

**A-Engrossed**  
**Senate Bill 1154**

Ordered by the Senate April 17  
Including Senate Amendments dated April 17

Sponsored by COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

**SUMMARY**

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

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

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

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

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

**A BILL FOR AN ACT**

1  
2 Relating to ground water; creating new provisions; amending ORS 215.213, 215.283, 448.150, 448.268,  
3 468B.050, 468B.150, 468B.162, 468B.169, 468B.171, 468B.175, 468B.177, 468B.179, 468B.180,  
4 468B.182, 468B.184, 468B.186, 468B.188, 468B.219, 536.340, 536.410, 537.525, 537.615, 537.620,  
5 537.621, 537.775, 537.780, 540.435, 540.520, 568.909, 568.930 and 634.016; and repealing ORS  
6 468B.183 and 468B.187.

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

8  
9 **GROUND WATER QUALITY CONCERN AREAS**

10  
11 **SECTION 1.** ORS 468B.150 is amended to read:

12 468B.150. As used in ORS 448.268, 448.271 and 468B.150 to 468B.190:

13 [(1) "*Area of ground water concern*" means an area of the state subject to a declaration by the  
14 Department of Environmental Quality under ORS 468B.175 or the Oregon Health Authority under ORS  
15 448.268.]

16 [(2)] (1) "Contaminant" means any chemical, ion, radionuclide, synthetic organic compound,  
17 microorganism, waste or other substance that does not occur naturally in ground water or that oc-  
18 curs naturally but at a lower concentration.

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

22 (3) "Ground water quality concern area" means an area of the state subject to a decla-

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

1 **ration under ORS 468B.175.**

2 [(3)] (4) “Ground water **quality** management area” means an area in which contaminants in the  
3 ground water have exceeded the levels established under ORS 468B.165, and the affected area is  
4 subject to a declaration under ORS 468B.180.

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

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

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

8 468B.175. *[(1) If, as a result of its statewide monitoring and assessment activities under ORS*  
9 *468B.190, the Department of Environmental Quality confirms the presence in ground water of contam-*  
10 *inants suspected to be the result, at least in part, of nonpoint source activities, the department shall*  
11 *declare an area of ground water concern. The declaration shall identify the substances confirmed to*  
12 *be in the ground water and all ground water aquifers that may be affected.]*

13 (1) **The Department of Environmental Quality shall recommend that the Environmental**  
14 **Quality Commission declare a ground water quality concern area if, based on the results of**  
15 **the department’s statewide monitoring and assessment activities under ORS 468B.190, or**  
16 **through the review of other relevant data and information, the department:**

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

19 (b) **Based on the best available information, finds that one or more of the factors iden-**  
20 **tified in subsection (2) of this section is present.**

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

23 (a) **A significant number of domestic wells or other sensitive receptors have been or po-**  
24 **tentially will be affected by ground water contamination;**

25 (b) **Contaminants from nonpoint sources that require additional investigation to under-**  
26 **stand appropriate interventions have been identified; or**

27 (c) **Deterioration of water quality in the area could lead to an exceedance of the thresh-**  
28 **olds described in ORS 468B.180 within 15 years unless remedial action is taken.**

29 (3) **A declaration of a ground water concern area by the commission must identify the**  
30 **substances confirmed to be in the ground water and ground water aquifers that may be af-**  
31 **ected.**

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

34 (4) **Before recommending that the commission declare a ground water concern area, the**  
35 **department shall have a laboratory operated by the department or another accredited labo-**  
36 **ratory confirm the results that would cause the department to make the recommendation.**

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

38 468B.177. (1) After a declaration of *[an area of ground water concern, the Department of Envi-*  
39 *ronmental Quality, in consultation with other appropriate state agencies, shall:]* **a ground water**  
40 **quality concern area, the Governor shall establish an interagency team and designate a lead**  
41 **agency. The Governor shall consider the primary contaminant of concern and the respective**  
42 **expertise, statutory responsibilities and regulatory authority of each relevant agency when**  
43 **making the lead agency designation. The interagency team shall include the Department of**  
44 **Environmental Quality and the Water Resources Department and may include the State**  
45 **Department of Agriculture, the Oregon Health Authority, the State Department of Geology**

1 **and Mineral Industries and other agencies with responsibilities or authorities related to a**  
2 **contaminant of concern or remedial actions needed to address a contaminant of concern.**

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

6 *[(1) Within 90 days, appoint a ground water management committee in the geographic area over-*  
7 *lying the ground water aquifer;]*

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

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

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

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

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

16 **(a) Based on the best available information, develop, in a timely manner, an agency as-**  
17 **essment and outreach plan to:**

18 **(A) Evaluate potential sources of contaminants of concern contributing to ground water**  
19 **quality deterioration;**

20 **(B) Identify existing authorities, programs or actions of the agencies in the interagency**  
21 **team that are relevant to a contaminant of concern; and**

22 **(C) Provide initial plans for implementing the actions described in sections 6 and 8 of this**  
23 **2025 Act;**

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

28 **(c) Identify:**

29 **(A) Best management practices to address known sources of contamination in the ground**  
30 **water quality concern area; and**

31 **(B) Planned actions to share information and coordinate with and educate likely sources**  
32 **of a contaminant of concern on best management practices; and**

33 **(d) Identify and implement public education and outreach strategies regarding the pre-**  
34 **vention of ground water contamination, targeted to ground water users and local officials**  
35 **within the ground water quality concern area.**

36 **(4) The interagency team shall prepare a draft of the agency assessment and outreach**  
37 **plan and provide the draft to the ground water management committee appointed under ORS**  
38 **468B.179 for comment. The interagency team shall prepare a final agency assessment and**  
39 **outreach plan after receiving the comments of the committee.**

40 **(5) As applicable, the lead agency shall, each calendar quarter, report to the agency's**  
41 **respective board or commission.**

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

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

45 468B.179. (1)(a) *[Upon the request of a local government, or as required under ORS 468B.177 or*

1 468B.182, the Department of Environmental Quality, in consultation with other appropriate state agen-  
2 cies,] **Within a reasonable time after completion of the draft agency assessment and outreach**  
3 **plan under ORS 468B.177, the lead agency, in consultation with the interagency team,** shall  
4 appoint a ground water management committee. The ground water management committee shall be  
5 composed of at least seven members representing a balance of interests in the area affected by the  
6 declaration, **including at least one homeowner or tenant that relies on a domestic well for**  
7 **drinking water that has been affected by the contaminant of concern.**

8 (b) **The ground water management committee shall develop and implement a local vol-**  
9 **untary implementation plan, as provided in subsection (2) of this section, and provide com-**  
10 **ments to the interagency team on the draft agency assessment and outreach plan for the**  
11 **purpose of aligning the efforts of the committee and the interagency team.**

12 (c) **The ground water management committee shall review and provide comments on the**  
13 **draft agency assessment and outreach plan to the interagency team within 90 days of re-**  
14 **ceiving the draft.**

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

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

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

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

25 (a) **The local voluntary implementation plan must include:**

26 (A) **Actions that will be promoted to inform well users of ground water contamination**  
27 **and actions that will be voluntarily implemented by the local community to address sources**  
28 **of contamination in the ground water quality concern area;**

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

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

32 (b) **The local voluntary implementation plan may include:**

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

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

37 [(e)] (C) **Recommendations of public education and research specific to that area that would as-**  
38 **ist in addressing the issues related to the [area of ground water concern] ground water quality**  
39 **concern area; [and]**

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

42 (E) **Recommendations for local governments and organizations to assist with public edu-**  
43 **cation and outreach regarding awareness of well water quality, health considerations, treat-**  
44 **ment options and prevention of ground water contamination.**

45 (3) [*The availability of the draft local action plan and announcement of a 30-day public comment*

1 *period shall be publicized in a newspaper of general circulation in the area designated as an area of*  
2 *ground water concern.] A draft of the local voluntary implementation plan shall be made*  
3 **available for public comment for a period of 30 days.** Suggestions provided to the ground water  
4 management committee during the public comment period shall be considered by the ground water  
5 management committee in determining the final [*action*] **local voluntary implementation** plan.

6 (4) The ground water management committee may request the [*department*] **lead agency** to ar-  
7 range for technical advice and assistance from appropriate state agencies and higher education in-  
8 stitutions.

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

13 **SECTION 5. Sections 6 and 7 of this 2025 Act are added to and made a part of ORS**  
14 **468B.150 to 468B.190.**

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

17 (1) **If a contaminant of concern directly contributes to ground water quality deterioration**  
18 **and is associated with permitted or onsite activity, the Department of Environmental Quality**  
19 **shall:**

20 (a) **Review any permits issued under ORS 468B.050 that are active in the ground water**  
21 **quality concern area to identify the need for enhanced monitoring efforts and ensure suffi-**  
22 **ciently protective best management practices and controls are being utilized. The depart-**  
23 **ment shall prioritize consideration of permit modifications and the development of new**  
24 **permits as necessary to address contaminants of concern;**

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

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

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

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

36 (a) **Review agricultural ground water quality management plans developed under ORS**  
37 **568.909 for potential plan revisions to identify voluntary practices, documentation or actions**  
38 **needed for source control of the contaminant of concern.**

39 (b) **Make available stewardship agreement opportunities pursuant to ORS 541.973 that**  
40 **may include:**

41 (A) **Conditions of use and application of sources; and**

42 (B) **Maintenance of records related to the management and monitoring of sources.**

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

45 (d) **Review active permits issued by the department within the area to identify opportu-**

1 nities for permit modifications or revisions to permit conditions during renewal or issuance  
2 to address sources of contaminants of concern. The review may include:

- 3 (A) Assessment of permit conditions related to contaminant discharge limits;
- 4 (B) Evaluation of monitoring and reporting requirements;
- 5 (C) Evaluation of use practices;
- 6 (D) Evaluation of other conditions necessary to achieve ground water quality objectives;

7 and

- 8 (E) Coordination with relevant state agencies to align with area plans and rules.

9 (3) The Oregon Health Authority shall:

10 (a) Prepare a preliminary assessment that:

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

13 (B) Evaluates possible response strategies; and

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

15 (b) Prepare accessible and language-appropriate outreach and education materials re-  
16 garding the public health risks of the identified ground water contaminant and recommended  
17 actions to reduce health risks and:

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

20 (B) Provide the materials to the local public health authority for dissemination to com-  
21 munity members.

22 **SECTION 7.** (1) Upon completion of the final agency assessment and outreach plan de-  
23 veloped under ORS 468B.177, the lead agency shall submit the plan in a report to the Gov-  
24 ernor and the Joint Committee on Ways and Means or the Joint Interim Committee on Ways  
25 and Means in the manner provided by ORS 192.245. The report shall include requests for  
26 needed resource changes to implement the plan and may include requests for funding nec-  
27 essary to implement the plan.

28 (2)(a) No later than December 15 of each even-numbered year during which a lead agency  
29 is responsible for the implementation of a final action plan, the lead agency shall submit a  
30 report in the manner provided by ORS 192.245 to the Joint Interim Committee on Ways and  
31 Means. The report shall describe the interagency team's progress in implementing the plan  
32 and may include requests for funding.

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

36 **SECTION 8.** Upon a declaration of a ground water quality concern area, as defined in  
37 ORS 468B.150, the Water Resources Department may, notwithstanding any contrary pro-  
38 vision of law, consult with the Department of Environmental Quality to:

39 (1) Assess which new uses of water may increase the presence of a contaminant of con-  
40 cern in the ground water quality concern area; and

41 (2) Consistent with ORS 537.525, assess the effects of water use on ground water quality  
42 when deciding whether to approve a new right to appropriate ground water under ORS  
43 537.505 to 537.795 within a ground water quality concern area.

44  
45 **GROUND WATER QUALITY MANAGEMENT AREAS**

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

2        468B.180. (1) The Department of Environmental Quality shall **recommend that the Environ-**  
3 **mental Quality Commission** declare a ground water **quality** management area if, [*as a result of*  
4 *information provided to the department or from its*] **through** statewide monitoring and assessment  
5 activities under ORS 468B.190, **or through the review of other relevant data and information,**  
6 the department confirms that, as a result of suspected nonpoint source activities, there is present  
7 in the ground water:

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

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

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

15        (3) Before [*declaring*] **recommending the declaration of** a ground water **quality** management  
16 area under [*subsections (1) and (2)*] **subsection (1)** of this section, the [*agency*] **department** shall  
17 have a [*second*] laboratory **operated by the department or another accredited laboratory** con-  
18 firm the results that **would** cause the [*agency*] **department** to make the [*declaration*] **recommen-**  
19 **dation.**

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

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

26        468B.182. (1) After the declaration of a ground water **quality** management area, the [*Department*  
27 *of Environmental Quality, in consultation with other appropriate state agencies,*] **lead agency desig-**  
28 **nated under ORS 468B.184** shall appoint a ground water management committee for the affected  
29 area if a ground water management committee has not already been appointed under ORS  
30 [*468B.177*] **468B.179. A ground water management committee appointed under this section**  
31 **must include a homeowner or tenant that relies on a domestic well in the area for drinking**  
32 **water which has been affected by the contaminant of concern.** If the affected area had previ-  
33 ously been designated [*an area of ground water concern*] **a ground water quality concern area,** the  
34 same ground water management committee appointed under ORS [*468B.177*] **468B.179** shall continue  
35 [*to address the ground water issues raised as a result of the declaration of a ground water management*  
36 *area*] **to advise the interagency team.**

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

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

41        468B.184. (1) After a ground water **quality** management area is declared, the [*Department of*  
42 *Environmental Quality*] **Governor** shall **establish an interagency team and** designate a lead  
43 agency responsible for developing an action plan, **as provided in this section.** [*and request other*  
44 *agencies to assume appropriate responsibilities for preparation of a draft action plan within 90 days*  
45 *after the declaration.*] **If the affected area had previously been designated a ground water**

1 **quality concern area, the Governor may establish the same interagency team and designate**  
 2 **the same lead agency designated under ORS 468B.177. If no lead agency and interagency team**  
 3 **has been previously designated and established, the Governor shall consider the primary**  
 4 **contaminant of concern and its predominant sources, and the respective expertise, statutory**  
 5 **responsibilities and regulatory authority of each relevant agency when making the lead**  
 6 **agency designation. The interagency team shall include the Department of Environmental**  
 7 **Quality and the Water Resources Department. The interagency team may include the State**  
 8 **Department of Agriculture, the Oregon Health Authority and the State Department of**  
 9 **Geology and Mineral Industries or other agencies with responsibilities or authorities related**  
 10 **to the contaminant of concern.**

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

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

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

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

23 (c) *[Recommendations]* **Identification of mandatory actions, including actions under sections**  
 24 **14, 15, 19 and 20 of this 2025 Act** that, when implemented, will reduce the contamination to a level  
 25 below that level requiring the declaration of ground water **quality** management area **or a ground**  
 26 **water quality concern area;**

27 (d) A proposed time schedule for:

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

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

30 (C) Public review of the action plan;

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

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

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

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

44 **(4) If ground water pumping is an identified cause of, or contributor to, water quality**  
 45 **degradation in the ground water quality management area, the Water Resources Department**

1 **may classify or reclassify the aquifer under ORS 536.340 or designate the aquifer as a critical**  
2 **ground water area pursuant to ORS 537.730 to 537.740.**

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

4 468B.186. (1) After completion and distribution of the draft action plan under ORS 468B.184, the  
5 lead agency shall provide a 60-day period of public comment on the draft action plan and the manner  
6 by which members of the public may review the plan or obtain copies of the plan. [A *notice of the*  
7 *comment period shall be published in two issues of one or more newspapers having general circulation*  
8 *in the counties in which the designated area of the ground water emergency is located, and in two is-*  
9 *ssues of one or more newspapers having general circulation in the state.*]

10 (2) Within [60] **90** days after the close of the public comment period, the lead agency shall  
11 complete a final action plan. All suggestions and information provided to the lead agency during the  
12 public comment period shall be considered by the lead agency and when appropriate shall be ac-  
13 knowledged in the final action plan.

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

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

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

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

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

33 468B.188. (1) If, after implementation of the action plan developed by [*affected agencies*] **the**  
34 **interagency team** under ORS 468B.184 to 468B.187, the ground water improves so that the levels  
35 of contaminants no longer exceed the levels established under ORS 468B.180, the **Environmental**  
36 **Quality Commission, upon the recommendation of the** Department of Environmental Quality,  
37 shall determine whether to repeal the ground water **quality** management area declaration and to  
38 establish [*an area of ground water concern*] **a ground water quality concern area.**

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

45 (3) Before [*the Department of Environmental Quality terminates*] **relevant state agencies, in**

1 **consultation with the interagency team, terminate** any mandatory controls imposed under the  
2 action plan created under ORS 468B.184 to 468B.187, the ground water management committee must  
3 produce a local [*action*] **voluntary implementation** plan that includes provisions necessary to im-  
4 prove ground water **quality** in the area and that the [*department*] **interagency team** finds can be  
5 **voluntarily** implemented at the local level without the necessity of state enforcement authority.

6 **SECTION 14. After a declaration of a ground water quality management area under ORS**  
7 **468B.180, the State Department of Agriculture, as necessary to control a relevant contam-**  
8 **inant of concern:**

9 (1) **Shall adopt and implement rules as provided in ORS 561.191, which may include but**  
10 **need not be limited to:**

11 (a) **Restrictions on the manner of use and application of the contaminant of concern;**

12 (b) **Development and implementation of management plans for source control;**

13 (c) **Requirements for:**

14 (A) **Sampling, testing and analysis of contaminant sources;**

15 (B) **Transport mechanisms; and**

16 (C) **Measuring the efficacy of mitigation practices;**

17 (d) **Requirements for keeping records related to actions required by rules adopted under**  
18 **this section and providing records to the department upon request; and**

19 (e) **Individual exemptions from the permit requirements of ORS 468B.219.**

20 (2) **Shall review active permits issued by the department within the ground water quality**  
21 **management area to identify opportunities for permit modifications or revisions to permit**  
22 **conditions during renewal or issuance to address sources of contaminants of concern. The**  
23 **review may include:**

24 (a) **Assessment of permit conditions related to contaminant discharge limits;**

25 (b) **Evaluation of monitoring and reporting requirements;**

26 (c) **Evaluation of use practices;**

27 (d) **Evaluation of other conditions necessary to achieve ground water quality objectives;**

28 **and**

29 (e) **Coordination with relevant state agencies to align with area plans and rules.**

30 (3) **May make available stewardship agreement opportunities, pursuant to ORS 541.973,**  
31 **for the ground water quality management area.**

32 **SECTION 15. (1) After a declaration of a ground water quality management area under**  
33 **ORS 468B.180, the Oregon Health Authority shall, in consultation with local health authori-**  
34 **ties, develop a public health remediation and response plan. The remediation and response**  
35 **plan shall be based on the preliminary assessment developed under section 6 (3) of this 2025**  
36 **Act. If no preliminary assessment has been prepared under section 6 (3) of this 2025 Act, the**  
37 **authority shall prepare a preliminary assessment before developing the health remediation**  
38 **and response plan under this section.**

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

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

44 **SECTION 17. Notwithstanding any other provision of ORS chapter 195 or 197 or this**  
45 **chapter:**

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

7 (2) A county may prohibit the development of any new residential dwelling or accessory  
8 dwelling otherwise allowed under this chapter within a ground water quality management  
9 area unless the dwelling is connected to urban water supply services under subsection (1)  
10 of this section or a community water well described in ORS 537.621 (2)(b).

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

14 SECTION 18. Section 19 of this 2025 Act is added to and made a part of ORS 454.605 to  
15 454.755.

16 SECTION 19. (1) After a declaration of a ground water quality management area under  
17 ORS 468B.180, the Department of Environmental Quality may enter on to private property  
18 at reasonable times to inspect residential subsurface sewage disposal systems or alternative  
19 sewage disposal systems in the area. Before carrying out an inspection under this section,  
20 the department shall give notice of the inspection to the property owner and any tenant re-  
21 siding at the property and take reasonable steps to arrange a convenient time for the in-  
22 spection with the resident of the property.

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

28 SECTION 20. (1) Notwithstanding any contrary provision of law, the Water Resources  
29 Department may approve an application under ORS 537.615 to appropriate ground water in  
30 a ground water quality management area declared under ORS 468B.180 for community or  
31 public water wells for an amount of water equivalent to the amount of water provided by  
32 abandoned domestic water wells if:

33 (a) The amount of equivalent water does not exceed 5,000 gallons per day; and

34 (b) The impact of the proposed community or public water well on hydraulically con-  
35 nected surface water bodies is similar to or less than the cumulative impact of the aban-  
36 doned domestic water wells.

37 (2) The Water Resources Commission may adopt rules as necessary to implement this  
38 section, including standards for estimating the amount of equivalent water.

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

40  
41 **AMENDMENTS TO STATUTES**

42  
43 SECTION 22. ORS 448.268 is amended to read:

44 448.268. (1) If, as a result of its activities under ORS 448.150, or through the review of other  
45 relevant data, the Oregon Health Authority confirms the persistent and prevalent presence in

1 ground water drinking water supplies of contaminants resulting at least in part from suspected  
 2 nonpoint source activities, the authority shall **recommend that the Environmental Quality**  
 3 **Commission** declare *[an area of ground water concern]* **a ground water quality concern area**. The  
 4 declaration **by the commission** shall identify the substances confirmed in the ground water and  
 5 *[all]* ground water aquifers that may be affected.

6 **(2) Before recommending a declaration of a ground water quality concern area, the au-**  
 7 **thority shall request that a laboratory operated by the Department of Environmental Quality**  
 8 **or an another accredited laboratory confirm the results that would cause the authority to**  
 9 **make the recommendation.**

10 **SECTION 23.** ORS 448.150 is amended to read:

11 448.150. (1) The Oregon Health Authority shall:

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

16 (b) Require regular water sampling by water suppliers to determine compliance with water  
 17 quality standards established by the authority. These samples shall be analyzed in a laboratory ap-  
 18 proved by the authority. The results of the laboratory analysis of a sample shall be reported to the  
 19 authority by the water supplier, unless direct laboratory reporting is authorized by the water sup-  
 20 plier. The laboratory performing the analysis shall report the validated results of the analysis di-  
 21 rectly to the authority and to the water supplier if the analysis shows that a sample contains  
 22 contaminant levels in excess of any maximum contaminant level specified in the water quality  
 23 standards.

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

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

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

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

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

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

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

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

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

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

6 468B.162. (1) The Department of Environmental Quality shall coordinate the *[following:]*

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

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

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

16 **(b) Notwithstanding paragraph (a) of this subsection, the department shall provide staff**  
17 **support for projects or activities related to a ground water quality concern area or a ground**  
18 **water quality management area only as directed by the lead agency designated under ORS**  
19 **468B.177 or 468B.184.**

20 (3) In addition to its duties under subsection (1) of this section, the department shall, on or be-  
21 fore January 1 of each odd-numbered year, prepare a report to the Legislative Assembly. The report  
22 shall include the status of ground water in Oregon, efforts made in the immediately preceding year  
23 to protect, conserve and restore Oregon’s ground water resources and grants awarded under ORS  
24 468B.169.

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

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

30 (2) The request under subsection (1) of this section shall be filed in the manner, be in the form  
31 and contain the information required by the department. *[The requester may submit the request either*  
32 *to the department or to a ground water management committee organized under ORS 468B.179 or*  
33 *468B.182.]*

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

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

37 468B.171. (1) Of the moneys available to the Department of Environmental Quality to award as  
38 grants under ORS 468B.169, not more than one-third shall be awarded for funding of projects directly  
39 related to issues pertaining to a ground water **quality** management area.

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

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

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

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

1 (d) Incentives to persons who implement innovative alternative practices that demonstrate in-  
2 creased protection of the ground water resource of Oregon.

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

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

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

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

12 468B.050. (1) Except as provided in ORS 468B.053 or 468B.215, without holding a permit from the  
13 Director of the Department of Environmental Quality or the State Department of Agriculture, which  
14 permit shall specify applicable effluent limitations, a person may not:

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

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

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

21 (d) Construct, install, operate or conduct any industrial, commercial, confined animal feeding  
22 operation or other establishment or activity or any extension or modification thereof or addition  
23 thereto, the operation or conduct of which would cause an increase in the discharge of wastes into  
24 the waters of the state or which would otherwise alter the physical, chemical or biological proper-  
25 ties of any waters of the state in any manner not already lawfully authorized.

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

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

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

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

36 (3) When deciding whether to issue a permit to a confined animal feeding operation under this  
37 section, the Department of Environmental Quality or the State Department of Agriculture shall  
38 consider any relevant determination by the Water Resources Department pursuant to ORS 468B.216  
39 (2).

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

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

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

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

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

5 **(7) After a declaration of a ground water quality management area under ORS 468B.180,**  
6 **the Department of Environmental Quality may require the modification of any permit issued**  
7 **under this section if the department determines that permit modification is necessary to**  
8 **address an urgent ground water contamination issue. A permit that is modified under this**  
9 **subsection must include conditions that limit the discharge of a contaminant of concern, as**  
10 **defined in ORS 468B.150.**

11 [(7)] (8) As used in this section:

12 (a) “New large confined animal feeding operation” has the meaning given that term in ORS  
13 468B.215.

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

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

16 468B.219. (1) The State Department of Agriculture may issue a nutrient application permit.

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

18 (a) The rate of nutrient application.

19 (b) The source of the nutrients.

20 (c) The placement of the nutrients.

21 (d) The timing of nutrient application.

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

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

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

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

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

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

33 (c) Fees for permits under this section.

34 (6) As used in this section, “NPDES” and “WPCF” have the meanings given those terms in ORS  
35 561.255.

36 **SECTION 29.** ORS 215.213 is amended to read:

37 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
38 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (m) Minor betterment of existing public road and highway related facilities, such as maintenance  
45 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous

1 public-owned property utilized to support the operation and maintenance of public roads and high-  
2 ways.

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

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

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

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

9 (r) Farm stands if:

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

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

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

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

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

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

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

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

41 (A) A public right of way;

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

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

45 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
44 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
45 shall not include any species under quarantine by the State Department of Agriculture or the United

1 States Department of Agriculture. The county shall provide notice of all applications under this  
2 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
3 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
4 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of  
2 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (i) Planned hours of operation;

1 (ii) Access, egress and parking;

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

4 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

31 (D) Must comply with ORS 215.296;

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

34 (F) Must comply with conditions established for:

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

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

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

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

44 (v) Sanitation and solid waste.

45 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism

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

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

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

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

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

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

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

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

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

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

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

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

35 **SECTION 30.** ORS 215.283 is amended to read:

36 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39       (o) Farm stands if:

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

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

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

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

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

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

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

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

25 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

9 (b) Operations conducted for:

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

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

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

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

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

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

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

36 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (3) Roads, highways and other transportation facilities and improvements not allowed under  
45 subsections (1) and (2) of this section may be established, subject to the approval of the governing

1 body or its designee, in areas zoned for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

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

26 (i) Planned hours of operation;

27 (ii) Access, egress and parking;

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

30 (iv) Sanitation and solid waste.

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

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

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

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

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

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

45 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining

1 properties consent, in writing, to the location; and

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

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

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

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

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

12 (D) Must comply with ORS 215.296;

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

15 (F) Must comply with conditions established for:

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

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

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

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

25 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

16 **SECTION 31.** ORS 536.340 is amended to read:

17 536.340. (1) Subject at all times to existing rights and priorities to use waters of this state, the  
 18 Water Resources Commission:

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

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

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

43 **(d) May, as necessary to protect public health, and in addition to any other authority of**  
 44 **the commission, classify or reclassify an underground reservoir in a ground water quality**  
 45 **concern area or a ground water quality management area, as those terms are defined in ORS**

1 **468B.150.**

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

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

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

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

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

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

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

16 (b) Provide an opportunity for review by:

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

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

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

22 **SECTION 32.** ORS 536.410 is amended to read:

23 536.410. (1) When the Water Resources Commission determines that it is necessary to insure  
24 compliance with the state water resources policy or that it is otherwise necessary in the public in-  
25 terest to conserve the water resources of this state for the maximum beneficial use and control  
26 thereof that any unappropriated waters of this state, including unappropriated waters released from  
27 storage or impoundment into the natural flow of a stream for specified purposes, be withdrawn from  
28 appropriation for all or any uses including exempt uses under ORS 537.545, the commission, on be-  
29 half of the state, may issue an order of withdrawal.

30 (2) Prior to the issuance of the order of withdrawal the commission shall hold a public hearing  
31 on the necessity for the withdrawal. Notice of the hearing shall be published in at least one issue  
32 each week for at least two consecutive weeks prior to the hearing in a newspaper of general cir-  
33 culation published in each county in which are located the waters proposed to be withdrawn.

34 (3) The order of withdrawal shall specify with particularity the waters withdrawn from appro-  
35 priation, the uses for which the waters are withdrawn, the reason for the withdrawal and the du-  
36 ration of the withdrawal. The commission may modify or revoke the order at any time.

37 (4) Copies of the order of withdrawal and notices of any modification or revocation of the order  
38 of withdrawal shall be filed in the Water Resources Department.

39 (5) While the order of withdrawal is in effect, no application for a permit to appropriate the  
40 waters withdrawn for the uses specified in the order and no application for a preliminary permit or  
41 license involving appropriations of such waters shall be received for filing by the Water Resources  
42 Commission.

43 **(6) In addition to the authority provided under subsection (1) of this section, the com-**  
44 **mission may issue an order of withdrawal for an underground reservoir in a ground water**  
45 **quality concern area or a ground water quality management area, as those terms are defined**

1 **in ORS 468B.150, as necessary to protect public health.**

2 **SECTION 33.** ORS 537.525 is amended to read:

3 537.525. (1) The Legislative Assembly recognizes, declares and finds that the right to reasonable  
4 control of all water within this state from all sources of water supply belongs to the public, and that  
5 in order to [*insure*] **ensure** the preservation of the public welfare, safety and health it is necessary  
6 that:

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

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

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

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

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

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

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

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

24 [(9)] (i) Whenever wasteful use of ground water, impairment of or interference with existing  
25 rights to appropriate surface water, declining ground water levels, alteration of ground water tem-  
26 peratures that may adversely affect priorities or impair the long-term stability of the thermal prop-  
27 erties of the ground water, interference among wells, thermal interference among wells, overdraw-  
28 ing of ground water supplies or pollution of ground water exists or impends, controlled use of the  
29 ground water concerned be authorized and imposed under voluntary joint action by the Water Re-  
30 sources Commission and the ground water users concerned whenever possible, but by the commis-  
31 sion under the police power of the state except as specified in ORS 537.796, when such voluntary  
32 joint action is not taken or is ineffective.

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

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

37 **(2) The Legislative Assembly finds and declares that community or public water wells**  
38 **located in a ground water quality management area declared under ORS 468B.180 using an**  
39 **amount of water equivalent to the amount of water provided by abandoned domestic wells**  
40 **ensures the preservation of the public welfare, safety and health if:**

41 **(a) The amount of equivalent water does not exceed 5,000 gallons per day; and**

42 **(b) The impact of the proposed community or public water well on hydraulically con-**  
43 **ected surface water bodies is similar to or less than the cumulative impact of the aban-**  
44 **doned domestic water wells.**

45 **SECTION 34.** ORS 537.615 is amended to read:

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

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

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

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

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

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

12 (e) The amount of ground water claimed.

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

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

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

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

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

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

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

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

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

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

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

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

41 **(7) Notwithstanding any contrary provision of law, an application under this section may**  
42 **request the issuance of a permit to appropriate ground water for community or public water**  
43 **wells for an amount of water equivalent to the amount of water provided by abandoned do-**  
44 **mestic water wells if:**

45 **(a) The amount of equivalent water does not exceed 5,000 gallons per day; and**

1       **(b) The impact of the proposed community or public water well on hydraulically con-**  
 2 **ected surface water bodies is similar to or less than the cumulative impact of the aban-**  
 3 **doned domestic water wells.**

4       [(7)] **(8)** Notwithstanding any provision of ORS chapter 183, an application for a permit to ap-  
 5 propriate ground water shall be processed in the manner set forth in ORS 537.505 to 537.795.  
 6 Nothing in ORS chapter 183 shall be construed to allow additional persons to participate in the  
 7 process. To the extent that any provision in ORS chapter 183 conflicts with a provision set forth in  
 8 ORS 537.505 to 537.795, the provisions in ORS 537.505 to 537.795 shall control.

9       **SECTION 35.** ORS 537.620 is amended to read:

10       537.620. (1) The Water Resources Department shall accept all applications for permits submitted  
 11 under ORS 537.615 in proper form.

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

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

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

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

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

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

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

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

44       (7) Within 30 days after the public notice under subsection (6) of this section, any person inter-  
 45 ested in the application shall submit written comments to the department. Any person who asks to

1 receive a copy of the department's proposed final order shall submit to the department the fee re-  
 2 quired under ORS 536.050 (1)(p).

3 **SECTION 36.** ORS 537.621 is amended to read:

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

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

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

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

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

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

32 **(b) In lieu of the factors described in paragraph (a) of this subsection, the department**  
 33 **shall presume that a proposed use will ensure the preservation of the public welfare, safety**  
 34 **and health if the application is for a community or public water well located in a ground**  
 35 **water quality management area declared under ORS 468B.180 for an amount of water equiv-**  
 36 **alent to the amount of water provided by abandoned domestic water wells if:**

37 **(A) The impact of the proposed community or public water well on hydraulically con-**  
 38 **connected surface water bodies is similar to or less than the cumulative impact of the aban-**  
 39 **doned domestic water wells; and**

40 **(B) The amount of equivalent water does not exceed 5,000 gallons per day.**

41 (3)(a) The proposed final order shall cite findings of fact and conclusions of law and shall in-  
 42 clude but need not be limited to:

43 [(a)] (A) Confirmation or modification of the preliminary determinations made in the initial re-  
 44 view;

45 [(b)] (B) A brief statement that explains the criteria considered relevant to the decision, in-

1 cluding the applicable basin program and the compatibility of the proposed use with applicable land  
2 use plans;

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

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

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

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

11 [(g)] (G) Whether the rebuttable presumption under subsection (2) of this section has been es-  
12 tablished;

13 [(h)] (H) The date by which protests to the proposed final order must be received by the de-  
14 partment; and

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

16 **(b) Notwithstanding paragraph (a) of this subsection, if the application is for a commu-  
17 nity or public water well located in a ground water quality management area declared under  
18 ORS 468B.180 for an amount of water equivalent to the amount of water provided by aban-  
19 doned domestic water wells, the proposed order need not cite the findings of fact and con-  
20 clusions of law described in paragraphs (a)(B) to (D) of this subsection, except that the order  
21 must include a brief statement that explains the criteria considered relevant to the decision  
22 and the compatibility of the proposed use with applicable land use plans.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **SECTION 37.** ORS 537.775 is amended to read:

21 537.775. (1) Whenever the Water Resources Commission finds that any well, including any well  
22 exempt under ORS 537.545, is by the nature of its construction, operation or otherwise causing  
23 wasteful use of ground water, is unduly interfering with other wells or surface water supply, is a  
24 threat to health, is polluting ground water or surface water supplies, is causing substantial alter-  
25 ation of ground water temperatures or is causing substantial thermal interference with other wells  
26 contrary to ORS 537.505 to 537.795 and 537.992, the commission may order discontinuance of the use  
27 of the well, impose conditions upon the use of such well to such extent as may be necessary to  
28 remedy the defect or order permanent abandonment of the well according to specifications of the  
29 commission.

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

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

38 **(4) In a ground water quality management area declared under ORS 468B.180, the Water**  
39 **Resources Department shall require the repair, or replacement and abandonment, of wells**  
40 **described in ORS 537.545 and wells permitted under ORS 537.505 to 537.795, that are**  
41 **commingling.**

42 **SECTION 38.** ORS 537.780 is amended to read:

43 537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992, the Water Resources  
44 Commission may:

45 (a) Require that all flowing wells be capped or equipped with valves so that the flow of ground

1 water may be completely stopped when the ground water is not actually being applied to a beneficial  
2 use.

3 (b) Enforce:

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

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

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

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

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

16 (e) Enter upon any lands for the purpose of inspecting wells, including wells exempt under ORS  
17 537.545, casings, fittings, valves, pipes, pumps, measuring devices and back-siphoning prevention de-  
18 vices.

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

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

26 (h) Adopt and enforce rules necessary to carry out the provisions of ORS 537.505 to 537.795 and  
27 537.992 including but not limited to rules governing:

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

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

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

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

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

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

42 [(2)] (3) Notwithstanding any provision of subsection (1) of this section, in administering the  
43 provisions of ORS 537.505 to 537.795 and 537.992, the commission may not:

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

1 strictions.

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

6 [(3)] (4) At least once every three years, the commission shall review any rule adopted under  
7 subsection [(2)] (3) of this section that restricts ground water use in an area. The review process  
8 shall include public notice and an opportunity to comment on the rule.

9 **SECTION 39.** ORS 540.435 is amended to read:

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

16 **(b) In addition to the factors listed in paragraph (a) of this subsection, as necessary to**  
17 **protect public health, the commission may find that ground water contamination in an**  
18 **underground reservoir in a ground water quality concern area or a ground water quality**  
19 **management area, as those terms are defined in ORS 468B.150, is a serious water manage-**  
20 **ment problem and require a water right owner using the underground reservoir to install a**  
21 **totalizing measuring device and to submit annually a water use report.**

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

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

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

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

32 **SECTION 40.** ORS 540.520 is amended to read:

33 540.520. (1)(a) Except when the application is made under ORS 541.327 or when an application  
34 for a temporary transfer is made under ORS 540.523, if the holder of a water use subject to transfer  
35 for irrigation, domestic use, manufacturing purposes, or other use, for any reason desires to change  
36 the place of use, the point of diversion, or the use made of the water, an application to make such  
37 change, as the case may be, shall be filed with the Water Resources Department.

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

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

41 (a) The name of the owner;

42 (b) The previous use of the water;

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

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

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

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

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

5 (3) If the application required under subsection (1) of this section is necessary to allow a change  
6 in a water right pursuant to ORS 537.348, is necessary to complete a project funded under ORS  
7 541.932, or is approved by the State Department of Fish and Wildlife as a change that will result in  
8 a net benefit to fish and wildlife habitat, the department, at the discretion of the Water Resources  
9 Director, may waive or assist the applicant in satisfying the requirements of subsection (2)(c) and  
10 (d) of this section. The assistance provided by the department may include, but need not be limited  
11 to, development of an application map.

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

15 (5) Upon the filing of the application the department shall give notice by publication in a  
16 newspaper having general circulation in the area in which the water rights are located, for a period  
17 of at least two weeks and not less than one publication each week. The notice shall include the date  
18 on which the last notice by publication will occur. The cost of the publication shall be paid by the  
19 applicant in advance to the department. In applications for only a change in place of use or for a  
20 change in the point of diversion of less than one-fourth mile, and where there are no intervening  
21 diversions between the old diversion of the applicant and the proposed new diversion, no newspaper  
22 notice need be published. The department shall include notice of such applications in the weekly  
23 notice published by the department.

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

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

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

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

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

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

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

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

2 (B) The water right certificate number;

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

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

6 **(10) The Water Resources Department may deny an application under this section for a**  
7 **change of use, place of use or point of diversion if the department determines that the**  
8 **change will contribute to an increase of a contaminant of concern in:**

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

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

11 **SECTION 41.** ORS 568.909 is amended to read:

12 568.909. (1) The State Department of Agriculture may describe the boundaries of agricultural  
13 and rural lands that are subject to a water quality management plan:

14 (a) Due to a determination by the Environmental Quality Commission to establish a Total  
15 Maximum Daily Load for a body of water under the Federal Water Pollution Control Act (33 U.S.C.  
16 1313);

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

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

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

24 **SECTION 42.** ORS 568.930 is amended to read:

25 568.930. (1) Landowners shall conduct all agricultural activities on agricultural lands within the  
26 boundaries of an area subject to a water quality management plan in full compliance with the rules  
27 implementing the plan and with all the rules and standards of the Environmental Quality Commis-  
28 sion relating to water pollution control. In addition to any other remedy provided by law, any vio-  
29 lation of those rules or standards shall be subject to all remedies and sanctions available to the  
30 Department of Environmental Quality or the Environmental Quality Commission.

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

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

38 (b) The State Department of Agriculture, in consultation with the State Board of Agriculture,  
39 shall complete its review of a petition submitted under paragraph (a) of this subsection within 90  
40 days of the date of the filing of the petition for review. The State Department of Agriculture may  
41 not terminate the review without the concurrence of the Environmental Quality Commission unless  
42 the department initiates revisions to the rules implementing the water quality management plan that  
43 address the issues raised by the Environmental Quality Commission. If the State Department of  
44 Agriculture adopts any revisions in response to a petition by the Environmental Quality Commis-  
45 sion, the department shall adopt the revisions not later than two years from the date the Environ-

1 mental Quality Commission submits the petition, unless the department, with the concurrence of the  
2 Environmental Quality Commission, finds that special circumstances require additional time.

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

5 **SECTION 43.** ORS 634.016 is amended to read:

6 634.016. (1) Every pesticide, including each formula or formulation, manufactured, compounded,  
7 delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year  
8 with the State Department of Agriculture.

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

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

12 (4) The application for registration shall include:

13 (a) The name and address of the registrant.

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

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

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

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

20 (f) The total percentage of inert ingredients.

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

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

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

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

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

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

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

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

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

40 (D) Residual or delayed toxicity of the material.

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

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

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

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

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

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

5 **SECTION 44.** (1) **Notwithstanding the amendments to ORS 468B.150 and 468B.175 by**  
6 **sections 1 and 2 of this 2025 Act, an area subject to a declaration under ORS 468B.175 as of**  
7 **the day immediately preceding the effective date of this 2025 Act shall be deemed to be de-**  
8 **clared a ground water quality concern area on the effective date of this 2025 Act.**

9 (2) **Notwithstanding the amendments to ORS 468B.150 and 468B.180 by sections 1 and 9**  
10 **of this 2025 Act, an area subject to a declaration under ORS 468B.180 as of the day imme-**  
11 **diately preceding the effective date of this 2025 Act shall be deemed to be declared a ground**  
12 **water quality management area on the effective date of this 2025 Act.**

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

16