservation partnership zones),
 14 ORS 315.507 (electronic commerce), ORS 315.514 (film production development contributions), ORS
 15 315.523 (employee training programs), ORS 315.533 (low income community jobs initiative), ORS
 16 315.593 (short line railroads), ORS 315.640 (university venture development funds), ORS 315.643
 17 (Opportunity Grant Fund contributions), ORS 315.675 (Trust for Cultural Development Account
 18 contributions), ORS 317.097 (loans for affordable housing), ORS 317.124 (long term enterprise zone
 19 facilities), ORS 317.147 (loans for agriculture workforce housing), ORS 317.152 (qualified research
 20 expenses) and ORS 317.154 (alternative qualified research expenses) and section 9, chapter 774,
 21 Oregon Laws 2013 (alternative fuel vehicle contributions), **and section 6 of this 2021 Act (leases
 22 to certified child care facilities), section 7 of this 2021 Act (child care facility staff member
 23 training) and section 8 of this 2021 Act (quality rated child care facilities).**

24 **SECTION 10.** ORS 318.031 is amended to read:

25 318.031. It being the intention of the Legislative Assembly that this chapter and ORS chapter
 26 317 shall be administered as uniformly as possible (allowance being made for the difference in im-
 27 position of the taxes), ORS 305.140 and 305.150, ORS chapter 314 and the following sections are in-
 28 corporated into and made a part of this chapter: ORS 315.104, 315.141, 315.156, 315.176, 315.204,
 29 315.208, 315.213, 315.304, 315.326, 315.331, 315.336, 315.506, 315.507, 315.523, 315.533, 315.593 and
 30 315.643 **and sections 6, 7 and 8 of this 2021 Act** (all only to the extent applicable to a corporation)
 31 and ORS chapter 317.

32 **SECTION 11. Sections 6, 7 and 8 of this 2021 Act and the amendments to ORS 314.752 and**
 33 **318.031 by sections 9 and 10 of this 2021 Act apply to tax years beginning on or after January**
 34 **1, 2022, and before January 1, 2028.**

35
 36 **FALSE REPORTING OF CHILD ABUSE**

37
 38 **SECTION 12.** ORS 419B.016 is amended to read:

39 419B.016. (1) A person commits the offense of making a false report of child abuse if, with the
 40 intent to influence a custody, parenting time, visitation or child support decision **or with the intent**
 41 **of obtaining any commercial advantage in the provision of child care services**, the person:

42 (a) Makes a false report of child abuse to the Department of Human Services or a law enforce-
 43 ment agency, knowing that the report is false; or

44 (b) With the intent that a public or private official make a report of child abuse to the Depart-
 45 ment of Human Services or a law enforcement agency, makes a false report of child abuse to the

1 public or private official, knowing that the report is false.

2 (2) Making a false report of child abuse is a Class A violation.

3
4 **LAND USE**

5
6 **SECTION 13.** ORS 329A.440 is amended to read:

7 329A.440. (1) **A local government, as defined in ORS 197.015, may not restrict the use of**
8 **a lawful dwelling as a certified or registered family child care home in areas zoned to allow**
9 **commercial or residential use. Within lands zoned for exclusive farm use, a county shall al-**
10 **low the use of a lawfully existing dwelling as a certified or registered family child care home**
11 **subject to reasonable conditions under ORS 215.296.**

12 (2) **A local government may not impose conditions on the establishment, development,**
13 **maintenance or use of a property for a certified or registered family child care home or a**
14 **child care facility that are more restrictive than conditions imposed on other lawful uses in**
15 **the same zone.**

16 *[(1) A registered or certified family child care home shall be considered a residential use of prop-*
17 *erty for zoning purposes. The registered or certified family child care home shall be a permitted use*
18 *in all areas zoned for residential or commercial purposes, including areas zoned for single-family*
19 *dwelling. A city or county may not enact or enforce zoning ordinances prohibiting the use of a resi-*
20 *dential dwelling, located in an area zoned for residential or commercial use, as a registered or certified*
21 *family child care home.]*

22 *[(2) A city or county may impose zoning conditions on the establishment and maintenance of a*
23 *registered or certified family child care home in an area zoned for residential or commercial use if the*
24 *conditions are no more restrictive than conditions imposed on other residential dwellings in the same*
25 *zone.]*

26 *[(3) A county may:]*

27 *[(a) Allow a registered or certified family child care home in an existing dwelling in any area*
28 *zoned for farm use, including an exclusive farm use zone established under ORS 215.203;]*

29 *[(b) Impose reasonable conditions on the establishment of a registered or certified family child care*
30 *home in an area zoned for farm use; and]*

31 *[(c) Allow a division of land for a registered or certified family child care home in an exclusive*
32 *farm use zone only as provided in ORS 215.263 (9).]*

33 *[(4) This section applies only to a registered or certified family child care home where child care*
34 *is offered in the home of the provider to not more than 16 children, including children of the provider,*
35 *regardless of full-time or part-time status.]*

36 **SECTION 14.** ORS 329A.250 is amended to read:

37 329A.250. As used in ORS 329A.030 and 329A.250 to 329A.450, unless the context requires oth-
38 erwise:

39 (1) “Babysitter” means a person who goes into the home of a child to give care during the
40 temporary absence of the parent or legal guardian or custodian.

41 (2) “Certification” means the certification that is issued under ORS 329A.280 by the Office of
42 Child Care to a family child care home, child care center or other child care facility.

43 (3) “Child” means a child under 13 years of age or a child under 18 years of age who has special
44 needs or disabilities and requires a level of care that is above normal for the child’s age.

45 (4)(a) *[Subject to ORS 329A.440,]* “Child care” means the care, supervision and guidance on a

1 regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child
 2 during a part of the 24 hours of the day, in a place other than the child's home, with or without
 3 compensation.

4 (b) "Child care" does not include care provided:

5 [(a)] (A) In the home of the child;

6 [(b)] (B) By the child's parent, guardian, or person acting in loco parentis;

7 [(c)] (C) By a person related to the child by blood or marriage within the fourth degree as de-
 8 termined by civil law;

9 [(d)] (D) On an occasional basis by a person not ordinarily engaged in providing child care;

10 [(e)] (E) By providers of medical services;

11 [(f)] (F) By a babysitter;

12 [(g)] (G) By a person who cares for children from only one family other than the person's own
 13 family;

14 [(h)] (H) By a person who cares for no more than three children other than the person's own
 15 children; or

16 [(i)] (I) By a person who is a member of the child's extended family, as determined by the office
 17 on a case-by-case basis.

18 (5) "Child care facility" means any facility that provides child care to children, including a day
 19 nursery, nursery school, child care center, certified or registered family child care home or similar
 20 unit operating under any name, but not including any:

21 (a) Preschool recorded program.

22 (b) Facility providing care for school-age children that is primarily a single enrichment activity,
 23 for eight hours or less a week.

24 (c) Facility providing care that is primarily group athletic or social activities sponsored by or
 25 under the supervision of an organized club or hobby group.

26 (d) Facility operated by:

27 (A) A school district as defined in ORS 332.002;

28 (B) A political subdivision of this state; or

29 (C) A governmental agency.

30 (e) Residential facility licensed under ORS 443.400 to 443.455.

31 (f) Babysitters.

32 (g) Facility operated as a parent cooperative for no more than four hours a day.

33 (h) Facility providing care while the child's parent remains on the premises and is engaged in
 34 an activity offered by the facility or in other nonwork activity.

35 (i) Facility operated as a school-age recorded program.

36 (6) "Family" has the meaning given that term in ORS 329.145.

37 (7) "Occasional" means that care is provided for no more than 70 days in any calendar year.

38 (8) "Parent cooperative" means a child care program in which:

39 (a) Care is provided by parents on a rotating basis;

40 (b) Membership in the cooperative includes parents;

41 (c) There are written policies and procedures; and

42 (d) A board of directors that includes parents of the children cared for by the cooperative con-
 43 trols the policies and procedures of the program.

44 (9) "Preschool recorded program" means a facility providing care for preschool children that is
 45 primarily educational for four hours or less per day and where no child is present at the facility for

1 more than four hours per day.

2 (10) "Record" means the record that is issued under ORS 329A.255 to a preschool recorded
3 program or under ORS 329A.257 to a school-age recorded program.

4 (11) "Registration" means the registration that is issued under ORS 329A.330 by the Office of
5 Child Care to a family child care home where care is provided in the family living quarters of the
6 provider's home.

7 (12) "School age" means of an age eligible to be enrolled in kindergarten or above on or before
8 the first day of the current school year.

9 (13) "School-age recorded program" means a program for school-age children:

10 (a) That is not operated by a school district as defined in ORS 332.002;

11 (b) That is not required to be certified under ORS 329A.280 or registered under ORS 329A.330;
12 and

13 (c) In which youth development activities are provided to children during hours that school is
14 not in session and does not take the place of a parent's care.

15 (14) "Youth development activities" means care, supervision or guidance that is intended for
16 enrichment, including but not limited to teaching skills or proficiency in physical, social or educa-
17 tional activities such as tutoring, music lessons, social activities, sports and recreational activities.

18 **SECTION 15.** ORS 215.213 is amended to read:

19 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
20 Edition), the following uses may be established in any area zoned for exclusive farm use:

21 (a) Churches and cemeteries in conjunction with churches.

22 (b) The propagation or harvesting of a forest product.

23 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
24 not including commercial facilities for the purpose of generating electrical power for public use by
25 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
26 may be established as provided in:

27 (A) ORS 215.275; or

28 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
29 469.300.

30 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
31 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
32 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
33 operator does or will require the assistance of the relative in the management of the farm use and
34 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
35 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
36 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
37 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
38 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
39 shall operate as a partition of the homesite to create a new parcel.

40 (e) Nonresidential buildings customarily provided in conjunction with farm use.

41 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction
42 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as
43 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum
44 lot size acknowledged under ORS 197.251.

45 (g) Operations for the exploration for and production of geothermal resources as defined by ORS

1 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
2 compressors, separators and other customary production equipment for an individual well adjacent
3 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
4 an exception under ORS 197.732 (2)(a) or (b).

5 (h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
6 construction relating to such operations shall not be a basis for an exception under ORS 197.732
7 (2)(a) or (b).

8 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
9 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
10 hardship suffered by the existing resident or a relative of the resident. Within three months of the
11 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
12 ished or, in the case of an existing building, the building shall be removed, demolished or returned
13 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
14 view of the hardship claimed under this paragraph. A temporary residence approved under this
15 paragraph is not eligible for replacement under paragraph (q) of this subsection.

16 (j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

17 (k) Reconstruction or modification of public roads and highways, including the placement of
18 utility facilities overhead and in the subsurface of public roads and highways along the public right
19 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
20 would occur, or no new land parcels result.

21 (L) Temporary public road and highway detours that will be abandoned and restored to original
22 condition or use at such time as no longer needed.

23 (m) Minor betterment of existing public road and highway related facilities, such as maintenance
24 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
25 public-owned property utilized to support the operation and maintenance of public roads and high-
26 ways.

27 (n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
28 been listed in a county inventory as historic property as defined in ORS 358.480.

29 (o) Creation, restoration or enhancement of wetlands.

30 (p) A winery, as described in ORS 215.452 or 215.453.

31 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
32 215.291.

33 (r) Farm stands if:

34 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
35 farm operation, or grown on the farm operation and other farm operations in the local agricultural
36 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
37 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
38 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
39 and

40 (B) The farm stand does not include structures designed for occupancy as a residence or for
41 activity other than the sale of farm crops or livestock and does not include structures for banquets,
42 public gatherings or public entertainment.

43 (s) An armed forces reserve center, if the center is within one-half mile of a community college.
44 For purposes of this paragraph, "armed forces reserve center" includes an armory or National
45 Guard support facility.

1 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
2 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
3 area or placed on a permanent foundation unless the building or facility preexisted the use approved
4 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
5 the surface preexisted the use approved under this paragraph. An owner of property used for the
6 purpose authorized in this paragraph may charge a person operating the use on the property rent
7 for the property. An operator may charge users of the property a fee that does not exceed the
8 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
9 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
10 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
11 ground.

12 (u) A facility for the processing of farm products as described in ORS 215.255.

13 (v) Fire service facilities providing rural fire protection services.

14 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
15 facilities, not including parks or other recreational structures and facilities, associated with a dis-
16 trict as defined in ORS 540.505.

17 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
18 cilities or structures that end at the point where the utility service is received by the customer and
19 that are located on one or more of the following:

20 (A) A public right of way;

21 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
22 jacent property owners has been obtained; or

23 (C) The property to be served by the utility.

24 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
25 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
26 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
27 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
28 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
29 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
30 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
31 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
32 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
33 application of biosolids is authorized under the license, permit or other approval.

34 (z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings
35 in existence on January 1, 2019, when:

36 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
37 the number of training classes to be held on-site does not exceed six per day; and

38 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
39 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

40 (aa) A cider business, as described in ORS 215.451.

41 (bb) A farm brewery, as described in ORS 215.449.

42 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
43 the following uses may be established in any area zoned for exclusive farm use subject to ORS
44 215.296:

45 (a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest

1 product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm op-
2 eration or woodlot:

3 (A) Consists of 20 or more acres; and

4 (B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in
5 annual gross income from the crops, livestock or forest products to be raised on the farm operation
6 or woodlot.

7 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest
8 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-
9 quired under paragraph (a) of this subsection, if the lot or parcel:

10 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar
11 years out of the three calendar years before the year in which the application for the dwelling was
12 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000
13 in annual gross farm income; or

14 (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross an-
15 nual income.

16 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
17 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

18 (d) Operations conducted for:

19 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
20 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

21 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
22 sources subject to ORS 215.298;

23 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

24 (D) Processing of other mineral resources and other subsurface resources.

25 (e) Community centers owned by a governmental agency or a nonprofit community organization
26 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
27 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
28 county governing body or its designee, a private campground may provide yurts for overnight
29 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
30 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
31 Upon request of a county governing body, the Land Conservation and Development Commission may
32 provide by rule for an increase in the number of yurts allowed on all or a portion of the
33 campgrounds in a county if the commission determines that the increase will comply with the stan-
34 dards described in ORS 215.296 (1). A public park or campground may be established as provided
35 under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or
36 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-
37 ance.

38 (f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

39 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
40 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
41 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable
42 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

43 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
44 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-
45 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional

1 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
 2 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
 3 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
 4 granted through waiver action by the Oregon Department of Aviation in specific instances. A
 5 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
 6 ject to any applicable rules of the Oregon Department of Aviation.

7 (i) A facility for the primary processing of forest products, provided that such facility is found
 8 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
 9 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
 10 renewable. These facilities are intended to be only portable or temporary in nature. The primary
 11 processing of a forest product, as used in this section, means the use of a portable chipper or stud
 12 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
 13 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
 14 contiguous land where the primary processing facility is located.

15 (j) A site for the disposal of solid waste approved by the governing body of a city or county or
 16 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-
 17 mental Quality together with equipment, facilities or buildings necessary for its operation.

18 (k)(A) Commercial dog boarding kennels; or

19 (B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of
 20 this section.

21 (L) Residential homes as defined in ORS 197.660, in existing dwellings.

22 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
 23 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
 24 shall not include any species under quarantine by the State Department of Agriculture or the United
 25 States Department of Agriculture. The county shall provide notice of all applications under this
 26 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
 27 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
 28 tive decision or initial public hearing on the application.

29 (n) Home occupations as provided in ORS 215.448.

30 (o) Transmission towers over 200 feet in height.

31 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way
 32 but not resulting in the creation of new land parcels.

33 (q) Reconstruction or modification of public roads and highways involving the removal or dis-
 34 placement of buildings but not resulting in the creation of new land parcels.

35 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh
 36 stations and rest areas, where additional property or right of way is required but not resulting in
 37 the creation of new land parcels.

38 (s) A destination resort that is approved consistent with the requirements of any statewide
 39 planning goal relating to the siting of a destination resort.

40 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-
 41 dences.

42 (u) A living history museum related to resource based activities owned and operated by a gov-
 43 ernmental agency or a local historical society, together with limited commercial activities and fa-
 44 cilities that are directly related to the use and enjoyment of the museum and located within
 45 authentic buildings of the depicted historic period or the museum administration building, if areas

1 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
 2 the museum administration buildings and parking lot are located within one quarter mile of the
 3 metropolitan urban growth boundary. As used in this paragraph:

4 (A) “Living history museum” means a facility designed to depict and interpret everyday life and
 5 culture of some specific historic period using authentic buildings, tools, equipment and people to
 6 simulate past activities and events; and

7 (B) “Local historical society” means the local historical society, recognized as such by the
 8 county governing body and organized under ORS chapter 65.

9 (v) Operations for the extraction and bottling of water.

10 (w) An aerial fireworks display business that has been in continuous operation at its current
 11 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler’s
 12 permit to sell or provide fireworks.

13 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
 14 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
 15 with the growing and marketing of nursery stock on the land that constitutes farm use.

16 (y) Public or private schools for kindergarten through grade 12, including all buildings essential
 17 to the operation of a school, primarily for residents of the rural area in which the school is located.

18 (z) Equine and equine-affiliated therapeutic and counseling activities, provided:

19 (A) The activities are conducted in existing buildings that were lawfully constructed on the
 20 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate
 21 to the farm use on the tract; and

22 (B) All individuals conducting therapeutic or counseling activities are acting within the proper
 23 scope of any licenses required by the state.

24 **(aa) Child care facilities or preschool recorded program authorized under ORS 329A.250**
 25 **to 329A.450.**

26 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 27 a single-family residential dwelling not provided in conjunction with farm use may be established
 28 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by
 29 the Agricultural Capability Classification System in use by the United States Department of Agri-
 30 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
 31 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
 32 showing all of the following:

33 (a) The dwelling or activities associated with the dwelling will not force a significant change in
 34 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

35 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and
 36 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location
 37 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size
 38 or location if it can reasonably be put to farm use in conjunction with other land.

39 (c) Complies with such other conditions as the governing body or its designee considers neces-
 40 sary.

41 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 42 one single-family dwelling, not provided in conjunction with farm use, may be established in any
 43 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that
 44 is not larger than three acres upon written findings showing:

45 (a) The dwelling or activities associated with the dwelling will not force a significant change in

1 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;

2 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a
 3 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating
 4 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is
 5 applicable; and

6 (c) The dwelling complies with other conditions considered necessary by the governing body or
 7 its designee.

8 (5) Upon receipt of an application for a permit under subsection (4) of this section, the governing
 9 body shall notify:

10 (a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be es-
 11 tablished; and

12 (b) Persons who have requested notice of such applications and who have paid a reasonable fee
 13 imposed by the county to cover the cost of such notice.

14 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days
 15 following the date of postmark of the notice to file a written objection on the grounds only that the
 16 dwelling or activities associated with it would force a significant change in or significantly increase
 17 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-
 18 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-
 19 jection is received, the governing body shall set the matter for hearing in the manner prescribed in
 20 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
 21 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
 22 this section.

23 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
 24 1948, and July 1, 1983. For the purposes of this section:

25 (a) Only one lot or parcel exists if:

26 (A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-
 27 scribed in this section; and

28 (B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels
 29 or lots and parcels by the same person, spouses or a single partnership or business entity, separately
 30 or in tenancy in common.

31 (b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including
 32 but not limited to, lots, parcels or lots and parcels separated only by a public road.

33 (8) A person who sells or otherwise transfers real property in an exclusive farm use zone may
 34 retain a life estate in a dwelling on that property and in a tract of land under and around the
 35 dwelling.

36 (9) No final approval of a nonfarm use under this section shall be given unless any additional
 37 taxes imposed upon the change in use have been paid.

38 (10) Roads, highways and other transportation facilities and improvements not allowed under
 39 subsections (1) and (2) of this section may be established, subject to the approval of the governing
 40 body or its designee, in areas zoned for exclusive farm use subject to:

41 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable
 42 goal with which the facility or improvement does not comply; or

43 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development
 44 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

45 (11) The following agri-tourism and other commercial events or activities that are related to and

1 supportive of agriculture may be established in any area zoned for exclusive farm use:

2 (a) A county may authorize a single agri-tourism or other commercial event or activity on a
 3 tract in a calendar year by an authorization that is personal to the applicant and is not transferred
 4 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event
 5 or activity meets any local standards that apply and:

6 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-
 7 isting farm use on the tract;

8 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72
 9 consecutive hours;

10 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not
 11 exceed 500 people;

12 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other
 13 commercial event or activity does not exceed 250 vehicles;

14 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

15 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary
 16 structures, or in existing permitted structures, subject to health and fire and life safety require-
 17 ments; and

18 (G) The agri-tourism or other commercial event or activity complies with conditions established
 19 for:

20 (i) Planned hours of operation;

21 (ii) Access, egress and parking;

22 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
 23 ipated use of public roads; and

24 (iv) Sanitation and solid waste.

25 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
 26 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
 27 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
 28 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
 29 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
 30 To approve an expedited, single-event license, the governing body of a county or its designee must
 31 determine that the proposed agri-tourism or other commercial event or activity meets any local
 32 standards that apply, and the agri-tourism or other commercial event or activity:

33 (A) Must be incidental and subordinate to existing farm use on the tract;

34 (B) May not begin before 6 a.m. or end after 10 p.m.;

35 (C) May not involve more than 100 attendees or 50 vehicles;

36 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

37 (E) May not require or involve the construction or use of a new permanent structure in con-
 38 nection with the agri-tourism or other commercial event or activity;

39 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
 40 properties consent, in writing, to the location; and

41 (G) Must comply with applicable health and fire and life safety requirements.

42 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
 43 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
 44 use permit that is personal to the applicant and is not transferred by, or transferable with, a
 45 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any

1 local standards that apply, and the agri-tourism or other commercial events or activities:

2 (A) Must be incidental and subordinate to existing farm use on the tract;

3 (B) May not, individually, exceed a duration of 72 consecutive hours;

4 (C) May not require that a new permanent structure be built, used or occupied in connection
5 with the agri-tourism or other commercial events or activities;

6 (D) Must comply with ORS 215.296;

7 (E) May not, in combination with other agri-tourism or other commercial events or activities
8 authorized in the area, materially alter the stability of the land use pattern in the area; and

9 (F) Must comply with conditions established for:

10 (i) The types of agri-tourism or other commercial events or activities that are authorized during
11 each calendar year, including the number and duration of the agri-tourism or other commercial
12 events and activities, the anticipated daily attendance and the hours of operation;

13 (ii) The location of existing structures and the location of proposed temporary structures to be
14 used in connection with the agri-tourism or other commercial events or activities;

15 (iii) The location of access and egress and parking facilities to be used in connection with the
16 agri-tourism or other commercial events or activities;

17 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
18 public roads; and

19 (v) Sanitation and solid waste.

20 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
21 or other commercial events or activities that occur more frequently or for a longer period or that
22 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
23 commercial events or activities comply with any local standards that apply and the agri-tourism or
24 other commercial events or activities:

25 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
26 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

27 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

28 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
29 and

30 (D) Do not exceed 18 events or activities in a calendar year.

31 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
32 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
33 shall:

34 (a) Provide public notice and an opportunity for public comment as part of the review process;
35 and

36 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
37 tions of approval required by the permit and the standards established by subsection (11)(d) of this
38 section.

39 (13) For the purposes of subsection (11) of this section:

40 (a) A county may authorize the use of temporary structures established in connection with the
41 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
42 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
43 event or activity. The county may not approve an alteration to the land in connection with an
44 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
45 including, but not limited to, grading, filling or paving.

1 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section
 2 for two calendar years. When considering an application for renewal, the county shall ensure com-
 3 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and
 4 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
 5 authorized by the permit.

6 (c) The authorizations provided by subsection (11) of this section are in addition to other au-
 7 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-
 8 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial
 9 events and activities.

10 **SECTION 16.** ORS 215.283 is amended to read:

11 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

12 (a) Churches and cemeteries in conjunction with churches.

13 (b) The propagation or harvesting of a forest product.

14 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
 15 not including commercial facilities for the purpose of generating electrical power for public use by
 16 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
 17 may be established as provided in:

18 (A) ORS 215.275; or

19 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 20 469.300.

21 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
 22 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
 23 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
 24 operator does or will require the assistance of the relative in the management of the farm use and
 25 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
 26 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
 27 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
 28 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
 29 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
 30 shall operate as a partition of the homesite to create a new parcel.

31 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
 32 provided in conjunction with farm use.

33 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
 34 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 35 compressors, separators and other customary production equipment for an individual well adjacent
 36 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 37 an exception under ORS 197.732 (2)(a) or (b).

38 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
 39 construction relating to such operations shall not be a basis for an exception under ORS 197.732
 40 (2)(a) or (b).

41 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

42 (i) Reconstruction or modification of public roads and highways, including the placement of
 43 utility facilities overhead and in the subsurface of public roads and highways along the public right
 44 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
 45 would occur, or no new land parcels result.

1 (j) Temporary public road and highway detours that will be abandoned and restored to original
 2 condition or use at such time as no longer needed.

3 (k) Minor betterment of existing public road and highway related facilities such as maintenance
 4 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
 5 public-owned property utilized to support the operation and maintenance of public roads and high-
 6 ways.

7 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
 8 been listed in a county inventory as historic property as defined in ORS 358.480.

9 (m) Creation, restoration or enhancement of wetlands.

10 (n) A winery, as described in ORS 215.452 or 215.453.

11 (o) Farm stands if:

12 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
 13 farm operation, or grown on the farm operation and other farm operations in the local agricultural
 14 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
 15 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
 16 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
 17 and

18 (B) The farm stand does not include structures designed for occupancy as a residence or for
 19 activity other than the sale of farm crops or livestock and does not include structures for banquets,
 20 public gatherings or public entertainment.

21 (p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
 22 215.291.

23 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
 24 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 25 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 26 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 27 the surface preexisted the use approved under this paragraph. An owner of property used for the
 28 purpose authorized in this paragraph may charge a person operating the use on the property rent
 29 for the property. An operator may charge users of the property a fee that does not exceed the
 30 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
 31 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 32 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 33 ground.

34 (r) A facility for the processing of farm products as described in ORS 215.255.

35 (s) Fire service facilities providing rural fire protection services.

36 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
 37 facilities, not including parks or other recreational structures and facilities, associated with a dis-
 38 trict as defined in ORS 540.505.

39 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
 40 cilities or structures that end at the point where the utility service is received by the customer and
 41 that are located on one or more of the following:

42 (A) A public right of way;

43 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
 44 jacent property owners has been obtained; or

45 (C) The property to be served by the utility.

1 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
2 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
3 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
4 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
5 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
6 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
7 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
8 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
9 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
10 application of biosolids is authorized under the license, permit or other approval.

11 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to
12 provide rural law enforcement services primarily in rural areas, including parole and post-prison
13 supervision, but not including a correctional facility as defined under ORS 162.135.

14 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
15 farm buildings, when:

16 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
17 the number of training classes to be held on-site does not exceed six per day; and

18 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
19 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

20 (y) A cider business, as described in ORS 215.451.

21 (z) A farm brewery, as described in ORS 215.449.

22 (2) The following nonfarm uses may be established, subject to the approval of the governing body
23 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

24 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
25 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

26 (b) Operations conducted for:

27 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
28 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

29 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
30 sources subject to ORS 215.298;

31 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

32 (D) Processing of other mineral resources and other subsurface resources.

33 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
34 approval of the county governing body or its designee, a private campground may provide yurts for
35 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
36 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
37 foundation. Upon request of a county governing body, the Land Conservation and Development
38 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
39 of the campgrounds in a county if the commission determines that the increase will comply with the
40 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed
41 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
42 internal cooking appliance.

43 (d) Parks and playgrounds. A public park may be established consistent with the provisions of
44 ORS 195.120.

45 (e) Community centers owned by a governmental agency or a nonprofit community organization

1 and operated primarily by and for residents of the local rural community. A community center au-
2 thorized under this paragraph may provide services to veterans, including but not limited to emer-
3 gency and transitional shelter, preparation and service of meals, vocational and educational
4 counseling and referral to local, state or federal agencies providing medical, mental health, disability
5 income replacement and substance abuse services, only in a facility that is in existence on January
6 1, 2006. The services may not include direct delivery of medical, mental health, disability income
7 replacement or substance abuse services.

8 (f) Golf courses on land:

9 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

10 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

11 (i) Is not otherwise described in ORS 195.300 (10);

12 (ii) Is surrounded on all sides by an approved golf course; and

13 (iii) Is west of U.S. Highway 101.

14 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
15 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
16 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable
17 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

18 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
19 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-
20 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
21 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
22 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
23 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
24 granted through waiver action by the Oregon Department of Aviation in specific instances. A
25 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
26 ject to any applicable rules of the Oregon Department of Aviation.

27 (i) Home occupations as provided in ORS 215.448.

28 (j) A facility for the primary processing of forest products, provided that such facility is found
29 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
30 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
31 renewable. These facilities are intended to be only portable or temporary in nature. The primary
32 processing of a forest product, as used in this section, means the use of a portable chipper or stud
33 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
34 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
35 contiguous land where the primary processing facility is located.

36 (k) A site for the disposal of solid waste approved by the governing body of a city or county or
37 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-
38 mental Quality together with equipment, facilities or buildings necessary for its operation.

39 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
40 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
41 hardship suffered by the existing resident or a relative of the resident. Within three months of the
42 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
43 ished or, in the case of an existing building, the building shall be removed, demolished or returned
44 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
45 view of the hardship claimed under this paragraph. A temporary residence approved under this

1 paragraph is not eligible for replacement under subsection (1)(p) of this section.

2 (m) Transmission towers over 200 feet in height.

3 (n)(A) Commercial dog boarding kennels; or

4 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of
5 this section.

6 (o) Residential homes as defined in ORS 197.660, in existing dwellings.

7 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
8 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
9 shall not include any species under quarantine by the State Department of Agriculture or the United
10 States Department of Agriculture. The county shall provide notice of all applications under this
11 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
12 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
13 tive decision or initial public hearing on the application.

14 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way
15 but not resulting in the creation of new land parcels.

16 (r) Reconstruction or modification of public roads and highways involving the removal or dis-
17 placement of buildings but not resulting in the creation of new land parcels.

18 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh
19 stations and rest areas, where additional property or right of way is required but not resulting in
20 the creation of new land parcels.

21 (t) A destination resort that is approved consistent with the requirements of any statewide
22 planning goal relating to the siting of a destination resort.

23 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-
24 dences.

25 (v) Operations for the extraction and bottling of water.

26 (w) Expansion of existing county fairgrounds and activities directly relating to county
27 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

28 (x) A living history museum related to resource based activities owned and operated by a gov-
29 ernmental agency or a local historical society, together with limited commercial activities and fa-
30 cilities that are directly related to the use and enjoyment of the museum and located within
31 authentic buildings of the depicted historic period or the museum administration building, if areas
32 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
33 the museum administration buildings and parking lot are located within one quarter mile of an ur-
34 ban growth boundary. As used in this paragraph:

35 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
36 culture of some specific historic period using authentic buildings, tools, equipment and people to
37 simulate past activities and events; and

38 (B) "Local historical society" means the local historical society recognized by the county gov-
39 erning body and organized under ORS chapter 65.

40 (y) An aerial fireworks display business that has been in continuous operation at its current
41 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
42 permit to sell or provide fireworks.

43 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
44 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
45 with the growing and marketing of nursery stock on the land that constitutes farm use.

1 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential
2 to the operation of a school, primarily for residents of the rural area in which the school is located.

3 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

4 (A) The activities are conducted in existing buildings that were lawfully constructed on the
5 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate
6 to the farm use on the tract; and

7 (B) All individuals conducting therapeutic or counseling activities are acting within the proper
8 scope of any licenses required by the state.

9 (cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

10 **(dd) Child care facilities or preschool recorded program authorized under ORS 329A.250**
11 **to 329A.450.**

12 (3) Roads, highways and other transportation facilities and improvements not allowed under
13 subsections (1) and (2) of this section may be established, subject to the approval of the governing
14 body or its designee, in areas zoned for exclusive farm use subject to:

15 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable
16 goal with which the facility or improvement does not comply; or

17 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development
18 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

19 (4) The following agri-tourism and other commercial events or activities that are related to and
20 supportive of agriculture may be established in any area zoned for exclusive farm use:

21 (a) A county may authorize a single agri-tourism or other commercial event or activity on a
22 tract in a calendar year by an authorization that is personal to the applicant and is not transferred
23 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event
24 or activity meets any local standards that apply and:

25 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-
26 isting farm use on the tract;

27 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72
28 consecutive hours;

29 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not
30 exceed 500 people;

31 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other
32 commercial event or activity does not exceed 250 vehicles;

33 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

34 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary
35 structures, or in existing permitted structures, subject to health and fire and life safety require-
36 ments; and

37 (G) The agri-tourism or other commercial event or activity complies with conditions established
38 for:

39 (i) Planned hours of operation;

40 (ii) Access, egress and parking;

41 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
42 ipated use of public roads; and

43 (iv) Sanitation and solid waste.

44 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
45 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-

1 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
 2 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
 3 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
 4 To approve an expedited, single-event license, the governing body of a county or its designee must
 5 determine that the proposed agri-tourism or other commercial event or activity meets any local
 6 standards that apply, and the agri-tourism or other commercial event or activity:

7 (A) Must be incidental and subordinate to existing farm use on the tract;

8 (B) May not begin before 6 a.m. or end after 10 p.m.;

9 (C) May not involve more than 100 attendees or 50 vehicles;

10 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

11 (E) May not require or involve the construction or use of a new permanent structure in con-
 12 nection with the agri-tourism or other commercial event or activity;

13 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
 14 properties consent, in writing, to the location; and

15 (G) Must comply with applicable health and fire and life safety requirements.

16 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
 17 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
 18 use permit that is personal to the applicant and is not transferred by, or transferable with, a
 19 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
 20 local standards that apply, and the agri-tourism or other commercial events or activities:

21 (A) Must be incidental and subordinate to existing farm use on the tract;

22 (B) May not, individually, exceed a duration of 72 consecutive hours;

23 (C) May not require that a new permanent structure be built, used or occupied in connection
 24 with the agri-tourism or other commercial events or activities;

25 (D) Must comply with ORS 215.296;

26 (E) May not, in combination with other agri-tourism or other commercial events or activities
 27 authorized in the area, materially alter the stability of the land use pattern in the area; and

28 (F) Must comply with conditions established for:

29 (i) The types of agri-tourism or other commercial events or activities that are authorized during
 30 each calendar year, including the number and duration of the agri-tourism or other commercial
 31 events and activities, the anticipated daily attendance and the hours of operation;

32 (ii) The location of existing structures and the location of proposed temporary structures to be
 33 used in connection with the agri-tourism or other commercial events or activities;

34 (iii) The location of access and egress and parking facilities to be used in connection with the
 35 agri-tourism or other commercial events or activities;

36 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
 37 public roads; and

38 (v) Sanitation and solid waste.

39 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
 40 or other commercial events or activities that occur more frequently or for a longer period or that
 41 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
 42 commercial events or activities comply with any local standards that apply and the agri-tourism or
 43 other commercial events or activities:

44 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
 45 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

1 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

2 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
3 and

4 (D) Do not exceed 18 events or activities in a calendar year.

5 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
6 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
7 shall:

8 (a) Provide public notice and an opportunity for public comment as part of the review process;
9 and

10 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
11 tions of approval required by the permit and the standards established by subsection (4)(d) of this
12 section.

13 (6) For the purposes of subsection (4) of this section:

14 (a) A county may authorize the use of temporary structures established in connection with the
15 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
16 However, the temporary structures must be removed at the end of the agri-tourism or other event
17 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
18 or other commercial event or activity authorized under subsection (4) of this section, including, but
19 not limited to, grading, filling or paving.

20 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
21 for two calendar years. When considering an application for renewal, the county shall ensure com-
22 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
23 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
24 authorized by the permit.

25 (c) The authorizations provided by subsection (4) of this section are in addition to other au-
26 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-
27 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial
28 events and activities.

29 **SECTION 17.** ORS 329A.030 is amended to read:

30 329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may
31 maintain information in the registry through electronic records systems.

32 (2)(a) A subject individual shall apply to and must be enrolled in the Central Background Reg-
33 istry as part of the individual’s application to operate a program or serve in a position described in
34 subsection (10) of this section.

35 (b) An individual who has been the subject of a founded or substantiated report of child abuse
36 shall apply to and be enrolled in the Central Background Registry prior to providing any of the
37 types of care identified in ORS 329A.250 [(4)(a), (g) or (h)] **(4)(a)(A), (G) or (H)** if:

38 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or
39 suffered serious physical injury, as defined in ORS 161.015; or

40 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom
41 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS
42 329A.250 [(4)(a), (c), (f), (g), (h) or (i)] **(4)(a)(A), (C), (F), (G), (H) or (I)**.

43 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)
44 of this subsection is not required to enroll in the Central Background Registry if more than seven
45 years has elapsed since the date of the child abuse determination.

1 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the of-
 2 fice shall complete:

3 (A) A criminal records check under ORS 181A.195;

4 (B) A criminal records check of other registries or databases in accordance with rules adopted
 5 by the Early Learning Council;

6 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
 7 and

8 (D) A foster care certification check and an adult protective services check in accordance with
 9 rules adopted by the council.

10 (b) In addition to the information that the office is required to check under paragraph (a) of this
 11 subsection, the office may consider any other information obtained by the office that the office, by
 12 rule, determines is relevant to enrollment in the Central Background Registry.

13 (4)(a) The office shall enroll the individual in the Central Background Registry if the individual:

14 (A) Is determined to have no criminal, child abuse and neglect, negative adult protective ser-
 15 vices or negative foster home certification history, or to have dealt with the issues and provided
 16 adequate evidence of suitability for the registry;

17 (B) Has paid the applicable fee established pursuant to ORS 329A.275; and

18 (C) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

19 (b) Notwithstanding subsection (3) of this section and paragraph (a) of this subsection, the office
 20 may enroll an individual in the registry if the Department of Human Services has completed a
 21 background check on the individual and the individual has received approval from the department
 22 for purposes of providing child care.

23 (5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an indi-
 24 vidual in the Central Background Registry if:

25 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

26 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

27 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is
 28 enrolled in the registry, the office shall remove the individual from the registry.

29 (6)(a) The office may conditionally enroll an individual in the Central Background Registry
 30 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-
 31 gation if the individual has met other requirements of the office for enrollment in the registry.

32 (b) The office may enroll an individual in the registry subject to limitations identified in rules
 33 adopted by the council.

34 (7) An enrollment in the Central Background Registry may be renewed upon application to the
 35 office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted
 36 by the Early Learning Council pursuant to this section. However, an individual who is determined
 37 to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed
 38 or suspended from the registry by the office.

39 (8)(a) A child care facility shall not hire or employ an individual if the individual is not enrolled
 40 in the Central Background Registry.

41 (b) Notwithstanding paragraph (a) of this subsection, a child care facility may employ on a
 42 probationary basis an individual who is conditionally enrolled in the Central Background Registry.

43 (9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
 44 section, including but not limited to rules regarding expiration and renewal periods and limitations
 45 related to the subject individual's enrollment in the Central Background Registry.

1 (10) For purposes of this section, “subject individual” means a subject individual as defined by
 2 the Early Learning Council by rule, an individual subject to subsection (2)(b) of this section or a
 3 person who applies to be:

4 (a) The operator or an employee of a child care or treatment program;

5 (b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to
 6 329.200;

7 (c) The operator or an employee of a federal Head Start program regulated by the United States
 8 Department of Health and Human Services;

9 (d) An individual in a child care facility who may have unsupervised contact with children as
 10 identified by the office;

11 (e) A contractor or an employee of the contractor who provides early childhood special educa-
 12 tion or early intervention services pursuant to ORS 343.455 to 343.534;

13 (f) A child care provider who is required to be enrolled in the Central Background Registry by
 14 any state agency;

15 (g) A contractor, employee or volunteer of a metropolitan service district organized under ORS
 16 chapter 268 who may have unsupervised contact with children and who is required to be enrolled
 17 in the Central Background Registry by the metropolitan service district;

18 (h) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly
 19 executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with
 20 a private agency or organization that facilitates the provision of such respite services; or

21 (i) The operator or an employee of an early learning program as defined in rules adopted by the
 22 council.

23 (11)(a) Information provided to a metropolitan service district organized under ORS chapter 268
 24 about the enrollment status of the persons described in subsection (10)(g) of this section shall be
 25 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
 26 vide for the recovery of administrative, including direct and indirect, costs incurred by the office
 27 from participation in the agreement. Any moneys collected under this paragraph shall be deposited
 28 in the Child Care Fund established under ORS 329A.010.

29 (b) Information provided to a private agency or organization facilitating the provision of respite
 30 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
 31 under ORS 109.056 about the enrollment status of the persons described in subsection (10)(h) of this
 32 section shall be subject to an agreement with the private agency or organization. The agreement
 33 must provide for the recovery of administrative, including direct and indirect, costs incurred by the
 34 office from participation in the agreement. Any moneys collected under this paragraph shall be de-
 35 posited in the Child Care Fund established under ORS 329A.010.

36 (c) Information provided to a private agency or organization about the enrollment status of the
 37 persons described in subsection (10)(i) of this section shall be subject to an agreement with the pri-
 38 vate agency or organization. The agreement must provide for the recovery of administrative, in-
 39 cluding direct and indirect, costs incurred by the office from participation in the agreement. Any
 40 moneys collected under this paragraph shall be deposited in the Child Care Fund established under
 41 ORS 329A.010.

42
 43 **UNIT CAPTIONS**

44
 45 **SECTION 18. The unit captions used in this 2021 Act are provided only for the conven-**

1 ience of the reader and do not become part of the statutory law of this state or express any
2 legislative intent in the enactment of this 2021 Act.

3

4

EFFECTIVE DATE

5

6 **SECTION 19. This 2021 Act takes effect on the 91st day after the date on which the 2021**
7 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

8
