

Senate Bill 1154

Sponsored by COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

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

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

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

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

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

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

GROUND WATER QUALITY CONCERN AREAS

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

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

[(1) "Area of ground water concern" means an area of the state subject to a declaration by the Department of Environmental Quality under ORS 468B.175 or the Oregon Health Authority under ORS 448.268.]

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

(2) "Contaminant of concern" means the contaminant, or contaminants, present in ground water at levels which have resulted in a declaration of a ground water quality concern area or a ground water management area.

[(3)] **(3)** "Ground water management area" means an area in which contaminants in the ground water have exceeded the levels established under ORS 468B.165, and the affected area is subject to a declaration under ORS 468B.180.

(4) "Ground water quality concern area" means an area of the state subject to a declaration by the Department of Environmental Quality under ORS 468B.175 or the Oregon

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 **Health Authority under ORS 448.268.**

2 [(4)] (5) “Fertilizer” has the meaning given that term in ORS 633.311.

3 [(5)] (6) “Pesticide” has the meaning given that term in ORS 634.006.

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

5 468B.175. (1) If, as a result of its statewide monitoring and assessment activities under ORS
6 468B.190 **or through the review of other relevant data**, the Department of Environmental Quality
7 confirms the **persistent and prevalent** presence in ground water of contaminants suspected to be
8 the result, at least in part, of nonpoint source activities, the department shall declare [*an area of*
9 *ground water concern*] **a ground water quality concern area**. The declaration shall identify the
10 substances confirmed to be in the ground water and all ground water aquifers that may be affected.

11 (2) Before declaring [*an area of ground water concern*] **a ground water quality concern area**,
12 the [*agency making the declaration*] **department** shall have a laboratory **operated by the depart-**
13 **ment or an independent laboratory** confirm the results that would cause the [*agency*] **department**
14 to make the declaration.

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

16 468B.177. (1) After a declaration of [*an area of ground water concern, the Department of Envi-*
17 *ronmental Quality, in consultation with other appropriate state agencies, shall:*] **a ground water**
18 **quality concern area, the Governor shall designate a lead agency, or lead agencies, to lead**
19 **an interagency team. The Governor shall consider the primary contaminant of concern and**
20 **the respective responsibilities and authorities of each relevant agency when making the**
21 **designation. The interagency team may include the Department of Environmental Quality,**
22 **the State Department of Agriculture, the Water Resources Department and the State De-**
23 **partment of Geology and Mineral Industries, and other agencies with responsibilities or au-**
24 **thorities related to the contaminant of concern.**

25 (2) **Lead agencies and other agencies participating in the interagency team may enter**
26 **into intergovernmental agreements as necessary to carry out the duties of the interagency**
27 **team.**

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

29 [(1)] (a) Within 90 days, appoint a ground water management committee, **as provided in ORS**
30 **468B.179**, in the geographic area overlying the ground water aquifer;

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

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

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

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

38 (b) **Based on the best available information, develop, in a timely manner, an agency as-**
39 **essment to:**

40 (A) **Identify local residential, industrial and agricultural practices that may be contrib-**
41 **uting to deterioration of ground water quality in the area;**

42 (B) **Evaluate the threat to ground water from the potential nonpoint sources identified**
43 **under subparagraph (A) of this subsection; and**

44 (C) **Identify potential agency actions and recommended local actions to address the con-**
45 **tamination;**

1 (c) **Work collaboratively to design and implement a comprehensive hydrogeologic as-**
 2 **essment and groundwater monitoring strategy for the area; and**

3 (d) **Collect relevant information and encourage best management practices to better un-**
 4 **derstand and address sources of contamination in the ground water quality concern area.**

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

6 468B.179. (1)(a) *[Upon the request of a local government, or as required under ORS 468B.177 or*
 7 *468B.182, the Department of Environmental Quality, in consultation with other appropriate state agen-*
 8 *cies,]* **The agency or agencies designated to lead the interagency team under ORS 468B.177**
 9 **shall appoint a ground water management committee. The ground water management committee**
 10 **shall be composed of at least seven members representing a balance of interests in the area affected**
 11 **by the declaration.**

12 (b) **Except as provided in subsection (2) of this section, the groundwater management**
 13 **committee shall act solely to advise state agencies and the interagency team in the devel-**
 14 **opment of the agency assessment under ORS 468B.177 and the implementation of agency**
 15 **actions under any other provision of law to address ground water contamination in the**
 16 **ground water quality concern area.**

17 *[(2) After a declaration of an area of ground water concern, the ground water management com-*
 18 *mittee shall develop and promote a local action plan for the area of ground water concern. The local*
 19 *action plan shall include but need not be limited to:]*

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

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

23 (2) **The ground water management committee shall review the agency assessment devel-**
 24 **oped under ORS 468B.177 upon its completion. The ground water management committee**
 25 **shall develop and promote a local voluntary implementation plan for the ground water quality**
 26 **concern area. The local voluntary implementation plan shall include local actions that will**
 27 **be promoted and voluntarily implemented to address causes of contamination in the ground**
 28 **water quality concern area. The plan shall include quantitative targets and timelines where**
 29 **appropriate. Contents of the plan may include, but need not be limited to:**

30 *[(c)]* (a) **Evaluation and recommendations of alternative practices or best management prac-**
 31 **tice;**

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

33 *[(e)]* (c) **Recommendations of public education and research specific to that area that would as-**
 34 **ist in addressing the issues related to the [area of ground water concern] ground water quality**
 35 **concern area; and**

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

38 (3) *[The availability of the draft local action plan and announcement of a 30-day public comment*
 39 *period shall be publicized in a newspaper of general circulation in the area designated as an area of*
 40 *ground water concern.]* **A draft of the local voluntary implementation plan shall be made**
 41 **available for public comment for a period of 30 days.** Suggestions provided to the ground water
 42 management committee during the public comment period shall be considered by the ground water
 43 management committee in determining the final *[action]* **local voluntary implementation plan.**

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

1 education institutions.

2 (5) A ground water management committee preparing [*or carrying out an action plan in an area*
3 *of ground water concern*] **a local voluntary implementation plan in a ground water quality**
4 **concern area** or in a ground water management area may apply for a grant under ORS 468B.169
5 for limited funding for staff or for expenses of the ground water management committee.

6 **SECTION 5. Section 6 of this 2025 Act is added to and made a part of ORS 468B.150 to**
7 **468B.190.**

8 **SECTION 6. After a declaration of a ground water quality concern area, the following**
9 **state agencies, in coordination with the interagency team designated under ORS 468B.177,**
10 **shall take the following actions:**

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

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

15 (b) **Coordinate with counties within the area to compile available information regarding**
16 **alternative sewage disposal systems, nonwater-carried sewage disposal facilities and subsur-**
17 **face sewage disposal systems as those terms are defined in ORS 454.605, including the age**
18 **and location of individual systems or facilities;**

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

22 (d) **Prioritize funds available under ORS 454.779 for the repair or replacement of on-site**
23 **septic systems, as defined in ORS 454.779, in the ground water quality concern area.**

24 (2) **If a contaminant of concern is reasonably associated with agricultural activity, the**
25 **State Department of Agriculture shall:**

26 (a) **Update any ground water quality management plans developed under ORS 568.909**
27 **applicable to the ground water quality concern area. The plan updates must be designed to:**

28 (A) **Promote proactive source control related to the contaminant of concern;**

29 (B) **Provide best management practice information to potential sources of contamination;**
30 **and**

31 (C) **Promote stewardship agreement opportunities, including opportunities for data col-**
32 **lection.**

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

35 (c) **Gather available information to obtain a comprehensive characterization of nutrient**
36 **application across the ground water quality concern area.**

37 (d) **Require agricultural operations that are subject to permitting requirements under**
38 **this chapter to collect data related to ground water contaminants and make the data avail-**
39 **able to the department upon request.**

40 (3) **The Oregon Health Authority shall prepare a preliminary assessment that:**

41 (a) **Identifies risks to domestic well users and public water systems due to potential**
42 **contamination of drinking water supplies;**

43 (b) **Evaluates possible response strategies; and**

44 (c) **Estimates the cost of a public health response to the contamination.**

45 **SECTION 7. After a declaration of a ground water quality concern area, as defined in**

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

5
6 **GROUND WATER MANAGEMENT AREAS**

7
8 **SECTION 8.** ORS 468B.180 is amended to read:

9 468B.180. (1) The Department of Environmental Quality shall declare a ground water manage-
 10 ment area if, as a result of information provided to the department or from its statewide monitoring
 11 and assessment activities under ORS 468B.190, the department confirms that, as a result of sus-
 12 pected nonpoint source activities, there is present in the ground water:

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

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

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

19 (3) Before declaring a ground water management area under subsections (1) and (2) of this sec-
 20 tion, the *[agency]* **department** shall have a *[second]* laboratory **operated by the department or an**
 21 **independent laboratory** confirm the results that **would** cause the *[agency]* **department** to make the
 22 declaration.

23 (4) **After a declaration under subsections (1) and (2) of this section, a state agency may**
 24 **exercise within the ground water management area any of the agency's authorities or re-**
 25 **sponsibilities related to the prevention or control of ground water contamination in a ground**
 26 **water quality concern area, regardless of whether the ground water management area was**
 27 **previously declared a ground water quality concern area.**

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

29 468B.182. (1) After the declaration of a ground water management area, the *[Department of En-*
 30 *vironmental Quality, in consultation with other appropriate state agencies,]* **lead agency or agencies**
 31 **designated under ORS 468B.184** shall appoint a ground water management committee for the af-
 32 fected area if a ground water management committee has not already been appointed under ORS
 33 *[468B.177]* **468B.179**. If the affected area had previously been designated *[an area of ground water*
 34 *concern]* **a ground water quality concern area**, the same ground water management committee
 35 appointed under ORS *[468B.177]* **468B.179** shall continue *[to address the ground water issues raised*
 36 *as a result of the declaration of a ground water management area]* **to advise the interagency**
 37 **team.**

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

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

42 468B.184. (1) After a ground water management area is declared, the *[Department of Environ-*
 43 *mental Quality]* **Governor** shall designate a lead agency, **or lead agencies, to lead an interagency**
 44 **team** responsible for developing *[an]* **a draft** action plan *[and request other agencies to assume ap-*
 45 *propriate responsibilities for preparation of a draft action plan]* within 90 days after the declaration.

1 **If the affected area had previously been designated a ground water quality concern area, the**
 2 **Governor may designate the same lead agency or agencies designated under ORS 468B.177.**
 3 **If no lead agency or interagency team has been previously designated, the Governor shall**
 4 **consider the primary contaminant of concern and the agencies' respective responsibilities**
 5 **and authorities when making the designation. The interagency team may include, but need**
 6 **not be limited to, the Department of Environmental Quality, the State Department of Agri-**
 7 **culture, the Water Resources Department and the State Department of Geology and Mineral**
 8 **Industries or other agencies with responsibilities or authorities related to the contaminant**
 9 **of concern.**

10 (2) **Lead agencies and other agencies participating in the interagency team may enter**
 11 **into intergovernmental agreements as necessary to carry out the work of the interagency**
 12 **team.**

13 (3) The [agencies] **interagency team** shall develop an action plan to reduce existing contam-
 14 ination and to prevent further contamination of the affected ground water aquifer. The action plan
 15 shall include, but need not be limited to:

16 (a) Identification of practices that may be contributing to the contamination of ground water in
 17 the area;

18 (b) Consideration of all reasonable alternatives for reducing the contamination of the ground
 19 water to a level below that level requiring the declaration of a ground water management area;

20 (c) Recommendations of mandatory actions that, when implemented, will reduce the contam-
 21 ination to a level below that level requiring the declaration of ground water management area;

22 (d) A proposed time schedule for:

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

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

25 (C) Public review of the action plan;

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

29 (f) Required amendments of affected city or county comprehensive plans and land use regu-
 30 lations in accordance with the schedule and requirements of periodic review set forth in ORS
 31 chapters 197 and 197A to address the identified ground water protection and management concerns.

32 [(2)] (4) If a ground water management area is located on agricultural lands or in an area des-
 33 ignated as an exclusive farm use zone under ORS 215.203, the State Department of Agriculture shall
 34 be responsible for developing the portion of the action plan that addresses farming practices as de-
 35 fined in ORS 30.930.

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

37 468B.186. (1) After completion and distribution of the draft action plan under ORS 468B.184, the
 38 lead agency **or agencies** shall provide a 60-day period of public comment on the draft action plan
 39 and the manner by which members of the public may review the plan or obtain copies of the plan.
 40 [A notice of the comment period shall be published in two issues of one or more newspapers having
 41 general circulation in the counties in which the designated area of the ground water emergency is lo-
 42 cated, and in two issues of one or more newspapers having general circulation in the state.]

43 (2) Within 60 days after the close of the public comment period, the lead agency **or agencies**
 44 shall complete a final action plan. All suggestions and information provided to the lead agency **or**
 45 **agencies** during the public comment period shall be considered by the lead agency **or agencies** and

1 when appropriate shall be acknowledged in the final action plan.

2 **(3)(a) Upon completion of the final action plan, the lead agency or agencies shall submit**
 3 **the final action plan in a report to the Governor and the Joint Committee on Ways and**
 4 **Means or the Interim Joint Committee on Ways and Means in the manner provided by ORS**
 5 **192.245. The report may include requests for funding necessary to implement the plan.**

6 **(b) No later than December 15 of each even-numbered year during which a lead agency**
 7 **is responsible for the implementation of a final action plan, the lead agency shall submit a**
 8 **report in the manner provided by ORS 192.245 to the Interim Joint Committee on Ways and**
 9 **Means. The report shall describe the agency's progress in implementing the plan and may**
 10 **include requests for funding.**

11 **(4) Within 120 days after the completion of the final action plan, each agency that is re-**
 12 **sponsible for implementing all or part of the plan shall adopt rules necessary to carry out**
 13 **the agency's duties under the action plan. If two or more agencies are required to initiate**
 14 **rulemaking proceedings under this section, the agencies shall consult with one another to**
 15 **coordinate the rules. The agencies may consolidate the rulemaking proceedings.**

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

17 468B.188. (1) If, after implementation of the action plan developed by [*affected agencies*] **the**
 18 **interagency team** under ORS 468B.184 to 468B.187, the ground water improves so that the levels
 19 of contaminants no longer exceed the levels established under ORS 468B.180, the Department of
 20 Environmental Quality shall determine whether to repeal the ground water management area dec-
 21 laration and to establish [*an area of ground water concern*] **a ground water quality concern area.**

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

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

33 **SECTION 13. After a declaration of a ground water management area under ORS**
 34 **468B.180, the State Department of Agriculture:**

35 **(1) Shall establish and implement in the ground water management area:**

36 **(a) Limitations on ground water contaminants.**

37 **(b) Requirements related to agronomic rates and soil moisture content for nutrients that**
 38 **apply in the ground water management area.**

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

41 **SECTION 14. After a declaration of a ground water management area under ORS**
 42 **468B.180, the Oregon Health Authority shall, in consultation with local health authorities,**
 43 **develop and implement a public health remediation and response plan. The remediation and**
 44 **response plan shall be based on the preliminary assessment developed under section 6 (3) of**
 45 **this 2025 Act. If no preliminary assessment has been prepared under section 6 (3) of this 2025**

1 Act, the authority shall prepare a preliminary assessment before developing the remediation
2 and response plan under this section.

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

4 SECTION 16. Notwithstanding any other provision of ORS chapters 195 or 197 or this
5 chapter:

6 (1) A county may provide, or may enter into an agreement with a city or district in-
7 cluding under ORS 195.065 to 195.085 to provide, water or wastewater services for residential
8 units that are within a ground water management area declared under ORS 468B.180 and not
9 within an urban growth boundary. The provision of services under this section or ORS
10 215.213 (1)(c)(D) or 215.283 (1)(c)(D) may not be used to authorize the rezoning of property
11 for urban uses or used as the basis for an exception under ORS 197.732 (2)(a) or (b).

12 (2) A county may prohibit the development of any new residential dwelling or accessory
13 dwelling otherwise allowed under this chapter within a ground water management area un-
14 less the dwelling is connected to urban water supply services under subsection (1) of this
15 section or a community water well described in ORS 537.621 (2)(b).

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

19 SECTION 17. Section 18 of this 2025 Act is added to and made a part of ORS 454.605 to
20 454.755.

21 SECTION 18. (1) After a declaration of a ground water management area under ORS
22 468B.180, the Department of Environmental Quality or a contract agent may enter on to
23 private property at reasonable times to inspect residential subsurface sewage disposal sys-
24 tems or alternative sewage disposal systems.

25 (2) If the department determines that a subsurface sewage disposal system or an alter-
26 native sewage disposal system inspected under subsection (1) of this section is being operated
27 or maintained in violation of any rule adopted pursuant to ORS 454.625, the department shall
28 give notice to the person or persons in control of the system as provided in ORS 454.635.

29 SECTION 19. Notwithstanding any contrary provision of law, the Water Resources De-
30 partment may approve an application under ORS 537.615 to appropriate ground water in a
31 ground water management area declared under ORS 468B.180 for a community water well for
32 an amount of water equivalent to the amount of water provided by abandoned water wells.

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

34 AMENDMENTS TO STATUTES

35
36
37 SECTION 21. ORS 448.268 is amended to read:

38 448.268. (1) If, as a result of its activities under ORS 448.150, **or through the review of other**
39 **relevant data**, the Oregon Health Authority confirms the **persistent and prevalent** presence in
40 ground water drinking water supplies of contaminants resulting at least in part from suspected
41 nonpoint source activities, the authority shall declare [*an area of ground water concern*] **ground**
42 **water quality concern area**. The declaration shall identify the substances confirmed in the ground
43 water and all ground water aquifers that may be affected.

44 (2) **Before declaring a ground water quality concern area, the authority shall have a**
45 **laboratory operated by the Department of Environmental Quality or an independent labora-**

1 **tory confirm the results that would cause the authority to make the declaration.**

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

3 468B.162. (1) The Department of Environmental Quality shall coordinate the [following:]

4 [(a)] interagency management of ground water as necessary to achieve the goal set forth in ORS
5 468B.155.

6 [(b) *The regulatory activities of any affected state agency responding to the declaration of a ground
7 water management area under ORS 468B.180. As used in this subsection “affected state agency” means
8 any agency having management responsibility for, or regulatory control over the ground water resource
9 of this state or any substance that may contaminate the ground water resource of this state.*]

10 (2)(a) The Department of Environmental Quality shall provide staff for project oversight and for
11 those activities authorized under ORS 468B.165 to 468B.188, including scheduling meetings, provid-
12 ing public notice of meetings and other group activities and keeping records of group activities.

13 **(b) Notwithstanding paragraph (a) of this subsection, the department shall provide staff
14 support for projects or activities related to a ground water quality concern area or a ground
15 water management area only as required by the lead agency or agencies designated under
16 ORS 468B.177 or 468B.184.**

17 (3) In addition to its duties under subsection (1) of this section, the department shall, on or be-
18 fore January 1 of each odd-numbered year, prepare a report to the Legislative Assembly. The report
19 shall include the status of ground water in Oregon, efforts made in the immediately preceding year
20 to protect, conserve and restore Oregon’s ground water resources and grants awarded under ORS
21 468B.169.

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

23 468B.169. (1) Any person, state agency, political subdivision of this state or ground water man-
24 agement committee organized under ORS 468B.179 or 468B.182 may submit to the Department of
25 Environmental Quality a request for funding, advice or assistance for a research or development
26 project related to ground water quality as it relates to Oregon’s ground water resource.

27 (2) The request under subsection (1) of this section shall be filed in the manner, be in the form
28 and contain the information required by the department. [*The requester may submit the request either
29 to the department or to a ground water management committee organized under ORS 468B.179 or
30 468B.182.*]

31 (3) The department shall approve only those requests that meet the criteria established by the
32 department under ORS 468B.171.

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

34 468B.050. (1) Except as provided in ORS 468B.053 or 468B.215, without holding a permit from the
35 Director of the Department of Environmental Quality or the State Department of Agriculture, which
36 permit shall specify applicable effluent limitations, a person may not:

37 (a) Discharge any wastes into the waters of the state from any industrial or commercial estab-
38 lishment or activity or any disposal system.

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

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

43 (d) Construct, install, operate or conduct any industrial, commercial, confined animal feeding
44 operation or other establishment or activity or any extension or modification thereof or addition
45 thereto, the operation or conduct of which would cause an increase in the discharge of wastes into

1 the waters of the state or which would otherwise alter the physical, chemical or biological proper-
 2 ties of any waters of the state in any manner not already lawfully authorized.

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

4 (2) The Department of Environmental Quality or the State Department of Agriculture may issue
 5 a permit under this section as an individual, general or watershed permit. A permit may be issued
 6 to a class of persons using the procedures for issuance of an order or for the adoption of a rule.
 7 Notwithstanding the definition of “order” or “rule” provided in ORS 183.310, in issuing a general
 8 or watershed permit by order pursuant to this section, the State Department of Agriculture or De-
 9 partment of Environmental Quality:

10 (a) Is not required to direct the order to a named person or named persons; and

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

13 (3) When deciding whether to issue a permit to a confined animal feeding operation under this
 14 section, the Department of Environmental Quality or the State Department of Agriculture shall
 15 consider any relevant determination by the Water Resources Department pursuant to ORS 468B.216
 16 (2).

17 (4) Notwithstanding subsection (2) of this section, the Department of Environmental Quality or
 18 the State Department of Agriculture may not issue a general NPDES or WPCF permit to a new
 19 large confined animal feeding operation that:

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

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

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

25 (6) The State Department of Agriculture or the Department of Environmental Quality may define
 26 “confined animal feeding operation” by rule for purposes of implementing this section.

27 **(7) After a declaration of a ground water management area under ORS 468B.180, the**
 28 **Department of Environmental Quality may require the renewal of any permit issued under**
 29 **this section if the department determines that permit renewal is necessary to address an**
 30 **urgent ground water contamination issue. A permit that is renewed under this section must**
 31 **include conditions that limit the discharge of a contaminant of concern, as defined in ORS**
 32 **468B.150.**

33 [(7)] (8) As used in this section:

34 (a) “New large confined animal feeding operation” has the meaning given that term in ORS
 35 468B.215.

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

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

38 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
 39 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

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

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

22 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
23 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
24 compressors, separators and other customary production equipment for an individual well adjacent
25 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
26 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

45 (m) Minor betterment of existing public road and highway related facilities, such as maintenance

1 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
 2 public-owned property utilized to support the operation and maintenance of public roads and high-
 3 ways.

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

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

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

8 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
 9 215.291.

10 (r) Farm stands if:

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

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

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

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

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

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

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

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

42 (A) A public right of way;

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

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

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

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

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

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

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

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

19 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
20 the following uses may be established in any area zoned for exclusive farm use subject to ORS
21 215.296:

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

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

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

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

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

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

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

40 (d) Operations conducted for:

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

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

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

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

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, hunting and fishing pre-
4 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
5 county governing body or its designee, a private campground may provide yurts for overnight
6 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
7 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
8 Upon request of a county governing body, the Land Conservation and Development Commission may
9 provide by rule for an increase in the number of yurts allowed on all or a portion of the
10 campgrounds in a county if the commission determines that the increase will comply with the stan-
11 dards described in ORS 215.296 (1). A public park or campground may be established as provided
12 under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or
13 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-
14 ance.

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

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

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

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

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

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

44 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
45 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species

1 shall not include any species under quarantine by the State Department of Agriculture or the United
2 States Department of Agriculture. The county shall provide notice of all applications under this
3 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
4 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
5 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days
41 following the date of postmark of the notice to file a written objection on the grounds only that the
42 dwelling or activities associated with it would force a significant change in or significantly increase
43 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-
44 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-
45 jection is received, the governing body shall set the matter for hearing in the manner prescribed in

1 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
2 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
3 this section.

4 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
5 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

45 (B) [*If the utility facility is an associated transmission line*] **Utility facilities that are associated**

1 **transmission lines**, as defined in ORS 215.274 and 469.300[.];

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

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

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

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

17 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
18 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
19 compressors, separators and other customary production equipment for an individual well adjacent
20 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
21 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

40 (o) Farm stands if:

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

1 and

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

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

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

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

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

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

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

26 (A) A public right of way;

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

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

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

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

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

45 (A) The number of dogs participating in training does not exceed 10 dogs per training class and

1 the number of training classes to be held on-site does not exceed six per day; and

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

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

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

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

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

10 (b) Operations conducted for:

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

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

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

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

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

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

29 (e) Community centers owned by a governmental agency or a nonprofit community organization
30 and operated primarily by and for residents of the local rural community. A community center au-
31 thorized under this paragraph may provide services to veterans, including but not limited to emer-
32 gency and transitional shelter, preparation and service of meals, vocational and educational
33 counseling and referral to local, state or federal agencies providing medical, mental health, disability
34 income replacement and substance abuse services, only in a facility that is in existence on January
35 1, 2006. The services may not include direct delivery of medical, mental health, disability income
36 replacement or substance abuse services.

37 (f) Golf courses on land:

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

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

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

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

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

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

1 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

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

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

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

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

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

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

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

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

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

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

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

45 (r) Reconstruction or modification of public roads and highways involving the removal or dis-

1 placement of buildings but not resulting in the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (3) Roads, highways and other transportation facilities and improvements not allowed under

1 subsections (1) and (2) of this section may be established, subject to the approval of the governing
2 body or its designee, in areas zoned for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

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

27 (i) Planned hours of operation;

28 (ii) Access, egress and parking;

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

31 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

13 (D) Must comply with ORS 215.296;

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

16 (F) Must comply with conditions established for:

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

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

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

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

26 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 536.340. (1) Subject at all times to existing rights and priorities to use waters of this state, the
19 Water Resources Commission:

20 (a) May, by a water resources statement referred to in ORS 536.300 (2), classify and reclassify
21 the lakes, streams, underground reservoirs or other sources of water supply in this state as to the
22 highest and best use and quantities of use thereof for the future in aid of an integrated and balanced
23 program for the benefit of the state as a whole. The commission may so classify and reclassify
24 portions of any such sources of water supply separately. Classification or reclassification of sources
25 of water supply as provided in this subsection has the effect of restricting the use and quantities
26 of use thereof to the uses and quantities of uses specified in the classification or reclassification,
27 and no other uses or quantities of uses except as approved by the commission under ORS 536.370
28 to 536.390 or as accepted by the commission under ORS 536.295. Restrictions on use and quantities
29 of use of a source of water supply resulting from a classification or reclassification under this sub-
30 section shall apply to the use of all waters of this state affected by the classification or reclassi-
31 fication, and shall apply to uses listed in ORS 537.545 that are initiated after the classification or
32 reclassification that imposes the restriction.

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

36 (c) May, by a water resources statement referred to in ORS 536.300 (2) and subject to the pref-
37 erential uses named in ORS 536.310 (12), prescribe preferences for the future for particular uses and
38 quantities of uses of the waters of any lake, stream or other source of water supply in this state in
39 aid of the highest and best beneficial use and quantities of use thereof. In prescribing such prefer-
40 ences the commission shall give effect and due regard to the natural characteristics of such sources
41 of water supply, the adjacent topography, the economy of such sources of water supply, the economy
42 of the affected area, seasonal requirements of various users of such waters, the type of proposed use
43 as between consumptive and nonconsumptive uses and other pertinent data.

44 (d) **May, as necessary to protect public health and in addition to any other authority of**
45 **the commission, classify and reclassify an underground reservoir in a ground water quality**

1 **concern area or a ground water management area, as those terms are defined in ORS**
 2 **468B.150.**

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

5 (a) Comply with the requirements set forth in the Water Resources Department coordination
 6 program developed pursuant to ORS 197.180; and

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

9 (A) In which waters affected by the action of the commission under subsection (1) of this section
 10 are located; or

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

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

15 (a) Review the proposed action to determine whether the proposal is consistent with ORS
 16 537.780;

17 (b) Provide an opportunity for review by:

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

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

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

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

24 537.101. (1) If the Water Resources Department requires an entity to measure the use of water
 25 diverted, stored or otherwise appropriated by the entity under a right established by a water right
 26 permit, water right certificate, limited license, decree, order of determination or ground water reg-
 27 istration, the department may require the entity to report the measured use to the department.

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

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

33 **(a) The decline of ground water levels;**

34 **(b) The impairment of ground water quality;**

35 **(c) Unresolved disputes among water users; or**

36 **(d) Frequent water shortages.**

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

38 537.615. (1) Any person or public agency intending to acquire a wholly new right to appropriate
 39 ground water or to enlarge upon any existing right to appropriate ground water, except for any
 40 purpose exempt under ORS 537.545, shall apply to the Water Resources Department for and be is-
 41 sued a permit before withdrawing or using the ground water.

42 (2) The application for a permit shall be in a form prescribed by the department and shall con-
 43 tain:

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

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

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

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

4 (e) The amount of ground water claimed.

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

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

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

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

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

13 (k) If the ground water is artesian or other ground water not requiring pumping, the rate of flow
14 in gallons in such manner as the Water Resources Commission may prescribe.

15 (L) If the ground water supply is supplemental to an existing water supply, identification of any
16 application for a permit, permit, certificate or adjudicated right to appropriate water made or held
17 by the applicant.

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

19 (3) Each application for a permit shall be accompanied by any maps and drawings the depart-
20 ment considers necessary.

21 (4) The map or drawing required to accompany the application shall be of sufficient quality and
22 scale to establish the location of the proposed point of diversion and the proposed place of use
23 identified by tax lot, township, range, section and nearest quarter-quarter section along with a no-
24 tation of the acreage of the proposed place of use, if appropriate. In addition, the department shall
25 accept locational coordinate information, including latitude and longitude as established by a global
26 positioning system. If the application is for a water right for a municipal use, the map need not
27 identify the proposed place of use by tax lot.

28 (5) Each application for a permit to appropriate water shall be accompanied by the examination
29 fee set forth in ORS 536.050 (1).

30 (6) If the proposed use of the water is for a mining operation as defined in ORS 517.952, the
31 applicant shall provide the information required under this section as part of the consolidated ap-
32 plication under ORS 517.952 to 517.989.

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

37 [(7)] **(8)** Notwithstanding any provision of ORS chapter 183, an application for a permit to ap-
38 propriate ground water shall be processed in the manner set forth in ORS 537.505 to 537.795.
39 Nothing in ORS chapter 183 shall be construed to allow additional persons to participate in the
40 process. To the extent that any provision in ORS chapter 183 conflicts with a provision set forth in
41 ORS 537.505 to 537.795, the provisions in ORS 537.505 to 537.795 shall control.

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

43 537.621. (1) Within 60 days after the Water Resources Department proceeds with the application
44 under ORS 537.620 (5), the department shall complete application review and issue a proposed final
45 order approving or denying the application or approving the application with modifications or con-

1 ditions. The department may request the applicant to provide additional information needed to
 2 complete the review. If the department requests additional information, the request shall be specific
 3 and shall be sent to the applicant by registered mail. The department shall specify a date by which
 4 the information must be returned, which shall be not less than 10 days after the department mails
 5 the request to the applicant. If the department does not receive the information or a request for a
 6 time extension under ORS 537.627 by the date specified in the request, the department may reject
 7 the application and may refund fees in accordance with ORS 536.050 (4)(a). The time period specified
 8 by the department in a request for additional information shall allow the department to comply with
 9 the 60-day time limit established by this subsection.

10 (2)(a) In reviewing the application under subsection (1) of this section, the department shall
 11 determine whether the proposed use will ensure the preservation of the public welfare, safety and
 12 health as described in ORS 537.525. The department shall presume that a proposed use will ensure
 13 the preservation of the public welfare, safety and health if the proposed use is allowed in the ap-
 14 plicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under
 15 ORS 536.310 (12), if water is available, if the proposed use will not injure other water rights and if
 16 the proposed use complies with rules of the Water Resources Commission. This shall be a rebuttable
 17 presumption and may be overcome by a preponderance of evidence that either:

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

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

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

24 [(B)] (ii) Specifically how the identified aspect of the public welfare, safety and health under
 25 ORS 537.525 would be impaired or be adversely affected.

26 **(b) In addition to the factors described in paragraph (a) of this subsection, the depart-**
 27 **ment shall presume that a proposed use will ensure the preservation of the public welfare,**
 28 **safety and health if the application is for a community water well located in a ground water**
 29 **management area declared under ORS 468B.180 for an amount of water equivalent to the**
 30 **amount of water provided by abandoned water wells.**

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

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

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

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

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

38 (e) An assessment of whether the proposed use would ensure the preservation of the public
 39 welfare, safety and health as described in ORS 537.525;

40 (f) A draft permit, including any proposed conditions, or a recommendation to deny the appli-
 41 cation;

42 (g) Whether the rebuttable presumption under subsection (2) of this section has been established;

43 (h) The date by which protests to the proposed final order must be received by the department;
 44 and

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

1 (4) In establishing the flow rate and duty of water allowed, the department may consider a
2 general basin-wide standard, but first shall evaluate information submitted by the applicant to dem-
3 onstrate the need for a flow rate and duty higher than the general standard. If the applicant pro-
4 vides such information, the department shall authorize the requested rate and duty except upon
5 specific findings related to the application to support a determination that a lesser amount is
6 needed. If the applicant does not provide information to demonstrate the need for a flow rate and
7 duty higher than the general basin-wide standard, the department may apply the general standards
8 without specific findings related to the application.

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

13 (6) Any person who supports a proposed final order may request standing for purposes of par-
14 ticipating in any contested case proceeding on the proposed final order or for judicial review of a
15 final order. A request for standing shall be in writing and shall be accompanied by the fee estab-
16 lished under ORS 536.050 (1)(n).

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

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

20 (b) A description of the protestant's interest in the proposed final order, and if the protestant
21 claims to represent the public interest, a precise statement of the public interest represented;

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

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

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

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

28 (8) Requests for standing and protests on the proposed final order shall be submitted within 45
29 days after publication of the notice of the proposed final order in the weekly notice published by the
30 department. Any person who asks to receive a copy of the department's final order shall submit to
31 the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested
32 copies and paid the required fee under ORS 537.620 (7), the person is a protestant and has paid the
33 fee required under ORS 536.050 (1)(j) or the person has standing and has paid the fee under ORS
34 536.050 (1)(n).

35 (9) Within 60 days after the close of the period for receiving protests, the Water Resources Di-
36 rector shall:

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

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

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

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

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

44 537.775. (1) Whenever the Water Resources Commission finds that any well, including any well
45 exempt under ORS 537.545, is by the nature of its construction, operation or otherwise causing

1 wasteful use of ground water, is unduly interfering with other wells or surface water supply, is a
 2 threat to health, is polluting ground water or surface water supplies, is causing substantial alter-
 3 ation of ground water temperatures or is causing substantial thermal interference with other wells
 4 contrary to ORS 537.505 to 537.795 and 537.992, the commission may order discontinuance of the use
 5 of the well, impose conditions upon the use of such well to such extent as may be necessary to
 6 remedy the defect or order permanent abandonment of the well according to specifications of the
 7 commission.

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

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

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

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

21 537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992, the Water Resources
 22 Commission may:

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

26 (b) Enforce:

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

29 (B) Special standards for the construction, alteration, abandonment, conversion or maintenance
 30 of particular wells and their casings, fittings, valves and pumps.

31 (c)(A) Adopt by rule and enforce when necessary to protect the ground water resource, stan-
 32 dards for the construction, maintenance, abandonment or use of any hole through which ground
 33 water may be contaminated; or

34 (B) Enter into an agreement with, or advise, other state agencies that are responsible for holes
 35 other than wells through which ground water may be contaminated in order to protect the ground
 36 water resource from contamination.

37 (d) Enforce uniform standards for the scientific measurement of water levels and of ground wa-
 38 ter flowing or withdrawn from wells.

39 (e) Enter upon any lands for the purpose of inspecting wells, including wells exempt under ORS
 40 537.545, casings, fittings, valves, pipes, pumps, measuring devices and back-siphoning prevention de-
 41 vices.

42 (f) Prosecute actions and suits to enjoin violations of ORS 537.505 to 537.795 and 537.992, and
 43 appear and become a party to any action, suit or proceeding in any court or before any adminis-
 44 trative body when it appears to the satisfaction of the commission that the determination of the
 45 action, suit or proceeding might be in conflict with the public policy expressed in ORS 537.525.

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

4 (h) Adopt and enforce rules necessary to carry out the provisions of ORS 537.505 to 537.795 and
 5 537.992 including but not limited to rules governing:

6 (A) The form and content of registration statements, certificates of registration, applications for
 7 permits, permits, certificates of completion, ground water right certificates, notices, proofs, maps,
 8 drawings, logs and licenses;

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

10 (C) The circumstances under which the helpers of persons operating well drilling machinery may
 11 be exempt from the requirement of direct supervision by a licensed water well constructor.

12 (i) In accordance with applicable law regarding search and seizure, apply to any court of com-
 13 petent jurisdiction for a warrant to seize any well drilling machine used in violation of ORS 537.747
 14 or 537.753.

15 **(j) Establish by rule, and enforce, backflow prevention requirements for the use of sur-
 16 face water in a ground water concern area, as defined in ORS 468B.150.**

17 **(2) In the administration of ORS 537.505 to 537.795 and 537.992 in a ground water man-
 18 agement area declared under ORS 468B.180, the commission shall identify the locations of,
 19 and compile information about the functionality of:**

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

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

23 **(3) In the administration of ORS 537.505 to 537.795 and 537.992 in a ground water quality
 24 concern area, as defined in ORS 468B.150, the commission shall assess water wells and re-
 25 quire compliance with backflow prevention rules.**

26 [(2)] (4) Notwithstanding any provision of subsection (1) of this section, in administering the
 27 provisions of ORS 537.505 to 537.795 and 537.992, the commission may not:

28 (a) Adopt any rule restricting ground water use in an area unless the rule is based on substan-
 29 tial evidence in the record of the Water Resources Department to justify the imposition of re-
 30 strictions.

31 (b) Make any determination that a ground water use will impair, substantially interfere or un-
 32 duly interfere with a surface water source unless the determination is based on substantial evidence.
 33 Such evidence may include reports or studies prepared with relation to the specific use or may be
 34 based on the application of generally accepted hydrogeological principles to the specific use.

35 [(3)] (5) At least once every three years, the commission shall review any rule adopted under
 36 subsection [(2)] (4) of this section that restricts ground water use in an area. The review process
 37 shall include public notice and an opportunity to comment on the rule.

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

39 540.435. (1) In addition to any other authority of the Water Resources Commission to order in-
 40 stallation of a measuring device, if the commission finds accurate water use information necessary
 41 because of serious water management problems created by ground water decline, **impaired ground**
 42 **water quality**, unresolved user disputes or frequent water shortages, the commission by rule may
 43 require a water right owner using any surface or ground water source within the state to install a
 44 totalizing measuring device and to submit annually a water use report.

45 (2) Before the commission implements any requirements under subsection (1) of this section the

1 commission shall:

2 (a) Cause a hearing to be conducted in the affected area to determine whether a serious man-
3 agement problem exists; and

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

7 (3) The watermaster may prohibit the diversion or use of water by anyone who has failed to
8 comply with a commission rule or order requiring installation of measuring devices or submission
9 of a water use report.

10 **(4) The Water Resources Department may use data collected under this section to sup-
11 port characterization of an aquifer in an area with serious water management problems.**

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

13 540.520. (1)(a) Except when the application is made under ORS 541.327 or when an application
14 for a temporary transfer is made under ORS 540.523, if the holder of a water use subject to transfer
15 for irrigation, domestic use, manufacturing purposes, or other use, for any reason desires to change
16 the place of use, the point of diversion, or the use made of the water, an application to make such
17 change, as the case may be, shall be filed with the Water Resources Department.

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

20 (2) The application required under subsection (1) of this section shall include:

21 (a) The name of the owner;

22 (b) The previous use of the water;

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

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

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

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

27 (g) Evidence that the water has been used over the past five years according to the terms and
28 conditions of the owner's water right certificate or that the water right is not subject to forfeiture
29 under ORS 540.610.

30 (3) If the application required under subsection (1) of this section is necessary to allow a change
31 in a water right pursuant to ORS 537.348, is necessary to complete a project funded under ORS
32 541.932, or is approved by the State Department of Fish and Wildlife as a change that will result in
33 a net benefit to fish and wildlife habitat, the department, at the discretion of the Water Resources
34 Director, may waive or assist the applicant in satisfying the requirements of subsection (2)(c) and
35 (d) of this section. The assistance provided by the department may include, but need not be limited
36 to, development of an application map.

37 (4) If the application is to change the point of diversion, the transfer shall include a condition
38 that the holder of the water right provide a proper fish screen at the new point of diversion, if re-
39 quested by the State Department of Fish and Wildlife.

40 (5) Upon the filing of the application the department shall give notice by publication in a
41 newspaper having general circulation in the area in which the water rights are located, for a period
42 of at least two weeks and not less than one publication each week. The notice shall include the date
43 on which the last notice by publication will occur. The cost of the publication shall be paid by the
44 applicant in advance to the department. In applications for only a change in place of use or for a
45 change in the point of diversion of less than one-fourth mile, and where there are no intervening

1 diversions between the old diversion of the applicant and the proposed new diversion, no newspaper
 2 notice need be published. The department shall include notice of such applications in the weekly
 3 notice published by the department.

4 (6) Within 30 days after the last publication of a newspaper notice of the proposed transfer or
 5 the mailing of the department's weekly notice, whichever is later, any person may file, jointly or
 6 severally, with the department, a protest against approval of the application.

7 (7) If a timely protest is filed, or in the opinion of the Water Resources Director a hearing is
 8 necessary to determine whether the proposed changes as described by the application would result
 9 in injury to existing water rights, the department shall hold a hearing on the matter. Notice and
 10 conduct of the hearing shall be under the provisions of ORS chapter 183, pertaining to contested
 11 cases, and shall be held in the area where the rights are located unless all parties and persons who
 12 filed a protest under this subsection stipulate otherwise.

13 (8) An application for a change of use under this section is not required if the beneficial use
 14 authorized by the water use subject to transfer is irrigation and the owner of the water right uses
 15 the water for incidental agricultural, stock watering and other uses related to irrigation use, so long
 16 as there is no increase in the rate, duty, total acreage benefited or season of use.

17 (9) A water right transfer under subsection (1) of this section is not required for a general in-
 18 dustrial use that was not included in a water right certificate issued for a specific industrial use if:

19 (a) The quantity of water used for the general industrial use is not greater than the rate allowed
 20 in the original water right and not greater than the quantity of water diverted to satisfy the au-
 21 thorized specific use under the original water right;

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

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

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

27 (B) The water right certificate number;

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

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

31 **(10) The Water Resources Department may not approve an application under this section**
 32 **for a change of use, place of use or point of diversion that will negatively affect efforts to**
 33 **address ground water contamination in:**

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

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

36 **SECTION 35. The unit captions used in this 2025 Act are provided only for the conven-**
 37 **ience of the reader and do not become part of the statutory law of this state or express any**
 38 **legislative intent in the enactment of this 2025 Act.**

39 **SECTION 36. (1) Sections 5 to 7 and 13 to 19 of this 2025 Act, the amendments to ORS**
 40 **215.213, 215.283, 448.268, 468B.050, 468B.150, 468B.162, 468B.169, 468B.175, 468B.177, 468B.179,**
 41 **468B.180, 468B.182, 468B.184, 468B.186, 468B.188, 536.340, 537.101, 537.615, 537.621, 537.775,**
 42 **537.780, 540.435 and 540.520 by sections 1 to 4, 8 to 12 and 21 to 34 of this 2025 Act and the**
 43 **repeal of ORS 468B.183 by section 20 of this 2025 Act become operative on January 1, 2026.**

44 **(2) The Governor, the Department of Environmental Quality, the State Department of**
 45 **Agriculture, the Water Resources Department, the Oregon Health Authority and the De-**

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

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

16
