

Enrolled
Senate Bill 1154

Sponsored by COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

CHAPTER

AN ACT

Relating to ground water; creating new provisions; amending ORS 215.213, 215.283, 448.150, 448.268, 454.779, 468B.050, 468B.150, 468B.162, 468B.169, 468B.171, 468B.175, 468B.177, 468B.179, 468B.180, 468B.182, 468B.184, 468B.186, 468B.188, 468B.219, 537.525, 537.615, 537.620, 537.621, 537.780, 540.435, 561.191, 568.909, 568.930 and 634.016; and repealing ORS 468B.183 and 468B.187.

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 a contaminant present in ground water at levels which have resulted in a declaration of a ground water quality concern area or a ground water quality management area.

(3) “Ground water quality concern area” means an area of the state subject to a declaration under ORS 468B.175.

[(3)] (4) “Ground water **quality** 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)] (5) “Fertilizer” has the meaning given that term in ORS 633.311.

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

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

468B.175. [(1) If, as a result of its statewide monitoring and assessment activities under ORS 468B.190, the Department of Environmental Quality confirms the presence in ground water of contaminants suspected to be the result, at least in part, of nonpoint source activities, the department shall declare an area of ground water concern. The declaration shall identify the substances confirmed to be in the ground water and all ground water aquifers that may be affected.]

(1) **The Department of Environmental Quality shall recommend that the Environmental Quality Commission declare a ground water quality concern area if, based on the results of**

the department's monitoring and assessment activities under ORS 468B.190, or through the review of other relevant data and information, the department:

(a) Confirms the presence of ground water contaminants suspected to be the result, at least in part, of nonpoint source activities; and

(b) Based on the best available information, finds that one or more of the factors identified in subsection (2) of this section is present.

(2) Before recommending a declaration of a ground water quality concern area under subsection (1) of this section, the department must find that:

(a) A significant number of wells or other sensitive receptors monitored by the department, including domestic wells, have been or will be affected by ground water contamination;

(b) Nonpoint sources have been identified as possible sources of contamination but require additional investigation to understand appropriate interventions; or

(c) Deterioration of water quality in the area could lead to an exceedance of the thresholds described in ORS 468B.180 within 20 years unless remedial action is taken.

(3) A declaration of a ground water quality concern area by the commission must identify:

(a) Each contaminant of concern that has been confirmed to be present in the ground water; and

(b) Ground water aquifers that may be affected by a contaminant of concern.

[*(2) Before declaring an area of ground water concern, the agency making the declaration shall have a laboratory confirm the results that would cause the agency to make the declaration.*]

(4) Before recommending that the commission declare a ground water quality concern area, the department shall:

(a) Ensure that sample results utilized to develop the recommendation have been produced or verified by an accredited laboratory;

(b) Ensure that data and results utilized to develop the recommendation were collected in accordance with a quality assurance project plan or a similar document; and

(c) Submit to the commission, and make publicly available, the methodology utilized to evaluate the results and conduct the data evaluation that would cause the department to make the recommendation.

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

468B.177. (1) After a declaration of [*an area of ground water concern, the Department of Environmental Quality, in consultation with other appropriate state agencies, shall;*] **a ground water quality concern area, the Governor shall establish an interagency team and designate a lead agency. The Governor shall consider the primary contaminant of concern and the respective expertise, statutory responsibilities and regulatory authority of each relevant agency when making the lead agency designation. The interagency team shall include the Department of Environmental Quality, the Water Resources Department and the Oregon Health Authority and may include the State Department of Agriculture, the State Department of Geology and Mineral Industries and other agencies with responsibilities or authorities related to a contaminant of concern or remedial actions needed to address a contaminant of concern.**

(2) The lead agency and other agencies participating in the interagency team shall enter into intergovernmental agreements as necessary to carry out the duties of the interagency team.

[*(1) Within 90 days, appoint a ground water management committee in the geographic area overlying the ground water aquifer;*]

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

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

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

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

(3) The interagency team shall:

(a) Based on the best available information, develop, in a timely manner, an agency assessment and outreach plan that:

(A) Identifies potential sources of contaminants of concern contributing to ground water quality deterioration;

(B) Identifies existing authorities, programs or actions of the agencies in the interagency team that are relevant to a contaminant of concern, identifies those authorities, programs or actions that are reasonably appropriate for implementation and includes a rationale for selecting the reasonably appropriate authorities, programs or actions;

(C) Identifies best management practices to address known sources of contamination in the ground water quality concern area;

(D) Identifies strategies to share information with, coordinate with and educate likely sources of a contaminant of concern on best management practices; and

(E) Provides initial plans for implementing the actions described in section 6 of this 2025 Act; and

(b) Develop a monitoring plan and establish timelines and targets for trend analyses for the thresholds established under ORS 468B.180 for each contaminant of concern to evaluate the effectiveness of the actions taken pursuant to the ground water quality concern area designation.

(4) The interagency team shall develop publicly accessible information that facilitates understanding of the scope and extent of contamination, including but not limited to a visual representation of the geographic scope of the contamination.

(5) The interagency team shall prepare a draft of the agency assessment and outreach plan and provide the draft to the ground water management committee appointed under ORS 468B.179 and appropriate county officials for comment. The interagency team shall prepare a final agency assessment and outreach plan after receiving the comments of the committee and appropriate county officials.

(6) As applicable, the lead agency shall routinely report to the agency's respective board or commission.

(7) Designation as a lead agency does not expand the authority of a lead agency beyond that otherwise provided for by law.

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

468B.179. (1)(a) *[Upon the request of a local government, or as required under ORS 468B.177 or 468B.182, the Department of Environmental Quality, in consultation with other appropriate state agencies,]* **Within a reasonable time after completion of the draft agency assessment and outreach plan under ORS 468B.177, the lead agency, in consultation with the interagency team, shall appoint a ground water management committee. The ground water management committee shall be composed of at least seven members representing a balance of interests in the area affected by the declaration, including at least two homeowners or tenants that rely on a domestic well in the area for drinking water that has been affected by a contaminant of concern.**

(b) The ground water management committee shall develop and implement a local voluntary implementation plan, as provided in subsection (2) of this section, and provide comments to the interagency team on the draft agency assessment and outreach plan for the purpose of aligning the efforts of the committee and the interagency team.

(c) The ground water management committee shall review and provide comments on the draft agency assessment and outreach plan to the interagency team within 120 days of receiving the draft.

[2) After a declaration of an area of ground water concern, the ground water management committee shall develop and promote a local action plan for the area of ground water concern. The local action plan shall include but need not be limited to:]

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

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

(2)(a) Upon completion of the final agency assessment and outreach plan, the ground water management committee shall develop and promote a local voluntary implementation plan for the ground water quality concern area that is consistent with the agency assessment and outreach plan.

(b) The local voluntary implementation plan must include:

(A) Voluntary actions that will be promoted and prioritized for implementation by the local community to address sources of contamination in the ground water quality concern area;

(B) Measurable objectives, quantitative targets and timelines, where appropriate; and

(C) A periodic review and amendment process informed by trend analyses conducted by members of the interagency team pursuant to ORS 468B.177.

(c) The local voluntary implementation plan may include:

[(c)] (A) [Evaluation and] Recommendations of alternative practices or best management practices;

[(d)] (B) Recommendations regarding demonstration projects needed in the area that have the potential to address contaminants of concern;

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

[(f)] (D) Methods of implementing best practicable management practices to improve ground water quality in the area[.]; and

(E) Recommendations for local governments and organizations to assist with public education and outreach regarding awareness of well water quality, health considerations, treatment options and prevention of ground water contamination.

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

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

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

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

SECTION 6. Consistent with the final agency assessment and outreach plan developed under ORS 468B.177, the interagency team shall take the following actions:

(1) The Department of Environmental Quality shall:

(a) Working with contract agents, as defined in ORS 454.605, where applicable, compile available information regarding alternative sewage disposal systems, nonwater-carried sewage disposal facilities and subsurface sewage disposal systems as those terms are defined in ORS 454.605, including the age and location of individual systems or facilities; and

(b) Encourage voluntary inspections of alternative sewage disposal systems, nonwater-carried sewage disposal facilities and subsurface sewage disposal systems as those terms are defined in ORS 454.605.

(2) The State Department of Agriculture shall:

(a) Review water quality management plans, as defined in ORS 568.900, applicable to agricultural lands for potential plan revisions to identify voluntary practices specific to the contaminant of concern.

(b) Identify stewardship agreement opportunities pursuant to ORS 541.973, if appropriate.

(c) Consider and prioritize watersheds and subwatersheds within a ground water quality concern area for focused outreach and compliance efforts.

(d) Where feasible, partner with local entities, including soil and water conservation districts, watershed councils or the Oregon State University Extension Service, to deliver outreach, technical assistance or implementation support consistent with this subsection.

(3) The Oregon Health Authority shall:

(a) Prepare a preliminary assessment that:

(A) Identifies public health risks to domestic well users and public water systems due to potential contamination of drinking water supplies;

(B) Identifies strategies to work with the local public health authority, or authorities, public water systems and local health partners to communicate potential public health risks from contaminants in drinking water;

(C) Identifies other appropriate response strategies; and

(D) Estimates the cost of a public health response to the contamination.

(b) Prepare accessible and language-appropriate outreach and education materials regarding the public health risks of the contaminant of concern and recommended actions to reduce health risks, including guidance about testing domestic well water and other domestic well safety information, and:

(A) Disseminate the materials and related information to the public in the ground water quality concern area, subject to available resources; and

(B) Provide the materials to the local public health authority or other appropriate local officials for dissemination to community members that depend on domestic wells.

SECTION 7. (1) Upon completion of the final agency assessment and outreach plan developed under ORS 468B.177, the lead agency shall submit the plan in a report to the Governor and the Joint Committee on Ways and Means or the Joint Interim Committee on Ways and Means in the manner provided by ORS 192.245. The report must identify resources necessary to implement the plan and may include requests for funding necessary to implement the plan.

(2)(a) No later than December 15 of each even-numbered year during which a lead agency is responsible for the implementation of a final action plan, the lead agency shall submit a report in the manner provided by ORS 192.245 to the Joint Interim Committee on Ways and Means. The report must describe the interagency team's progress in implementing the plan and include an assessment of the most recent monitoring results relative to historical contamination levels and the information described in ORS 468B.177 (3)(a)(B). The report may include requests for funding.

(b) In lieu of submitting a report described in paragraph (a) of this subsection, the Department of Environmental Quality may include the information required under paragraph (a) of this subsection in the report required under ORS 468B.162.

NOTE: Section 8 was deleted by amendment. Subsequent sections were not renumbered.

GROUND WATER QUALITY MANAGEMENT AREAS

SECTION 9. ORS 468B.180 is amended to read:

468B.180. (1) The Department of Environmental Quality shall **recommend that the Environmental Quality Commission** declare a ground water **quality** management area if, *[as a result of information provided to the department or from its statewide]* **through** monitoring and assessment activities under ORS 468B.190, **or through the review of other relevant data and information**, the department confirms that, as a result of suspected nonpoint source activities, there is present in the ground water:

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

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

(2) A declaration *[under subsection (1) of this section]* **of a ground water quality management area by the commission** shall identify *[the substances]* **each contaminant of concern** detected in the ground water and *[all]* ground water aquifers that may be affected.

(3) Before *[declaring]* **recommending the declaration of** a ground water **quality** management area under *[subsections (1) and (2)]* **subsection (1)** of this section, the *[agency]* **department** shall *[have a second laboratory confirm the results that cause the agency to make the declaration.]:*

(a) **Ensure that sample results utilized to develop the recommendation have been produced or verified by an accredited laboratory;**

(b) **Ensure that data and results utilized to develop the recommendation were collected in accordance with a quality assurance project plan or a similar document; and**

(c) **Submit to the commission, and make publicly available, the methodology utilized to evaluate the results and conduct the data evaluation that would cause the department to make the recommendation.**

(4) After a declaration under subsection (2) of this section, a state agency may exercise within the ground water quality management area any of the agency's authorities or responsibilities related to the prevention or control of ground water contamination in a ground water quality concern area, regardless of whether the ground water quality management area was previously declared a ground water quality concern area.

SECTION 10. ORS 468B.182 is amended to read:

468B.182. (1) After the declaration of a ground water **quality** management area, the *[Department of Environmental Quality, in consultation with other appropriate state agencies,]* **lead agency designated under ORS 468B.184** shall appoint a ground water management committee for the affected area if a ground water management committee has not already been appointed under ORS *[468B.177]* **468B.179. A ground water management committee appointed under this section must include two homeowners or tenants that rely on a domestic well in the area for drinking water that has been affected by a contaminant of concern.** If the affected area had previously been designated *[an area of ground water concern]* **a ground water quality concern area**, the same ground water management committee appointed under ORS *[468B.177]* **468B.179** shall continue *[to address the ground water issues raised as a result of the declaration of a ground water management area]* **to advise the interagency team.**

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

SECTION 11. ORS 468B.184 is amended to read:

468B.184. (1) After a ground water **quality** management area is declared, the *[Department of Environmental Quality]* **Governor** shall **establish an interagency team and** designate a lead agency responsible for developing an action plan, **as provided in this section.** *[and request other agencies to assume appropriate responsibilities for preparation of a draft action plan within 90 days after the declaration.]* **If the affected area had previously been designated a ground water quality concern area, the Governor may establish the same interagency team and designate the same lead agency designated under ORS 468B.177. If no lead agency and interagency team has been previously designated and established, the Governor, in designating a lead agency,**

shall consider the primary contaminant of concern and its predominant sources, and the respective expertise, statutory responsibilities and regulatory authority of each relevant agency. The interagency team shall include the Department of Environmental Quality, the Oregon Health Authority and the Water Resources Department. The interagency team may include the State Department of Agriculture and the State Department of Geology and Mineral Industries or other agencies with responsibilities or authorities related to a contaminant of concern.

(2) The lead agency and other agencies participating in the interagency team shall enter into intergovernmental agreements as necessary to carry out the work of the interagency team.

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

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

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

(c) [Recommendations] **Identification** of mandatory actions, **including actions under sections 14, 15, 19 and 20 of this 2025 Act**, that, when implemented, will reduce the contamination to a level below that level requiring the declaration of ground water **quality** management area **or a ground water quality concern area**;

(d) A proposed time schedule for:

(A) Implementing the [lead agency's recommendations] **action plan**;

(B) Achieving estimated reductions in concentrations of [the ground water] contaminants **of concern, including periodic benchmarks for measuring progress toward estimated reductions**; and

(C) Public review of the action plan;

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

(f) Required amendments of affected city or county comprehensive plans and land use regulations in accordance with the schedule and requirements of periodic review set forth in ORS chapters 197 and 197A to address the identified ground water **quality** protection and management concerns[.];

(g) **Any actions included in the agency assessment and outreach plan developed under ORS 468B.177, if applicable; and**

(h) **Existing authorities, programs or actions of the agencies in the interagency team that are relevant to a contaminant of concern, those authorities, programs or actions that are reasonably appropriate for implementation and a rationale for selecting the reasonably appropriate authorities, programs or actions.**

[(2) If a ground water management area is located on agricultural lands or in an area designated as an exclusive farm use zone under ORS 215.203, the State Department of Agriculture shall be responsible for developing the portion of the action plan that addresses farming practices as defined in ORS 30.930.]

SECTION 12. ORS 468B.186 is amended to read:

468B.186. (1) After completion and distribution of the draft action plan under ORS 468B.184, the lead agency shall provide a 60-day period of public comment on the draft action plan and the manner by which members of the public may review the plan or obtain copies of the plan. **The lead agency shall provide copies of the plan to appropriate county officials for comment.** *[A notice of the comment period shall be published in two issues of one or more newspapers having general circulation*

in the counties in which the designated area of the ground water emergency is located, and in two issues of one or more newspapers having general circulation in the state.]

(2) Within [60] **90** days after the close of the public comment period, the lead agency shall complete a final action plan. All suggestions and information provided to the lead agency **by the public or by county officials** during the public comment period shall be considered by the lead agency and when appropriate shall be acknowledged in the final action plan.

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

(b)(A) **No later than December 15 of each even-numbered year during which a lead agency is responsible for the implementation of a final action plan, the lead agency shall submit a report in the manner provided by ORS 192.245 to the Joint Interim Committee on Ways and Means. The report must describe the interagency team's progress in implementing the plan and include an assessment of the most recent monitoring results relative to historical contamination levels and the information described in ORS 468B.184 (3)(h). The report may include requests for funding.**

(B) **In lieu of submitting a report described in subparagraph (A) of this paragraph, the Department of Environmental Quality may include the information required under subparagraph (A) of this paragraph in the report required under ORS 468B.162.**

(4) **Within 180 days of completion of the final action plan, each agency that is responsible for implementing all or part of the plan shall initiate proceedings to adopt rules as necessary to carry out the agency's duties under the action plan. If two or more agencies are required to initiate rulemaking proceedings under this section, the agencies shall consult with one another to coordinate the rules. The agencies may consolidate the rulemaking proceedings.**

SECTION 13. ORS 468B.188 is amended to read:

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

(2) Before the declaration of a ground water **quality** management area is repealed under subsection (1) of this section, the department [*of Environmental Quality*] must [*find*] **provide to the commission a finding** that, according to the best information available, a new or revised local [*action*] **voluntary implementation** plan exists that will continue to improve the ground water in the area and that the department [*of Environmental Quality*] finds can be **voluntarily** implemented at the local level without the necessity of state enforcement authority.

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

SECTION 14. **After a declaration of a ground water quality management area under ORS 468B.180, and consistent with the action plan developed under ORS 468B.184 and 468B.186, the State Department of Agriculture, as necessary to control a relevant contaminant of concern:**

(1) **Shall adopt and implement area-specific rules, as provided in ORS 561.191 and 568.900 to 568.933, to regulate the contaminant of concern.**

(2) **May make available stewardship agreement opportunities, pursuant to ORS 541.973.**

SECTION 15. (1) **After a declaration of a ground water quality management area under ORS 468B.180, the Oregon Health Authority shall, in consultation with local health authori-**

ties, develop and implement a public health response plan. The public health response plan shall be based on the preliminary assessment prepared under section 6 (3) of this 2025 Act. If no preliminary assessment has been prepared under section 6 (3) of this 2025 Act, the Oregon Health Authority shall prepare a preliminary assessment before developing the public health response plan under this section.

(2) Upon completion of the public health response plan, the authority shall submit the plan in a report to the Governor and the Joint Committee on Ways and Means or the Joint Interim Committee on Ways and Means in the manner provided by ORS 192.245 with a request for funding necessary to implement the plan.

SECTION 16. Section 17 of this 2025 Act is added to and made a part of ORS chapter 215.

SECTION 17. Notwithstanding any other provision of this chapter or ORS chapter 195 or 197, a county may provide, or may enter into an agreement with a city or district including under ORS 195.065 to 195.085 to provide, water or wastewater services for residential dwelling units that are within a ground water quality concern area declared under ORS 468B.175 or a ground water quality management area declared under ORS 468B.180 and not within an urban growth boundary. The provision of services under this section or ORS 215.213 (1)(c)(D) or 215.283 (1)(c)(D) may not be used to authorize the rezoning of property for urban uses or used as the basis for an exception under ORS 197.732 (2)(a) or (b).

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

SECTION 19. (1) After a declaration of a ground water quality management area under ORS 468B.180, if the best available information indicates that a residential subsurface sewage disposal system or alternative sewage disposal system may be a significant contributing source of contamination to the area, the Department of Environmental Quality or a contract agent may, subject to subsection (2) of this section, enter on to private property at reasonable times to inspect the residential subsurface sewage disposal system or alternative sewage disposal system.

(2)(a) Before carrying out an inspection under this section, the department or contract agent shall give notice to the property owner and any tenant residing at the property that an inspection is authorized under this section and take reasonable steps to arrange a convenient time for the inspection with the property owner and resident, as applicable. The notice must provide information regarding resources and technical assistance available to the property owner to address a malfunctioning subsurface sewage disposal system or alternative sewage disposal system.

(b) If the property owner or tenant refuses to allow entry pursuant to this section after receiving notice, and after reasonable efforts by the department or contract agent to arrange a convenient time for inspection, the department or contract agent may request the Attorney General to seek from a court of competent jurisdiction an order requiring the property owner or tenant to allow entry.

(3) If the department determines that a subsurface sewage disposal system or an alternative sewage disposal system inspected under subsection (1) of this section is being operated or maintained in violation of any rule adopted pursuant to ORS 454.625, the department shall give written notice of the violation to the person in control of the system as provided in ORS 454.635.

(4) In addition to the requirements of ORS 454.635:

(a) A notice resulting from an inspection under this section must be accompanied by information regarding resources and technical assistance available to the property owner to remedy the violation; and

(b) The period of time for taking remedial action, as provided in the order described in ORS 454.635 (3), must be reasonable and take into account any resources or technical assistance available to the property owner.

(5) The department may not impose a civil penalty for a violation of any rule adopted under ORS 454.625 as a result of an inspection carried out under this section unless:

(a) The period for remedying the violation provided in the order described in ORS 454.635 (3) has lapsed; and

(b) Notice of the violation complied with ORS 454.635 and subsection (4) of this section.

(6) The department shall grant an extension of the time for the person receiving the notice to take remedial action if the following conditions are met:

(a) The person against which the civil penalty would be issued meets the definition of a low income household as defined in ORS 456.270; and

(b) The person is eligible for and has applied for financial assistance to remedy the violation and:

(A) The application was denied due to lack of available funds or resources; or

(B) The application is pending and may be approved.

SECTION 20. (1) Notwithstanding any contrary provision of law, and subject to subsection (2) of this section, the Water Resources Department may approve an application under ORS 537.615 by a public water system to appropriate ground water in a ground water quality management area declared under ORS 468B.180 for expanded group domestic use in an amount of water equivalent to the amount of water provided by abandoned water wells that, prior to being abandoned, had used water as provided in:

(a) ORS 537.545 (1)(d); or

(b) If used by a household, ORS 537.545 (1)(b) and (d).

(2) The department may not approve an application described in subsection (1) of this section unless:

(a) The amount of equivalent water described in subsection (1) of this section is less than or equal to 5,000 gallons per abandoned well per day, unless a higher amount is established by the Water Resources Commission by rule; and

(b) The impact of the proposed public water system well on hydraulically connected surface water bodies is similar to or less than the cumulative impact of the abandoned water wells described in this section.

(3) The Water Resources Commission may adopt rules as necessary to implement this section.

SECTION 21. ORS 468B.183 and 468B.187 are repealed.

AMENDMENTS TO STATUTES

SECTION 22. ORS 448.268 is amended to read:

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

(2) **Before recommending that the commission declare a ground water quality concern area, the authority shall:**

(a) **Ensure that sample results utilized to develop the recommendation have been produced or verified by an accredited laboratory;**

(b) **Ensure that data and results utilized to develop the recommendation were collected in accordance with a quality assurance project plan or a similar document; and**

(c) **Submit to the commission, and make publicly available, the methodology utilized to evaluate the results and conduct the data evaluation that would cause the authority to make the recommendation.**

SECTION 23. ORS 448.150 is amended to read:

448.150. (1) The Oregon Health Authority shall:

(a) Conduct periodic sanitary surveys of drinking water systems and sources, take water samples and inspect records to ensure that the systems are not creating an unreasonable risk to health. The authority shall provide written reports of the examinations to water suppliers and to local public health administrators, as defined in ORS 431.003.

(b) Require regular water sampling by water suppliers to determine compliance with water quality standards established by the authority. These samples shall be analyzed in a laboratory approved by the authority. The results of the laboratory analysis of a sample shall be reported to the authority by the water supplier, unless direct laboratory reporting is authorized by the water supplier. The laboratory performing the analysis shall report the validated results of the analysis directly to the authority and to the water supplier if the analysis shows that a sample contains contaminant levels in excess of any maximum contaminant level specified in the water quality standards.

(c) Investigate any water system that fails to meet the water quality standards established by the authority.

(d) Require every water supplier that provides drinking water that is from a surface water source to conduct sanitary surveys of the watershed as may be considered necessary by the authority for the protection of public health. The water supplier shall make written reports of such sanitary surveys of watersheds promptly to the authority and to the local health department.

(e) Investigate reports of waterborne disease pursuant to ORS 431.001 to 431.550 and 431.990 and take necessary actions as provided for in ORS 446.310, 448.030, 448.115 to 448.285, 454.235, 454.255 and 455.680 to protect the public health and safety.

(f) Notify the Department of Environmental Quality of a potential ground water **quality** management area if, as a result of its water sampling under paragraphs (a) to (e) of this subsection, the authority detects the presence in ground water of:

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

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

(2) The notification required under subsection (1)(f) of this section shall identify the substances detected in the ground water and all ground water aquifers that may be affected.

(3)(a) The authority by rule may adopt a schedule of fees to be assessed on water suppliers to partially defray the costs of the authority related to performance of the duties prescribed by this section and ORS 448.155 (1), 448.175 (1) and 448.255. The fee schedule shall be graduated based on the size and type of the water system owned or operated by a water supplier.

(b) Not more than once each calendar year, the authority may increase the fees established by rule under this subsection. The amount of the annual increase may not exceed the anticipated increase in the costs of the authority related to performance of the duties prescribed by this section and ORS 448.155 (1), 448.175 (1) and 448.255 or three percent, whichever is lower.

SECTION 24. ORS 468B.162 is amended to read:

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

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

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

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

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

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

SECTION 25. ORS 468B.169 is amended to read:

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

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

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

SECTION 26. ORS 468B.171 is amended to read:

468B.171. (1) Of the moneys available to the Department of Environmental Quality to award as grants under ORS 468B.169, not more than one-third shall be awarded for funding of projects directly related to issues pertaining to a ground water **quality** management area.

(2) The department may award grants for the following purposes:

(a) Research in areas related to ground water including but not limited to hydrogeology, ground water quality, alternative residential, industrial and agricultural practices;

(b) Demonstration projects related to ground water including but not limited to hydrogeology, ground water quality, alternative residential, industrial and agricultural practices;

(c) Educational programs that help attain the goal set forth in ORS 468B.155; and

(d) Incentives to persons who implement innovative alternative practices that demonstrate increased protection of the ground water resource of Oregon.

(3) Funding priority shall be given to proposals that show promise of preventing or reducing ground water contamination caused by nonpoint source activities.

(4) In awarding grants for research under subsection (2) of this section, the department shall specify that not more than 10 percent of the grant may be used to pay indirect costs. The exact amount of a grant that may be used by an institution for such costs may be determined by the department.

(5) In accordance with the applicable provisions of ORS chapter 183, the Environmental Quality Commission shall adopt by rule guidelines and criteria for awarding grants under this section.

SECTION 27. ORS 468B.050 is amended to read:

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

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

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

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

(d) Construct, install, operate or conduct any industrial, commercial, confined animal feeding operation or other establishment or activity or any extension or modification thereof or addition

thereto, the operation or conduct of which would cause an increase in the discharge of wastes into the waters of the state or which would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized.

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

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

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

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

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

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

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

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

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

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

(7) As used in this section:

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

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

SECTION 28. ORS 468B.219 is amended to read:

468B.219. (1) The State Department of Agriculture may issue a nutrient application permit.

(2) As applicable, the permit must concern, but need not only concern:

(a) The rate of nutrient application.

(b) The source of the nutrients.

(c) The placement of the nutrients.

(d) The timing of nutrient application.

(e) The volume of wastewater applied to the surface of the lands per time period.

(3) Except as authorized under an NPDES or WPCF permit, a person may apply manure, litter, wastewater or processed waste from a confined animal feeding operation on lands in a ground water **quality** management area declared under ORS 468B.180 only if the person holds a permit under this section.

(4) A person that holds a permit under this section shall provide the confined animal feeding operation from which the person receives manure, litter, wastewater or processed waste with a copy of the permit.

(5) The department may adopt rules to implement this section, including rules that establish:

(a) Recordkeeping requirements for a person that holds a permit under this section.

(b) Criteria for inspections to ensure compliance with this section.

(c) Fees for permits under this section.

(6) As used in this section, “NPDES” and “WPCF” have the meanings given those terms in ORS 561.255.

SECTION 29. ORS 215.213 is amended to read:

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

(a) Churches and cemeteries in conjunction with churches.

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

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

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

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

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

(D) **Facilities and service lines needed to provide water or wastewater services allowed under section 17 of this 2025 Act.**

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

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

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

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

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

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

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

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

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

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

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

(o) Creation, restoration or enhancement of wetlands.

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

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

(r) Farm stands if:

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

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

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

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

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

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

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

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

(A) A public right of way;

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

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

(y) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of

septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

(A) Consists of 20 or more acres; and

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

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

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

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

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

(d) Operations conducted for:

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

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

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

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

(e) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community, hunting and fishing preserves, public and private parks, playgrounds and campgrounds. Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296 (1). A public park or campground may be established as provided

under ORS 195.120. As used in this paragraph, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

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

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

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

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

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

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

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

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

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

(n) Home occupations as provided in ORS 215.448.

(o) Transmission towers over 200 feet in height.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Colocated with a community center or a public or private school allowed under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Only one lot or parcel exists if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Planned hours of operation;

(ii) Access, egress and parking;

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

(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

(D) Must comply with ORS 215.296;

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

(F) Must comply with conditions established for:

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

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

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

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

(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 30. ORS 215.283 is amended to read:

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

(a) Churches and cemeteries in conjunction with churches.

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

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

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

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

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

(D) **Facilities and service lines needed to provide water or wastewater services allowed under section 17 of this 2025 Act.**

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

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

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

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

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

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

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

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

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

(m) Creation, restoration or enhancement of wetlands.

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

(o) Farm stands if:

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

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

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

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

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

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

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

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

(A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

(b) Operations conducted for:

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

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

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

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

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

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

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

(f) Golf courses on land:

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

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

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

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

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

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

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

(i) Home occupations as provided in ORS 215.448.

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

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

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

(m) Transmission towers over 200 feet in height.

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

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

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

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

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

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

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

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

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

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

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

(x) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

(C) Colocated with a community center or a public or private school allowed under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Planned hours of operation;

(ii) Access, egress and parking;

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

(iv) Sanitation and solid waste.

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

- (A) Must be incidental and subordinate to existing farm use on the tract;
- (B) May not begin before 6 a.m. or end after 10 p.m.;
- (C) May not involve more than 100 attendees or 50 vehicles;
- (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- (E) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;
- (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
- (G) Must comply with applicable health and fire and life safety requirements.

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

- (A) Must be incidental and subordinate to existing farm use on the tract;
- (B) May not, individually, exceed a duration of 72 consecutive hours;
- (C) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
- (D) Must comply with ORS 215.296;
- (E) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
- (F) Must comply with conditions established for:

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

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

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

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

(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: Sections 31 and 32 were deleted by amendment. Subsequent sections were not renumbered.

SECTION 33. ORS 537.525 is amended to read:

537.525. (1) The Legislative Assembly recognizes, declares and finds that the right to reasonable control of all water within this state from all sources of water supply belongs to the public, and that in order to ~~[insure]~~ **ensure** the preservation of the public welfare, safety and health it is necessary that:

[1] (a) Provision be made for the final determination of relative rights to appropriate ground water everywhere within this state and of other matters with regard thereto through a system of registration, permits and adjudication.

[2] (b) Rights to appropriate ground water and priority thereof be acknowledged and protected, except when, under certain conditions, the public welfare, safety and health require otherwise.

[3] (c) Beneficial use without waste, within the capacity of available sources, be the basis, measure and extent of the right to appropriate ground water.

[4] (d) All claims to rights to appropriate ground water be made a matter of public record.

[5] (e) Adequate and safe supplies of ground water for human consumption be assured, while conserving maximum supplies of ground water for agricultural, commercial, industrial, thermal, recreational and other beneficial uses.

[6] (f) The location, extent, capacity, quality and other characteristics of particular sources of ground water be determined.

[7] (g) Reasonably stable ground water levels be determined and maintained.

[8] (h) Depletion of ground water supplies below economic levels, impairment of natural quality of ground water by pollution and wasteful practices in connection with ground water be prevented or controlled within practicable limits.

[9] (i) Whenever wasteful use of ground water, impairment of or interference with existing rights to appropriate surface water, declining ground water levels, alteration of ground water temperatures that may adversely affect priorities or impair the long-term stability of the thermal properties of the ground water, interference among wells, thermal interference among wells, overdrawing

of ground water supplies or pollution of ground water exists or impends, controlled use of the ground water concerned be authorized and imposed under voluntary joint action by the Water Resources Commission and the ground water users concerned whenever possible, but by the commission under the police power of the state except as specified in ORS 537.796, when such voluntary joint action is not taken or is ineffective.

[(10)] (j) Location, construction, depth, capacity, yield and other characteristics of and matters in connection with wells be controlled in accordance with the purposes set forth in this section.

[(11)] (k) All activities in the state that affect the quality or quantity of ground water shall be consistent with the goal set forth in ORS 468B.155.

(2) The Legislative Assembly finds and declares that expanded group domestic use for a public water system located in a ground water quality management area declared under ORS 468B.180 using an amount of water equivalent to the amount of water provided by abandoned water wells as provided in section 20 of this 2025 Act ensures the preservation of the public welfare, safety and health.

SECTION 34. ORS 537.615 is amended to read:

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

(2) The application for a permit shall be in a form prescribed by the department and shall contain:

- (a) The name and post-office address of the applicant.
- (b) The nature of the use by the applicant of the ground water for which the application is made.
- (c) The dates of the beginning and completion of the construction of any well or other means of developing and securing the ground water.
- (d) The date when the ground water will be completely applied to the proposed beneficial use.
- (e) The amount of ground water claimed.
- (f) If the ground water is to be used for irrigation purposes, a description of the lands to be irrigated, giving the number of acres to be irrigated in each 40-acre legal subdivision.
- (g) The depth to the water table, if known.
- (h) The location of each well with reference to government survey corners or monuments or corners of recorded plats.
- (i) The proposed depth, diameter and type of each well, and the kind and amount of the casing.
- (j) The estimated capacity of each well and each well pump in gallons per minute, and the horsepower of each well pump motor.
- (k) If the ground water is artesian or other ground water not requiring pumping, the rate of flow in gallons in such manner as the Water Resources Commission may prescribe.
- (L) If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the applicant.

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

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

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

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

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

(7) Notwithstanding any contrary provision of law, an application under this section may request the issuance of a permit to appropriate ground water for expanded group domestic use for a public water system in an amount of water equivalent to the amount of water provided by abandoned water wells as provided in section 20 of this 2025 Act.

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

SECTION 35. ORS 537.620 is amended to read:

537.620. (1) The Water Resources Department shall accept all applications for permits submitted under ORS 537.615 in proper form.

(2) Within 15 days after receiving the application, the department shall determine whether the application contains the information listed under ORS 537.615 (2) and is complete and not defective, including the payment of all fees required under ORS 537.615 (5). If the department determines that the application is incomplete or defective or that not all fees have been paid, the department shall return the fees paid and the application to the applicant to remedy the defect. If an application is complete and not defective, the department shall indorse on the application the date upon which the application was received at the department, which shall be the priority date for any water right issued in response to the application.

(3) Upon determining that an application is complete and not defective, the department shall determine whether the proposed use is prohibited by statute. If the proposed use is prohibited by statute, the department shall reject the application and return all fees to the applicant with an explanation of the statutory prohibition.

(4) If the proposed use is not prohibited by statute, the department shall undertake an initial review of the application and make a preliminary determination of:

(a) Whether the proposed use is restricted or limited by statute or rule or because the proposed use is located within a designated critical ground water area;

(b) **Except for applications described in ORS 537.615 (7),** the extent to which water is available from the proposed source during the times and in the amounts requested; and

(c) Any other issue the department identifies as a result of the initial review that may preclude approval of or restrict the proposed use.

(5) Upon completion of the initial review and no later than 30 days after determining an application to be complete and not defective as described in subsection (2) of this section, the department shall notify the applicant of its preliminary determinations and allow the applicant 14 days from the date of mailing within which to notify the department to stop processing the application or to proceed with the application. If the applicant notifies the department to stop processing the application, the department shall return the application and all fees paid in excess of \$310. If the department receives no timely response from the applicant, the department shall proceed with the application.

(6) Within seven days after proceeding with the application under subsection (5) of this section, the department shall give public notice of the application in the weekly notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.

(7) Within 30 days after the public notice under subsection (6) of this section, any person interested in the application shall submit written comments to the department. Any person who asks to receive a copy of the department's proposed final order shall submit to the department the fee required under ORS 536.050 (1)(p).

SECTION 36. ORS 537.621 is amended to read:

537.621. (1) Within 60 days after the Water Resources Department proceeds with the application under ORS 537.620 (5), the department shall complete application review and issue a proposed final order approving or denying the application or approving the application with modifications or conditions. The department may request the applicant to provide additional information needed to complete the review. If the department requests additional information, the request shall be specific and shall be sent to the applicant by registered mail. The department shall specify a date by which the information must be returned, which shall be not less than 10 days after the department mails the request to the applicant. If the department does not receive the information or a request for a time extension under ORS 537.627 by the date specified in the request, the department may reject the application and may refund fees in accordance with ORS 536.050 (4)(a). The time period specified by the department in a request for additional information shall allow the department to comply with the 60-day time limit established by this subsection.

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

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

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

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

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

(b) In lieu of the factors described in paragraph (a) of this subsection, the department shall presume that a proposed use will ensure the preservation of the public welfare, safety and health if the application is for an expanded group domestic use for a public water system located in a ground water quality management area declared under ORS 468B.180 for an amount of water equivalent to the amount of water provided by abandoned water wells as provided in section 20 of this 2025 Act.

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

[(a)] (A) Confirmation or modification of the preliminary determinations made in the initial review;

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

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

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

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

[(f)] (F) A draft permit, including any proposed conditions, or a recommendation to deny the application;

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

[(h)] (H) The date by which protests to the proposed final order must be received by the department; and

[(i)] (I) The flow rate and duty of water allowed.

(b) Notwithstanding paragraph (a) of this subsection, if the application is for an expanded group domestic use for a public water system located in a ground water quality management area declared under ORS 468B.180 for an amount of water equivalent to the amount of water provided by abandoned water wells as provided in section 20 of this 2025 Act, the proposed order need not cite the findings of fact and conclusions of law described in paragraph (a)(B) to (D) of this subsection, except that the order must include a brief statement that explains the criteria considered relevant to the decision and the compatibility of the proposed use with applicable land use plans.

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

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

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

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

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

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

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

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

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

(f) The protest fee required under ORS 536.050.

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

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

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

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

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

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

NOTE: Section 37 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 38. ORS 537.780 is amended to read:

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

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

(b) Enforce:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) In the administration of ORS 537.505 to 537.795 and 537.992 in a ground water quality management area, as defined in ORS 468B.150, the Water Resources Department shall require compliance with backflow prevention rules.

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

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

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

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

(5) The commission may establish by rule, and enforce, backflow prevention standards for the use of surface water in a ground water quality concern area or a ground water quality management area, as those terms are defined in ORS 468B.150.

SECTION 39. ORS 540.435 is amended to read:

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

(b)(A) In addition to the factors listed in paragraph (a) of this subsection, as necessary to protect public health, the commission may find that ground water contamination in an underground reservoir in a ground water quality concern area or a ground water quality management area, as those terms are defined in ORS 468B.150, is a serious water management problem.

(B) The commission or the Water Resources Department may not, based on a finding under this paragraph, require the installation of a measuring device to measure ground water used for an exempt use under ORS 537.545.

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

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

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

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

SECTION 40. ORS 454.779 is amended to read:

454.779. (1) As used in this section and ORS 454.777:

(a) "Available sewer" means an existing public sewer system that a residence or small business is capable of being connected to:

(A) In compliance with state and local law; and

(B) Without a significant extension of the public sewer system.

(b) ["*Loan program*"] "**Financial assistance program**" means a program to provide grants, loans or other assistance that is funded by a program grant awarded under this section.

(c)(A) "On-site septic system" means a subsurface on-site sewage treatment and disposal system, including, but not limited to, alternative sewage disposal systems, nonwater-carried sewage disposal facilities and subsurface sewage disposal systems as those terms are defined in ORS 454.605.

(B) "On-site septic system" does not include any system that is designed to treat and dispose of industrial waste.

(d)(A) "Residence" or "residential" means single-unit or multiple-unit housing, whether occupied by the owner or a tenant.

(B) "Residence" or "residential" does not include property used to provide short-term lodging.

[(d)] (e) “Small business” means a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit and that generates less than 3,500 gallons of wastewater per day.

(2) The Department of Environmental Quality shall award **program** grants for the purpose of developing and administering [loan] **financial assistance** programs [to provide low-interest loans] for the purposes described in subsection (3)(b) of this section. The Environmental Quality Commission may adopt rules necessary to implement the provisions of this section.

(3) The department may not disburse **program** grant funds under this section unless the department and the intended **program** grant award recipient first enter into a grant agreement. The grant agreement must:

(a) Provide that a lender that participates in a [loan] **financial assistance** program must agree to subordinate the lender’s lien to the borrower’s consensual mortgage lien.

(b) Require that [loans] **financial assistance** provided to **property owners** [borrowers under a loan program] must be used for at least one of the following purposes to address a public health and safety risk or to otherwise protect or maintain water quality in the waters of this state:

(A) To repair a damaged, malfunctioning or inoperable residential or small business on-site septic system.

(B) To replace a damaged, malfunctioning or inoperable residential or small business on-site septic system with:

(i) A new, used or reconditioned functional residential or small business on-site septic system;

(ii) A new, used or reconditioned functional cluster on-site septic system; or

(iii) A connection to an available sewer, and to properly decommission and discontinue use of the on-site septic system.

(C) To upgrade a residential or small business on-site septic system with a newer or more advanced on-site septic system. An upgrade may include alterations if the work is part of a repair or if the on-site septic system being upgraded is more than 25 years old.

(D) To replace the waste disposal well or sewage drill hole of an otherwise functional residential or small business on-site septic system.

(E) To conduct a regional evaluation of community, residential or small business on-site septic systems to determine whether repair or replacement is necessary.

(c) Require that, if a residence or small business with a damaged, malfunctioning or inoperable on-site septic system is located within the territory of an available sewer, and is required to connect to the available sewer, [a loan] **financial assistance** provided [under a loan program] to address the damaged, malfunctioning or inoperable on-site septic system must be used to install a connection to the available sewer and to properly decommission and discontinue use of the on-site septic system.

(d) Require that a loan provided under a [loan] **financial assistance** program must be in an amount that covers 100 percent of the costs associated with the purposes under paragraph (b) of this subsection for which the loan is provided, unless the borrower requests and consents to a loan that covers a lower percentage of the costs.

(e) Require that a **program** grant award recipient must provide a mechanism for ensuring compliance with any locally required operation and maintenance of an on-site septic system for which [a loan] **financial assistance** is provided [under a loan program].

(f) Require that a **program** grant award recipient use accounting, auditing and fiscal procedures that conform to generally accepted government accounting standards.

(4) In selecting **program** grant award recipients under this section, the department shall give preference to applicants that:

(a) [Prioritize, but do not limit themselves to, providing loans to] **Provide financial assistance to** low and moderate income **households, residential housing providers** and small business [applicants] **property owners** that are unable to obtain traditional financing;

(b) Can demonstrate prior success in offering, underwriting, servicing and managing loans, **or providing other financial assistance**, to:

(A) Members of low and moderate income populations;

(B) Persons with a range of credit qualifications; and
(C) Residential and commercial [*borrowers*] **property owners**; and
(c) Plan to engage additional stakeholders in outreach and marketing efforts for a [*loan*] **financial assistance** program.

(5) In addition to applicants described in subsection (4) of this section, the department shall give preference to applicants that provide financial assistance for the repair, replacement, upgrade or evaluation of residential or small business on-site septic systems located in a ground water quality concern area or a ground water quality management area, as those terms are defined in ORS 468B.150.

SECTION 40a. ORS 561.191 is amended to read:

561.191. (1) The State Department of Agriculture shall develop and implement any program or rules that directly regulate farming practices, as defined in ORS 30.930, that are for the purpose of protecting water quality and that are applicable to areas of the state designated as exclusive farm use zones under ORS 215.203 or other agricultural lands in Oregon, including but not limited to rules related to:

(a) Protection of the quality of surface or ground water;
(b) Wellhead protection areas;
(c) Coastal zone management areas;
(d) [*Areas of ground water concern*] **Ground water quality concern areas, as defined in ORS 468B.150**; and

(e) Ground water **quality** management areas, **as defined in ORS 468B.150**.

(2) Any program or rules adopted by the State Department of Agriculture under subsection (1) of this section shall be designed to assure achievement and maintenance of water quality standards adopted by the Environmental Quality Commission.

(3) If two or more state agencies are required to adopt rules under ORS 468B.150 to 468B.190, the agencies:

(a) Shall consult with one another and coordinate the rules; and
(b) May consolidate the rulemaking proceedings.

(4) Nothing in this section is intended to change or reduce the authority of the Water Resources Commission or the Water Resources Department under ORS chapters 536 to 543.

SECTION 41. ORS 568.909 is amended to read:

568.909. (1) The State Department of Agriculture may describe the boundaries of agricultural and rural lands that are subject to a water quality management plan:

(a) Due to a determination by the Environmental Quality Commission to establish a Total Maximum Daily Load for a body of water under the Federal Water Pollution Control Act (33 U.S.C. 1313);

(b) Due to a declaration of a ground water **quality** management area under ORS 468B.180; or

(c) When an agricultural water quality management plan is otherwise specifically required by state or federal law.

(2) For an area whose boundaries have been designated under this section, the department shall develop and carry out a water quality management plan for the prevention and control of water pollution from agricultural activities and soil erosion. The department shall base the plan and rules adopted to implement the plan upon scientific information.

SECTION 42. ORS 568.930 is amended to read:

568.930. (1) Landowners shall conduct all agricultural activities on agricultural lands within the boundaries of an area subject to a water quality management plan in full compliance with the rules implementing the plan and with all the rules and standards of the Environmental Quality Commission relating to water pollution control. In addition to any other remedy provided by law, any violation of those rules or standards shall be subject to all remedies and sanctions available to the Department of Environmental Quality or the Environmental Quality Commission.

(2) The State Department of Agriculture and the State Board of Agriculture shall consult with the Department of Environmental Quality or the Environmental Quality Commission in the adoption and review of water quality management plans and in the adoption of rules to implement the plans.

(3)(a) The Environmental Quality Commission may petition the State Department of Agriculture for a review of part or all of any water quality management plan and rules implementing the plan. The petition must allege with reasonable specificity that the plan or the rules are not adequate to achieve compliance with applicable state and federal water quality standards.

(b) The State Department of Agriculture, in consultation with the State Board of Agriculture, shall complete its review of a petition submitted under paragraph (a) of this subsection within 90 days of the date of the filing of the petition for review. The State Department of Agriculture may not terminate the review without the concurrence of the Environmental Quality Commission unless the department initiates revisions to the rules implementing the water quality management plan that address the issues raised by the Environmental Quality Commission. If the State Department of Agriculture adopts any revisions in response to a petition by the Environmental Quality Commission, the department shall adopt the revisions not later than two years from the date the Environmental Quality Commission submits the petition, unless the department, with the concurrence of the Environmental Quality Commission, finds that special circumstances require additional time.

(4) A water quality management plan and rules implementing the plan that pertain to a ground water **quality** management area shall be subject to the coordination requirements of ORS 468B.162.

SECTION 43. ORS 634.016 is amended to read:

634.016. (1) Every pesticide, including each formula or formulation, manufactured, compounded, delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year with the State Department of Agriculture.

(2) Every device manufactured, delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year with the department.

(3) The registration shall be made by the manufacturer or a distributor of the pesticide.

(4) The application for registration shall include:

(a) The name and address of the registrant.

(b) The name and address of the manufacturer if different than the registrant.

(c) The brand name or trademark of the pesticide.

(d) A specimen or facsimile of the label of each pesticide, and each formula or formulation, for which registration is sought, except for annual renewals of the registration when the label remains unchanged.

(e) The correct name and total percentage of each active ingredient.

(f) The total percentage of inert ingredients.

(5) The application for registration shall be accompanied by a registration fee to be established by the department for each pesticide and each formula or formulation. The registration fee may not exceed \$400 for each such pesticide, or each formula or formulation.

(6) The department, at the time of application for registration of any pesticide or after a declaration of a ground water **quality** management area under ORS 468B.180 may:

(a) Restrict or limit the manufacture, delivery, distribution, sale or use of any pesticide in this state.

(b) Refuse to register any pesticide that is highly toxic for which there is no effective antidote under the conditions of use for which such pesticide is intended or recommended.

(c) Refuse to register any pesticide for use on a crop for which no finite tolerances for residues of such pesticide have been established by either the department or the federal government.

(d) In restricting the purposes for which pesticides may be manufactured, delivered, distributed, sold or used, or in refusing to register any pesticide, give consideration to:

(A) The damage to health or life of humans or animals, or detriment to the environment, that might result from the distribution and use of such pesticide.

(B) Authoritative findings and recommendations of agencies of the federal government and of any advisory committee or group established under ORS 634.306 (10).

(C) The existence of an effective antidote under known conditions of use for which the material is intended or recommended.

(D) Residual or delayed toxicity of the material.

(E) The extent to which a pesticide or its carrying agent simulates by appearance and may be mistaken for human food or animal feed.

(7) The provisions of this section shall not, except as provided herein, apply to:

(a) The use and purchase of pesticides by the federal government or its agencies.

(b) The sale or exchange of pesticides between manufacturers and distributors.

(c) Drugs, chemicals or other preparations sold or intended for medicinal or toilet purposes or for use in the arts or sciences.

(d) Common carriers, contract carriers or public warehousemen delivering or storing pesticides, except as provided in ORS 634.322.

SECTION 44. (1) Notwithstanding the amendments to ORS 468B.150 and 468B.180 by sections 1 and 9 of this 2025 Act, an area subject to a declaration under ORS 468B.180 as of the day immediately preceding the effective date of this 2025 Act shall be deemed to be declared a ground water quality management area on the effective date of this 2025 Act.

(2) If a lead agency determines that a requirement imposed on any state agency, interagency team or ground water management committee by the amendments to ORS 468B.180, 468B.182, 468B.184 or 468B.186 by sections 9 to 12 of this 2025 Act is duplicative or unnecessary because of actions taken in an area described in subsection (1) of this section before the effective date of this 2025 Act, the lead agency may deem the requirement to have been satisfied for purposes of ORS 468B.180, 468B.182, 468B.184 or 468B.186.

SECTION 45. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

Passed by Senate June 17, 2025

.....
Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 27, 2025

.....
Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State