

LC 4082  
2025 Regular Session  
2/20/25  
(STN/AG/RLM/ps)

# D R A F T

## SUMMARY

Digest: This Act makes changes to laws about areas with ground water quality problems. (Flesch Readability Score: 63.4).

Modifies provisions of law related to declarations of ground water quality concern areas and ground water management areas. Directs the Governor to appoint an agency or agencies to lead an interagency team in ground water quality concern areas and ground water management areas. Provides that ground water management committees shall act in an advisory capacity.

Directs or authorizes the Department of Environmental Quality, the State Department of Agriculture, the Water Resources Department, the Oregon Health Authority and the Department of Land Conservation and Development to take specified actions in ground water quality concern areas and ground water management areas.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to ground water; creating new provisions; amending ORS 215.213, 215.283, 448.268, 468B.050, 468B.150, 468B.162, 468B.169, 468B.175, 468B.177, 468B.179, 468B.180, 468B.182, 468B.184, 468B.186, 468B.188, 536.340, 537.101, 537.615, 537.621, 537.775, 537.780, 540.435 and 540.520; repealing ORS 468B.183; and prescribing an effective date.

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

## GROUND WATER QUALITY CONCERN AREAS

**SECTION 1.** ORS 468B.150 is amended to read:

468B.150. As used in ORS 448.268, 448.271 and 468B.150 to 468B.190:

*[(1) "Area of ground water concern" means an area of the state subject to*

**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 *a declaration by the Department of Environmental Quality under ORS*  
2 *468B.175 or the Oregon Health Authority under ORS 448.268.]*

3 [(2)] (1) “Contaminant” means any chemical, ion, radionuclide, synthetic  
4 organic compound, microorganism, waste or other substance that does not  
5 occur naturally in ground water or that occurs naturally but at a lower  
6 concentration.

7 (2) “**Contaminant of concern**” means the contaminant, or contam-  
8 inants, present in ground water at levels which have resulted in a  
9 declaration of a ground water quality concern area or a ground water  
10 management area.

11 [(3)] (3) “Ground water management area” means an area in which con-  
12 taminants in the ground water have exceeded the levels established under  
13 ORS 468B.165, and the affected area is subject to a declaration under ORS  
14 468B.180.

15 (4) “**Ground water quality concern area**” means an area of the state  
16 subject to a declaration by the Department of Environmental Quality  
17 under ORS 468B.175 or the Oregon Health Authority under ORS 448.268.

18 [(4)] (5) “Fertilizer” has the meaning given that term in ORS 633.311.

19 [(5)] (6) “Pesticide” has the meaning given that term in ORS 634.006.

20 **SECTION 2.** ORS 468B.175 is amended to read:

21 468B.175. (1) If, as a result of its statewide monitoring and assessment  
22 activities under ORS 468B.190 **or through the review of other relevant**  
23 **data**, the Department of Environmental Quality confirms the **persistent and**  
24 **prevalent** presence in ground water of contaminants suspected to be the  
25 result, at least in part, of nonpoint source activities, the department shall  
26 declare [*an area of ground water concern*] **a ground water quality concern**  
27 **area**. The declaration shall identify the substances confirmed to be in the  
28 ground water and all ground water aquifers that may be affected.

29 (2) Before declaring [*an area of ground water concern*] **a ground water**  
30 **quality concern area**, the [*agency making the declaration*] **department** shall  
31 have a laboratory **operated by the department or an independent labo-**

1 **ratory** confirm the results that would cause the [agency] **department** to  
2 make the declaration.

3 **SECTION 3.** ORS 468B.177 is amended to read:

4 468B.177. (1) After a declaration of [*an area of ground water concern, the*  
5 *Department of Environmental Quality, in consultation with other appropriate*  
6 *state agencies, shall:*] **a ground water quality concern area, the Governor**  
7 **shall designate a lead agency, or lead agencies, to lead an interagency**  
8 **team. The Governor shall consider the primary contaminant of con-**  
9 **cern and the respective responsibilities and authorities of each rele-**  
10 **vant agency when making the designation. The interagency team may**  
11 **include the Department of Environmental Quality, the State Depart-**  
12 **ment of Agriculture, the Water Resources Department and the State**  
13 **Department of Geology and Mineral Industries, and other agencies**  
14 **with responsibilities or authorities related to the contaminant of con-**  
15 **cern.**

16 (2) **Lead agencies and other agencies participating in the intera-**  
17 **gency team may enter into intergovernmental agreements as neces-**  
18 **sary to carry out the duties of the interagency team.**

19 (3) **The interagency team shall:**

20 [(1)] (a) Within 90 days, appoint a ground water management committee,  
21 **as provided in ORS 468B.179**, in the geographic area overlying the ground  
22 water aquifer;

23 [(2)] *Focus research and public education activities on the area of ground*  
24 *water concern;*]

25 [(3)] *Provide for necessary monitoring in the area of ground water*  
26 *concern;*]

27 [(4)] *Assist the ground water management committee in developing, in a*  
28 *timely manner, a draft and final local action plan for addressing the issues*  
29 *raised by the declaration of an area of ground water concern; and]*

30 [(5)] *If not developed by the ground water management committee, develop*  
31 *a draft and final local action plan.]*

1 (b) Based on the best available information, develop, in a timely  
2 manner, an agency assessment to:

3 (A) Identify local residential, industrial and agricultural practices  
4 that may be contributing to deterioration of ground water quality in  
5 the area;

6 (B) Evaluate the threat to ground water from the potential non-  
7 point sources identified under subparagraph (A) of this subsection; and

8 (C) Identify potential agency actions and recommended local  
9 actions to address the contamination;

10 (c) Work collaboratively to design and implement a comprehensive  
11 hydrogeologic assessment and groundwater monitoring strategy for  
12 the area; and

13 (d) Collect relevant information and encourage best management  
14 practices to better understand and address sources of contamination  
15 in the ground water quality concern area.

16 **SECTION 4.** ORS 468B.179 is amended to read:

17 468B.179. (1)(a) [*Upon the request of a local government, or as required*  
18 *under ORS 468B.177 or 468B.182, the Department of Environmental Quality,*  
19 *in consultation with other appropriate state agencies,]* **The agency or agen-**  
20 **cies designated to lead the interagency team under ORS 468B.177** shall  
21 appoint a ground water management committee. The ground water manage-  
22 ment committee shall be composed of at least seven members representing a  
23 balance of interests in the area affected by the declaration.

24 (b) **Except as provided in subsection (2) of this section, the**  
25 **groundwater management committee shall act solely to advise state**  
26 **agencies and the interagency team in the development of the agency**  
27 **assessment under ORS 468B.177 and the implementation of agency**  
28 **actions under any other provision of law to address ground water**  
29 **contamination in the ground water quality concern area.**

30 [(2) *After a declaration of an area of ground water concern, the ground*  
31 *water management committee shall develop and promote a local action plan for*

1 *the area of ground water concern. The local action plan shall include but need*  
2 *not be limited to:]*

3 *[(a) Identification of local residential, industrial and agricultural practices*  
4 *that may be contributing to a deterioration of ground water quality in the*  
5 *area;]*

6 *[(b) An evaluation of the threat to ground water from the potential nonpoint*  
7 *sources identified;]*

8 **(2) The ground water management committee shall review the**  
9 **agency assessment developed under ORS 468B.177 upon its completion.**  
10 **The ground water management committee shall develop and promote**  
11 **a local voluntary implementation plan for the ground water quality**  
12 **concern area. The local voluntary implementation plan shall include**  
13 **local actions that will be promoted and voluntarily implemented to**  
14 **address causes of contamination in the ground water quality concern**  
15 **area. The plan shall include quantitative targets and timelines where**  
16 **appropriate. Contents of the plan may include, but need not be limited**  
17 **to:**

18 *[(c)]* **(a) Evaluation and recommendations of alternative practices or best**  
19 **management practice;**

20 *[(d)]* **(b) Recommendations regarding demonstration projects needed in the**  
21 **area;**

22 *[(e)]* **(c) Recommendations of public education and research specific to**  
23 **that area that would assist in addressing the issues related to the [area of**  
24 **ground water concern] ground water quality concern area; and**

25 *[(f)]* **(d) Methods of implementing best practicable management practices**  
26 **to improve ground water quality in the area.**

27 **(3) [The availability of the draft local action plan and announcement of a**  
28 **30-day public comment period shall be publicized in a newspaper of general**  
29 **circulation in the area designated as an area of ground water concern.] A**  
30 **draft of the local voluntary implementation plan shall be made avail-**  
31 **able for public comment for a period of 30 days. Suggestions provided to**

1 the ground water management committee during the public comment period  
2 shall be considered by the ground water management committee in deter-  
3 mining the final [*action*] **local voluntary implementation** plan.

4 (4) The ground water management committee may request the  
5 [*department*] **lead agency or agencies** to arrange for technical advice and  
6 assistance from appropriate state agencies and higher education institutions.

7 (5) A ground water management committee preparing [*or carrying out an*  
8 *action plan in an area of ground water concern*] **a local voluntary imple-**  
9 **mentation plan in a ground water quality concern area** or in a ground  
10 water management area may apply for a grant under ORS 468B.169 for lim-  
11 ited funding for staff or for expenses of the ground water management com-  
12 mittee.

13 **SECTION 5. Section 6 of this 2025 Act is added to and made a part**  
14 **of ORS 468B.150 to 468B.190.**

15 **SECTION 6. After a declaration of a ground water quality concern**  
16 **area, the following state agencies, in coordination with the intera-**  
17 **gency team designated under ORS 468B.177, shall take the following**  
18 **actions:**

19 (1) **If relevant to the contaminant of concern, the Department of**  
20 **Environmental Quality shall:**

21 (a) **Review any permits issued under ORS 468B.050 that allow the**  
22 **discharge of wastes that include a contaminant of concern;**

23 (b) **Coordinate with counties within the area to compile available**  
24 **information regarding alternative sewage disposal systems, nonwater-**  
25 **carried sewage disposal facilities and subsurface sewage disposal sys-**  
26 **tems as those terms are defined in ORS 454.605, including the age and**  
27 **location of individual systems or facilities;**

28 (c) **Encourage voluntary inspections of alternative sewage disposal**  
29 **systems, nonwater-carried sewage disposal facilities and subsurface**  
30 **sewage disposal systems as those terms are defined in ORS 454.605; and**

31 (d) **Prioritize funds available under ORS 454.779 for the repair or**

1 replacement of on-site septic systems, as defined in ORS 454.779, in the  
2 ground water quality concern area.

3 (2) If a contaminant of concern is reasonably associated with agri-  
4 cultural activity, the State Department of Agriculture shall:

5 (a) Update any ground water quality management plans developed  
6 under ORS 568.909 applicable to the ground water quality concern area.

7 The plan updates must be designed to:

8 (A) Promote proactive source control related to the contaminant  
9 of concern;

10 (B) Provide best management practice information to potential  
11 sources of contamination; and

12 (C) Promote stewardship agreement opportunities, including oppor-  
13 tunities for data collection.

14 (b) Consider and prioritize watersheds and subwatersheds within a  
15 ground water quality concern area for designation as focus areas or  
16 areas for strategic implementation.

17 (c) Gather available information to obtain a comprehensive char-  
18 acterization of nutrient application across the ground water quality  
19 concern area.

20 (d) Require agricultural operations that are subject to permitting  
21 requirements under this chapter to collect data related to ground wa-  
22 ter contaminants and make the data available to the department upon  
23 request.

24 (3) The Oregon Health Authority shall prepare a preliminary as-  
25 sessment that:

26 (a) Identifies risks to to domestic well users and public water sys-  
27 tems due to potential contamination of drinking water supplies;

28 (b) Evaluates possible response strategies; and

29 (c) Estimates the cost of a public health response to the contam-  
30 ination.

31 SECTION 7. After a declaration of a ground water quality concern

1 **area, as defined in ORS 468B.150, the Water Resources Department**  
2 **may, notwithstanding any contrary provision of law, consider ground**  
3 **water quality, in coordination with the Department of Environmental**  
4 **Quality, when deciding whether to approve a new right to appropriate**  
5 **ground water under ORS 537.505 to 537.795 within a ground water**  
6 **quality concern area.**

7

8

## GROUND WATER MANAGEMENT AREAS

9

10 **SECTION 8.** ORS 468B.180 is amended to read:

11 468B.180. (1) The Department of Environmental Quality shall declare a  
12 ground water management area if, as a result of information provided to the  
13 department or from its statewide monitoring and assessment activities under  
14 ORS 468B.190, the department confirms that, as a result of suspected non-  
15 point source activities, there is present in the ground water:

16 (a) Nitrate contaminants at levels greater than 70 percent of the levels  
17 established pursuant to ORS 468B.165; or

18 (b) Any other contaminants at levels greater than 50 percent of the levels  
19 established pursuant to ORS 468B.165.

20 (2) A declaration under subsection (1) of this section shall identify the  
21 substances detected in the ground water and all ground water aquifers that  
22 may be affected.

23 (3) Before declaring a ground water management area under subsections  
24 (1) and (2) of this section, the [agency] **department** shall have a [second]  
25 laboratory **operated by the department or an independent laboratory**  
26 confirm the results that **would** cause the [agency] **department** to make the  
27 declaration.

28 (4) **After a declaration under subsections (1) and (2) of this section,**  
29 **a state agency may exercise within the ground water management**  
30 **area any of the agency's authorities or responsibilities related to the**  
31 **prevention or control of ground water contamination in a ground wa-**



1 **ter quality concern area, regardless of whether the ground water**  
2 **management area was previously declared a ground water quality**  
3 **concern area.**

4 **SECTION 9.** ORS 468B.182 is amended to read:

5 468B.182. (1) After the declaration of a ground water management area,  
6 the [*Department of Environmental Quality, in consultation with other appro-*  
7 *priate state agencies,*] **lead agency or agencies designated under ORS**  
8 **468B.184** shall appoint a ground water management committee for the af-  
9 fected area if a ground water management committee has not already been  
10 appointed under ORS [*468B.177*] **468B.179**. If the affected area had previously  
11 been designated [*an area of ground water concern*] **a ground water quality**  
12 **concern area**, the same ground water management committee appointed  
13 under ORS [*468B.177*] **468B.179** shall continue [*to address the ground water*  
14 *issues raised as a result of the declaration of a ground water management*  
15 *area*] **to advise the interagency team.**

16 **(2) A ground water management committee appointed under this**  
17 **section or ORS 468B.179 shall act solely to advise state agencies and**  
18 **the interagency team on the development and implementation of local**  
19 **elements of the action plan developed under ORS 468B.184.**

20 **SECTION 10.** ORS 468B.184 is amended to read:

21 468B.184. (1) After a ground water management area is declared, the  
22 [*Department of Environmental Quality*] **Governor** shall designate a lead  
23 agency, **or lead agencies, to lead an interagency team** responsible for  
24 developing [*an*] **a draft** action plan [*and request other agencies to assume*  
25 *appropriate responsibilities for preparation of a draft action plan*] within 90  
26 days after the declaration. **If the affected area had previously been des-**  
27 **ignated a ground water quality concern area, the Governor may des-**  
28 **ignate the same lead agency or agencies designated under ORS**  
29 **468B.177. If no lead agency or interagency team has been previously**  
30 **designated, the Governor shall consider the primary contaminant of**  
31 **concern and the agencies' respective responsibilities and authorities**

1 **when making the designation. The interagency team may include, but**  
2 **need not be limited to, the Department of Environmental Quality, the**  
3 **State Department of Agriculture, the Water Resources Department**  
4 **and the State Department of Geology and Mineral Industries or other**  
5 **agencies with responsibilities or authorities related to the contaminant**  
6 **of concern.**

7 (2) **Lead agencies and other agencies participating in the intera-**  
8 **gency team may enter into intergovernmental agreements as neces-**  
9 **sary to carry out the work of the interagency team.**

10 (3) The [*agencies*] **interagency team** shall develop an action plan to re-  
11 duce existing contamination and to prevent further contamination of the af-  
12 fected ground water aquifer. The action plan shall include, but need not be  
13 limited to:

14 (a) Identification of practices that may be contributing to the contam-  
15 ination of ground water in the area;

16 (b) Consideration of all reasonable alternatives for reducing the contam-  
17 ination of the ground water to a level below that level requiring the decla-  
18 ration of a ground water management area;

19 (c) Recommendations of mandatory actions that, when implemented, will  
20 reduce the contamination to a level below that level requiring the declara-  
21 tion of ground water management area;

22 (d) A proposed time schedule for:

23 (A) Implementing the lead agency's recommendations;

24 (B) Achieving estimated reductions in concentrations of the ground water  
25 contaminants; and

26 (C) Public review of the action plan;

27 (e) Any applicable provisions of a local [*action*] **voluntary implementa-**  
28 **tion** plan developed for the area under a declaration of [*an area of ground*  
29 *water concern*] **a ground water quality concern area;** and

30 (f) Required amendments of affected city or county comprehensive plans  
31 and land use regulations in accordance with the schedule and requirements

1 of periodic review set forth in ORS chapters 197 and 197A to address the  
2 identified ground water protection and management concerns.

3 [(2)] (4) If a ground water management area is located on agricultural  
4 lands or in an area designated as an exclusive farm use zone under ORS  
5 215.203, the State Department of Agriculture shall be responsible for devel-  
6 oping the portion of the action plan that addresses farming practices as de-  
7 fined in ORS 30.930.

8 **SECTION 11.** ORS 468B.186 is amended to read:

9 468B.186. (1) After completion and distribution of the draft action plan  
10 under ORS 468B.184, the lead agency **or agencies** shall provide a 60-day pe-  
11 riod of public comment on the draft action plan and the manner by which  
12 members of the public may review the plan or obtain copies of the plan. [A  
13 *notice of the comment period shall be published in two issues of one or more*  
14 *newspapers having general circulation in the counties in which the designated*  
15 *area of the ground water emergency is located, and in two issues of one or*  
16 *more newspapers having general circulation in the state.*]

17 (2) Within 60 days after the close of the public comment period, the lead  
18 agency **or agencies** shall complete a final action plan. All suggestions and  
19 information provided to the lead agency **or agencies** during the public  
20 comment period shall be considered by the lead agency **or agencies** and  
21 when appropriate shall be acknowledged in the final action plan.

22 **(3)(a) Upon completion of the final action plan, the lead agency or**  
23 **agencies shall submit the final action plan in a report to the Governor**  
24 **and the Joint Committee on Ways and Means or the Interim Joint**  
25 **Committee on Ways and Means in the manner provided by ORS**  
26 **192.245. The report may include requests for funding necessary to im-**  
27 **plement the plan.**

28 **(b) No later than December 15 of each even-numbered year during**  
29 **which a lead agency is responsible for the implementation of a final**  
30 **action plan, the lead agency shall submit a report in the manner pro-**  
31 **vided by ORS 192.245 to the Interim Joint Committee on Ways and**

1 **Means. The report shall describe the agency’s progress in implement-**  
2 **ing the plan and may include requests for funding.**

3 (4) **Within 120 days after the completion of the final action plan,**  
4 **each agency that is responsible for implementing all or part of the**  
5 **plan shall adopt rules necessary to carry out the agency’s duties under**  
6 **the action plan. If two or more agencies are required to initiate**  
7 **rulemaking proceedings under this section, the agencies shall consult**  
8 **with one another to coordinate the rules. The agencies may consol-**  
9 **idate the rulemaking proceedings.**

10 **SECTION 12.** ORS 468B.188 is amended to read:

11 468B.188. (1) If, after implementation of the action plan developed by [*af-*  
12 *ected agencies*] **the interagency team** under ORS 468B.184 to 468B.187, the  
13 ground water improves so that the levels of contaminants no longer exceed  
14 the levels established under ORS 468B.180, the Department of Environmental  
15 Quality shall determine whether to repeal the ground water management  
16 area declaration and to establish [*an area of ground water concern*] **a ground**  
17 **water quality concern area.**

18 (2) Before the declaration of a ground water management area is repealed  
19 under subsection (1) of this section, the Department of Environmental Qual-  
20 ity must find that, according to the best information available, a new or re-  
21 vised [*local action*] **voluntary implementation** plan exists that will  
22 continue to improve the ground water in the area and that the Department  
23 of Environmental Quality finds can be **voluntarily** implemented at the local  
24 level without the necessity of state enforcement authority.

25 (3) Before the Department of Environmental Quality terminates any  
26 mandatory controls imposed under the action plan created under ORS  
27 468B.184 to 468B.187, the ground water management committee must produce  
28 a [*local action*] **voluntary implementation** plan that includes provisions  
29 necessary to improve ground water in the area and that the department finds  
30 can be **voluntarily** implemented at the local level without the necessity of  
31 state enforcement authority.

1       **SECTION 13.** After a declaration of a ground water management  
2 area under ORS 468B.180, the State Department of Agriculture:

3       (1) Shall establish and implement in the ground water management  
4 area:

5       (a) Limitations on ground water contaminants.

6       (b) Requirements related to agronomic rates and soil moisture  
7 content for nutrients that apply in the ground water management  
8 area.

9       (2) May, at reasonable times, enter onto the private property within  
10 the ground water management area to conduct sampling and collect  
11 data to characterize soil for contaminants.

12       **SECTION 14.** After a declaration of a ground water management  
13 area under ORS 468B.180, the Oregon Health Authority shall, in con-  
14 sultation with local health authorities, develop and implement a public  
15 health remediation and response plan. The remediation and response  
16 plan shall be based on the preliminary assessment developed under  
17 section 6 (3) of this 2025 Act. If no preliminary assessment has been  
18 prepared under section 6 (3) of this 2025 Act, the authority shall pre-  
19 pare a preliminary assessment before developing the remediation and  
20 response plan under this section.

21       **SECTION 15.** Section 16 of this 2025 Act is added to and made a part  
22 of ORS chapter 215.

23       **SECTION 16.** Notwithstanding any other provision of ORS chapters  
24 195 or 197 or this chapter:

25       (1) A county may provide, or may enter into an agreement with a  
26 city or district including under ORS 195.065 to 195.085 to provide, water  
27 or wastewater services for residential units that are within a ground  
28 water management area declared under ORS 468B.180 and not within  
29 an urban growth boundary. The provision of services under this sec-  
30 tion or ORS 215.213 (1)(c)(D) or 215.283 (1)(c)(D) may not be used to  
31 authorize the rezoning of property for urban uses or used as the basis

1 for an exception under ORS 197.732 (2)(a) or (b).

2 (2) A county may prohibit the development of any new residential  
3 dwelling or accessory dwelling otherwise allowed under this chapter  
4 within a ground water management area unless the dwelling is con-  
5 nected to urban water supply services under subsection (1) of this  
6 section or a community water well described in ORS 537.621 (2)(b).

7 (3) The Land Conservation and Development Commission may adopt  
8 rules to administer this section, including rules establishing conditions  
9 under which counties must prohibit new residential development.

10 SECTION 17. Section 18 of this 2025 Act is added to and made a part  
11 of ORS 454.605 to 454.755.

12 SECTION 18. (1) After a declaration of a ground water management  
13 area under ORS 468B.180, the Department of Environmental Quality  
14 or a contract agent may enter on to private property at reasonable  
15 times to inspect residential subsurface sewage disposal systems or al-  
16 ternative sewage disposal systems.

17 (2) If the department determines that a subsurface sewage disposal  
18 system or an alternative sewage disposal system inspected under sub-  
19 section (1) of this section is being operated or maintained in violation  
20 of any rule adopted pursuant to ORS 454.625, the department shall give  
21 notice to the person or persons in control of the system as provided  
22 in ORS 454.635.

23 SECTION 19. Notwithstanding any contrary provision of law, the  
24 Water Resources Department may approve an application under ORS  
25 537.615 to appropriate ground water in a ground water management  
26 area declared under ORS 468B.180 for a community water well for an  
27 amount of water equivalent to the amount of water provided by  
28 abandoned water wells.

29 SECTION 20. ORS 468B.183 is repealed.

30

31

AMENDMENTS TO STATUTES

1        **SECTION 21.** ORS 448.268 is amended to read:

2        448.268. (1) If, as a result of its activities under ORS 448.150, **or through**  
3 **the review of other relevant data**, the Oregon Health Authority confirms  
4 the **persistent and prevalent** presence in ground water drinking water  
5 supplies of contaminants resulting at least in part from suspected nonpoint  
6 source activities, the authority shall declare [*an area of ground water*  
7 *concern*] **ground water quality concern area**. The declaration shall identify  
8 the substances confirmed in the ground water and all ground water aquifers  
9 that may be affected.

10        **(2) Before declaring a ground water quality concern area, the au-**  
11 **thority shall have a laboratory operated by the Department of Envi-**  
12 **ronmental Quality or an independent laboratory confirm the results**  
13 **that would cause the authority to make the declaration.**

14        **SECTION 22.** ORS 468B.162 is amended to read:

15        468B.162. (1) The Department of Environmental Quality shall coordinate  
16 the [*following:*]

17        [(a)] interagency management of ground water as necessary to achieve the  
18 goal set forth in ORS 468B.155.

19        [(b) *The regulatory activities of any affected state agency responding to the*  
20 *declaration of a ground water management area under ORS 468B.180. As used*  
21 *in this subsection “affected state agency” means any agency having manage-*  
22 *ment responsibility for, or regulatory control over the ground water resource*  
23 *of this state or any substance that may contaminate the ground water resource*  
24 *of this state.*]

25        (2)(a) The Department of Environmental Quality shall provide staff for  
26 project oversight and for those activities authorized under ORS 468B.165 to  
27 468B.188, including scheduling meetings, providing public notice of meetings  
28 and other group activities and keeping records of group activities.

29        **(b) Notwithstanding paragraph (a) of this subsection, the depart-**  
30 **ment shall provide staff support for projects or activities related to a**  
31 **ground water quality concern area or a ground water management**

1 **area only as required by the lead agency or agencies designated under**  
2 **ORS 468B.177 or 468B.184.**

3 (3) In addition to its duties under subsection (1) of this section, the de-  
4 partment shall, on or before January 1 of each odd-numbered year, prepare  
5 a report to the Legislative Assembly. The report shall include the status of  
6 ground water in Oregon, efforts made in the immediately preceding year to  
7 protect, conserve and restore Oregon's ground water resources and grants  
8 awarded under ORS 468B.169.

9 **SECTION 23.** ORS 468B.169 is amended to read:

10 468B.169. (1) Any person, state agency, political subdivision of this state  
11 or ground water management committee organized under ORS 468B.179 or  
12 468B.182 may submit to the Department of Environmental Quality a request  
13 for funding, advice or assistance for a research or development project re-  
14 lated to ground water quality as it relates to Oregon's ground water re-  
15 source.

16 (2) The request under subsection (1) of this section shall be filed in the  
17 manner, be in the form and contain the information required by the depart-  
18 ment. [*The requester may submit the request either to the department or to a*  
19 *ground water management committee organized under ORS 468B.179 or*  
20 *468B.182.*]

21 (3) The department shall approve only those requests that meet the cri-  
22 teria established by the department under ORS 468B.171.

23 **SECTION 24.** ORS 468B.050 is amended to read:

24 468B.050. (1) Except as provided in ORS 468B.053 or 468B.215, without  
25 holding a permit from the Director of the Department of Environmental  
26 Quality or the State Department of Agriculture, which permit shall specify  
27 applicable effluent limitations, a person may not:

28 (a) Discharge any wastes into the waters of the state from any industrial  
29 or commercial establishment or activity or any disposal system.

30 (b) Construct, install, modify or operate any disposal system or part  
31 thereof or any extension or addition thereto.



1 (c) Increase in volume or strength any wastes in excess of the permissive  
2 discharges specified under an existing permit.

3 (d) Construct, install, operate or conduct any industrial, commercial,  
4 confined animal feeding operation or other establishment or activity or any  
5 extension or modification thereof or addition thereto, the operation or con-  
6 duct of which would cause an increase in the discharge of wastes into the  
7 waters of the state or which would otherwise alter the physical, chemical  
8 or biological properties of any waters of the state in any manner not already  
9 lawfully authorized.

10 (e) Construct or use any new outlet for the discharge of any wastes into  
11 the waters of the state.

12 (2) The Department of Environmental Quality or the State Department  
13 of Agriculture may issue a permit under this section as an individual, gen-  
14 eral or watershed permit. A permit may be issued to a class of persons using  
15 the procedures for issuance of an order or for the adoption of a rule. Not-  
16 withstanding the definition of “order” or “rule” provided in ORS 183.310, in  
17 issuing a general or watershed permit by order pursuant to this section, the  
18 State Department of Agriculture or Department of Environmental Quality:

19 (a) Is not required to direct the order to a named person or named per-  
20 sons; and

21 (b) May include in the order agency directives, standards, regulations and  
22 statements of general applicability that implement, interpret or prescribe law  
23 or policy.

24 (3) When deciding whether to issue a permit to a confined animal feeding  
25 operation under this section, the Department of Environmental Quality or  
26 the State Department of Agriculture shall consider any relevant determi-  
27 nation by the Water Resources Department pursuant to ORS 468B.216 (2).

28 (4) Notwithstanding subsection (2) of this section, the Department of En-  
29 vironmental Quality or the State Department of Agriculture may not issue  
30 a general NPDES or WPCF permit to a new large confined animal feeding  
31 operation that:

1 (a) Is located in a ground water management area declared under ORS  
2 468B.180; and

3 (b) Applies manure, litter, wastewater or processed waste to land within  
4 the ground water management area.

5 (5) Subsection (4) of this section does not apply to the issuance of water  
6 quality permits to regulate stormwater.

7 (6) The State Department of Agriculture or the Department of Environ-  
8 mental Quality may define “confined animal feeding operation” by rule for  
9 purposes of implementing this section.

10 **(7) After a declaration of a ground water management area under**  
11 **ORS 468B.180, the Department of Environmental Quality may require**  
12 **the renewal of any permit issued under this section if the department**  
13 **determines that permit renewal is necessary to address an urgent**  
14 **ground water contamination issue. A permit that is renewed under**  
15 **this section must include conditions that limit the discharge of a**  
16 **contaminant of concern, as defined in ORS 468B.150.**

17 [(7)] (8) As used in this section:

18 (a) “New large confined animal feeding operation” has the meaning given  
19 that term in ORS 468B.215.

20 (b) “NPDES” and “WPCF” have the meanings given those terms in ORS  
21 561.255.

22 **SECTION 25.** ORS 215.213 is amended to read:

23 215.213. (1) In counties that have adopted marginal lands provisions under  
24 ORS 197.247 (1991 Edition), the following uses may be established in any area  
25 zoned for exclusive farm use:

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

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

28 (c) Utility facilities necessary for public service, [*including wetland waste*  
29 *treatment systems but*] not including commercial facilities for the purpose of  
30 generating electrical power for public use by sale or transmission towers  
31 over 200 feet in height[. *A utility facility necessary for public service may be*

1 *established as provided in*], **but including:**

2 (A) **Utility facilities as provided in** ORS 215.275; [*or*]

3 (B) [*If the utility facility is an associated transmission line*] **Utility facil-**  
4 **ities that are associated transmission lines**, as defined in ORS 215.274 and  
5 469.300[.];

6 (C) **Wetland waste treatment systems; or**

7 (D) **Facilities and service lines needed to provide water or**  
8 **wastewater services allowed under section 16 of this 2025 Act.**

9 (d) A dwelling on real property used for farm use if the dwelling is oc-  
10 cupied by a relative of the farm operator or the farm operator's spouse,  
11 which means a child, parent, stepparent, grandchild, grandparent,  
12 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,  
13 if the farm operator does or will require the assistance of the relative in the  
14 management of the farm use and the dwelling is located on the same lot or  
15 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to  
16 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if  
17 the owner of a dwelling described in this paragraph obtains construction fi-  
18 nancing or other financing secured by the dwelling and the secured party  
19 forecloses on the dwelling, the secured party may also foreclose on the  
20 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as  
21 a partition of the homesite to create a new parcel.

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

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

29 (g) Operations for the exploration for and production of geothermal re-  
30 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,  
31 including the placement and operation of compressors, separators and other

1 customary production equipment for an individual well adjacent to the  
2 wellhead. Any activities or construction relating to such operations shall not  
3 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

18 (j) Climbing and passing lanes within the right of way existing as of July  
19 1, 1987.

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

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

27 (m) Minor betterment of existing public road and highway related facili-  
28 ties, such as maintenance yards, weigh stations and rest areas, within right  
29 of way existing as of July 1, 1987, and contiguous public-owned property  
30 utilized to support the operation and maintenance of public roads and high-  
31 ways.

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

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

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

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

8 (r) Farm stands if:

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

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

20 (s) An armed forces reserve center, if the center is within one-half mile  
21 of a community college. For purposes of this paragraph, “armed forces re-  
22 serve center” includes an armory or National Guard support facility.

23 (t) A site for the takeoff and landing of model aircraft, including such  
24 buildings or facilities as may reasonably be necessary. Buildings or facilities  
25 shall not be more than 500 square feet in floor area or placed on a permanent  
26 foundation unless the building or facility preexisted the use approved under  
27 this paragraph. The site shall not include an aggregate surface or hard sur-  
28 face area unless the surface preexisted the use approved under this para-  
29 graph. An owner of property used for the purpose authorized in this  
30 paragraph may charge a person operating the use on the property rent for  
31 the property. An operator may charge users of the property a fee that does

1 not exceed the operator’s cost to maintain the property, buildings and facil-  
2 ities. As used in this paragraph, “model aircraft” means a small-scale version  
3 of an airplane, glider, helicopter, dirigible or balloon that is used or intended  
4 to be used for flight and is controlled by radio, lines or design by a person  
5 on the ground.

6 (u) A facility for the processing of farm products as described in ORS  
7 215.255.

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

9 (w) Irrigation reservoirs, canals, delivery lines and those structures and  
10 accessory operational facilities, not including parks or other recreational  
11 structures and facilities, associated with a district as defined in ORS 540.505.

12 (x) Utility facility service lines. Utility facility service lines are utility  
13 lines and accessory facilities or structures that end at the point where the  
14 utility service is received by the customer and that are located on one or  
15 more of the following:

16 (A) A public right of way;

17 (B) Land immediately adjacent to a public right of way, provided the  
18 written consent of all adjacent property owners has been obtained; or

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

20 (y) Subject to the issuance of a license, permit or other approval by the  
21 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,  
22 468B.053 or 468B.055, or in compliance with rules adopted under ORS  
23 468B.095, and as provided in ORS 215.246 to 215.251, the land application of  
24 reclaimed water, agricultural or industrial process water or biosolids, or the  
25 onsite treatment of septage prior to the land application of biosolids, for  
26 agricultural, horticultural or silvicultural production, or for irrigation in  
27 connection with a use allowed in an exclusive farm use zone under this  
28 chapter. For the purposes of this paragraph, onsite treatment of septage prior  
29 to the land application of biosolids is limited to treatment using treatment  
30 facilities that are portable, temporary and transportable by truck trailer, as  
31 defined in ORS 801.580, during a period of time within which land applica-

1 tion of biosolids is authorized under the license, permit or other approval.

2 (z) Dog training classes or testing trials, which may be conducted out-  
3 doors or in farm buildings in existence on January 1, 2019, when:

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

7 (B) The number of dogs participating in a testing trial does not exceed  
8 60 and the number of testing trials to be conducted on-site is limited to four  
9 or fewer trials per calendar year.

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

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

12 (2) In counties that have adopted marginal lands provisions under ORS  
13 197.247 (1991 Edition), the following uses may be established in any area  
14 zoned for exclusive farm use subject to ORS 215.296:

15 (a) A primary dwelling in conjunction with farm use or the propagation  
16 or harvesting of a forest product on a lot or parcel that is managed as part  
17 of a farm operation or woodlot if the farm operation or woodlot:

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

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

22 (b) A primary dwelling in conjunction with farm use or the propagation  
23 or harvesting of a forest product on a lot or parcel that is managed as part  
24 of a farm operation or woodlot smaller than required under paragraph (a)  
25 of this subsection, if the lot or parcel:

26 (A) Has produced at least \$20,000 in annual gross farm income in two  
27 consecutive calendar years out of the three calendar years before the year  
28 in which the application for the dwelling was made or is planted in peren-  
29 nials capable of producing upon harvest an average of at least \$20,000 in  
30 annual gross farm income; or

31 (B) Is a woodlot capable of producing an average over the growth cycle

1 of \$20,000 in gross annual income.

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

5 (d) Operations conducted for:

6 (A) Mining and processing of geothermal resources as defined by ORS  
7 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted  
8 under subsection (1)(g) of this section;

9 (B) Mining, crushing or stockpiling of aggregate and other mineral and  
10 other subsurface resources subject to ORS 215.298;

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

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

14 (e) Community centers owned by a governmental agency or a nonprofit  
15 community organization and operated primarily by and for residents of the  
16 local rural community, hunting and fishing preserves, public and private  
17 parks, playgrounds and campgrounds. Subject to the approval of the county  
18 governing body or its designee, a private campground may provide yurts for  
19 overnight camping. No more than one-third or a maximum of 10 campsites,  
20 whichever is smaller, may include a yurt. The yurt shall be located on the  
21 ground or on a wood floor with no permanent foundation. Upon request of  
22 a county governing body, the Land Conservation and Development Commis-  
23 sion may provide by rule for an increase in the number of yurts allowed on  
24 all or a portion of the campgrounds in a county if the commission determines  
25 that the increase will comply with the standards described in ORS 215.296  
26 (1). A public park or campground may be established as provided under ORS  
27 195.120. As used in this paragraph, “yurt” means a round, domed shelter of  
28 cloth or canvas on a collapsible frame with no plumbing, sewage disposal  
29 hookup or internal cooking appliance.

30 (f) Golf courses on land determined not to be high-value farmland as de-  
31 fined in ORS 195.300.



1 (g) Commercial utility facilities for the purpose of generating power for  
2 public use by sale. If the area zoned for exclusive farm use is high-value  
3 farmland, a photovoltaic solar power generation facility may be established  
4 as a commercial utility facility as provided in ORS 215.447. A renewable  
5 energy facility as defined in ORS 215.446 may be established as a commercial  
6 utility facility.

7 (h) Personal-use airports for airplanes and helicopter pads, including as-  
8 sociated hangar, maintenance and service facilities. A personal-use airport  
9 as used in this section means an airstrip restricted, except for aircraft  
10 emergencies, to use by the owner, and, on an infrequent and occasional basis,  
11 by invited guests, and by commercial aviation activities in connection with  
12 agricultural operations. No aircraft may be based on a personal-use airport  
13 other than those owned or controlled by the owner of the airstrip. Ex-  
14 ceptions to the activities permitted under this definition may be granted  
15 through waiver action by the Oregon Department of Aviation in specific in-  
16 stances. A personal-use airport lawfully existing as of September 13, 1975,  
17 shall continue to be permitted subject to any applicable rules of the Oregon  
18 Department of Aviation.

19 (i) A facility for the primary processing of forest products, provided that  
20 such facility is found to not seriously interfere with accepted farming prac-  
21 tices and is compatible with farm uses described in ORS 215.203 (2). Such a  
22 facility may be approved for a one-year period which is renewable. These  
23 facilities are intended to be only portable or temporary in nature. The pri-  
24 mary processing of a forest product, as used in this section, means the use  
25 of a portable chipper or stud mill or other similar methods of initial treat-  
26 ment of a forest product in order to enable its shipment to market. Forest  
27 products, as used in this section, means timber grown upon a parcel of land  
28 or contiguous land where the primary processing facility is located.

29 (j) A site for the disposal of solid waste approved by the governing body  
30 of a city or county or both and for which a permit has been granted under  
31 ORS 459.245 by the Department of Environmental Quality together with

1 equipment, facilities or buildings necessary for its operation.

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

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

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

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

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

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

17 (p) Construction of additional passing and travel lanes requiring the ac-  
18 quisition of right of way but not resulting in the creation of new land par-  
19 cels.

20 (q) Reconstruction or modification of public roads and highways involving  
21 the removal or displacement of buildings but not resulting in the creation  
22 of new land parcels.

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

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

29 (t) Room and board arrangements for a maximum of five unrelated persons  
30 in existing residences.

31 (u) A living history museum related to resource based activities owned

1 and operated by a governmental agency or a local historical society, together  
2 with limited commercial activities and facilities that are directly related to  
3 the use and enjoyment of the museum and located within authentic buildings  
4 of the depicted historic period or the museum administration building, if  
5 areas other than an exclusive farm use zone cannot accommodate the mu-  
6 seum and related activities or if the museum administration buildings and  
7 parking lot are located within one quarter mile of the metropolitan urban  
8 growth boundary. As used in this paragraph:

9 (A) “Living history museum” means a facility designed to depict and in-  
10 terpret everyday life and culture of some specific historic period using au-  
11 thentic buildings, tools, equipment and people to simulate past activities and  
12 events; and

13 (B) “Local historical society” means the local historical society, recog-  
14 nized as such by the county governing body and organized under ORS chap-  
15 ter 65.

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

17 (w) An aerial fireworks display business that has been in continuous op-  
18 eration at its current location within an exclusive farm use zone since De-  
19 cember 31, 1986, and possesses a wholesaler’s permit to sell or provide  
20 fireworks.

21 (x) A landscape contracting business, as defined in ORS 671.520, or a  
22 business providing landscape architecture services, as described in ORS  
23 671.318, if the business is pursued in conjunction with the growing and  
24 marketing of nursery stock on the land that constitutes farm use.

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

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

30 (A) The activities are conducted in existing buildings that were lawfully  
31 constructed on the property before January 1, 2019, or in new buildings that

1 are accessory, incidental and subordinate to the farm use on the tract; and

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

4 (aa) Child care facilities, preschool recorded programs or school-age re-  
5 corded programs that are:

6 (A) Authorized under ORS 329A.250 to 329A.450;

7 (B) Primarily for the children of residents and workers of the rural area  
8 in which the facility or program is located; and

9 (C) Colocated with a community center or a public or private school al-  
10 lowed under this subsection.

11 (3) In counties that have adopted marginal lands provisions under ORS  
12 197.247 (1991 Edition), a single-family residential dwelling not provided in  
13 conjunction with farm use may be established on a lot or parcel with soils  
14 predominantly in capability classes IV through VIII as determined by the  
15 Agricultural Capability Classification System in use by the United States  
16 Department of Agriculture Soil Conservation Service on October 15, 1983. A  
17 proposed dwelling is subject to approval of the governing body or its  
18 designee in any area zoned for exclusive farm use upon written findings  
19 showing all of the following:

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

23 (b) The dwelling is situated upon generally unsuitable land for the pro-  
24 duction of farm crops and livestock, considering the terrain, adverse soil or  
25 land conditions, drainage and flooding, location and size of the tract. A lot  
26 or parcel shall not be considered unsuitable solely because of its size or lo-  
27 cation if it can reasonably be put to farm use in conjunction with other land.

28 (c) Complies with such other conditions as the governing body or its  
29 designee considers necessary.

30 (4) In counties that have adopted marginal lands provisions under ORS  
31 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-

1 tion with farm use, may be established in any area zoned for exclusive farm  
2 use on a lot or parcel described in subsection (7) of this section that is not  
3 larger than three acres upon written findings showing:

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

7 (b) If the lot or parcel is located within the Willamette River Greenway,  
8 a floodplain or a geological hazard area, the dwelling complies with condi-  
9 tions imposed by local ordinances relating specifically to the Willamette  
10 River Greenway, floodplains or geological hazard areas, whichever is appli-  
11 cable; and

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

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

16 (a) Owners of land that is within 250 feet of the lot or parcel on which  
17 the dwelling will be established; and

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

20 (6) The notice required in subsection (5) of this section shall specify that  
21 persons have 15 days following the date of postmark of the notice to file a  
22 written objection on the grounds only that the dwelling or activities associ-  
23 ated with it would force a significant change in or significantly increase the  
24 cost of accepted farming practices on nearby lands devoted to farm use. If  
25 no objection is received, the governing body or its designee shall approve or  
26 disapprove the application. If an objection is received, the governing body  
27 shall set the matter for hearing in the manner prescribed in ORS 215.402 to  
28 215.438. The governing body may charge the reasonable costs of the notice  
29 required by subsection (5)(a) of this section to the applicant for the permit  
30 requested under subsection (4) of this section.

31 (7) Subsection (4) of this section applies to a lot or parcel lawfully created

1 between January 1, 1948, and July 1, 1983. For the purposes of this section:

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

3 (A) A lot or parcel described in this section is contiguous to one or more  
4 lots or parcels described in this section; and

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

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

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

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

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

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

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

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

29 (a) A county may authorize a single agri-tourism or other commercial  
30 event or activity on a tract in a calendar year by an authorization that is  
31 personal to the applicant and is not transferred by, or transferable with, a

1 conveyance of the tract, if the agri-tourism or other commercial event or  
2 activity meets any local standards that apply and:

3 (A) The agri-tourism or other commercial event or activity is incidental  
4 and subordinate to existing farm use on the tract;

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

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

9 (D) The maximum number of motor vehicles parked at the site of the  
10 agri-tourism or other commercial event or activity does not exceed 250 ve-  
11 hicles;

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

14 (F) The agri-tourism or other commercial event or activity occurs out-  
15 doors, in temporary structures, or in existing permitted structures, subject  
16 to health and fire and life safety requirements; and

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

19 (i) Planned hours of operation;

20 (ii) Access, egress and parking;

21 (iii) A traffic management plan that identifies the projected number of  
22 vehicles and any anticipated use of public roads; and

23 (iv) Sanitation and solid waste.

24 (b) In the alternative to paragraphs (a) and (c) of this subsection, a  
25 county may authorize, through an expedited, single-event license, a single  
26 agri-tourism or other commercial event or activity on a tract in a calendar  
27 year by an expedited, single-event license that is personal to the applicant  
28 and is not transferred by, or transferable with, a conveyance of the tract. A  
29 decision concerning an expedited, single-event license is not a land use de-  
30 cision, as defined in ORS 197.015. To approve an expedited, single-event li-  
31 cense, the governing body of a county or its designee must determine that

1 the proposed agri-tourism or other commercial event or activity meets any  
2 local standards that apply, and the agri-tourism or other commercial event  
3 or activity:

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

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

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

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

9 (E) May not require or involve the construction or use of a new perma-  
10 nent structure in connection with the agri-tourism or other commercial event  
11 or activity;

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

14 (G) Must comply with applicable health and fire and life safety require-  
15 ments.

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

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

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

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

28 (D) Must comply with ORS 215.296;

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



1 (F) Must comply with conditions established for:

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

6 (ii) The location of existing structures and the location of proposed tem-  
7 porary structures to be used in connection with the agri-tourism or other  
8 commercial events or activities;

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

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

13 (v) Sanitation and solid waste.

14 (d) In addition to paragraphs (a) to (c) of this subsection, a county may  
15 authorize agri-tourism or other commercial events or activities that occur  
16 more frequently or for a longer period or that do not otherwise comply with  
17 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-  
18 cial events or activities comply with any local standards that apply and the  
19 agri-tourism or other commercial events or activities:

20 (A) Are incidental and subordinate to existing commercial farm use of the  
21 tract and are necessary to support the commercial farm uses or the com-  
22 mercial agricultural enterprises in the area;

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

25 (C) Occur on a lot or parcel that complies with the acknowledged mini-  
26 mum lot or parcel size; and

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

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

31 (a) Provide public notice and an opportunity for public comment as part

1 of the review process; and

2 (b) Limit its review to events and activities authorized by the permit,  
3 conformance with conditions of approval required by the permit and the  
4 standards established by subsection (11)(d) of this section.

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

6 (a) A county may authorize the use of temporary structures established  
7 in connection with the agri-tourism or other commercial events or activities  
8 authorized under subsection (11) of this section. However, the temporary  
9 structures must be removed at the end of the agri-tourism or other event or  
10 activity. The county may not approve an alteration to the land in connection  
11 with an agri-tourism or other commercial event or activity authorized under  
12 subsection (11) of this section, including, but not limited to, grading, filling  
13 or paving.

14 (b) The county may issue the limited use permits authorized by subsection  
15 (11)(c) of this section for two calendar years. When considering an applica-  
16 tion for renewal, the county shall ensure compliance with the provisions of  
17 subsection (11)(c) of this section, any local standards that apply and condi-  
18 tions that apply to the permit or to the agri-tourism or other commercial  
19 events or activities authorized by the permit.

20 (c) The authorizations provided by subsection (11) of this section are in  
21 addition to other authorizations that may be provided by law, except that  
22 “outdoor mass gathering” and “other gathering,” as those terms are used in  
23 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events  
24 and activities.

25 **SECTION 26.** ORS 215.283 is amended to read:

26 215.283. (1) The following uses may be established in any area zoned for  
27 exclusive farm use:

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

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

30 (c) Utility facilities necessary for public service, [*including wetland waste*  
31 *treatment systems but*] not including commercial facilities for the purpose of

1 generating electrical power for public use by sale or transmission towers  
2 over 200 feet in height[. *A utility facility necessary for public service may be*  
3 *established as provided in*], **but including:**

4 (A) **Utility facilities as provided in** ORS 215.275; [*or*]

5 (B) [*If the utility facility is an associated transmission line*] **Utility facil-**  
6 **ities that are associated transmission lines**, as defined in ORS 215.274 and  
7 469.300[.];

8 (C) **Wetland waste treatment systems; or**

9 (D) **Facilities and service lines needed to provide water or**  
10 **wastewater services allowed under section 16 of this 2025 Act.**

11 (d) A dwelling on real property used for farm use if the dwelling is oc-  
12 cupied by a relative of the farm operator or the farm operator's spouse,  
13 which means a child, parent, stepparent, grandchild, grandparent,  
14 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,  
15 if the farm operator does or will require the assistance of the relative in the  
16 management of the farm use and the dwelling is located on the same lot or  
17 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to  
18 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if  
19 the owner of a dwelling described in this paragraph obtains construction fi-  
20 nancing or other financing secured by the dwelling and the secured party  
21 forecloses on the dwelling, the secured party may also foreclose on the  
22 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as  
23 a partition of the homesite to create a new parcel.

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

26 (f) Operations for the exploration for and production of geothermal re-  
27 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,  
28 including the placement and operation of compressors, separators and other  
29 customary production equipment for an individual well adjacent to the  
30 wellhead. Any activities or construction relating to such operations shall not  
31 be a basis for an exception under ORS 197.732 (2)(a) or (b).

1 (g) Operations for the exploration for minerals as defined by ORS 517.750.  
2 Any activities or construction relating to such operations shall not be a ba-  
3 sis for an exception under ORS 197.732 (2)(a) or (b).

4 (h) Climbing and passing lanes within the right of way existing as of July  
5 1, 1987.

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

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

13 (k) Minor betterment of existing public road and highway related facili-  
14 ties such as maintenance yards, weigh stations and rest areas, within right  
15 of way existing as of July 1, 1987, and contiguous public-owned property  
16 utilized to support the operation and maintenance of public roads and high-  
17 ways.

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

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

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

23 (o) Farm stands if:

24 (A) The structures are designed and used for the sale of farm crops or  
25 livestock grown on the farm operation, or grown on the farm operation and  
26 other farm operations in the local agricultural area, including the sale of  
27 retail incidental items and fee-based activity to promote the sale of farm  
28 crops or livestock sold at the farm stand if the annual sale of incidental  
29 items and fees from promotional activity do not make up more than 25 per-  
30 cent of the total annual sales of the farm stand; and

31 (B) The farm stand does not include structures designed for occupancy

1 as a residence or for activity other than the sale of farm crops or livestock  
2 and does not include structures for banquets, public gatherings or public  
3 entertainment.

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

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

20 (r) A facility for the processing of farm products as described in ORS  
21 215.255.

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

23 (t) Irrigation reservoirs, canals, delivery lines and those structures and  
24 accessory operational facilities, not including parks or other recreational  
25 structures and facilities, associated with a district as defined in ORS 540.505.

26 (u) Utility facility service lines. Utility facility service lines are utility  
27 lines and accessory facilities or structures that end at the point where the  
28 utility service is received by the customer and that are located on one or  
29 more of the following:

30 (A) A public right of way;

31 (B) Land immediately adjacent to a public right of way, provided the

1 written consent of all adjacent property owners has been obtained; or

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

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

16 (w) A county law enforcement facility that lawfully existed on August 20,  
17 2002, and is used to provide rural law enforcement services primarily in rural  
18 areas, including parole and post-prison supervision, but not including a  
19 correctional facility as defined under ORS 162.135.

20 (x) Dog training classes or testing trials, which may be conducted out-  
21 doors or in preexisting farm buildings, when:

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

25 (B) The number of dogs participating in a testing trial does not exceed  
26 60 and the number of testing trials to be conducted on-site is limited to four  
27 or fewer trials per calendar year.

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

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

30 (2) The following nonfarm uses may be established, subject to the ap-  
31 proval of the governing body or its designee in any area zoned for exclusive

1 farm use subject to ORS 215.296:

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

5 (b) Operations conducted for:

6 (A) Mining and processing of geothermal resources as defined by ORS  
7 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted  
8 under subsection (1)(f) of this section;

9 (B) Mining, crushing or stockpiling of aggregate and other mineral and  
10 other subsurface resources subject to ORS 215.298;

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

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

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

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

29 (e) Community centers owned by a governmental agency or a nonprofit  
30 community organization and operated primarily by and for residents of the  
31 local rural community. A community center authorized under this paragraph

1 may provide services to veterans, including but not limited to emergency and  
2 transitional shelter, preparation and service of meals, vocational and educa-  
3 tional counseling and referral to local, state or federal agencies providing  
4 medical, mental health, disability income replacement and substance abuse  
5 services, only in a facility that is in existence on January 1, 2006. The ser-  
6 vices may not include direct delivery of medical, mental health, disability  
7 income 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 (10); or

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

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

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

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

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

22 (h) Personal-use airports for airplanes and helicopter pads, including as-  
23 sociated hangar, maintenance and service facilities. A personal-use airport,  
24 as used in this section, means an airstrip restricted, except for aircraft  
25 emergencies, to use by the owner, and, on an infrequent and occasional basis,  
26 by invited guests, and by commercial aviation activities in connection with  
27 agricultural operations. No aircraft may be based on a personal-use airport  
28 other than those owned or controlled by the owner of the airstrip. Ex-  
29 ceptions to the activities permitted under this definition may be granted  
30 through waiver action by the Oregon Department of Aviation in specific in-  
31 stances. A personal-use airport lawfully existing as of September 13, 1975,



1 shall continue to be permitted subject to any applicable rules of the Oregon  
2 Department of Aviation.

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

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

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

18 (L) One manufactured dwelling or recreational vehicle, or the temporary  
19 residential use of an existing building, in conjunction with an existing  
20 dwelling as a temporary use for the term of a hardship suffered by the ex-  
21 isting resident or a relative of the resident. Within three months of the end  
22 of the hardship, the manufactured dwelling or recreational vehicle shall be  
23 removed or demolished or, in the case of an existing building, the building  
24 shall be removed, demolished or returned to an allowed nonresidential use.  
25 The governing body or its designee shall provide for periodic review of the  
26 hardship claimed under this paragraph. A temporary residence approved un-  
27 der this paragraph is not eligible for replacement under subsection (1)(p) of  
28 this section.

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

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

31 (B) Dog training classes or testing trials that cannot be established under

1 subsection (1)(x) of this section.

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

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

12 (q) Construction of additional passing and travel lanes requiring the ac-  
13 quisition of right of way but not resulting in the creation of new land par-  
14 cels.

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

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

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

24 (u) Room and board arrangements for a maximum of five unrelated per-  
25 sons in existing residences.

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

27 (w) Expansion of existing county fairgrounds and activities directly re-  
28 lating to county fairgrounds governed by county fair boards established  
29 pursuant to ORS 565.210.

30 (x) A living history museum related to resource based activities owned  
31 and operated by a governmental agency or a local historical society, together

1 with limited commercial activities and facilities that are directly related to  
2 the use and enjoyment of the museum and located within authentic buildings  
3 of the depicted historic period or the museum administration building, if  
4 areas other than an exclusive farm use zone cannot accommodate the mu-  
5 seum and related activities or if the museum administration buildings and  
6 parking lot are located within one quarter mile of an urban growth bound-  
7 ary. As used in this paragraph:

8 (A) “Living history museum” means a facility designed to depict and in-  
9 terpret everyday life and culture of some specific historic period using au-  
10 thentic buildings, tools, equipment and people to simulate past activities and  
11 events; and

12 (B) “Local historical society” means the local historical society recog-  
13 nized by the county governing body and organized under ORS chapter 65.

14 (y) An aerial fireworks display business that has been in continuous op-  
15 eration at its current location within an exclusive farm use zone since De-  
16 cember 31, 1986, and possesses a wholesaler’s permit to sell or provide  
17 fireworks.

18 (z) A landscape contracting business, as defined in ORS 671.520, or a  
19 business providing landscape architecture services, as described in ORS  
20 671.318, if the business is pursued in conjunction with the growing and  
21 marketing of nursery stock on the land that constitutes farm use.

22 (aa) Public or private schools for kindergarten through grade 12, includ-  
23 ing all buildings essential to the operation of a school, primarily for resi-  
24 dents of the rural area in which the school is located.

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

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

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

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

2 (dd) Child care facilities, preschool recorded programs or school-age re-  
3 corded programs that are:

4 (A) Authorized under ORS 329A.250 to 329A.450;

5 (B) Primarily for the children of residents and workers of the rural area  
6 in which the facility or program is located; and

7 (C) Colocated with a community center or a public or private school al-  
8 lowed under this subsection.

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

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

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

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

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

27 (A) The agri-tourism or other commercial event or activity is incidental  
28 and subordinate to existing farm use on the tract;

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

31 (C) The maximum attendance at the agri-tourism or other commercial

1 event or activity does not exceed 500 people;

2 (D) The maximum number of motor vehicles parked at the site of the  
3 agri-tourism or other commercial event or activity does not exceed 250 ve-  
4 hicles;

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

7 (F) The agri-tourism or other commercial event or activity occurs out-  
8 doors, in temporary structures, or in existing permitted structures, subject  
9 to health and fire and life safety requirements; and

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

12 (i) Planned hours of operation;

13 (ii) Access, egress and parking;

14 (iii) A traffic management plan that identifies the projected number of  
15 vehicles and any anticipated use of public roads; and

16 (iv) Sanitation and solid waste.

17 (b) In the alternative to paragraphs (a) and (c) of this subsection, a  
18 county may authorize, through an expedited, single-event license, a single  
19 agri-tourism or other commercial event or activity on a tract in a calendar  
20 year by an expedited, single-event license that is personal to the applicant  
21 and is not transferred by, or transferable with, a conveyance of the tract. A  
22 decision concerning an expedited, single-event license is not a land use de-  
23 cision, as defined in ORS 197.015. To approve an expedited, single-event li-  
24 cense, the governing body of a county or its designee must determine that  
25 the proposed agri-tourism or other commercial event or activity meets any  
26 local standards that apply, and the agri-tourism or other commercial event  
27 or activity:

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

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

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

31 (D) May not include the artificial amplification of music or voices before

1 8 a.m. or after 8 p.m.;

2 (E) May not require or involve the construction or use of a new perma-  
3 nent structure in connection with the agri-tourism or other commercial event  
4 or activity;

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

7 (G) Must comply with applicable health and fire and life safety require-  
8 ments.

9 (c) In the alternative to paragraphs (a) and (b) of this subsection, a  
10 county may authorize up to six agri-tourism or other commercial events or  
11 activities on a tract in a calendar year by a limited use permit that is per-  
12 sonal to the applicant and is not transferred by, or transferable with, a  
13 conveyance of the tract. The agri-tourism or other commercial events or  
14 activities must meet any local standards that apply, and the agri-tourism or  
15 other commercial events or activities:

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

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

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

21 (D) Must comply with ORS 215.296;

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

25 (F) Must comply with conditions established for:

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

30 (ii) The location of existing structures and the location of proposed tem-  
31 porary structures to be used in connection with the agri-tourism or other

1 commercial events or activities;

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

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

6 (v) Sanitation and solid waste.

7 (d) In addition to paragraphs (a) to (c) of this subsection, a county may  
8 authorize agri-tourism or other commercial events or activities that occur  
9 more frequently or for a longer period or that do not otherwise comply with  
10 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-  
11 cial events or activities comply with any local standards that apply and the  
12 agri-tourism or other commercial events or activities:

13 (A) Are incidental and subordinate to existing commercial farm use of the  
14 tract and are necessary to support the commercial farm uses or the com-  
15 mercial agricultural enterprises in the area;

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

18 (C) Occur on a lot or parcel that complies with the acknowledged mini-  
19 mum lot or parcel size; and

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

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

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

26 (b) Limit its review to events and activities authorized by the permit,  
27 conformance with conditions of approval required by the permit and the  
28 standards established by subsection (4)(d) of this section.

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

30 (a) A county may authorize the use of temporary structures established  
31 in connection with the agri-tourism or other commercial events or activities

1 authorized under subsection (4) of this section. However, the temporary  
2 structures must be removed at the end of the agri-tourism or other event or  
3 activity. The county may not approve an alteration to the land in connection  
4 with an agri-tourism or other commercial event or activity authorized under  
5 subsection (4) of this section, including, but not limited to, grading, filling  
6 or paving.

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

13 (c) The authorizations provided by subsection (4) of this section are in  
14 addition to other authorizations that may be provided by law, except that  
15 “outdoor mass gathering” and “other gathering,” as those terms are used in  
16 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events  
17 and activities.

18 **SECTION 27.** ORS 536.340 is amended to read:

19 536.340. (1) Subject at all times to existing rights and priorities to use  
20 waters of this state, the Water Resources Commission:

21 (a) May, by a water resources statement referred to in ORS 536.300 (2),  
22 classify and reclassify the lakes, streams, underground reservoirs or other  
23 sources of water supply in this state as to the highest and best use and  
24 quantities of use thereof for the future in aid of an integrated and balanced  
25 program for the benefit of the state as a whole. The commission may so  
26 classify and reclassify portions of any such sources of water supply sepa-  
27 rately. Classification or reclassification of sources of water supply as pro-  
28 vided in this subsection has the effect of restricting the use and quantities  
29 of use thereof to the uses and quantities of uses specified in the classification  
30 or reclassification, and no other uses or quantities of uses except as approved  
31 by the commission under ORS 536.370 to 536.390 or as accepted by the com-



1 mission under ORS 536.295. Restrictions on use and quantities of use of a  
2 source of water supply resulting from a classification or reclassification un-  
3 der this subsection shall apply to the use of all waters of this state affected  
4 by the classification or reclassification, and shall apply to uses listed in ORS  
5 537.545 that are initiated after the classification or reclassification that im-  
6 poses the restriction.

7 (b) Shall diligently enforce laws concerning cancellation, release and  
8 discharge of excessive unused claims to waters of this state to the end that  
9 such excessive and unused amounts may be made available for appropriation  
10 and beneficial use by the public.

11 (c) May, by a water resources statement referred to in ORS 536.300 (2)  
12 and subject to the preferential uses named in ORS 536.310 (12), prescribe  
13 preferences for the future for particular uses and quantities of uses of the  
14 waters of any lake, stream or other source of water supply in this state in  
15 aid of the highest and best beneficial use and quantities of use thereof. In  
16 prescribing such preferences the commission shall give effect and due regard  
17 to the natural characteristics of such sources of water supply, the adjacent  
18 topography, the economy of such sources of water supply, the economy of the  
19 affected area, seasonal requirements of various users of such waters, the type  
20 of proposed use as between consumptive and nonconsumptive uses and other  
21 pertinent data.

22 **(d) May, as necessary to protect public health and in addition to**  
23 **any other authority of the commission, classify and reclassify an**  
24 **underground reservoir in a ground water quality concern area or a**  
25 **ground water management area, as those terms are defined in ORS**  
26 **468B.150.**

27 (2) In classifying or reclassifying a source of water supply or prescribing  
28 preferences for the future uses of a source of water supply under subsection  
29 (1) of this section, the commission shall:

30 (a) Comply with the requirements set forth in the Water Resources De-  
31 partment coordination program developed pursuant to ORS 197.180; and

1 (b) Cause notice of the hearing held under ORS 536.300 (3) to be published  
2 in a newspaper of general circulation once each week for two successive  
3 weeks in each county:

4 (A) In which waters affected by the action of the commission under sub-  
5 section (1) of this section are located; or

6 (B) That is located within the basin under consideration.

7 (3) Before beginning any action under subsection (2) of this section that  
8 would limit new ground water uses that are exempt under ORS 537.545 from  
9 the requirement to obtain a water right, the commission shall:

10 (a) Review the proposed action to determine whether the proposal is  
11 consistent with ORS 537.780;

12 (b) Provide an opportunity for review by:

13 (A) Any member of the Legislative Assembly who represents a district  
14 where the proposed action would apply; and

15 (B) Any interim committee of the Legislative Assembly responsible for  
16 water-related issues; and

17 (c) Receive and consider a recommendation on the proposal from the  
18 ground water advisory committee appointed under ORS 536.090.

19 **SECTION 28.** ORS 537.101 is amended to read:

20 537.101. (1) If the Water Resources Department requires an entity to  
21 measure the use of water diverted, stored or otherwise appropriated by the  
22 entity under a right established by a water right permit, water right certif-  
23 icate, limited license, decree, order of determination or ground water regis-  
24 tration, the department may require the entity to report the measured use  
25 to the department.

26 (2) The Water Resources Commission shall adopt rules as provided under  
27 ORS 536.027 to carry out subsection (1) of this section.

28 **(3) The Water Resources Department may, by order, require the**  
29 **installation of a water measurement device, and reporting described**  
30 **in subsection (1) of this section, to address serious water management**  
31 **problems caused by:**

- 1       **(a) The decline of ground water levels;**
- 2       **(b) The impairment of ground water quality;**
- 3       **(c) Unresolved disputes among water users; or**
- 4       **(d) Frequent water shortages.**

5       **SECTION 29.** ORS 537.615 is amended to read:

6       537.615. (1) Any person or public agency intending to acquire a wholly  
7 new right to appropriate ground water or to enlarge upon any existing right  
8 to appropriate ground water, except for any purpose exempt under ORS  
9 537.545, shall apply to the Water Resources Department for and be issued a  
10 permit before withdrawing or using the ground water.

11       (2) The application for a permit shall be in a form prescribed by the de-  
12 partment and shall contain:

13       (a) The name and post-office address of the applicant.

14       (b) The nature of the use by the applicant of the ground water for which  
15 the application is made.

16       (c) The dates of the beginning and completion of the construction of any  
17 well or other means of developing and securing the ground water.

18       (d) The date when the ground water will be completely applied to the  
19 proposed beneficial use.

20       (e) The amount of ground water claimed.

21       (f) If the ground water is to be used for irrigation purposes, a description  
22 of the lands to be irrigated, giving the number of acres to be irrigated in  
23 each 40-acre legal subdivision.

24       (g) The depth to the water table, if known.

25       (h) The location of each well with reference to government survey corners  
26 or monuments or corners of recorded plats.

27       (i) The proposed depth, diameter and type of each well, and the kind and  
28 amount of the casing.

29       (j) The estimated capacity of each well and each well pump in gallons per  
30 minute, and the horsepower of each well pump motor.

31       (k) If the ground water is artesian or other ground water not requiring

1 pumping, the rate of flow in gallons in such manner as the Water Resources  
2 Commission may prescribe.

3 (L) If the ground water supply is supplemental to an existing water sup-  
4 ply, identification of any application for a permit, permit, certificate or ad-  
5 judicated right to appropriate water made or held by the applicant.

6 (m) Any other information as the department considers necessary to  
7 evaluate the application.

8 (3) Each application for a permit shall be accompanied by any maps and  
9 drawings the department considers necessary.

10 (4) The map or drawing required to accompany the application shall be  
11 of sufficient quality and scale to establish the location of the proposed point  
12 of diversion and the proposed place of use identified by tax lot, township,  
13 range, section and nearest quarter-quarter section along with a notation of  
14 the acreage of the proposed place of use, if appropriate. In addition, the de-  
15 partment shall accept locational coordinate information, including latitude  
16 and longitude as established by a global positioning system. If the applica-  
17 tion is for a water right for a municipal use, the map need not identify the  
18 proposed place of use by tax lot.

19 (5) Each application for a permit to appropriate water shall be accompa-  
20 nied by the examination fee set forth in ORS 536.050 (1).

21 (6) If the proposed use of the water is for a mining operation as defined  
22 in ORS 517.952, the applicant shall provide the information required under  
23 this section as part of the consolidated application under ORS 517.952 to  
24 517.989.

25 **(7) Notwithstanding any contrary provision of law, an application**  
26 **under this section may request the issuance of a permit to appropriate**  
27 **ground water for a community water well for an amount of water**  
28 **equivalent to the amount of water provided by abandoned water wells.**

29 [(7)] (8) Notwithstanding any provision of ORS chapter 183, an applica-  
30 tion for a permit to appropriate ground water shall be processed in the  
31 manner set forth in ORS 537.505 to 537.795. Nothing in ORS chapter 183

1 shall be construed to allow additional persons to participate in the process.  
2 To the extent that any provision in ORS chapter 183 conflicts with a pro-  
3 vision set forth in ORS 537.505 to 537.795, the provisions in ORS 537.505 to  
4 537.795 shall control.

5 **SECTION 30.** ORS 537.621 is amended to read:

6 537.621. (1) Within 60 days after the Water Resources Department pro-  
7 ceeds with the application under ORS 537.620 (5), the department shall com-  
8 plete application review and issue a proposed final order approving or  
9 denying the application or approving the application with modifications or  
10 conditions. The department may request the applicant to provide additional  
11 information needed to complete the review. If the department requests addi-  
12 tional information, the request shall be specific and shall be sent to the ap-  
13 plicant by registered mail. The department shall specify a date by which the  
14 information must be returned, which shall be not less than 10 days after the  
15 department mails the request to the applicant. If the department does not  
16 receive the information or a request for a time extension under ORS 537.627  
17 by the date specified in the request, the department may reject the applica-  
18 tion and may refund fees in accordance with ORS 536.050 (4)(a). The time  
19 period specified by the department in a request for additional information  
20 shall allow the department to comply with the 60-day time limit established  
21 by this subsection.

22 (2)(a) In reviewing the application under subsection (1) of this section,  
23 the department shall determine whether the proposed use will ensure the  
24 preservation of the public welfare, safety and health as described in ORS  
25 537.525. The department shall presume that a proposed use will ensure the  
26 preservation of the public welfare, safety and health if the proposed use is  
27 allowed in the applicable basin program established pursuant to ORS 536.300  
28 and 536.340 or given a preference under ORS 536.310 (12), if water is avail-  
29 able, if the proposed use will not injure other water rights and if the pro-  
30 posed use complies with rules of the Water Resources Commission. This shall  
31 be a rebuttable presumption and may be overcome by a preponderance of

1 evidence that either:

2 [(a)] (A) One or more of the criteria for establishing the presumption are  
3 not satisfied; or

4 [(b)] (B) The proposed use would not ensure the preservation of the public  
5 welfare, safety and health as demonstrated in comments, in a protest under  
6 subsection (7) of this section or in a finding of the department that shows:

7 [(A)] (i) The specific aspect of the public welfare, safety and health under  
8 ORS 537.525 that would be impaired or detrimentally affected; and

9 [(B)] (ii) Specifically how the identified aspect of the public welfare,  
10 safety and health under ORS 537.525 would be impaired or be adversely af-  
11 fected.

12 (b) In addition to the factors described in paragraph (a) of this  
13 subsection, the department shall presume that a proposed use will  
14 ensure the preservation of the public welfare, safety and health if the  
15 application is for a community water well located in a ground water  
16 management area declared under ORS 468B.180 for an amount of water  
17 equivalent to the amount of water provided by abandoned water wells.

18 (3) The proposed final order shall cite findings of fact and conclusions of  
19 law and shall include but need not be limited to:

20 (a) Confirmation or modification of the preliminary determinations made  
21 in the initial review;

22 (b) A brief statement that explains the criteria considered relevant to the  
23 decision, including the applicable basin program and the compatibility of the  
24 proposed use with applicable land use plans;

25 (c) An assessment of water availability and the amount of water necessary  
26 for the proposed use;

27 (d) An assessment of whether the proposed use would result in injury to  
28 existing water rights;

29 (e) An assessment of whether the proposed use would ensure the preser-  
30 vation of the public welfare, safety and health as described in ORS 537.525;

31 (f) A draft permit, including any proposed conditions, or a recommen-

1 dation to deny the application;

2 (g) Whether the rebuttable presumption under subsection (2) of this sec-  
3 tion has been established;

4 (h) The date by which protests to the proposed final order must be re-  
5 ceived by the department; and

6 (i) The flow rate and duty of water allowed.

7 (4) In establishing the flow rate and duty of water allowed, the depart-  
8 ment may consider a general basin-wide standard, but first shall evaluate  
9 information submitted by the applicant to demonstrate the need for a flow  
10 rate and duty higher than the general standard. If the applicant provides  
11 such information, the department shall authorize the requested rate and duty  
12 except upon specific findings related to the application to support a deter-  
13 mination that a lesser amount is needed. If the applicant does not provide  
14 information to demonstrate the need for a flow rate and duty higher than the  
15 general basin-wide standard, the department may apply the general standards  
16 without specific findings related to the application.

17 (5) The department shall mail copies of the proposed final order to the  
18 applicant and to persons who have requested copies and paid the fee required  
19 under ORS 536.050 (1)(p). The department also shall publish notice of the  
20 proposed final order by publication in the weekly notice published by the  
21 department.

22 (6) Any person who supports a proposed final order may request standing  
23 for purposes of participating in any contested case proceeding on the pro-  
24 posed final order or for judicial review of a final order. A request for  
25 standing shall be in writing and shall be accompanied by the fee established  
26 under ORS 536.050 (1)(n).

27 (7) Any person may submit a protest against a proposed final order. A  
28 protest shall be in writing and shall include:

29 (a) The name, address and telephone number of the protestant;

30 (b) A description of the protestant's interest in the proposed final order,  
31 and if the protestant claims to represent the public interest, a precise state-

1 ment of the public interest represented;

2 (c) A detailed description of how the action proposed in the proposed final  
3 order would impair or be detrimental to the protestant's interest;

4 (d) A detailed description of how the proposed final order is in error or  
5 deficient and how to correct the alleged error or deficiency;

6 (e) Any citation of legal authority supporting the protest, if known; and

7 (f) The protest fee required under ORS 536.050.

8 (8) Requests for standing and protests on the proposed final order shall  
9 be submitted within 45 days after publication of the notice of the proposed  
10 final order in the weekly notice published by the department. Any person  
11 who asks to receive a copy of the department's final order shall submit to  
12 the department the fee required under ORS 536.050 (1)(p), unless the person  
13 has previously requested copies and paid the required fee under ORS 537.620  
14 (7), the person is a protestant and has paid the fee required under ORS  
15 536.050 (1)(j) or the person has standing and has paid the fee under ORS  
16 536.050 (1)(n).

17 (9) Within 60 days after the close of the period for receiving protests, the  
18 Water Resources Director shall:

19 (a) Issue a final order as provided under ORS 537.625 (1); or

20 (b) Schedule a contested case hearing if a protest has been submitted and  
21 if:

22 (A) Upon review of the issues, the director finds that there are significant  
23 disputes related to the proposed use of water; or

24 (B) Within 30 days after the close of the period for submitting protests,  
25 the applicant requests a contested case hearing.

26 **SECTION 31.** ORS 537.775 is amended to read:

27 537.775. (1) Whenever the Water Resources Commission finds that any  
28 well, including any well exempt under ORS 537.545, is by the nature of its  
29 construction, operation or otherwise causing wasteful use of ground water,  
30 is unduly interfering with other wells or surface water supply, is a threat  
31 to health, is polluting ground water or surface water supplies, is causing



1 substantial alteration of ground water temperatures or is causing substantial  
2 thermal interference with other wells contrary to ORS 537.505 to 537.795 and  
3 537.992, the commission may order discontinuance of the use of the well,  
4 impose conditions upon the use of such well to such extent as may be nec-  
5 essary to remedy the defect or order permanent abandonment of the well  
6 according to specifications of the commission.

7 (2) In the absence of a determination of a critical ground water area, any  
8 order issued under this section imposing conditions upon interfering wells  
9 shall provide to each party all water to which the party is entitled, in ac-  
10 cordance with the date of priority of the water right.

11 (3) A landowner who replaces an old well by drilling a new well shall  
12 permanently abandon the old well if the old well is within a setback as de-  
13 fined in well construction rules adopted by the commission. Permanent  
14 abandonment of a well located within a setback shall occur within one year  
15 after the function of the well is replaced or within one year after the water  
16 right, if applicable, is transferred to the new well, whichever is later.

17 **(4) In a ground water management area declared under ORS**  
18 **468B.180, the commission shall require the repair, or replacement and**  
19 **abandonment, of domestic wells described in ORS 537.545 (1)(d), and**  
20 **of wells permitted under ORS 537.505 to 537.795, that are commingling.**

21 **SECTION 32.** ORS 537.780 is amended to read:

22 537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992,  
23 the Water Resources Commission may:

24 (a) Require that all flowing wells be capped or equipped with valves so  
25 that the flow of ground water may be completely stopped when the ground  
26 water is not actually being applied to a beneficial use.

27 (b) Enforce:

28 (A) General standards for the construction, alteration, abandonment,  
29 conversion or maintenance of wells and their casings, fittings, valves, pumps  
30 and back-siphoning prevention devices; and

31 (B) Special standards for the construction, alteration, abandonment, con-

1 version or maintenance of particular wells and their casings, fittings, valves  
2 and pumps.

3 (c)(A) Adopt by rule and enforce when necessary to protect the ground  
4 water resource, standards for the construction, maintenance, abandonment  
5 or use of any hole through which ground water may be contaminated; or

6 (B) Enter into an agreement with, or advise, other state agencies that are  
7 responsible for holes other than wells through which ground water may be  
8 contaminated in order to protect the ground water resource from contam-  
9 ination.

10 (d) Enforce uniform standards for the scientific measurement of water  
11 levels and of ground water flowing or withdrawn from wells.

12 (e) Enter upon any lands for the purpose of inspecting wells, including  
13 wells exempt under ORS 537.545, casings, fittings, valves, pipes, pumps,  
14 measuring devices and back-siphoning prevention devices.

15 (f) Prosecute actions and suits to enjoin violations of ORS 537.505 to  
16 537.795 and 537.992, and appear and become a party to any action, suit or  
17 proceeding in any court or before any administrative body when it appears  
18 to the satisfaction of the commission that the determination of the action,  
19 suit or proceeding might be in conflict with the public policy expressed in  
20 ORS 537.525.

21 (g) Call upon and receive advice and assistance from the Environmental  
22 Quality Commission or any other public agency or any person, and enter into  
23 cooperative agreements with a public agency or person.

24 (h) Adopt and enforce rules necessary to carry out the provisions of ORS  
25 537.505 to 537.795 and 537.992 including but not limited to rules governing:

26 (A) The form and content of registration statements, certificates of reg-  
27 istration, applications for permits, permits, certificates of completion, ground  
28 water right certificates, notices, proofs, maps, drawings, logs and licenses;

29 (B) Procedure in hearings held by the commission; and

30 (C) The circumstances under which the helpers of persons operating well  
31 drilling machinery may be exempt from the requirement of direct supervision

1 by a licensed water well constructor.

2 (i) In accordance with applicable law regarding search and seizure, apply  
3 to any court of competent jurisdiction for a warrant to seize any well drill-  
4 ing machine used in violation of ORS 537.747 or 537.753.

5 **(j) Establish by rule, and enforce, backflow prevention requirements**  
6 **for the use of surface water in a ground water concern area, as defined**  
7 **in ORS 468B.150.**

8 **(2) In the administration of ORS 537.505 to 537.795 and 537.992 in a**  
9 **ground water management area declared under ORS 468B.180, the**  
10 **commission shall identify the locations of, and compile information**  
11 **about the functionality of:**

12 **(a) Domestic water wells described in ORS 537.545 (1)(d), including**  
13 **domestic water wells shared by multiple residences; and**

14 **(b) Water wells permitted under ORS 537.505 to 537.795.**

15 **(3) In the administration of ORS 537.505 to 537.795 and 537.992 in a**  
16 **ground water quality concern area, as defined in ORS 468B.150, the**  
17 **commission shall assess water wells and require compliance with**  
18 **backflow prevention rules.**

19 [(2)] **(4)** Notwithstanding any provision of subsection (1) of this section,  
20 in administering the provisions of ORS 537.505 to 537.795 and 537.992, the  
21 commission may not:

22 (a) Adopt any rule restricting ground water use in an area unless the rule  
23 is based on substantial evidence in the record of the Water Resources De-  
24 partment to justify the imposition of restrictions.

25 (b) Make any determination that a ground water use will impair, sub-  
26 stantially interfere or unduly interfere with a surface water source unless  
27 the determination is based on substantial evidence. Such evidence may in-  
28 clude reports or studies prepared with relation to the specific use or may be  
29 based on the application of generally accepted hydrogeological principles to  
30 the specific use.

31 [(3)] **(5)** At least once every three years, the commission shall review any

1 rule adopted under subsection [(2)] (4) of this section that restricts ground  
2 water use in an area. The review process shall include public notice and an  
3 opportunity to comment on the rule.

4 **SECTION 33.** ORS 540.435 is amended to read:

5 540.435. (1) In addition to any other authority of the Water Resources  
6 Commission to order installation of a measuring device, if the commission  
7 finds accurate water use information necessary because of serious water  
8 management problems created by ground water decline, **impaired ground**  
9 **water quality**, unresolved user disputes or frequent water shortages, the  
10 commission by rule may require a water right owner using any surface or  
11 ground water source within the state to install a totalizing measuring device  
12 and to submit annually a water use report.

13 (2) Before the commission implements any requirements under subsection  
14 (1) of this section the commission shall:

15 (a) Cause a hearing to be conducted in the affected area to determine  
16 whether a serious management problem exists; and

17 (b) Allow any affected person an opportunity to present alternative  
18 methods or devices that could be used to provide the information necessary  
19 to manage the water resource or to alleviate the water management problem.

20 (3) The watermaster may prohibit the diversion or use of water by anyone  
21 who has failed to comply with a commission rule or order requiring instal-  
22 lation of measuring devices or submission of a water use report.

23 **(4) The Water Resources Department may use data collected under**  
24 **this section to support characterization of an aquifer in an area with**  
25 **serious water management problems.**

26 **SECTION 34.** ORS 540.520 is amended to read:

27 540.520. (1)(a) Except when the application is made under ORS 541.327 or  
28 when an application for a temporary transfer is made under ORS 540.523, if  
29 the holder of a water use subject to transfer for irrigation, domestic use,  
30 manufacturing purposes, or other use, for any reason desires to change the  
31 place of use, the point of diversion, or the use made of the water, an appli-

1 cation to make such change, as the case may be, shall be filed with the  
2 Water Resources Department.

3 (b) A holder of a water right certificate that authorizes the storage of  
4 water may change the type of use identified in the water right certificate,  
5 as described in this section.

6 (2) The application required under subsection (1) of this section shall in-  
7 clude:

8 (a) The name of the owner;

9 (b) The previous use of the water;

10 (c) A description of the premises upon which the water is used;

11 (d) A description of the premises upon which it is proposed to use the  
12 water;

13 (e) The use that is proposed to be made of the water;

14 (f) The reasons for making the proposed change; and

15 (g) Evidence that the water has been used over the past five years ac-  
16 cording to the terms and conditions of the owner's water right certificate  
17 or that the water right is not subject to forfeiture under ORS 540.610.

18 (3) If the application required under subsection (1) of this section is nec-  
19 essary to allow a change in a water right pursuant to ORS 537.348, is nec-  
20 essary to complete a project funded under ORS 541.932, or is approved by the  
21 State Department of Fish and Wildlife as a change that will result in a net  
22 benefit to fish and wildlife habitat, the department, at the discretion of the  
23 Water Resources Director, may waive or assist the applicant in satisfying the  
24 requirements of subsection (2)(c) and (d) of this section. The assistance pro-  
25 vided by the department may include, but need not be limited to, development  
26 of an application map.

27 (4) If the application is to change the point of diversion, the transfer shall  
28 include a condition that the holder of the water right provide a proper fish  
29 screen at the new point of diversion, if requested by the State Department  
30 of Fish and Wildlife.

31 (5) Upon the filing of the application the department shall give notice by

1 publication in a newspaper having general circulation in the area in which  
2 the water rights are located, for a period of at least two weeks and not less  
3 than one publication each week. The notice shall include the date on which  
4 the last notice by publication will occur. The cost of the publication shall  
5 be paid by the applicant in advance to the department. In applications for  
6 only a change in place of use or for a change in the point of diversion of less  
7 than one-fourth mile, and where there are no intervening diversions between  
8 the old diversion of the applicant and the proposed new diversion, no news-  
9 paper notice need be published. The department shall include notice of such  
10 applications in the weekly notice published by the department.

11 (6) Within 30 days after the last publication of a newspaper notice of the  
12 proposed transfer or the mailing of the department's weekly notice, which-  
13 ever is later, any person may file, jointly or severally, with the department,  
14 a protest against approval of the application.

15 (7) If a timely protest is filed, or in the opinion of the Water Resources  
16 Director a hearing is necessary to determine whether the proposed changes  
17 as described by the application would result in injury to existing water  
18 rights, the department shall hold a hearing on the matter. Notice and con-  
19 duct of the hearing shall be under the provisions of ORS chapter 183, per-  
20 taining to contested cases, and shall be held in the area where the rights are  
21 located unless all parties and persons who filed a protest under this sub-  
22 section stipulate otherwise.

23 (8) An application for a change of use under this section is not required  
24 if the beneficial use authorized by the water use subject to transfer is irri-  
25 gation and the owner of the water right uses the water for incidental agri-  
26 cultural, stock watering and other uses related to irrigation use, so long as  
27 there is no increase in the rate, duty, total acreage benefited or season of  
28 use.

29 (9) A water right transfer under subsection (1) of this section is not re-  
30 quired for a general industrial use that was not included in a water right  
31 certificate issued for a specific industrial use if:

1 (a) The quantity of water used for the general industrial use is not  
2 greater than the rate allowed in the original water right and not greater  
3 than the quantity of water diverted to satisfy the authorized specific use  
4 under the original water right;

5 (b) The location where the water is to be used for general industrial use  
6 was owned by the holder of the original water right at the time the water  
7 right permit was issued; and

8 (c) The person who makes the change in water use provides the following  
9 information to the Water Resources Department:

10 (A) The name and mailing address of the person using water under the  
11 water right;

12 (B) The water right certificate number;

13 (C) A description of the location of the industrial facility owned by the  
14 holder of the original water right at the time the water right permit was  
15 issued; and

16 (D) A description of the general industrial use to be made of the water  
17 after the change.

18 **(10) The Water Resources Department may not approve an applica-**  
19 **tion under this section for a change of use, place of use or point of**  
20 **diversion that will negatively affect efforts to address ground water**  
21 **contamination in:**

22 **(a) A ground water quality concern area declared under ORS 448.268**  
23 **or 468B.175.**

24 **(b) A ground water management area declared under ORS 468B.180.**

25 **SECTION 35. The unit captions used in this 2025 Act are provided**  
26 **only for the convenience of the reader and do not become part of the**  
27 **statutory law of this state or express any legislative intent in the**  
28 **enactment of this 2025 Act.**

29 **SECTION 36. (1) Sections 5 to 7 and 13 to 19 of this 2025 Act, the**  
30 **amendments to ORS 215.213, 215.283, 448.268, 468B.050, 468B.150,**  
31 **468B.162, 468B.169, 468B.175, 468B.177, 468B.179, 468B.180, 468B.182,**

1 468B.184, 468B.186, 468B.188, 536.340, 537.101, 537.615, 537.621, 537.775,  
2 537.780, 540.435 and 540.520 by sections 1 to 4, 8 to 12 and 21 to 34 of this  
3 2025 Act and the repeal of ORS 468B.183 by section 20 of this 2025 Act  
4 become operative on January 1, 2026.

5 (2) The Governor, the Department of Environmental Quality, the  
6 State Department of Agriculture, the Water Resources Department,  
7 the Oregon Health Authority and the Department of Land Conserva-  
8 tion and Development may take any action before the operative date  
9 specified in subsection (1) of this section that is necessary to enable  
10 the Governor, the Department of Environmental Quality, the State  
11 Department of Agriculture, the Water Resources Department, the  
12 Oregon Health Authority and the Department of Land Conservation  
13 and Development to exercise, on and after the operative date specified  
14 in subsection (1) of this section, all of the duties, functions and powers  
15 conferred on the Governor, the Department of Environmental Quality,  
16 the State Department of Agriculture, the Water Resources Depart-  
17 ment, the Oregon Health Authority and the Department of Land  
18 Conservation and Development by sections 5 to 7 and 13 to 19 of this  
19 2025 Act, the amendments to ORS 215.213, 215.283, 448.268, 468B.050,  
20 468B.150, 468B.162, 468B.169, 468B.175, 468B.177, 468B.179, 468B.180,  
21 468B.182, 468B.184, 468B.186, 468B.188, 536.340, 537.101, 537.615, 537.621,  
22 537.775, 537.780, 540.435 and 540.520 by sections 1 to 4, 8 to 12 and 21 to  
23 34 of this 2025 Act and the repeal of ORS 468B.183 by section 20 of this  
24 2025 Act.

25 SECTION 37. This 2025 Act takes effect on the 91st day after the  
26 date on which the 2025 regular session of the Eighty-third Legislative  
27 Assembly adjourns sine die.

28

---