

# House Bill 3681

Sponsored by Representative GAMBÀ; Representatives HELM, WRIGHT, Senators GOLDEN, SOLLMAN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes changes to the EFSC site certificate process. (Flesch Readability Score: 61.2).

Requires the Energy Facility Siting Council to conclude a contested case and issue a final order within 12 months from the date of a proposed order. Provides that any final order issued by the council is appealable directly to the Supreme Court.

Allows a holder of a site certificate to file a notice for minor changes to the site boundaries of an energy facility. Allows a holder of a site certificate for certain energy facilities to file a request to extend by up to three years the deadlines by which construction of a facility must begin or be completed as specified in the site certificate.

Narrows the criteria by which the Public Utility Commission reviews a petition for a certificate of public convenience and necessity for overhead transmission lines. Directs the commission to review a petition for a certificate of public convenience and necessity without requiring a petitioner to first obtain any required land use approvals.

Allows the use of a site certificate for a high voltage transmission line as conclusive evidence of public use and necessity for any proceeding for condemnation of land or an interest therein. Allows a high voltage transmission line that has been designated as having statewide significance by a regional transmission authority that is established under state law to be placed in areas zoned for exclusive farm use.

## A BILL FOR AN ACT

Relating to energy facilities; creating new provisions; and amending ORS 215.213, 215.283, 469.370, 469.401, 469.403, 469.405 and 758.015.

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

## ENERGY FACILITY SITING PROCESS

**SECTION 1.** ORS 469.370 is amended to read:

469.370. (1) Based on its review of the application and the comments and recommendations on the application from state agencies and local governments, the State Department of Energy shall prepare and issue a draft proposed order on the application.

(2) Following issuance of the draft proposed order, the Energy Facility Siting Council shall hold one or more public hearings on the application for a site certificate in the affected area and elsewhere, as the council considers necessary. Notice of the hearing shall be mailed at least 20 days before the hearing. The notice shall, at a minimum:

(a) Comply with the requirements of ORS 197.797 (2), with respect to the persons notified;

(b) Include a description of the facility and the facility's general location;

(c) Include the name of an agency representative to contact and the telephone number where additional information may be obtained;

(d) State that copies of the application and draft proposed order are available for inspection at no cost and will be provided at a reasonable cost; and

(e) State that failure to raise an issue in person or in writing prior to the close of the record

**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 of the public hearing with sufficient specificity to afford the decision maker an opportunity to re-  
2 spond to the issue precludes consideration of the issue in a contested case.

3 (3) Any issue that may be the basis for a contested case shall be raised not later than the close  
4 of the record at or following the final public hearing prior to issuance of the department's proposed  
5 order. Such issues shall be raised with sufficient specificity to afford the council, the department  
6 and the applicant an adequate opportunity to respond to each issue. A statement of this requirement  
7 shall be made at the commencement of any public hearing on the application.

8 (4) After reviewing the application, the draft proposed order and any testimony given at the  
9 public hearing and after consulting with other agencies, the department shall issue a proposed order  
10 recommending approval or rejection of the application. The department shall issue public notice of  
11 the proposed order, that shall include notice of a contested case hearing specifying a deadline for  
12 requests to participate as a party or limited party and a date for the prehearing conference.

13 (5) Following receipt of the proposed order from the department, the council shall conduct a  
14 contested case hearing on the application for a site certificate in accordance with the applicable  
15 provisions of ORS chapter 183 and any procedures adopted by the council. **The council shall con-**  
16 **clude the contested case and issue a final order within 12 months from the date of the pro-**  
17 **posed order.** The applicant shall be a party to the contested case. The council may permit any other  
18 person to become a party to the contested case in support of or in opposition to the application only  
19 if the person appeared in person or in writing at the public hearing on the site certificate applica-  
20 tion. Issues that may be the basis for a contested case shall be limited to those raised on the record  
21 of the public hearing under subsection (3) of this section, unless:

22 (a) The department failed to follow the requirements of subsection (2) or (3) of this section; or

23 (b) The action recommended in the proposed order, including any recommended conditions of the  
24 approval, differs materially from that described in the draft proposed order, in which case only new  
25 issues related to such differences may be raised.

26 (6) If no person requests party status to challenge the department's proposed order, the proposed  
27 order shall be forwarded to the council and the contested case hearing shall be concluded.

28 (7) At the conclusion of the contested case, the council shall issue a final order, either approving  
29 or rejecting the application based upon the standards adopted under ORS 469.501 and any additional  
30 statutes, rules or local ordinances determined to be applicable to the facility by the project order,  
31 as amended. The council shall make its decision by the affirmative vote of at least four members  
32 approving or rejecting any application for a site certificate. The council may amend or reject the  
33 proposed order, so long as the council provides public notice of its hearing to adopt a final order,  
34 and provides an opportunity for the applicant and any party to the contested case to comment on  
35 material changes to the proposed order, including material changes to conditions of approval re-  
36 sulting from the council's review. The council's order shall be considered a final order for purposes  
37 of appeal.

38 (8) Rejection or approval of an application, together with any conditions that may be attached  
39 to the certificate, shall be subject to judicial review as provided in ORS 469.403.

40 (9) The council shall either approve or reject an application for a site certificate:

41 (a) Within 24 months after filing an application for a nuclear installation, or for a thermal power  
42 plant, other than that described in paragraph (b) of this subsection, with a nameplate rating of more  
43 than 200,000 kilowatts;

44 (b) Within nine months after filing of an application for a site certificate for a combustion tur-  
45 bine power plant, a geothermal-fueled power plant or an underground storage facility for natural

1 gas;

2 (c) Within six months after filing an application for a site certificate for an energy facility, if  
3 the application is:

4 (A) To expand an existing industrial facility to include an energy facility;

5 (B) To expand an existing energy facility to achieve a nominal electric generating capacity of  
6 between 25 and 50 megawatts; or

7 (C) To add injection or withdrawal capacity to an existing underground gas storage facility; or

8 (d) Within 12 months after filing an application for a site certificate for any other energy facil-  
9 ity.

10 (10) At the request of the applicant, the council shall allow expedited processing of an applica-  
11 tion for a site certificate for an energy facility with an average electric generating capacity of less  
12 than 100 megawatts. No notice of intent shall be required. Following approval of a request for ex-  
13 pedited review, the department shall issue a project order, which may be amended at any time. The  
14 council shall either approve or reject an application for a site certificate within six months after  
15 filing the site certificate application if there are no intervenors in the contested case conducted  
16 under subsection (5) of this section. If there are intervenors in the contested case, the council shall  
17 either approve or reject an application within nine months after filing the site certificate applica-  
18 tion. For purposes of this subsection, the generating capacity of a thermal power plant is the  
19 nameplate rating of the electrical generator proposed to be installed in the plant.

20 (11) Failure of the council to comply with the deadlines set forth in subsection (9) or (10) of this  
21 section shall not result in the automatic issuance or denial of a site certificate.

22 (12) The council shall specify in the site certificate a date by which construction of the facility  
23 must begin.

24 (13) For a facility that is subject to and has been or will be reviewed by a federal agency under  
25 the National Environmental Policy Act, 42 U.S.C. [Section] 4321[,] et seq., the council shall conduct  
26 its site certificate review, to the maximum extent feasible, in a manner that is consistent with and  
27 does not duplicate the federal agency review. Such coordination shall include, but need not be lim-  
28 ited to:

29 (a) Elimination of duplicative application, study and reporting requirements;

30 (b) Council use of information generated and documents prepared for the federal agency review;

31 (c) Development with the federal agency and reliance on a joint record to address applicable  
32 council standards;

33 (d) Whenever feasible, joint hearings and issuance of a site certificate decision in a time frame  
34 consistent with the federal agency review; and

35 (e) To the extent consistent with applicable state standards, establishment of conditions in any  
36 site certificate that are consistent with the conditions established by the federal agency.

37 **SECTION 2.** ORS 469.403 is amended to read:

38 469.403. (1) Any party to a contested case proceeding may apply for rehearing within 30 days  
39 from the date the approval or rejection is served. The date of service shall be the date on which the  
40 Energy Facility Siting Council delivered or mailed its approval or rejection in accordance with ORS  
41 183.470. The application for rehearing shall set forth specifically the ground upon which the appli-  
42 cation is based. No objection to the council's approval or rejection of an application for a site cer-  
43 tificate or a site certificate amendment shall be considered on rehearing without good cause shown  
44 unless the basis for the objection is urged with reasonable specificity before the council in the site  
45 certificate or amended site certificate process. Upon such application, the council shall have the

1 power to grant or deny rehearing or to abrogate or modify its order without further hearing. Unless  
 2 the council acts upon the application for rehearing within 30 days after the application is filed, the  
 3 application shall be considered denied. The filing of an application for rehearing shall not, unless  
 4 specifically ordered by the council, operate as a stay of the site certificate or amended site certifi-  
 5 cate for the facility.

6 (2) Any party to a contested case **or other than contested case** proceeding on a site certificate  
 7 or amended site certificate application may appeal **a final order issued by the council under ORS**  
 8 **469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992, including** the council’s approval or re-  
 9 jection of the site certificate or amended site certificate application. Issues on appeal shall be lim-  
 10 ited to those raised by the parties to the contested case **or other than contested case** proceeding  
 11 before the council. **To appeal a final order, a petitioner shall establish individual or**  
 12 **associational standing by demonstrating an injury to the petitioner or petitioner’s members**  
 13 **resulting from the final order.**

14 (3) Jurisdiction for judicial review of **final orders issued by the council under ORS 469.300**  
 15 **to 469.563, 469.590 to 469.619, 469.930 and 469.992, including** the council’s approval or rejection  
 16 of an application for a site certificate or amended site certificate, is conferred upon the Supreme  
 17 Court. Proceedings for review shall be instituted by filing a petition in the Supreme Court. The pe-  
 18 tition shall be filed within 60 days after the date of service of the council’s final order or within 30  
 19 days after the date the petition for rehearing is denied or deemed denied. Date of service shall be  
 20 the date on which the council delivered or mailed its order in accordance with ORS 183.470.

21 (4) The filing of a petition for judicial review may not stay the order, except that a party to the  
 22 contested case may apply to the Supreme Court for a stay upon a showing that there is a colorable  
 23 claim of error and that:

24 (a) The petitioner will suffer irreparable injury; or

25 (b) Construction of the energy facility will result in irreparable harm to resources protected by  
 26 applicable council standards or applicable agency or local government standards.

27 (5) If the Supreme Court grants a stay pursuant to subsection (4) of this section, the court:

28 (a) Shall require the petitioner requesting the stay to give an undertaking in the amount of  
 29 \$5,000.

30 (b) May grant a stay in whole or in part.

31 (c) May impose other reasonable conditions on the stay.

32 (6) Except as otherwise provided in ORS 469.320 and this section, the review by the Supreme  
 33 Court shall be the same as the review by the Court of Appeals described in ORS 183.482. The Su-  
 34 preme Court shall give priority on its docket to such a petition for review and shall render a deci-  
 35 sion within six months of the filing of the petition for review.

36 (7) The following periods of delay shall be excluded from the six-month period within which the  
 37 court must render a decision under subsection (6) of this section:

38 (a) Any period of delay resulting from a motion properly before the court; or

39 (b) Any reasonable period of delay resulting from a continuance granted by the court on the  
 40 court’s own motion or at the request of one of the parties, if the court granted the continuance on  
 41 the basis of findings that the ends of justice served by granting the continuance outweigh the best  
 42 interests of the public and the other parties in having a decision within six months.

43 (8) No period of delay resulting from a continuance granted by the Supreme Court under sub-  
 44 section (7)(b) of this section shall be excluded from the six-month period unless the court sets forth,  
 45 in the record, either orally or in writing, its reasons for finding that the ends of justice served by

1 granting the continuance outweigh the best interests of the public and the other parties in having  
 2 a decision within six months. The factors the court shall consider in determining whether to grant  
 3 a continuance under subsection (7)(b) of this section are:

4 (a) Whether the failure to grant a continuance in the proceeding would be likely to make a  
 5 continuation of the proceeding impossible or result in a miscarriage of justice; or

6 (b) Whether the case is so unusual or so complex, due to the number of parties involved or the  
 7 existence of novel questions of fact or law, that it is unreasonable to expect adequate consideration  
 8 of the issues within the six-month period.

9 (9) No continuance under subsection (7)(b) of this section shall be granted because of general  
 10 congestion of the court calendar or lack of diligent preparation or attention to the case by any  
 11 member of the court or any party.

12 **SECTION 3.** ORS 469.405 is amended to read:

13 469.405. (1) A site certificate may be amended with the approval of the Energy Facility Siting  
 14 Council. The council may establish by rule the type of amendment that must be considered in a  
 15 contested case proceeding. Judicial review of an amendment to a site certificate shall be as provided  
 16 in ORS 469.403.

17 (2) Notwithstanding ORS 34.020 or 197.825, or any other provision of law, the land use approval  
 18 by an affected local government of a proposed amendment to a facility and the recommendation of  
 19 the special advisory group of applicable substantive criteria shall be subject to judicial review only  
 20 as provided in ORS 469.403. If the applicant elects to show compliance with the statewide planning  
 21 goals by demonstrating that the facility has received local land use approval, the provisions of this  
 22 section shall apply only to proposed projects for which the land use approval by the local govern-  
 23 ment occurs after the date an application for amendment is submitted to the State Department of  
 24 Energy.

25 (3) An amendment to a site certificate is not required for a pipeline less than 16 inches in di-  
 26 ameter and less than five miles in length that is proposed to be constructed to test or maintain an  
 27 underground gas storage reservoir. If the proposed pipeline will connect to a council certified sur-  
 28 face facility related to an underground gas storage reservoir or to a council certified gas pipeline,  
 29 whether the proposed pipeline is to be located inside or outside the site of a council certified facil-  
 30 ity, the certificate holder must obtain, prior to construction, the approval of the department for the  
 31 construction, operation and retirement of the proposed pipeline. The department shall approve such  
 32 a proposed pipeline if the pipeline meets applicable council substantive standards. Notwithstanding  
 33 ORS 469.503 (3), the department may not review the proposed pipeline for compliance with other  
 34 state standards. Notwithstanding ORS 469.503 (4), or any council rule addressing compliance with  
 35 land use standards, the department shall not review such a proposed pipeline for compliance with  
 36 land use requirements. Notwithstanding ORS 469.401 (3), the approval by the department of such  
 37 pipeline shall not bind any state or local agency. The council may adopt appropriate procedural  
 38 rules for the department review. The department shall issue an order approving or rejecting the  
 39 proposed pipeline. Judicial review of a department order under this [section] **subsection** shall be as  
 40 provided in ORS 469.403.

41 **(4) A person who holds a site certificate may file a notice of an amendment to the site**  
 42 **certificate for minor changes to the site boundaries of an energy facility. The council shall**  
 43 **grant the amendment to the site certificate within 14 days from the date the notice is filed**  
 44 **unless the council determine that the changes to the site boundaries are not minor based**  
 45 **on criteria adopted by rule by the council.**

1 (5)(a) A person who holds a site certificate may file a request to extend by up to three  
 2 years the deadlines by which construction of an energy facility must begin or be completed  
 3 as specified in the site certificate.

4 (b) The council shall grant a request filed under this subsection if:

5 (A) The request is the person's first or second request to extend the deadlines;

6 (B) The person who holds the site certificate is in substantial compliance with the site  
 7 certificate, notwithstanding the deadlines by which construction must begin or be completed  
 8 as specified in the site certificate; and

9 (C) The site certificate is for an energy facility that is or is any combination of:

10 (i) A battery energy storage system, as defined in ORS 469.300;

11 (ii) A solar photovoltaic power generation facility under ORS 469.300 (12)(a)(D); or

12 (iii) An electric power generating plant under ORS 469.300 (12)(a)(J).

13 (c) The council shall grant a request that meets the requirements under paragraph (b)  
 14 of this subsection without requiring the person to apply for an amendment to the site cer-  
 15 tificate and shall issue a final order amending the site certificate for the new deadlines.

16 (d) Judicial review of an amendment to a site certificate under this subsection shall be  
 17 as provided in ORS 469.403.

18  
 19 **CONDEMNATION: PUBLIC CONVENIENCE AND NECESSITY**

20  
 21 **SECTION 4.** ORS 758.015 is amended to read:

22 758.015. (1) When any person, as defined in ORS 758.400, providing electric utility service, as  
 23 defined in ORS 758.400, or any transmission company, proposes to construct an overhead trans-  
 24 mission line which will necessitate a condemnation of land or an interest therein, it shall petition  
 25 the Public Utility Commission for a certificate of public convenience and necessity setting forth a  
 26 detailed description and the purpose of the proposed transmission line, the estimated cost, the route  
 27 to be followed, the availability of alternate routes, a description of other transmission lines con-  
 28 necting the same areas, and such other information in such form as the commission may reasonably  
 29 require in determining the public convenience and necessity.

30 (2)(a) The commission shall give notice and hold a public hearing on such petition. The com-  
 31 mission, in addition to considering facts presented at such hearing, shall make the commission's own  
 32 investigation to determine [*the necessity, safety, practicability and justification in the public interest*  
 33 *for the proposed transmission line*] **whether the proposed transmission line meets a need for**  
 34 **increased transmission capacity and reliability in the electric grid** and shall enter an order  
 35 accordingly. **The commission shall consider a petition for a certificate of public convenience**  
 36 **and necessity and enter an order without requiring a petitioner to first obtain any required**  
 37 **state or local land use approvals.**

38 (b) Except for petitions for a proposed transmission line for which the petitioner also seeks  
 39 approval from the Energy Facility Siting Council for the same transmission line, the order shall be  
 40 subject to review as in other cases. Orders on petitions for a proposed transmission line for which  
 41 the petitioner also seeks approval from the Energy Facility Siting Council for the same transmission  
 42 line are subject to judicial review in the same manner as an order in a contested case as set forth  
 43 in ORS 758.017.

44 (c) In any proceeding for condemnation, a certified copy of such order shall be conclusive evi-  
 45 dence that the transmission line for which the land is required is a public use and necessary for

1 public convenience.

2 (3) This section shall not apply to construction of transmission lines in connection with a project  
 3 for which a permit or license is otherwise obtained pursuant to state or federal law.

4 (4) As used in this section and ORS 758.020, “transmission company” means a person or entity  
 5 that owns or operates high voltage transmission lines and is subject to the jurisdiction of the Fed-  
 6 eral Energy Regulatory Commission. “Transmission company” does not include a cooperative or-  
 7 ganized under ORS chapter 62.

8 **SECTION 5.** ORS 469.401 is amended to read:

9 469.401. (1) Upon approval, the site certificate or any amended site certificate with any condi-  
 10 tions prescribed by the Energy Facility Siting Council shall be executed by the chairperson of the  
 11 council and by the applicant. The certificate or amended certificate shall authorize the applicant to  
 12 construct, operate and retire the facility subject to the conditions set forth in the site certificate  
 13 or amended site certificate. The duration of the site certificate or amended site certificate shall be  
 14 the life of the facility.

15 (2) The site certificate or amended site certificate shall contain conditions for the protection of  
 16 the public health and safety, for the time for completion of construction, and to ensure compliance  
 17 with the standards, statutes and rules described in ORS 469.501 and 469.503. The site certificate or  
 18 amended site certificate shall require both parties to abide by local ordinances and state law and  
 19 the rules of the council in effect on the date the site certificate or amended site certificate is exe-  
 20 cuted, except that upon a clear showing of a significant threat to the public health, safety or the  
 21 environment that requires application of later-adopted laws or rules, the council may require com-  
 22 pliance with such later-adopted laws or rules. For a permit addressed in the site certificate or  
 23 amended site certificate, the site certificate or amended site certificate shall provide for facility  
 24 compliance with applicable state and federal laws adopted in the future to the extent that such  
 25 compliance is required under the respective state agency statutes and rules.

26 (3) Subject to the conditions set forth in the site certificate or amended site certificate, any  
 27 certificate or amended certificate signed by the chairperson of the council shall bind the state and  
 28 all counties and cities and political subdivisions in this state as to the approval of the site and the  
 29 construction and operation of the facility. After issuance of the site certificate or amended site  
 30 certificate, any affected state agency, county, city and political subdivision shall, upon submission  
 31 by the applicant of the proper applications and payment of the proper fees, but without hearings or  
 32 other proceedings, promptly issue the permits, licenses and certificates addressed in the site certif-  
 33 icate or amended site certificate, subject only to conditions set forth in the site certificate or  
 34 amended site certificate. After the site certificate or amended site certificate is issued, the only is-  
 35 sue to be decided in an administrative or judicial review of a state agency or local government  
 36 permit for which compliance with governing law was considered and determined in the site certif-  
 37 icate or amended site certificate proceeding shall be whether the permit is consistent with the terms  
 38 of the site certificate or amended site certificate. Each state or local government agency that issues  
 39 a permit, license or certificate shall continue to exercise enforcement authority over the permit, li-  
 40 cense or certificate.

41 **(4) In any proceeding for condemnation of land or an interest therein, a certified copy**  
 42 **of a site certificate for an energy facility that is a high voltage transmission line under ORS**  
 43 **469.300 (12)(a)(C) shall be conclusive evidence that the high voltage transmission line for**  
 44 **which the land is required is a public use and necessary for public convenience.**

45 [(4)] (5) Nothing in ORS chapter 469 shall be construed to preempt the jurisdiction of any state

1 agency or local government over matters that are not included in and governed by the site certifi-  
 2 cate or amended site certificate. Such matters include but are not limited to employee health and  
 3 safety, building code compliance, wage and hour or other labor regulations, local government fees  
 4 and charges or other design or operational issues that do not relate to siting the facility.

5  
 6 **TRANSMISSION LINES HAVING STATEWIDE SIGNIFICANCE**

7  
 8 **SECTION 6.** ORS 215.213 is amended to read:

9 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
 10 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

17 (A) **A utility facility that is necessary as provided in** ORS 215.275; [*or*]

18 (B) [*If the utility facility is*] An associated transmission line, as defined in ORS 215.274 and  
 19 469.300[.];

20 (C) **A high voltage transmission line designated as having statewide significance by a re-**  
 21 **gional transmission authority that is established and empowered under state law to designate**  
 22 **a high voltage transmission line as having statewide significance; or**

23 (D) **A wetland waste treatment system.**

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

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

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

39 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
 40 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
 41 compressors, separators and other customary production equipment for an individual well adjacent  
 42 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
 43 an exception under ORS 197.732 (2)(a) or (b).

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



1 (2)(a) or (b).

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

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

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

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

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

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

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

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

25 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
 26 215.291.

27 (r) Farm stands if:

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

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

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

40 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
 41 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
 42 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
 43 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
 44 the surface preexisted the use approved under this paragraph. An owner of property used for the  
 45 purpose authorized in this paragraph may charge a person operating the use on the property rent

1 for the property. An operator may charge users of the property a fee that does not exceed the  
 2 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model  
 3 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
 4 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
 5 ground.

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

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

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

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

14 (A) A public right of way;

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

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

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

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

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

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

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

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

36 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
 37 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
 38 215.296:

39 (a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
 40 product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm op-  
 41 eration or woodlot:

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

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

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

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

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

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

12 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (u) A living history museum related to resource based activities owned and operated by a gov-  
37 ernmental agency or a local historical society, together with limited commercial activities and fa-  
38 cilities that are directly related to the use and enjoyment of the museum and located within  
39 authentic buildings of the depicted historic period or the museum administration building, if areas  
40 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
41 the museum administration buildings and parking lot are located within one quarter mile of the  
42 metropolitan urban growth boundary. As used in this paragraph:

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

1 (B) "Local historical society" means the local historical society, recognized as such by the  
 2 county governing body and organized under ORS chapter 65.

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

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

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

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

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

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

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

18 (aa) Child care facilities, preschool recorded programs or school-age recorded programs that are:

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

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

22 (C) Colocated with a community center or a public or private school allowed under this sub-  
 23 section.

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

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

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

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

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

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

45 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a

1 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
 2 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is  
 3 applicable; and

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

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

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

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

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

21 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
 22 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

45 (a) A county may authorize a single agri-tourism or other commercial event or activity on a

1 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
 2 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
 3 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

18 (i) Planned hours of operation;

19 (ii) Access, egress and parking;

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

22 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

- 1 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 2 (C) May not require that a new permanent structure be built, used or occupied in connection  
3 with the agri-tourism or other commercial events or activities;
- 4 (D) Must comply with ORS 215.296;
- 5 (E) May not, in combination with other agri-tourism or other commercial events or activities  
6 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 7 (F) Must comply with conditions established for:
  - 8 (i) The types of agri-tourism or other commercial events or activities that are authorized during  
9 each calendar year, including the number and duration of the agri-tourism or other commercial  
10 events and activities, the anticipated daily attendance and the hours of operation;
  - 11 (ii) The location of existing structures and the location of proposed temporary structures to be  
12 used in connection with the agri-tourism or other commercial events or activities;
  - 13 (iii) The location of access and egress and parking facilities to be used in connection with the  
14 agri-tourism or other commercial events or activities;
  - 15 (iv) Traffic management, including the projected number of vehicles and any anticipated use of  
16 public roads; and
  - 17 (v) Sanitation and solid waste.
- 18 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
19 or other commercial events or activities that occur more frequently or for a longer period or that  
20 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
21 commercial events or activities comply with any local standards that apply and the agri-tourism or  
22 other commercial events or activities:
  - 23 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-  
24 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
  - 25 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
  - 26 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
27 and
  - 28 (D) Do not exceed 18 events or activities in a calendar year.
- 29 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must  
30 request review of the permit at four-year intervals. Upon receipt of a request for review, the county  
31 shall:
  - 32 (a) Provide public notice and an opportunity for public comment as part of the review process;  
33 and
  - 34 (b) Limit its review to events and activities authorized by the permit, conformance with condi-  
35 tions of approval required by the permit and the standards established by subsection (11)(d) of this  
36 section.
- 37 (13) For the purposes of subsection (11) of this section:
  - 38 (a) A county may authorize the use of temporary structures established in connection with the  
39 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-  
40 tion. However, the temporary structures must be removed at the end of the agri-tourism or other  
41 event or activity. The county may not approve an alteration to the land in connection with an  
42 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,  
43 including, but not limited to, grading, filling or paving.
  - 44 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section  
45 for two calendar years. When considering an application for renewal, the county shall ensure com-



1 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and  
 2 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
 3 authorized by the permit.

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

8 **SECTION 7.** ORS 215.283 is amended to read:

9 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

16 (A) **A utility facility that is necessary as provided in** ORS 215.275; [*or*]

17 (B) [*If the utility facility is*] An associated transmission line, as defined in ORS 215.274 and  
 18 469.300[.];

19 (C) **A high voltage transmission line designated as having statewide significance by a re-**  
 20 **gional transmission authority that is established and empowered under state law to designate**  
 21 **a high voltage transmission line as having statewide significance; or**

22 (D) **A wetland waste treatment system.**

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

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

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

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

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

44 (i) Reconstruction or modification of public roads and highways, including the placement of  
 45 utility facilities overhead and in the subsurface of public roads and highways along the public right

1 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
 2 would occur, or no new land parcels result.

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

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

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

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

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

13 (o) Farm stands if:

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

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

23 (p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
 24 215.291.

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

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

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

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

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

44 (A) A public right of way;

45 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-

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

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

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

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

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

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

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

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

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

28 (b) Operations conducted for:

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

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

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

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

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

45 (d) Parks and playgrounds. A public park may be established consistent with the provisions of

1 ORS 195.120.

2 (e) Community centers owned by a governmental agency or a nonprofit community organization  
3 and operated primarily by and for residents of the local rural community. A community center au-  
4 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
5 gency and transitional shelter, preparation and service of meals, vocational and educational  
6 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
7 income replacement and substance abuse services, only in a facility that is in existence on January  
8 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
9 replacement or substance abuse services.

10 (f) Golf courses on land:

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

12 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) 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 public use by sale. If the  
17 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
18 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable  
19 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

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

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

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

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

41 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
42 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
43 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
44 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
45 ished or, in the case of an existing building, the building shall be removed, demolished or returned

1 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
 2 view of the hardship claimed under this paragraph. A temporary residence approved under this  
 3 paragraph is not eligible for replacement under subsection (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-

1   scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
 2   with the growing and marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

12       (dd) Child care facilities, preschool recorded programs or school-age recorded programs that are:

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

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

16       (C) Colocated with a community center or a public or private school allowed under this sub-  
 17   section.

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

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

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

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

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

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

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

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

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

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

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

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

45       (i) Planned hours of operation;

- 1 (ii) Access, egress and parking;
- 2 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
- 3 ipated use of public roads; and
- 4 (iv) Sanitation and solid waste.
- 5 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
- 6 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
- 7 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
- 8 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
- 9 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
- 10 To approve an expedited, single-event license, the governing body of a county or its designee must
- 11 determine that the proposed agri-tourism or other commercial event or activity meets any local
- 12 standards that apply, and the agri-tourism or other commercial event or activity:
- 13 (A) Must be incidental and subordinate to existing farm use on the tract;
- 14 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 15 (C) May not involve more than 100 attendees or 50 vehicles;
- 16 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 17 (E) May not require or involve the construction or use of a new permanent structure in con-
- 18 nection with the agri-tourism or other commercial event or activity;
- 19 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 20 properties consent, in writing, to the location; and
- 21 (G) Must comply with applicable health and fire and life safety requirements.
- 22 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 23 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 24 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 25 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 26 local standards that apply, and the agri-tourism or other commercial events or activities:
- 27 (A) Must be incidental and subordinate to existing farm use on the tract;
- 28 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 29 (C) May not require that a new permanent structure be built, used or occupied in connection
- 30 with the agri-tourism or other commercial events or activities;
- 31 (D) Must comply with ORS 215.296;
- 32 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 33 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 34 (F) Must comply with conditions established for:
- 35 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 36 each calendar year, including the number and duration of the agri-tourism or other commercial
- 37 events and activities, the anticipated daily attendance and the hours of operation;
- 38 (ii) The location of existing structures and the location of proposed temporary structures to be
- 39 used in connection with the agri-tourism or other commercial events or activities;
- 40 (iii) The location of access and egress and parking facilities to be used in connection with the
- 41 agri-tourism or other commercial events or activities;
- 42 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 43 public roads; and
- 44 (v) Sanitation and solid waste.
- 45 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism

1 or other commercial events or activities that occur more frequently or for a longer period or that  
2 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
3 commercial events or activities comply with any local standards that apply and the agri-tourism or  
4 other commercial events or activities:

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

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

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

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

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

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

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

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

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

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

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

35  
36 **CAPTIONS**

37  
38 **SECTION 8. The unit captions used in this 2025 Act are provided only for the convenience**  
39 **of the reader and do not become part of the statutory law of this state or express any leg-**  
40 **islative intent in the enactment of this 2025 Act.**