

SENATE AMENDMENTS TO SENATE BILL 1154

By COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

April 17

1 On page 1 of the printed bill, line 2, after “amending” delete the rest of the line and delete lines
2 3 through 5 and insert “ORS 215.213, 215.283, 448.150, 448.268, 468B.050, 468B.150, 468B.162,
3 468B.169, 468B.171, 468B.175, 468B.177, 468B.179, 468B.180, 468B.182, 468B.184, 468B.186, 468B.188,
4 468B.219, 536.340, 536.410, 537.525, 537.615, 537.620, 537.621, 537.775, 537.780, 540.435, 540.520,
5 568.909, 568.930 and 634.016; and repealing ORS 468B.183 and 468B.187.”.

6 Delete lines 8 through 25 and delete pages 2 through 36 and insert:
7

“GROUND WATER QUALITY CONCERN AREAS

8
9
10 “**SECTION 1.** ORS 468B.150 is amended to read:

11 “468B.150. As used in ORS 448.268, 448.271 and 468B.150 to 468B.190:

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

15 “[*(2)*] (1) ‘Contaminant’ means any chemical, ion, radionuclide, synthetic organic compound,
16 microorganism, waste or other substance that does not occur naturally in ground water or that oc-
17 curs naturally but at a lower concentration.

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

21 “(3) ‘Ground water quality concern area’ means an area of the state subject to a decla-
22 ration under ORS 468B.175.

23 “[*(3)*] (4) ‘Ground water **quality** management area’ means an area in which contaminants in the
24 ground water have exceeded the levels established under ORS 468B.165, and the affected area is
25 subject to a declaration under ORS 468B.180.

26 “[*(4)*] (5) ‘Fertilizer’ has the meaning given that term in ORS 633.311.

27 “[*(5)*] (6) ‘Pesticide’ has the meaning given that term in ORS 634.006.

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

29 “468B.175. [*(1)* If, as a result of its statewide monitoring and assessment activities under ORS
30 468B.190, the Department of Environmental Quality confirms the presence in ground water of contam-
31 inants suspected to be the result, at least in part, of nonpoint source activities, the department shall
32 declare an area of ground water concern. The declaration shall identify the substances confirmed to
33 be in the ground water and all ground water aquifers that may be affected.]

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

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

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

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

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

9 “(a) A significant number of domestic wells or other sensitive receptors have been or
10 potentially will be affected by ground water contamination;

11 “(b) Contaminants from nonpoint sources that require additional investigation to under-
12 stand appropriate interventions have been identified; or

13 “(c) Deterioration of water quality in the area could lead to an exceedance of the
14 thresholds described in ORS 468B.180 within 15 years unless remedial action is taken.

15 “(3) A declaration of a ground water concern area by the commission must identify the
16 substances confirmed to be in the ground water and ground water aquifers that may be af-
17 fected.

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

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

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

24 “468B.177. (1) After a declaration of [*an area of ground water concern, the Department of Envi-*
25 *ronmental Quality, in consultation with other appropriate state agencies, shall:*] a ground water
26 quality concern area, the Governor shall establish an interagency team and designate a lead
27 agency. The Governor shall consider the primary contaminant of concern and the respective
28 expertise, statutory responsibilities and regulatory authority of each relevant agency when
29 making the lead agency designation. The interagency team shall include the Department of
30 Environmental Quality and the Water Resources Department and may include the State
31 Department of Agriculture, the Oregon Health Authority, the State Department of Geology
32 and Mineral Industries and other agencies with responsibilities or authorities related to a
33 contaminant of concern or remedial actions needed to address a contaminant of concern.

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

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

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

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

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

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

1 “(3) The interagency team shall:

2 “(a) Based on the best available information, develop, in a timely manner, an agency as-
3 assessment and outreach plan to:

4 “(A) Evaluate potential sources of contaminants of concern contributing to ground water
5 quality deterioration;

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

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

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

14 “(c) Identify:

15 “(A) Best management practices to address known sources of contamination in the
16 ground water quality concern area; and

17 “(B) Planned actions to share information and coordinate with and educate likely sources
18 of a contaminant of concern on best management practices; and

19 “(d) Identify and implement public education and outreach strategies regarding the pre-
20 vention of ground water contamination, targeted to ground water users and local officials
21 within the ground water quality concern area.

22 “(4) The interagency team shall prepare a draft of the agency assessment and outreach
23 plan and provide the draft to the ground water management committee appointed under ORS
24 468B.179 for comment. The interagency team shall prepare a final agency assessment and
25 outreach plan after receiving the comments of the committee.

26 “(5) As applicable, the lead agency shall, each calendar quarter, report to the agency’s
27 respective board or commission.

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

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

31 “468B.179. (1)(a) [*Upon the request of a local government, or as required under ORS 468B.177 or*
32 *468B.182, the Department of Environmental Quality, in consultation with other appropriate state agen-*
33 *cies,]* **Within a reasonable time after completion of the draft agency assessment and outreach**
34 **plan under ORS 468B.177, the lead agency, in consultation with the interagency team, shall**
35 appoint a ground water management committee. The ground water management committee shall be
36 composed of at least seven members representing a balance of interests in the area affected by the
37 declaration, **including at least one homeowner or tenant that relies on a domestic well for**
38 **drinking water that has been affected by the contaminant of concern.**

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

43 “(c) The ground water management committee shall review and provide comments on the
44 draft agency assessment and outreach plan to the interagency team within 90 days of re-
45 ceiving the draft.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 “(E) **Recommendations for local governments and organizations to assist with public ed-**
29 **ucation and outreach regarding awareness of well water quality, health considerations,**
30 **treatment options and prevention of ground water contamination.**

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

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

40 “(5) A ground water management committee preparing *[or carrying out an action plan in an area*
41 *of ground water concern]* **a local voluntary implementation plan in a ground water quality**
42 **concern area** or in a ground water **quality** management area may apply for a grant under ORS
43 468B.169 for limited funding for staff or for expenses of the ground water management committee.

44 “**SECTION 5. Sections 6 and 7 of this 2025 Act are added to and made a part of ORS**
45 **468B.150 to 468B.190.**

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

3 **“(1) If a contaminant of concern directly contributes to ground water quality deteri-**
4 **oration and is associated with permitted or onsite activity, the Department of Environmental**
5 **Quality shall:**

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

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

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

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

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

22 **“(a) Review agricultural ground water quality management plans developed under ORS**
23 **568.909 for potential plan revisions to identify voluntary practices, documentation or actions**
24 **needed for source control of the contaminant of concern.**

25 **“(b) Make available stewardship agreement opportunities pursuant to ORS 541.973 that**
26 **may include:**

27 **“(A) Conditions of use and application of sources; and**

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

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

31 **“(d) Review active permits issued by the department within the area to identify oppor-**
32 **tunities for permit modifications or revisions to permit conditions during renewal or issu-**
33 **ance to address sources of contaminants of concern. The review may include:**

34 **“(A) Assessment of permit conditions related to contaminant discharge limits;**

35 **“(B) Evaluation of monitoring and reporting requirements;**

36 **“(C) Evaluation of use practices;**

37 **“(D) Evaluation of other conditions necessary to achieve ground water quality objectives;**
38 **and**

39 **“(E) Coordination with relevant state agencies to align with area plans and rules.**

40 **“(3) The Oregon Health Authority shall:**

41 **“(a) Prepare a preliminary assessment that:**

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

44 **“(B) Evaluates possible response strategies; and**

45 **“(C) Estimates the cost of a public health response to the contamination.**

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

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

6 “(B) Provide the materials to the local public health authority for dissemination to
7 community members.

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

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

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

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

25 “(1) Assess which new uses of water may increase the presence of a contaminant of
26 concern in the ground water quality concern area; and

27 “(2) Consistent with ORS 537.525, assess the effects of water use on ground water quality
28 when deciding whether to approve a new right to appropriate ground water under ORS
29 537.505 to 537.795 within a ground water quality concern area.

30
31 “GROUND WATER QUALITY MANAGEMENT AREAS

32
33 “SECTION 9. ORS 468B.180 is amended to read:

34 “468B.180. (1) The Department of Environmental Quality shall **recommend that the Environ-**
35 **mental Quality Commission** declare a ground water **quality** management area if, [*as a result of*
36 *information provided to the department or from its*] **through** statewide monitoring and assessment
37 activities under ORS 468B.190, **or through the review of other relevant data and information**,
38 the department confirms that, as a result of suspected nonpoint source activities, there is present
39 in the ground water:

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

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

44 “(2) A declaration [*under subsection (1) of this section*] **of a ground water quality management**
45 **area by the commission** shall identify the substances detected in the ground water and [*all*] ground

1 water aquifers that may be affected.

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

7 “(4) **After a declaration under subsection (2) of this section, a state agency may exercise**
8 **within the ground water quality management area any of the agency’s authorities or re-**
9 **sponsibilities related to the prevention or control of ground water contamination in a ground**
10 **water quality concern area, regardless of whether the ground water quality management**
11 **area was previously declared a ground water quality concern area.**

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

13 “468B.182. (1) After the declaration of a ground water **quality** management area, the *[Depart-*
14 *ment of Environmental Quality, in consultation with other appropriate state agencies,]* **lead agency**
15 **designated under ORS 468B.184** shall appoint a ground water management committee for the af-
16 fected area if a ground water management committee has not already been appointed under ORS
17 *[468B.177]* **468B.179. A ground water management committee appointed under this section**
18 **must include a homeowner or tenant that relies on a domestic well in the area for drinking**
19 **water which has been affected by the contaminant of concern.** If the affected area had previ-
20 ously been designated *[an area of ground water concern]* **a ground water quality concern area,** the
21 same ground water management committee appointed under ORS *[468B.177]* **468B.179** shall continue
22 *[to address the ground water issues raised as a result of the declaration of a ground water management*
23 *area]* **to advise the interagency team.**

24 “(2) **A ground water management committee appointed under this section or ORS**
25 **468B.179 shall act solely to advise state agencies and the interagency team on the develop-**
26 **ment and implementation of local elements of the action plan developed under ORS 468B.184.**

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

28 “468B.184. (1) After a ground water **quality** management area is declared, the *[Department of*
29 *Environmental Quality]* **Governor** shall **establish an interagency team and** designate a lead
30 agency responsible for developing an action plan, **as provided in this section.** *[and request other*
31 *agencies to assume appropriate responsibilities for preparation of a draft action plan within 90 days*
32 *after the declaration.]* **If the affected area had previously been designated a ground water**
33 **quality concern area, the Governor may establish the same interagency team and designate**
34 **the same lead agency designated under ORS 468B.177. If no lead agency and interagency team**
35 **has been previously designated and established, the Governor shall consider the primary**
36 **contaminant of concern and its predominant sources, and the respective expertise, statutory**
37 **responsibilities and regulatory authority of each relevant agency when making the lead**
38 **agency designation. The interagency team shall include the Department of Environmental**
39 **Quality and the Water Resources Department. The interagency team may include the State**
40 **Department of Agriculture, the Oregon Health Authority and the State Department of**
41 **Geology and Mineral Industries or other agencies with responsibilities or authorities related**
42 **to the contaminant of concern.**

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

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

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

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

10 “(c) [Recommendations] **Identification** of mandatory actions, **including actions under sections**
11 **14, 15, 19 and 20 of this 2025 Act** that, when implemented, will reduce the contamination to a level
12 below that level requiring the declaration of ground water **quality** management area **or a ground**
13 **water quality concern area**;

14 “(d) A proposed time schedule for:

15 “(A) Implementing the [lead agency’s recommendations] **action plan**;

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

17 “(C) Public review of the action plan;

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

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

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

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

31 “(4) **If ground water pumping is an identified cause of, or contributor to, water quality**
32 **degradation in the ground water quality management area, the Water Resources Department**
33 **may classify or reclassify the aquifer under ORS 536.340 or designate the aquifer as a critical**
34 **ground water area pursuant to ORS 537.730 to 537.740.**

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

36 “468B.186. (1) After completion and distribution of the draft action plan under ORS 468B.184, the
37 lead agency shall provide a 60-day period of public comment on the draft action plan and the manner
38 by which members of the public may review the plan or obtain copies of the plan. [A notice of the
39 comment period shall be published in two issues of one or more newspapers having general circulation
40 in the counties in which the designated area of the ground water emergency is located, and in two is-
41 sues of one or more newspapers having general circulation in the state.]

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

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

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

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

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

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

20 “468B.188. (1) If, after implementation of the action plan developed by [*affected agencies*] **the**
21 **interagency team** under ORS 468B.184 to 468B.187, the ground water improves so that the levels
22 of contaminants no longer exceed the levels established under ORS 468B.180, the **Environmental**
23 **Quality Commission, upon the recommendation of the** Department of Environmental Quality,
24 shall determine whether to repeal the ground water **quality** management area declaration and to
25 establish [*an area of ground water concern*] **a ground water quality concern area.**

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

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

38 “**SECTION 14.** After a declaration of a ground water quality management area under ORS
39 **468B.180, the State Department of Agriculture, as necessary to control a relevant contam-**
40 **inant of concern:**

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

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

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

45 “(c) **Requirements for:**

1 “(A) Sampling, testing and analysis of contaminant sources;
2 “(B) Transport mechanisms; and
3 “(C) Measuring the efficacy of mitigation practices;
4 “(d) Requirements for keeping records related to actions required by rules adopted under
5 this section and providing records to the department upon request; and
6 “(e) Individual exemptions from the permit requirements of ORS 468B.219.
7 “(2) Shall review active permits issued by the department within the ground water quality
8 management area to identify opportunities for permit modifications or revisions to permit
9 conditions during renewal or issuance to address sources of contaminants of concern. The
10 review may include:
11 “(a) Assessment of permit conditions related to contaminant discharge limits;
12 “(b) Evaluation of monitoring and reporting requirements;
13 “(c) Evaluation of use practices;
14 “(d) Evaluation of other conditions necessary to achieve ground water quality objectives;
15 and
16 “(e) Coordination with relevant state agencies to align with area plans and rules.
17 “(3) May make available stewardship agreement opportunities, pursuant to ORS 541.973,
18 for the ground water quality management area.
19 “SECTION 15. (1) After a declaration of a ground water quality management area under
20 ORS 468B.180, the Oregon Health Authority shall, in consultation with local health authori-
21 ties, develop a public health remediation and response plan. The remediation and response
22 plan shall be based on the preliminary assessment developed under section 6 (3) of this 2025
23 Act. If no preliminary assessment has been prepared under section 6 (3) of this 2025 Act, the
24 authority shall prepare a preliminary assessment before developing the health remediation
25 and response plan under this section.
26 “(2) Upon completion of the health remediation and response plan, the authority shall
27 submit the plan in a report to the Governor and the Joint Committee on Ways and Means
28 or the Joint Interim Committee on Ways and Means in the manner provided by ORS 192.245
29 with a request for funding necessary to implement the plan.
30 “SECTION 16. Section 17 of this 2025 Act is added to and made a part of ORS chapter 215.
31 “SECTION 17. Notwithstanding any other provision of ORS chapter 195 or 197 or this
32 chapter:
33 “(1) A county may provide, or may enter into an agreement with a city or district in-
34 cluding under ORS 195.065 to 195.085 to provide, water or wastewater services for residential
35 units that are within a ground water quality management area declared under ORS 468B.180
36 and not within an urban growth boundary. The provision of services under this section or
37 ORS 215.213 (1)(c)(D) or 215.283 (1)(c)(D) may not be used to authorize the rezoning of prop-
38 erty for urban uses or used as the basis for an exception under ORS 197.732 (2)(a) or (b).
39 “(2) A county may prohibit the development of any new residential dwelling or accessory
40 dwelling otherwise allowed under this chapter within a ground water quality management
41 area unless the dwelling is connected to urban water supply services under subsection (1)
42 of this section or a community water well described in ORS 537.621 (2)(b).
43 “(3) The Land Conservation and Development Commission may adopt rules to administer
44 this section, including rules establishing conditions under which counties must prohibit new
45 residential development.

1 The authority shall provide written reports of the examinations to water suppliers and to local
2 public health administrators, as defined in ORS 431.003.

3 “(b) Require regular water sampling by water suppliers to determine compliance with water
4 quality standards established by the authority. These samples shall be analyzed in a laboratory ap-
5 proved by the authority. The results of the laboratory analysis of a sample shall be reported to the
6 authority by the water supplier, unless direct laboratory reporting is authorized by the water sup-
7 plier. The laboratory performing the analysis shall report the validated results of the analysis di-
8 rectly to the authority and to the water supplier if the analysis shows that a sample contains
9 contaminant levels in excess of any maximum contaminant level specified in the water quality
10 standards.

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

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

17 “(e) Investigate reports of waterborne disease pursuant to ORS 431.001 to 431.550 and 431.990
18 and take necessary actions as provided for in ORS 446.310, 448.030, 448.115 to 448.285, 454.235,
19 454.255 and 455.680 to protect the public health and safety.

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

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

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

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

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

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

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

38 “468B.162. (1) The Department of Environmental Quality shall coordinate the [following:]

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

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

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

4 “(b) **Notwithstanding paragraph (a) of this subsection, the department shall provide staff**
5 **support for projects or activities related to a ground water quality concern area or a ground**
6 **water quality management area only as directed by the lead agency designated under ORS**
7 **468B.177 or 468B.184.**

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

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

14 “468B.169. (1) Any person, state agency, political subdivision of this state or ground water
15 management committee organized under ORS 468B.179 or 468B.182 may submit to the Department
16 of Environmental Quality a request for funding, advice or assistance for a research or development
17 project related to ground water quality as it relates to Oregon’s ground water resource.

18 “(2) The request under subsection (1) of this section shall be filed in the manner, be in the form
19 and contain the information required by the department. [*The requester may submit the request either*
20 *to the department or to a ground water management committee organized under ORS 468B.179 or*
21 *468B.182.*]

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

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

25 “468B.171. (1) Of the moneys available to the Department of Environmental Quality to award
26 as grants under ORS 468B.169, not more than one-third shall be awarded for funding of projects di-
27 rectly related to issues pertaining to a ground water **quality** management area.

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

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

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

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

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

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

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

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

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

45 “468B.050. (1) Except as provided in ORS 468B.053 or 468B.215, without holding a permit from

1 the Director of the Department of Environmental Quality or the State Department of Agriculture,
2 which permit shall specify applicable effluent limitations, a person may not:

3 “(a) Discharge any wastes into the waters of the state from any industrial or commercial es-
4 tablishment or activity or any disposal system.

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

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

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

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

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

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

23 “(b) May include in the order agency directives, standards, regulations and statements of gen-
24 eral applicability that implement, interpret or prescribe law or policy.

25 “(3) When deciding whether to issue a permit to a confined animal feeding operation under this
26 section, the Department of Environmental Quality or the State Department of Agriculture shall
27 consider any relevant determination by the Water Resources Department pursuant to ORS 468B.216
28 (2).

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

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

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

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

37 “(6) The State Department of Agriculture or the Department of Environmental Quality may de-
38 fine ‘confined animal feeding operation’ by rule for purposes of implementing this section.

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

45 “[7] (8) As used in this section:

1 “(a) ‘New large confined animal feeding operation’ has the meaning given that term in ORS
2 468B.215.

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

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

5 “468B.219. (1) The State Department of Agriculture may issue a nutrient application permit.

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

7 “(a) The rate of nutrient application.

8 “(b) The source of the nutrients.

9 “(c) The placement of the nutrients.

10 “(d) The timing of nutrient application.

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

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

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

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

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

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

22 “(c) Fees for permits under this section.

23 “(6) As used in this section, ‘NPDES’ and ‘WPCF’ have the meanings given those terms in ORS
24 561.255.

25 “**SECTION 29.** ORS 215.213 is amended to read:

26 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
27 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

40 “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of
41 the farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
42 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
43 operator does or will require the assistance of the relative in the management of the farm use and
44 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
45 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS

1 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
2 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
3 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
4 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

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

39 “(o) Creation, restoration or enhancement of wetlands.

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

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

43 “(r) Farm stands if:

44 “(A) The structures are designed and used for the sale of farm crops or livestock grown on the
45 farm operation, or grown on the farm operation and other farm operations in the local agricultural

1 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
2 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
3 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
4 and

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

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

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

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

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

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

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

30 “(A) A public right of way;

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

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

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

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

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

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

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

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

7 “(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
8 the following uses may be established in any area zoned for exclusive farm use subject to ORS
9 215.296:

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

13 “(A) Consists of 20 or more acres; and

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

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

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

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

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

28 “(d) Operations conducted for:

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

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

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

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

35 “(e) Community centers owned by a governmental agency or a nonprofit community organization
36 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
37 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
38 county governing body or its designee, a private campground may provide yurts for overnight
39 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
40 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
41 Upon request of a county governing body, the Land Conservation and Development Commission may
42 provide by rule for an increase in the number of yurts allowed on all or a portion of the
43 campgrounds in a county if the commission determines that the increase will comply with the stan-
44 dards described in ORS 215.296 (1). A public park or campground may be established as provided
45 under ORS 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of cloth or can-

1 was on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

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

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

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

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

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

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

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

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

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

38 “(n) Home occupations as provided in ORS 215.448.

39 “(o) Transmission towers over 200 feet in height.

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

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

44 “(r) Improvement of public road and highway related facilities such as maintenance yards, weigh
45 stations and rest areas, where additional property or right of way is required but not resulting in

1 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 “(C) Colocated with a community center or a public or private school allowed under this sub-
39 section.

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

1 showing all of the following:

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

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

9 “(c) Complies with such other conditions as the governing body or its designee considers nec-
10 essary.

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

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

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

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

24 “(5) Upon receipt of an application for a permit under subsection (4) of this section, the gov-
25 erning body shall notify:

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

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

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

39 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January
40 1, 1948, and July 1, 1983. For the purposes of this section:

41 “(a) Only one lot or parcel exists if:

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

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

1 or in tenancy in common.

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

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

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

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

12 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-
13 cable goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

36 “(i) Planned hours of operation;

37 “(ii) Access, egress and parking;

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

40 “(iv) Sanitation and solid waste.

41 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
42 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
43 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
44 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
45 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.

1 To approve an expedited, single-event license, the governing body of a county or its designee must
2 determine that the proposed agri-tourism or other commercial event or activity meets any local
3 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

22 “(D) Must comply with ORS 215.296;

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

25 “(F) Must comply with conditions established for:

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

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

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

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

35 “(v) Sanitation and solid waste.

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

41 “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-
42 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

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

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

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

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

7 “(b) Limit its review to events and activities authorized by the permit, conformance with con-
8 ditions of approval required by the permit and the standards established by subsection (11)(d) of this
9 section.

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

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

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

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

26 “**SECTION 30.** ORS 215.283 is amended to read:

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

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

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

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

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

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

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

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

40 “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of
41 the farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
42 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
43 operator does or will require the assistance of the relative in the management of the farm use and
44 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
45 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS

1 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
2 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
3 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
4 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

28 “(m) Creation, restoration or enhancement of wetlands.

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

30 “(o) Farm stands if:

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

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

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

42 “(q) A site for the takeoff and landing of model aircraft, including such buildings or facilities
43 as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in
44 floor area or placed on a permanent foundation unless the building or facility preexisted the use
45 approved under this paragraph. The site shall not include an aggregate surface or hard surface area

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

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

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

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

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

16 "(A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

45 "(b) Operations conducted for:

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

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

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

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

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

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

19 “(e) Community centers owned by a governmental agency or a nonprofit community organization
20 and operated primarily by and for residents of the local rural community. A community center au-
21 thorized under this paragraph may provide services to veterans, including but not limited to emer-
22 gency and transitional shelter, preparation and service of meals, vocational and educational
23 counseling and referral to local, state or federal agencies providing medical, mental health, disability
24 income replacement and substance abuse services, only in a facility that is in existence on January
25 1, 2006. The services may not include direct delivery of medical, mental health, disability income
26 replacement or substance abuse services.

27 “(f) Golf courses on land:

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

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

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

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

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

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

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

1 “(i) Home occupations as provided in ORS 215.448.

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

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

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

21 “(m) Transmission towers over 200 feet in height.

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

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

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

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

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

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

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

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

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

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

45 “(w) Expansion of existing county fairgrounds and activities directly relating to county

1 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

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

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

12 “(B) ‘Local historical society’ means the local historical society recognized by the county gov-
13 erning body and organized under ORS chapter 65.

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

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

20 “(aa) Public or private schools for kindergarten through grade 12, including all buildings es-
21 sential to the operation of a school, primarily for residents of the rural area in which the school is
22 located.

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

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

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

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

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

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

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

35 “(C) Colocated with a community center or a public or private school allowed under this sub-
36 section.

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

40 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-
41 cable goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

19 “(i) Planned hours of operation;

20 “(ii) Access, egress and parking;

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

23 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

1 for two calendar years. When considering an application for renewal, the county shall ensure com-
2 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
3 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
4 authorized by the permit.

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

9 “**SECTION 31.** ORS 536.340 is amended to read:

10 “536.340. (1) Subject at all times to existing rights and priorities to use waters of this state, the
11 Water Resources Commission:

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

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

28 “(c) May, by a water resources statement referred to in ORS 536.300 (2) and subject to the
29 preferential uses named in ORS 536.310 (12), prescribe preferences for the future for particular uses
30 and quantities of uses of the waters of any lake, stream or other source of water supply in this state
31 in aid of the highest and best beneficial use and quantities of use thereof. In prescribing such pref-
32 erences the commission shall give effect and due regard to the natural characteristics of such
33 sources of water supply, the adjacent topography, the economy of such sources of water supply, the
34 economy of the affected area, seasonal requirements of various users of such waters, the type of
35 proposed use as between consumptive and nonconsumptive uses and other pertinent data.

36 “(d) **May, as necessary to protect public health, and in addition to any other authority**
37 **of the commission, classify or reclassify an underground reservoir in a ground water quality**
38 **concern area or a ground water quality management area, as those terms are defined in ORS**
39 **468B.150.**

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

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

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

1 “(A) In which waters affected by the action of the commission under subsection (1) of this sec-
2 tion are located; or

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

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

7 “(a) Review the proposed action to determine whether the proposal is consistent with ORS
8 537.780;

9 “(b) Provide an opportunity for review by:

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

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

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

15 “**SECTION 32.** ORS 536.410 is amended to read:

16 “536.410. (1) When the Water Resources Commission determines that it is necessary to insure
17 compliance with the state water resources policy or that it is otherwise necessary in the public in-
18 terest to conserve the water resources of this state for the maximum beneficial use and control
19 thereof that any unappropriated waters of this state, including unappropriated waters released from
20 storage or impoundment into the natural flow of a stream for specified purposes, be withdrawn from
21 appropriation for all or any uses including exempt uses under ORS 537.545, the commission, on be-
22 half of the state, may issue an order of withdrawal.

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

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

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

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

36 “**(6) In addition to the authority provided under subsection (1) of this section, the com-
37 mission may issue an order of withdrawal for an underground reservoir in a ground water
38 quality concern area or a ground water quality management area, as those terms are defined
39 in ORS 468B.150, as necessary to protect public health.**

40 “**SECTION 33.** ORS 537.525 is amended to read:

41 “537.525. (1) The Legislative Assembly recognizes, declares and finds that the right to reason-
42 able control of all water within this state from all sources of water supply belongs to the public,
43 and that in order to [insure] **ensure** the preservation of the public welfare, safety and health it is
44 necessary that:

45 “[1] (a) Provision be made for the final determination of relative rights to appropriate ground

1 water everywhere within this state and of other matters with regard thereto through a system of
2 registration, permits and adjudication.

3 “[2] (b) Rights to appropriate ground water and priority thereof be acknowledged and pro-
4 tected, except when, under certain conditions, the public welfare, safety and health require other-
5 wise.

6 “[3] (c) Beneficial use without waste, within the capacity of available sources, be the basis,
7 measure and extent of the right to appropriate ground water.

8 “[4] (d) All claims to rights to appropriate ground water be made a matter of public record.

9 “[5] (e) Adequate and safe supplies of ground water for human consumption be assured, while
10 conserving maximum supplies of ground water for agricultural, commercial, industrial, thermal,
11 recreational and other beneficial uses.

12 “[6] (f) The location, extent, capacity, quality and other characteristics of particular sources
13 of ground water be determined.

14 “[7] (g) Reasonably stable ground water levels be determined and maintained.

15 “[8] (h) Depletion of ground water supplies below economic levels, impairment of natural
16 quality of ground water by pollution and wasteful practices in connection with ground water be
17 prevented or controlled within practicable limits.

18 “[9] (i) Whenever wasteful use of ground water, impairment of or interference with existing
19 rights to appropriate surface water, declining ground water levels, alteration of ground water tem-
20 peratures that may adversely affect priorities or impair the long-term stability of the thermal prop-
21 erties of the ground water, interference among wells, thermal interference among wells, overdraw-
22 ing of ground water supplies or pollution of ground water exists or impends, controlled use of the
23 ground water concerned be authorized and imposed under voluntary joint action by the Water Re-
24 sources Commission and the ground water users concerned whenever possible, but by the commis-
25 sion under the police power of the state except as specified in ORS 537.796, when such voluntary
26 joint action is not taken or is ineffective.

27 “[10] (j) Location, construction, depth, capacity, yield and other characteristics of and matters
28 in connection with wells be controlled in accordance with the purposes set forth in this section.

29 “[11] (k) All activities in the state that affect the quality or quantity of ground water shall be
30 consistent with the goal set forth in ORS 468B.155.

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

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

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

39 **“SECTION 34.** ORS 537.615 is amended to read:

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

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

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

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

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

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

7 “(e) The amount of ground water claimed.

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

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

11 “(h) The location of each well with reference to government survey corners or monuments or
12 corners of recorded plats.

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

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

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

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

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

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

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

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

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

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

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

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

44 “[(7)] (8) Notwithstanding any provision of ORS chapter 183, an application for a permit to ap-
45 propriate ground water shall be processed in the manner set forth in ORS 537.505 to 537.795.

1 Nothing in ORS chapter 183 shall be construed to allow additional persons to participate in the
2 process. To the extent that any provision in ORS chapter 183 conflicts with a provision set forth in
3 ORS 537.505 to 537.795, the provisions in ORS 537.505 to 537.795 shall control.

4 “**SECTION 35.** ORS 537.620 is amended to read:

5 “537.620. (1) The Water Resources Department shall accept all applications for permits submit-
6 ted under ORS 537.615 in proper form.

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

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

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

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

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

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

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

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

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

44 “**SECTION 36.** ORS 537.621 is amended to read:

45 “537.621. (1) Within 60 days after the Water Resources Department proceeds with the applica-

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

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

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

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

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

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

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

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

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

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

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

41 “[b] (B) A brief statement that explains the criteria considered relevant to the decision, in-
42 cluding the applicable basin program and the compatibility of the proposed use with applicable land
43 use plans;

44 “[c] (C) An assessment of water availability and the amount of water necessary for the pro-
45 posed use;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 “(f) The protest fee required under ORS 536.050.

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

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

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

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

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

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

16 “**SECTION 37.** ORS 537.775 is amended to read:

17 “537.775. (1) Whenever the Water Resources Commission finds that any well, including any well
18 exempt under ORS 537.545, is by the nature of its construction, operation or otherwise causing
19 wasteful use of ground water, is unduly interfering with other wells or surface water supply, is a
20 threat to health, is polluting ground water or surface water supplies, is causing substantial alter-
21 ation of ground water temperatures or is causing substantial thermal interference with other wells
22 contrary to ORS 537.505 to 537.795 and 537.992, the commission may order discontinuance of the use
23 of the well, impose conditions upon the use of such well to such extent as may be necessary to
24 remedy the defect or order permanent abandonment of the well according to specifications of the
25 commission.

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

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

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

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

39 “537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992, the Water Resources
40 Commission may:

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

44 “(b) Enforce:

45 “(A) General standards for the construction, alteration, abandonment, conversion or mainte-

1 nance of wells and their casings, fittings, valves, pumps and back-siphoning prevention devices; and

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

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

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

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

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

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

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

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

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

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

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

30 “(i) In accordance with applicable law regarding search and seizure, apply to any court of
31 competent jurisdiction for a warrant to seize any well drilling machine used in violation of ORS
32 537.747 or 537.753.

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

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

38 “[2] (3) Notwithstanding any provision of subsection (1) of this section, in administering the
39 provisions of ORS 537.505 to 537.795 and 537.992, the commission may not:

40 “(a) Adopt any rule restricting ground water use in an area unless the rule is based on sub-
41 stantial evidence in the record of the Water Resources Department to justify the imposition of re-
42 strictions.

43 “(b) Make any determination that a ground water use will impair, substantially interfere or un-
44 duly interfere with a surface water source unless the determination is based on substantial evidence.
45 Such evidence may include reports or studies prepared with relation to the specific use or may be

1 based on the application of generally accepted hydrogeological principles to the specific use.

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

5 “**SECTION 39.** ORS 540.435 is amended to read:

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

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

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

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

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

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

28 “**SECTION 40.** ORS 540.520 is amended to read:

29 “540.520. (1)(a) Except when the application is made under ORS 541.327 or when an application
30 for a temporary transfer is made under ORS 540.523, if the holder of a water use subject to transfer
31 for irrigation, domestic use, manufacturing purposes, or other use, for any reason desires to change
32 the place of use, the point of diversion, or the use made of the water, an application to make such
33 change, as the case may be, shall be filed with the Water Resources Department.

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

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

37 “(a) The name of the owner;

38 “(b) The previous use of the water;

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

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

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

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

43 “(g) Evidence that the water has been used over the past five years according to the terms and
44 conditions of the owner’s water right certificate or that the water right is not subject to forfeiture
45 under ORS 540.610.

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

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

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

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

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

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

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

35 “(a) The quantity of water used for the general industrial use is not greater than the rate al-
36 lowed in the original water right and not greater than the quantity of water diverted to satisfy the
37 authorized specific use under the original water right;

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

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

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

43 “(B) The water right certificate number;

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

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

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

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

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

7 “**SECTION 41.** ORS 568.909 is amended to read:

8 “568.909. (1) The State Department of Agriculture may describe the boundaries of agricultural
9 and rural lands that are subject to a water quality management plan:

10 “(a) Due to a determination by the Environmental Quality Commission to establish a Total
11 Maximum Daily Load for a body of water under the Federal Water Pollution Control Act (33 U.S.C.
12 1313);

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

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

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

20 “**SECTION 42.** ORS 568.930 is amended to read:

21 “568.930. (1) Landowners shall conduct all agricultural activities on agricultural lands within
22 the boundaries of an area subject to a water quality management plan in full compliance with the
23 rules implementing the plan and with all the rules and standards of the Environmental Quality
24 Commission relating to water pollution control. In addition to any other remedy provided by law,
25 any violation of those rules or standards shall be subject to all remedies and sanctions available to
26 the Department of Environmental Quality or the Environmental Quality Commission.

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

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

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

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

1 “**SECTION 43.** ORS 634.016 is amended to read:

2 “634.016. (1) Every pesticide, including each formula or formulation, manufactured, compounded,
3 delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year
4 with the State Department of Agriculture.

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

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

8 “(4) The application for registration shall include:

9 “(a) The name and address of the registrant.

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

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

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

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

16 “(f) The total percentage of inert ingredients.

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

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

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

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

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

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

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

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

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

36 “(D) Residual or delayed toxicity of the material.

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

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

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

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

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

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

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

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

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

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