

SB 1154-1
(LC 4082)
4/1/25 (STN/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE

**PROPOSED AMENDMENTS TO
SENATE BILL 1154**

1 On page 1 of the printed bill, line 2, after “amending” delete the rest of
2 the line and delete lines 3 through 5 and insert “ORS 215.213, 215.283,
3 448.150, 448.268, 468B.050, 468B.150, 468B.162, 468B.169, 468B.171, 468B.175,
4 468B.177, 468B.179, 468B.180, 468B.182, 468B.184, 468B.186, 468B.188, 468B.219,
5 536.340, 536.410, 537.525, 537.615, 537.620, 537.621, 537.775, 537.780, 540.435,
6 540.520, 568.909, 568.930 and 634.016; repealing ORS 468B.183 and 468B.187;
7 and prescribing an effective date.”.

8 Delete lines 8 through 25 and delete pages 2 through 36 and insert:
9

10 **“GROUND WATER QUALITY CONCERN AREAS**

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

13 “468B.150. As used in ORS 448.268, 448.271 and 468B.150 to 468B.190:

14 “[*(1) ‘Area of ground water concern’ means an area of the state subject to*
15 *a declaration by the Department of Environmental Quality under ORS*
16 *468B.175 or the Oregon Health Authority under ORS 448.268.*]

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

21 **“(2) ‘Contaminant of concern’ means a contaminant present in**

1 **ground water at levels which have resulted in a declaration of a**
2 **ground water quality concern area or a ground water quality man-**
3 **agement area.**

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

6 **“[(3)] (4) ‘Ground water quality management area’ means an area in**
7 **which contaminants in the ground water have exceeded the levels established**
8 **under ORS 468B.165, and the affected area is subject to a declaration under**
9 **ORS 468B.180.**

10 **“[(4)] (5) ‘Fertilizer’ has the meaning given that term in ORS 633.311.**

11 **“[(5)] (6) ‘Pesticide’ has the meaning given that term in ORS 634.006.**

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

13 **“468B.175. [(1) *If, as a result of its statewide monitoring and assessment***
14 ***activities under ORS 468B.190, the Department of Environmental Quality***
15 ***confirms the presence in ground water of contaminants suspected to be the re-***
16 ***sult, at least in part, of nonpoint source activities, the department shall declare***
17 ***an area of ground water concern. The declaration shall identify the substances***
18 ***confirmed to be in the ground water and all ground water aquifers that may***
19 ***be affected.*]**

20 **“(1) The Department of Environmental Quality shall recommend**
21 **that the Environmental Quality Commission declare a ground water**
22 **quality concern area if, based on the results of the department’s**
23 **statewide monitoring and assessment activities under ORS 468B.190,**
24 **or through the review of other relevant data and information, the de-**
25 **partment:**

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

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

30 **“(2) Before recommending a declaration of a ground water concern**

1 area under subsection (1) of this section, the department must find
2 that:

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

6 “(b) Contaminants from nonpoint sources that require additional
7 investigation to understand appropriate interventions have been iden-
8 tified; or

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

12 “(3) A declaration of a ground water concern area by the commis-
13 sion must identify the substances confirmed to be in the ground water
14 and ground water aquifers that may be affected.

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

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

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

23 “468B.177. (1) After a declaration of [*an area of ground water concern, the*
24 *Department of Environmental Quality, in consultation with other appropriate*
25 *state agencies, shall:*] a ground water quality concern area, the Governor
26 shall establish an interagency team and designate a lead agency. The
27 Governor shall consider the primary contaminant of concern and the
28 respective expertise, statutory responsibilities and regulatory author-
29 ity of each relevant agency when making the lead agency designation.
30 The interagency team shall include the Department of Environmental

1 **Quality and the Water Resources Department and may include the**
2 **State Department of Agriculture, the Oregon Health Authority, the**
3 **State Department of Geology and Mineral Industries and other agen-**
4 **cies with responsibilities or authorities related to a contaminant of**
5 **concern or remedial actions needed to address a contaminant of con-**
6 **cern.**

7 **“(2) The lead agency and other agencies participating in the inter-**
8 **agency team shall enter into intergovernmental agreements as neces-**
9 **sary to carry out the duties of the interagency team.**

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

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

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

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

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

21 **“(3) The interagency team shall:**

22 **“(a) Based on the best available information, develop, in a timely**
23 **manner, an agency assessment and outreach plan to:**

24 **“(A) Evaluate potential sources of contaminants of concern con-**
25 **tributing to ground water quality deterioration;**

26 **“(B) Identify existing authorities, programs or actions of the agen-**
27 **cies in the interagency team that are relevant to a contaminant of**
28 **concern; and**

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

1 **“(b) Develop a monitoring plan and establish timelines and targets**
2 **for trend analyses for the thresholds established under ORS 468B.180**
3 **for each contaminant of concern to evaluate the effectiveness of the**
4 **actions taken pursuant to the ground water quality concern area des-**
5 **ignation;**

6 **“(c) Identify:**

7 **“(A) Best management practices to address known sources of con-**
8 **tamination in the ground water quality concern area; and**

9 **“(B) Planned actions to share information and coordinate with and**
10 **educate likely sources of a contaminant of concern on best manage-**
11 **ment practices; and**

12 **“(d) Identify and implement public education and outreach strate-**
13 **gies regarding the prevention of ground water contamination, targeted**
14 **to ground water users and local officials within the ground water**
15 **quality concern area.**

16 **“(4) The interagency team shall prepare a draft of the agency as-**
17 **essment and outreach plan and provide the draft to the ground water**
18 **management committee appointed under ORS 468B.179 for comment.**
19 **The interagency team shall prepare a final agency assessment and**
20 **outreach plan after receiving the comments of the committee.**

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

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

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

26 **“468B.179. (1)(a) [*Upon the request of a local government, or as required***
27 ***under ORS 468B.177 or 468B.182, the Department of Environmental Quality,***
28 ***in consultation with other appropriate state agencies,]*** **Within a reasonable**
29 **time after completion of the draft agency assessment and outreach**
30 **plan under ORS 468B.177, the lead agency, in consultation with the**

1 **interagency team**, shall appoint a ground water management committee.
2 The ground water management committee shall be composed of at least seven
3 members representing a balance of interests in the area affected by the dec-
4 laration, **including at least one homeowner or tenant that relies on a**
5 **domestic well for drinking water that has been affected by the con-**
6 **taminant of concern.**

7 **“(b) The ground water management committee shall develop and**
8 **implement a local voluntary implementation plan, as provided in sub-**
9 **section (2) of this section, and provide comments to the interagency**
10 **team on the draft agency assessment and outreach plan for the pur-**
11 **pose of aligning the efforts of the committee and the interagency**
12 **team.**

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

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

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

23 *“(b) An evaluation of the threat to ground water from the potential non-*
24 *point sources identified;]*

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

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

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

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

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

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

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

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

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

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

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

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

1 mining the final [*action*] **local voluntary implementation** plan.

2 “(4) The ground water management committee may request the [*depart-*
3 *ment*] **lead agency** to arrange for technical advice and assistance from ap-
4 propriate state agencies and higher education institutions.

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

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

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

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

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

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

30 **“(c) Encourage voluntary inspections of alternative sewage disposal**

1 systems, nonwater-carried sewage disposal facilities and subsurface
2 sewage disposal systems as those terms are defined in ORS 454.605; and

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

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

8 “(a) Review agricultural ground water quality management plans
9 developed under ORS 568.909 for potential plan revisions to identify
10 voluntary practices, documentation or actions needed for source con-
11 trol of the contaminant of concern.

12 “(b) Make available stewardship agreement opportunities pursuant
13 to ORS 541.973 that may include:

14 “(A) Conditions of use and application of sources; and

15 “(B) Maintenance of records related to the management and moni-
16 toring of sources.

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

20 “(d) Review active permits issued by the department within the area
21 to identify opportunities for permit modifications or revisions to per-
22 mit conditions during renewal or issuance to address sources of con-
23 taminants of concern. The review may include:

24 “(A) Assessment of permit conditions related to contaminant dis-
25 charge limits;

26 “(B) Evaluation of monitoring and reporting requirements;

27 “(C) Evaluation of use practices;

28 “(D) Evaluation of other conditions necessary to achieve ground
29 water quality objectives; and

30 “(E) Coordination with relevant state agencies to align with area

1 plans and rules.

2 “(3) The Oregon Health Authority shall:

3 “(a) Prepare a preliminary assessment that:

4 “(A) Identifies risks to domestic well users and public water sys-
5 tems due to potential contamination of drinking water supplies;

6 “(B) Evaluates possible response strategies; and

7 “(C) Estimates the cost of a public health response to the contam-
8 ination.

9 “(b) Prepare accessible and language-appropriate outreach and ed-
10 ucation materials regarding the public health risks of the identified
11 ground water contaminant and recommended actions to reduce health
12 risks and:

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

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

18 “SECTION 7. (1) Upon completion of the final agency assessment
19 and outreach plan developed under ORS 468B.177, the lead agency shall
20 submit the plan in a report to the Governor and the Joint Committee
21 on Ways and Means or the Joint Interim Committee on Ways and
22 Means in the manner provided by ORS 192.245. The report shall in-
23 clude requests for needed resource changes to implement the plan and
24 may include requests for funding necessary to implement the plan.

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

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

5 “SECTION 8. Upon a declaration of a ground water quality concern
6 area, as defined in ORS 468B.150, the Water Resources Department
7 may, notwithstanding any contrary provision of law, consult with the
8 Department of Environmental Quality to:

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

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

16
17 “GROUND WATER QUALITY MANAGEMENT AREAS

18
19 “SECTION 9. ORS 468B.180 is amended to read:

20 “468B.180. (1) The Department of Environmental Quality shall **recom-**
21 **mend that the Environmental Quality Commission** declare a ground
22 water **quality** management area if, [*as a result of information provided to the*
23 *department or from its*] **through** statewide monitoring and assessment activ-
24 ities under ORS 468B.190, **or through the review of other relevant data**
25 **and information**, the department confirms that, as a result of suspected
26 nonpoint source activities, there is present in the ground water:

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

29 “(b) Any other contaminants at levels greater than 50 percent of the lev-
30 els established pursuant to ORS 468B.165.

1 “(2) A declaration [*under subsection (1) of this section*] **of a ground water**
2 **quality management area by the commission** shall identify the sub-
3 stances detected in the ground water and [*all*] ground water aquifers that
4 may be affected.

5 “(3) Before [*declaring*] **recommending the declaration of** a ground wa-
6 ter **quality** management area under [*subsections (1) and (2)*] **subsection (1)**
7 of this section, the [*agency*] **department** shall have a [*second*] laboratory
8 **operated by the department or another accredited laboratory** confirm
9 the results that **would** cause the [*agency*] **department** to make the [*decla-*
10 *ration*] **recommendation**.

11 “(4) **After a declaration under subsection (2) of this section, a state**
12 **agency may exercise within the ground water quality management**
13 **area any of the agency’s authorities or responsibilities related to the**
14 **prevention or control of ground water contamination in a ground wa-**
15 **ter quality concern area, regardless of whether the ground water**
16 **quality management area was previously declared a ground water**
17 **quality concern area.**

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

19 “468B.182. (1) After the declaration of a ground water **quality** manage-
20 ment area, the [*Department of Environmental Quality, in consultation with*
21 *other appropriate state agencies,*] **lead agency designated under ORS**
22 **468B.184** shall appoint a ground water management committee for the af-
23 fected area if a ground water management committee has not already been
24 appointed under ORS [*468B.177*] **468B.179. A ground water management**
25 **committee appointed under this section must include a homeowner or**
26 **tenant that relies on a domestic well in the area for drinking water**
27 **which has been affected by the contaminant of concern.** If the affected
28 area had previously been designated [*an area of ground water concern*] **a**
29 **ground water quality concern area**, the same ground water management
30 committee appointed under ORS [*468B.177*] **468B.179** shall continue [*to ad-*

1 *dress the ground water issues raised as a result of the declaration of a ground*
2 *water management area]* **to advise the interagency team.**

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

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

8 **“468B.184. (1) After a ground water *quality* management area is declared,**
9 **the [*Department of Environmental Quality*] **Governor shall establish an**
10 **interagency team and designate a lead agency responsible for developing**
11 **an action plan, as provided in this section. [*and request other agencies to***
12 ***assume appropriate responsibilities for preparation of a draft action plan***
13 ***within 90 days after the declaration.*]** **If the affected area had previously**
14 **been designated a ground water quality concern area, the Governor**
15 **may establish the same interagency team and designate the same lead**
16 **agency designated under ORS 468B.177. If no lead agency and intera-**
17 **gency team has been previously designated and established, the Gov-**
18 **ernor shall consider the primary contaminant of concern and its**
19 **predominant sources, and the respective expertise, statutory respon-**
20 **sibilities and regulatory authority of each relevant agency when mak-**
21 **ing the lead agency designation. The interagency team shall include**
22 **the Department of Environmental Quality and the Water Resources**
23 **Department. The interagency team may include the State Department**
24 **of Agriculture, the Oregon Health Authority and the State Department**
25 **of Geology and Mineral Industries or other agencies with responsibil-**
26 **ities or authorities related to the contaminant of concern.****

27 **“(2) The lead agency and other agencies participating in the inter-**
28 **agency team shall enter into intergovernmental agreements as neces-**
29 **sary to carry out the work of the interagency team.**

30 **“(3) The [*agencies*] interagency team shall develop an action plan to**

1 **inform well users of ground water contamination**, reduce existing con-
2 tamination and [to] prevent further contamination of the affected ground
3 water aquifer. The action plan shall include, but need not be limited to:

4 “(a) Identification of practices that may be contributing to the contam-
5 ination of ground water in the area;

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

9 “(c) [*Recommendations*] **Identification** of mandatory actions, **including**
10 **actions under sections 14, 15, 19 and 20 of this 2025 Act** that, when im-
11 plemented, will reduce the contamination to a level below that level requir-
12 ing 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 wa-
17 ter contaminants; and

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

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

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

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

28 “[2] *If a ground water management area is located on agricultural lands*
29 *or in an area designated as an exclusive farm use zone under ORS 215.203,*
30 *the State Department of Agriculture shall be responsible for developing the*

1 *portion of the action plan that addresses farming practices as defined in ORS*
2 *30.930.]*

3 **“(4) If ground water pumping is an identified cause of, or contrib-**
4 **utor to, water quality degradation in the ground water quality man-**
5 **agement area, the Water Resources Department may classify or**
6 **reclassify the aquifer under ORS 536.340 or designate the aquifer as a**
7 **critical ground water area pursuant to ORS 537.730 to 537.740.**

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

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

17 **“(2)** Within [60] **90** days after the close of the public comment period, the
18 lead agency shall complete a final action plan. All suggestions and informa-
19 tion provided to the lead agency during the public comment period shall be
20 considered by the lead agency and when appropriate shall be acknowledged
21 in the final action plan.

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

27 **“(b)(A)** No later than December 15 of each even-numbered year
28 during which a lead agency is responsible for the implementation of
29 a final action plan, the lead agency shall submit a report in the man-
30 ner provided by ORS 192.245 to the Joint Interim Committee on Ways

1 **and Means. The report shall describe the interagency team’s progress**
2 **in implementing the plan and may include requests for funding.**

3 **“(B) In lieu of submitting a report described in subparagraph (A)**
4 **of this paragraph, the Department of Environmental Quality may in-**
5 **clude the information required under paragraph (a) of this subsection**
6 **in the report required under ORS 468B.162.**

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

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

15 **“468B.188. (1) If, after implementation of the action plan developed by**
16 **[affected agencies] the interagency team under ORS 468B.184 to 468B.187,**
17 **the ground water improves so that the levels of contaminants no longer ex-**
18 **ceed the levels established under ORS 468B.180, the Environmental Quality**
19 **Commission, upon the recommendation of the** Department of Environ-
20 **mental Quality, shall determine whether to repeal the ground water quality**
21 **management area declaration and to establish [an area of ground water con-**
22 **cern] a ground water quality concern area.**

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

1 “(3) Before [*the Department of Environmental Quality terminates*] **relevant**
2 **state agencies, in consultation with the interagency team, terminate**
3 any mandatory controls imposed under the action plan created under ORS
4 468B.184 to 468B.187, the ground water management committee must produce
5 a local [*action*] **voluntary implementation** plan that includes provisions
6 necessary to improve ground water **quality** in the area and that the [*de-*
7 *partment*] **interagency team** finds can be **voluntarily** implemented at the
8 local level without the necessity of state enforcement authority.

9 **“SECTION 14. After a declaration of a ground water quality man-**
10 **agement area under ORS 468B.180, the State Department of Agricul-**
11 **ture, as necessary to control a relevant contaminant of concern:**

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

14 **“(a) Restrictions on the manner of use and application of the con-**
15 **taminant of concern;**

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

18 **“(c) Requirements for:**

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

20 **“(B) Transport mechanisms; and**

21 **“(C) Measuring the efficacy of mitigation practices;**

22 **“(d) Requirements for keeping records related to actions required**
23 **by rules adopted under this section and providing records to the de-**
24 **partment upon request; and**

25 **“(e) Individual exemptions from the permit requirements of ORS**
26 **468B.219.**

27 **“(2) Shall review active permits issued by the department within the**
28 **ground water quality management area to identify opportunities for**
29 **permit modifications or revisions to permit conditions during renewal**
30 **or issuance to address sources of contaminants of concern. The review**

1 **may include:**

2 **“(a) Assessment of permit conditions related to contaminant dis-**
3 **charge limits;**

4 **“(b) Evaluation of monitoring and reporting requirements;**

5 **“(c) Evaluation of use practices;**

6 **“(d) Evaluation of other conditions necessary to achieve ground**
7 **water quality objectives; and**

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

10 **“(3) May make available stewardship agreement opportunities, pur-**
11 **suant to ORS 541.973, for the ground water quality management area.**

12 **“SECTION 15. (1) After a declaration of a ground water quality**
13 **management area under ORS 468B.180, the Oregon Health Authority**
14 **shall, in consultation with local health authorities, develop a public**
15 **health remediation and response plan. The remediation and response**
16 **plan shall be based on the preliminary assessment developed under**
17 **section 6 (3) of this 2025 Act. If no preliminary assessment has been**
18 **prepared under section 6 (3) of this 2025 Act, the authority shall pre-**
19 **pare a preliminary assessment before developing the health remedi-**
20 **ation and response plan under this section.**

21 **“(2) Upon completion of the health remediation and response plan,**
22 **the authority shall submit the plan in a report to the Governor and**
23 **the Joint Committee on Ways and Means or the Joint Interim Com-**
24 **mittee on Ways and Means in the manner provided by ORS 192.245**
25 **with a request for funding necessary to implement the plan.**

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

28 **“SECTION 17. Notwithstanding any other provision of ORS chapters**
29 **195 or 197 or this chapter:**

30 **“(1) A county may provide, or may enter into an agreement with a**

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

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

13 “(3) The Land Conservation and Development Commission may
14 adopt rules to administer this section, including rules establishing
15 conditions under which counties must prohibit new residential devel-
16 opment.

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

19 **“SECTION 19.** (1) After a declaration of a ground water quality
20 management area under ORS 468B.180, the Department of Environ-
21 mental Quality may enter on to private property at reasonable times
22 to inspect residential subsurface sewage disposal systems or alterna-
23 tive sewage disposal systems in the area. Before carrying out an in-
24 spection under this section, the department shall give notice of the
25 inspection to the property owner and any tenant residing at the prop-
26 erty and take reasonable steps to arrange a convenient time for the
27 inspection with the resident of the property.

28 “(2) If the department determines that a subsurface sewage disposal
29 system or an alternative sewage disposal system inspected under sub-
30 section (1) of this section is being operated or maintained in violation

1 of any rule adopted pursuant to ORS 454.625, or is otherwise malfunc-
2 tioning in a way that may contribute to ground water contamination,
3 the department shall give notice to the person or persons in control
4 of the system as provided in ORS 454.635.

5 **“SECTION 20. (1) Notwithstanding any contrary provision of law,**
6 **the Water Resources Department may approve an application under**
7 **ORS 537.615 to appropriate ground water in a ground water quality**
8 **management area declared under ORS 468B.180 for community or**
9 **public water wells for an amount of water equivalent to the amount**
10 **of water provided by abandoned domestic water wells if:**

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

13 **“(b) The impact of the proposed community or public water well on**
14 **hydraulically connected surface water bodies is similar to or less than**
15 **the cumulative impact of the abandoned domestic water wells.**

16 **“(2) The Water Resources Commission may adopt rules as necessary**
17 **to implement this section, including standards for estimating the**
18 **amount of equivalent water.**

19 **“SECTION 21. ORS 468B.183 and 468B.187 are repealed.**

20

21 **“AMENDMENTS TO STATUTES**

22

23 **“SECTION 22. ORS 448.268 is amended to read:**

24 **“448.268. (1) If, as a result of its activities under ORS 448.150, or through**
25 **the review of other relevant data, the Oregon Health Authority confirms**
26 **the persistent and prevalent presence in ground water drinking water**
27 **supplies of contaminants resulting at least in part from suspected nonpoint**
28 **source activities, the authority shall recommend that the Environmental**
29 **Quality Commission declare [an area of ground water concern] a ground**
30 **water quality concern area. The declaration by the commission shall**

1 identify the substances confirmed in the ground water and [all] ground water
2 aquifers that may be affected.

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

8 **“SECTION 23.** ORS 448.150 is amended to read:

9 “448.150. (1) The Oregon Health Authority shall:

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

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

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

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

1 veys of watersheds promptly to the authority and to the local health de-
2 partment.

3 “(e) Investigate reports of waterborne disease pursuant to ORS 431.001 to
4 431.550 and 431.990 and take necessary actions as provided for in ORS
5 446.310, 448.030, 448.115 to 448.285, 454.235, 454.255 and 455.680 to protect the
6 public health and safety.

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

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

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

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

18 “(3)(a) The authority by rule may adopt a schedule of fees to be assessed
19 on water suppliers to partially defray the costs of the authority related to
20 performance of the duties prescribed by this section and ORS 448.155 (1),
21 448.175 (1) and 448.255. The fee schedule shall be graduated based on the size
22 and type of the water system owned or operated by a water supplier.

23 “(b) Not more than once each calendar year, the authority may increase
24 the fees established by rule under this subsection. The amount of the annual
25 increase may not exceed the anticipated increase in the costs of the author-
26 ity related to performance of the duties prescribed by this section and ORS
27 448.155 (1), 448.175 (1) and 448.255 or three percent, whichever is lower.

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

29 “468B.162. (1) The Department of Environmental Quality shall coordinate
30 the [*following*:]

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

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

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

13 “**(b) Notwithstanding paragraph (a) of this subsection, the depart-**
14 **ment shall provide staff support for projects or activities related to a**
15 **ground water quality concern area or a ground water quality man-**
16 **agement area only as directed by the lead agency designated under**
17 **ORS 468B.177 or 468B.184.**

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

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

25 “468B.169. (1) Any person, state agency, political subdivision of this state
26 or ground water management committee organized under ORS 468B.179 or
27 468B.182 may submit to the Department of Environmental Quality a request
28 for funding, advice or assistance for a research or development project re-
29 lated to ground water quality as it relates to Oregon’s ground water re-
30 source.

1 “(2) The request under subsection (1) of this section shall be filed in the
2 manner, be in the form and contain the information required by the depart-
3 ment. [*The requester may submit the request either to the department or to a*
4 *ground water management committee organized under ORS 468B.179 or*
5 *468B.182.*]

6 “(3) The department shall approve only those requests that meet the cri-
7 teria established by the department under ORS 468B.171.

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

9 “468B.171. (1) Of the moneys available to the Department of Environ-
10 mental Quality to award as grants under ORS 468B.169, not more than one-
11 third shall be awarded for funding of projects directly related to issues
12 pertaining to a ground water **quality** management area.

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

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

17 “(b) Demonstration projects related to ground water including but not
18 limited to hydrogeology, ground water quality, alternative residential, in-
19 dustrial and agricultural practices;

20 “(c) Educational programs that help attain the goal set forth in ORS
21 468B.155; and

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

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

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

1 by an institution for such costs may be determined by the department.

2 “(5) In accordance with the applicable provisions of ORS chapter 183, the
3 Environmental Quality Commission shall adopt by rule guidelines and crite-
4 ria for awarding grants under this section.

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

6 “468B.050. (1) Except as provided in ORS 468B.053 or 468B.215, without
7 holding a permit from the Director of the Department of Environmental
8 Quality or the State Department of Agriculture, which permit shall specify
9 applicable effluent limitations, a person may not:

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

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

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

16 “(d) Construct, install, operate or conduct any industrial, commercial,
17 confined animal feeding operation or other establishment or activity or any
18 extension or modification thereof or addition thereto, the operation or con-
19 duct of which would cause an increase in the discharge of wastes into the
20 waters of the state or which would otherwise alter the physical, chemical
21 or biological properties of any waters of the state in any manner not already
22 lawfully authorized.

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

25 “(2) The Department of Environmental Quality or the State Department
26 of Agriculture may issue a permit under this section as an individual, gen-
27 eral or watershed permit. A permit may be issued to a class of persons using
28 the procedures for issuance of an order or for the adoption of a rule. Not-
29 withstanding the definition of ‘order’ or ‘rule’ provided in ORS 183.310, in
30 issuing a general or watershed permit by order pursuant to this section, the

1 State Department of Agriculture or Department of Environmental Quality:

2 “(a) Is not required to direct the order to a named person or named per-
3 sons; and

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

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

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

15 “(a) Is located in a ground water **quality** management area declared un-
16 der ORS 468B.180; and

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

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

21 “(6) The State Department of Agriculture or the Department of Environ-
22 mental Quality may define ‘confined animal feeding operation’ by rule for
23 purposes of implementing this section.

24 “(7) **After a declaration of a ground water quality management area**
25 **under ORS 468B.180, the Department of Environmental Quality may**
26 **require the modification of any permit issued under this section if the**
27 **department determines that permit modification is necessary to ad-**
28 **dress an urgent ground water contamination issue. A permit that is**
29 **modified under this subsection must include conditions that limit the**
30 **discharge of a contaminant of concern, as defined in ORS 468B.150.**

1 “[7] (8) As used in this section:

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

4 “(b) ‘NPDES’ and ‘WPCF’ have the meanings given those terms in ORS
5 561.255.

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

7 “468B.219. (1) The State Department of Agriculture may issue a nutrient
8 application permit.

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

10 “(a) The rate of nutrient application.

11 “(b) The source of the nutrients.

12 “(c) The placement of the nutrients.

13 “(d) The timing of nutrient application.

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

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

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

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

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

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

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

30 “(6) As used in this section, ‘NPDES’ and ‘WPCF’ have the meanings

1 given those terms in ORS 561.255.

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

3 “215.213. (1) In counties that have adopted marginal lands provisions un-
4 der ORS 197.247 (1991 Edition), the following uses may be established in any
5 area zoned for exclusive farm use:

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

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

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

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

14 “(B) [*If the utility facility is an associated transmission line*] **Utility fa-**
15 **ilities that are associated transmission lines**, as defined in ORS 215.274
16 and 469.300[.];

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

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

20 “(d) A dwelling on real property used for farm use if the dwelling is oc-
21 cupied by a relative of the farm operator or the farm operator’s spouse,
22 which means a child, parent, stepparent, grandchild, grandparent,
23 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
24 if the farm operator does or will require the assistance of the relative in the
25 management of the farm use and the dwelling is located on the same lot or
26 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to
27 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if
28 the owner of a dwelling described in this paragraph obtains construction fi-
29 nancing or other financing secured by the dwelling and the secured party
30 forecloses on the dwelling, the secured party may also foreclose on the

1 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
2 a partition of the homesite to create a new parcel.

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

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

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

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

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

30 “(j) Climbing and passing lanes within the right of way existing as of July

1 1, 1987.

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

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

9 “(m) Minor betterment of existing public road and highway related facil-
10 ities, such as maintenance yards, weigh stations and rest areas, within right
11 of way existing as of July 1, 1987, and contiguous public-owned property
12 utilized to support the operation and maintenance of public roads and high-
13 ways.

14 “(n) A replacement dwelling to be used in conjunction with farm use if
15 the existing dwelling has been listed in a county inventory as historic prop-
16 erty as defined in ORS 358.480.

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

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

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

21 “(r) Farm stands if:

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

29 “(B) The farm stand does not include structures designed for occupancy
30 as a residence or for activity other than the sale of farm crops or livestock

1 and does not include structures for banquets, public gatherings or public
2 entertainment.

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

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

20 “(u) A facility for the processing of farm products as described in ORS
21 215.255.

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

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

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

30 “(A) A public right of way;

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

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

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

17 “(z) Dog training classes or testing trials, which may be conducted out-
18 doors or in farm buildings in existence on January 1, 2019, when:

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

22 “(B) The number of dogs participating in a testing trial does not exceed
23 60 and the number of testing trials to be conducted on-site is limited to four
24 or fewer trials per calendar year.

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

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

27 “(2) In counties that have adopted marginal lands provisions under ORS
28 197.247 (1991 Edition), the following uses may be established in any area
29 zoned for exclusive farm use subject to ORS 215.296:

30 “(a) A primary dwelling in conjunction with farm use or the propagation

1 or harvesting of a forest product on a lot or parcel that is managed as part
2 of a farm operation or woodlot if the farm operation or woodlot:

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

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

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

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

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

18 “(c) Commercial activities that are in conjunction with farm use, includ-
19 ing the processing of farm crops into biofuel not permitted under ORS
20 215.203 (2)(b)(K) or 215.255.

21 “(d) Operations conducted for:

22 “(A) Mining and processing of geothermal resources as defined by ORS
23 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted
24 under subsection (1)(g) of this section;

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

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

29 “(D) Processing of other mineral resources and other subsurface re-
30 sources.

1 “(e) Community centers owned by a governmental agency or a nonprofit
2 community organization and operated primarily by and for residents of the
3 local rural community, hunting and fishing preserves, public and private
4 parks, playgrounds and campgrounds. Subject to the approval of the county
5 governing body or its designee, a private campground may provide yurts for
6 overnight camping. No more than one-third or a maximum of 10 campsites,
7 whichever is smaller, may include a yurt. The yurt shall be located on the
8 ground or on a wood floor with no permanent foundation. Upon request of
9 a county governing body, the Land Conservation and Development Commis-
10 sion may provide by rule for an increase in the number of yurts allowed on
11 all or a portion of the campgrounds in a county if the commission determines
12 that the increase will comply with the standards described in ORS 215.296
13 (1). A public park or campground may be established as provided under ORS
14 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of
15 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
16 hookup or internal cooking appliance.

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

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

25 “(h) Personal-use airports for airplanes and helicopter pads, including
26 associated hangar, maintenance and service facilities. A personal-use airport
27 as used in this section means an airstrip restricted, except for aircraft
28 emergencies, to use by the owner, and, on an infrequent and occasional basis,
29 by invited guests, and by commercial aviation activities in connection with
30 agricultural operations. No aircraft may be based on a personal-use airport

1 other than those owned or controlled by the owner of the airstrip. Exceptions
2 to the activities permitted under this definition may be granted through
3 waiver action by the Oregon Department of Aviation in specific instances.
4 A personal-use airport lawfully existing as of September 13, 1975, shall con-
5 tinue to be permitted subject to any applicable rules of the Oregon Depart-
6 ment of Aviation.

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

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

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

22 “(B) Dog training classes or testing trials that cannot be established un-
23 der subsection (1)(z) of this section.

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

25 “(m) The propagation, cultivation, maintenance and harvesting of aquatic
26 species that are not under the jurisdiction of the State Fish and Wildlife
27 Commission or insect species. Insect species shall not include any species
28 under quarantine by the State Department of Agriculture or the United
29 States Department of Agriculture. The county shall provide notice of all
30 applications under this paragraph to the State Department of Agriculture.

1 Notice shall be provided in accordance with the county's land use regu-
2 lations but shall be mailed at least 20 calendar days prior to any adminis-
3 trative decision or initial public hearing on the application.

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

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

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

9 “(q) Reconstruction or modification of public roads and highways involv-
10 ing the removal or displacement of buildings but not resulting in the cre-
11 ation of new land parcels.

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

16 “(s) A destination resort that is approved consistent with the require-
17 ments of any statewide planning goal relating to the siting of a destination
18 resort.

19 “(t) Room and board arrangements for a maximum of five unrelated per-
20 sons in existing residences.

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

30 “(A) ‘Living history museum’ means a facility designed to depict and in-

1 interpret everyday life and culture of some specific historic period using au-
2 thentic buildings, tools, equipment and people to simulate past activities and
3 events; and

4 “(B) ‘Local historical society’ means the local historical society, recog-
5 nized as such by the county governing body and organized under ORS chap-
6 ter 65.

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

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

12 “(x) A landscape contracting business, as defined in ORS 671.520, or a
13 business providing landscape architecture services, as described in ORS
14 671.318, if the business is pursued in conjunction with the growing and
15 marketing of nursery stock on the land that constitutes farm use.

16 “(y) Public or private schools for kindergarten through grade 12, includ-
17 ing all buildings essential to the operation of a school, primarily for resi-
18 dents of the rural area in which the school is located.

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

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

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

26 “(aa) Child care facilities, preschool recorded programs or school-age re-
27 corded programs that are:

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

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

1 “(C) Colocated with a community center or a public or private school al-
2 lowed under this subsection.

3 “(3) In counties that have adopted marginal lands provisions under ORS
4 197.247 (1991 Edition), a single-family residential dwelling not provided in
5 conjunction with farm use may be established on a lot or parcel with soils
6 predominantly in capability classes IV through VIII as determined by the
7 Agricultural Capability Classification System in use by the United States
8 Department of Agriculture Soil Conservation Service on October 15, 1983. A
9 proposed dwelling is subject to approval of the governing body or its
10 designee in any area zoned for exclusive farm use upon written findings
11 showing all of the following:

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

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

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

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

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

30 “(b) If the lot or parcel is located within the Willamette River Greenway,

1 a floodplain or a geological hazard area, the dwelling complies with condi-
2 tions imposed by local ordinances relating specifically to the Willamette
3 River Greenway, floodplains or geological hazard areas, whichever is appli-
4 cable; and

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

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

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

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

13 “(6) The notice required in subsection (5) of this section shall specify that
14 persons have 15 days following the date of postmark of the notice to file a
15 written objection on the grounds only that the dwelling or activities associ-
16 ated with it would force a significant change in or significantly increase the
17 cost of accepted farming practices on nearby lands devoted to farm use. If
18 no objection is received, the governing body or its designee shall approve or
19 disapprove the application. If an objection is received, the governing body
20 shall set the matter for hearing in the manner prescribed in ORS 215.402 to
21 215.438. The governing body may charge the reasonable costs of the notice
22 required by subsection (5)(a) of this section to the applicant for the permit
23 requested under subsection (4) of this section.

24 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-
25 ated between January 1, 1948, and July 1, 1983. For the purposes of this
26 section:

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

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

30 “(B) On July 1, 1983, greater than possessory interests are held in those

1 contiguous lots, parcels or lots and parcels by the same person, spouses or
2 a single partnership or business entity, separately or in tenancy in common.

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

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

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

11 “(10) Roads, highways and other transportation facilities and improve-
12 ments not allowed under subsections (1) and (2) of this section may be es-
13 tablished, subject to the approval of the governing body or its designee, in
14 areas zoned for exclusive farm use subject to:

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

18 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-
19 tion and Development Commission as provided in section 3, chapter 529,
20 Oregon Laws 1993.

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

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

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

1 “(B) The duration of the agri-tourism or other commercial event or ac-
2 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

15 “(i) Planned hours of operation;

16 “(ii) Access, egress and parking;

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

19 “(iv) Sanitation and solid waste.

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

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

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

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

4 “(D) May not include the artificial amplification of music or voices before
5 8 a.m. or after 8 p.m.;

6 “(E) May not require or involve the construction or use of a new perma-
7 nent structure in connection with the agri-tourism or other commercial event
8 or activity;

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

11 “(G) Must comply with applicable health and fire and life safety require-
12 ments.

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

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

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

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

25 “(D) Must comply with ORS 215.296;

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

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

30 “(i) The types of agri-tourism or other commercial events or activities

1 that are authorized during each calendar year, including the number and
2 duration of the agri-tourism or other commercial events and activities, the
3 anticipated daily attendance and the hours of operation;

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

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

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

11 “(v) Sanitation and solid waste.

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

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

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

23 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
24 mum lot or parcel size; and

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

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

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

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

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

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

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

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

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

25 “215.283. (1) The following uses may be established in any area zoned for
26 exclusive farm use:

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

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

29 “(c) Utility facilities necessary for public service, [*including wetland*
30 *waste treatment systems but*] not including commercial facilities for the pur-

1 pose of generating electrical power for public use by sale or transmission
2 towers over 200 feet in height[. *A utility facility necessary for public service*
3 *may be established as provided in*], **but including:**

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

5 “(B) [*If the utility facility is an associated transmission line*] **Utility fa-**
6 **cilities that are associated transmission lines**, as defined in ORS 215.274
7 and 469.300[.];

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

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

11 “(d) A dwelling on real property used for farm use if the dwelling is oc-
12 cupied by a relative of the farm operator or the farm operator’s spouse,
13 which means a child, parent, stepparent, grandchild, grandparent,
14 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
15 if the farm operator does or will require the assistance of the relative in the
16 management of the farm use and the dwelling is located on the same lot or
17 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to
18 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if
19 the owner of a dwelling described in this paragraph obtains construction fi-
20 nancing or other financing secured by the dwelling and the secured party
21 forecloses on the dwelling, the secured party may also foreclose on the
22 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
23 a partition of the homesite to create a new parcel.

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

26 “(f) Operations for the exploration for and production of geothermal re-
27 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
28 including the placement and operation of compressors, separators and other
29 customary production equipment for an individual well adjacent to the
30 wellhead. Any activities or construction relating to such operations shall not

1 be a basis for an exception under ORS 197.732 (2)(a) or (b).

2 “(g) Operations for the exploration for minerals as defined by ORS
3 517.750. Any activities or construction relating to such operations shall not
4 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

14 “(k) Minor betterment of existing public road and highway related facili-
15 ties such as maintenance yards, weigh stations and rest areas, within right
16 of way existing as of July 1, 1987, and contiguous public-owned property
17 utilized to support the operation and maintenance of public roads and high-
18 ways.

19 “(L) A replacement dwelling to be used in conjunction with farm use if
20 the existing dwelling has been listed in a county inventory as historic prop-
21 erty as defined in ORS 358.480.

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

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

24 “(o) Farm stands if:

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

1 cent of the total annual sales of the farm stand; and

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

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

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

22 “(r) A facility for the processing of farm products as described in ORS
23 215.255.

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

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

28 “(u) Utility facility service lines. Utility facility service lines are utility
29 lines and accessory facilities or structures that end at the point where the
30 utility service is received by the customer and that are located on one or

1 more of the following:

2 “(A) A public right of way;

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

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

6 “(v) Subject to the issuance of a license, permit or other approval by the
7 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
8 468B.053 or 468B.055, or in compliance with rules adopted under ORS
9 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
10 reclaimed water, agricultural or industrial process water or biosolids, or the
11 onsite treatment of septage prior to the land application of biosolids, for
12 agricultural, horticultural or silvicultural production, or for irrigation in
13 connection with a use allowed in an exclusive farm use zone under this
14 chapter. For the purposes of this paragraph, onsite treatment of septage prior
15 to the land application of biosolids is limited to treatment using treatment
16 facilities that are portable, temporary and transportable by truck trailer, as
17 defined in ORS 801.580, during a period of time within which land applica-
18 tion of biosolids is authorized under the license, permit or other approval.

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

23 “(x) Dog training classes or testing trials, which may be conducted out-
24 doors or in preexisting farm buildings, when:

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

28 “(B) The number of dogs participating in a testing trial does not exceed
29 60 and the number of testing trials to be conducted on-site is limited to four
30 or fewer trials per calendar year.

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

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

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

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

9 “(b) Operations conducted for:

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

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

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

17 “(D) Processing of other mineral resources and other subsurface re-
18 sources.

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

1 cooking appliance.

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

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

14 “(f) Golf courses on land:

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

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

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

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

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

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

28 “(h) Personal-use airports for airplanes and helicopter pads, including
29 associated hangar, maintenance and service facilities. A personal-use airport,
30 as used in this section, means an airstrip restricted, except for aircraft

1 emergencies, to use by the owner, and, on an infrequent and occasional basis,
2 by invited guests, and by commercial aviation activities in connection with
3 agricultural operations. No aircraft may be based on a personal-use airport
4 other than those owned or controlled by the owner of the airstrip. Exceptions
5 to the activities permitted under this definition may be granted through
6 waiver action by the Oregon Department of Aviation in specific instances.
7 A personal-use airport lawfully existing as of September 13, 1975, shall con-
8 tinue to be permitted subject to any applicable rules of the Oregon Depart-
9 ment of Aviation.

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

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

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

25 “(L) One manufactured dwelling or recreational vehicle, or the temporary
26 residential use of an existing building, in conjunction with an existing
27 dwelling as a temporary use for the term of a hardship suffered by the ex-
28 isting resident or a relative of the resident. Within three months of the end
29 of the hardship, the manufactured dwelling or recreational vehicle shall be
30 removed or demolished or, in the case of an existing building, the building

1 shall be removed, demolished or returned to an allowed nonresidential use.
2 The governing body or its designee shall provide for periodic review of the
3 hardship claimed under this paragraph. A temporary residence approved un-
4 der this paragraph is not eligible for replacement under subsection (1)(p) of
5 this section.

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

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

8 “(B) Dog training classes or testing trials that cannot be established un-
9 der subsection (1)(x) of this section.

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

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

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

23 “(r) Reconstruction or modification of public roads and highways involv-
24 ing the removal or displacement of buildings but not resulting in the cre-
25 ation of new land parcels.

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

30 “(t) A destination resort that is approved consistent with the require-

1 ments of any statewide planning goal relating to the siting of a destination
2 resort.

3 “(u) Room and board arrangements for a maximum of five unrelated per-
4 sons in existing residences.

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

6 “(w) Expansion of existing county fairgrounds and activities directly re-
7 lating to county fairgrounds governed by county fair boards established
8 pursuant to ORS 565.210.

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

18 “(A) ‘Living history museum’ means a facility designed to depict and in-
19 terpret everyday life and culture of some specific historic period using au-
20 thentic buildings, tools, equipment and people to simulate past activities and
21 events; and

22 “(B) ‘Local historical society’ means the local historical society recog-
23 nized by the county governing body and organized under ORS chapter 65.

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

28 “(z) A landscape contracting business, as defined in ORS 671.520, or a
29 business providing landscape architecture services, as described in ORS
30 671.318, if the business is pursued in conjunction with the growing and

1 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

13 “(dd) Child care facilities, preschool recorded programs or school-age re-
14 corded programs that are:

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

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

18 “(C) Colocated with a community center or a public or private school al-
19 lowed under this subsection.

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

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

27 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-
28 tion and Development Commission as provided in section 3, chapter 529,
29 Oregon Laws 1993.

30 “(4) The following agri-tourism and other commercial events or activities

1 that are related to and supportive of agriculture may be established in any
2 area zoned for exclusive farm use:

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

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

10 “(B) The duration of the agri-tourism or other commercial event or ac-
11 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

24 “(i) Planned hours of operation;

25 “(ii) Access, egress and parking;

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

28 “(iv) Sanitation and solid waste.

29 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
30 county may authorize, through an expedited, single-event license, a single

1 agri-tourism or other commercial event or activity on a tract in a calendar
2 year by an expedited, single-event license that is personal to the applicant
3 and is not transferred by, or transferable with, a conveyance of the tract. A
4 decision concerning an expedited, single-event license is not a land use de-
5 cision, as defined in ORS 197.015. To approve an expedited, single-event li-
6 cense, the governing body of a county or its designee must determine that
7 the proposed agri-tourism or other commercial event or activity meets any
8 local standards that apply, and the agri-tourism or other commercial event
9 or activity:

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

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

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

13 “(D) May not include the artificial amplification of music or voices before
14 8 a.m. or after 8 p.m.;

15 “(E) May not require or involve the construction or use of a new perma-
16 nent structure in connection with the agri-tourism or other commercial event
17 or activity;

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

20 “(G) Must comply with applicable health and fire and life safety require-
21 ments.

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

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

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

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

4 “(D) Must comply with ORS 215.296;

5 “(E) May not, in combination with other agri-tourism or other commercial
6 events or activities authorized in the area, materially alter the stability of
7 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
10 that are authorized during each calendar year, including the number and
11 duration of the agri-tourism or other commercial events and activities, the
12 anticipated daily attendance and the hours of operation;

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

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

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

20 “(v) Sanitation and solid waste.

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

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

30 “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F)

1 of this subsection;

2 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
3 mum lot or parcel size; and

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

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

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

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

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

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

22 “(b) The county may issue the limited use permits authorized by sub-
23 section (4)(c) of this section for two calendar years. When considering an
24 application for renewal, the county shall ensure compliance with the pro-
25 visions of subsection (4)(c) of this section, any local standards that apply and
26 conditions that apply to the permit or to the agri-tourism or other commer-
27 cial events or activities authorized by the permit.

28 “(c) The authorizations provided by subsection (4) of this section are in
29 addition to other authorizations that may be provided by law, except that
30 ‘outdoor mass gathering’ and ‘other gathering,’ as those terms are used in

1 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events
2 and activities.

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

4 “536.340. (1) Subject at all times to existing rights and priorities to use
5 waters of this state, the Water Resources Commission:

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

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

27 “(c) May, by a water resources statement referred to in ORS 536.300 (2)
28 and subject to the preferential uses named in ORS 536.310 (12), prescribe
29 preferences for the future for particular uses and quantities of uses of the
30 waters of any lake, stream or other source of water supply in this state in

1 aid of the highest and best beneficial use and quantities of use thereof. In
2 prescribing such preferences the commission shall give effect and due regard
3 to the natural characteristics of such sources of water supply, the adjacent
4 topography, the economy of such sources of water supply, the economy of the
5 affected area, seasonal requirements of various users of such waters, the type
6 of proposed use as between consumptive and nonconsumptive uses and other
7 pertinent data.

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

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

16 **“(a) Comply with the requirements set forth in the Water Resources De-**
17 **partment coordination program developed pursuant to ORS 197.180; and**

18 **“(b) Cause notice of the hearing held under ORS 536.300 (3) to be pub-**
19 **lished in a newspaper of general circulation once each week for two succes-**
20 **sive weeks in each county:**

21 **“(A) In which waters affected by the action of the commission under**
22 **subsection (1) of this section are located; or**

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

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

27 **“(a) Review the proposed action to determine whether the proposal is**
28 **consistent with ORS 537.780;**

29 **“(b) Provide an opportunity for review by:**

30 **“(A) Any member of the Legislative Assembly who represents a district**

1 where the proposed action would apply; and

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

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

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

7 “536.410. (1) When the Water Resources Commission determines that it is
8 necessary to insure compliance with the state water resources policy or that
9 it is otherwise necessary in the public interest to conserve the water re-
10 sources of this state for the maximum beneficial use and control thereof that
11 any unappropriated waters of this state, including unappropriated waters
12 released from storage or impoundment into the natural flow of a stream for
13 specified purposes, be withdrawn from appropriation for all or any uses in-
14 cluding exempt uses under ORS 537.545, the commission, on behalf of the
15 state, may issue an order of withdrawal.

16 “(2) Prior to the issuance of the order of withdrawal the commission shall
17 hold a public hearing on the necessity for the withdrawal. Notice of the
18 hearing shall be published in at least one issue each week for at least two
19 consecutive weeks prior to the hearing in a newspaper of general circulation
20 published in each county in which are located the waters proposed to be
21 withdrawn.

22 “(3) The order of withdrawal shall specify with particularity the waters
23 withdrawn from appropriation, the uses for which the waters are withdrawn,
24 the reason for the withdrawal and the duration of the withdrawal. The
25 commission may modify or revoke the order at any time.

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

29 “(5) While the order of withdrawal is in effect, no application for a permit
30 to appropriate the waters withdrawn for the uses specified in the order and

1 no application for a preliminary permit or license involving appropriations
2 of such waters shall be received for filing by the Water Resources Commis-
3 sion.

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

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

10 “537.525. (1) The Legislative Assembly recognizes, declares and finds that
11 the right to reasonable control of all water within this state from all sources
12 of water supply belongs to the public, and that in order to [*insure*] **ensure**
13 the preservation of the public welfare, safety and health it is necessary that:

14 “[*1*] (a) Provision be made for the final determination of relative rights
15 to appropriate ground water everywhere within this state and of other mat-
16 ters with regard thereto through a system of registration, permits and adju-
17 dication.

18 “[*2*] (b) Rights to appropriate ground water and priority thereof be ac-
19 knowledged and protected, except when, under certain conditions, the public
20 welfare, safety and health require otherwise.

21 “[*3*] (c) Beneficial use without waste, within the capacity of available
22 sources, be the basis, measure and extent of the right to appropriate ground
23 water.

24 “[*4*] (d) All claims to rights to appropriate ground water be made a
25 matter of public record.

26 “[*5*] (e) Adequate and safe supplies of ground water for human con-
27 sumption be assured, while conserving maximum supplies of ground water for
28 agricultural, commercial, industrial, thermal, recreational and other benefi-
29 cial uses.

30 “[*6*] (f) The location, extent, capacity, quality and other characteristics

1 of particular sources of ground water be determined.

2 “[7] (g) Reasonably stable ground water levels be determined and main-
3 tained.

4 “[8] (h) Depletion of ground water supplies below economic levels,
5 impairment of natural quality of ground water by pollution and wasteful
6 practices in connection with ground water be prevented or controlled within
7 practicable limits.

8 “[9] (i) Whenever wasteful use of ground water, impairment of or inter-
9 ference with existing rights to appropriate surface water, declining ground
10 water levels, alteration of ground water temperatures that may adversely
11 affect priorities or impair the long-term stability of the thermal properties
12 of the ground water, interference among wells, thermal interference among
13 wells, overdrawing of ground water supplies or pollution of ground water
14 exists or impends, controlled use of the ground water concerned be author-
15 ized and imposed under voluntary joint action by the Water Resources
16 Commission and the ground water users concerned whenever possible, but
17 by the commission under the police power of the state except as specified in
18 ORS 537.796, when such voluntary joint action is not taken or is ineffective.

19 “[10] (j) Location, construction, depth, capacity, yield and other char-
20 acteristics of and matters in connection with wells be controlled in accord-
21 ance with the purposes set forth in this section.

22 “[11] (k) All activities in the state that affect the quality or quantity
23 of ground water shall be consistent with the goal set forth in ORS 468B.155.

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

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

1 **“(b) The impact of the proposed community or public water well on**
2 **hydraulically connected surface water bodies is similar to or less than**
3 **the cumulative impact of the abandoned domestic water wells.**

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

5 “537.615. (1) Any person or public agency intending to acquire a wholly
6 new right to appropriate ground water or to enlarge upon any existing right
7 to appropriate ground water, except for any purpose exempt under ORS
8 537.545, shall apply to the Water Resources Department for and be issued a
9 permit before withdrawing or using the ground water.

10 “(2) The application for a permit shall be in a form prescribed by the de-
11 partment and shall contain:

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

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

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

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

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

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

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

24 “(h) The location of each well with reference to government survey cor-
25 ners or monuments or corners of recorded plats.

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

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

30 “(k) If the ground water is artesian or other ground water not requiring

1 pumping, the rate of flow in gallons in such manner as the Water Resources
2 Commission may prescribe.

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

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

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

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

19 “(5) Each application for a permit to appropriate water shall be accom-
20 panied by the examination fee set forth in ORS 536.050 (1).

21 “(6) If the proposed use of the water is for a mining operation as defined
22 in ORS 517.952, the applicant shall provide the information required under
23 this section as part of the consolidated application under ORS 517.952 to
24 517.989.

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

30 “(a) **The amount of equivalent water does not exceed 5,000 gallons**

1 **per day; and**

2 **“(b) The impact of the proposed community or public water well on**
3 **hydraulically connected surface water bodies is similar to or less than**
4 **the cumulative impact of the abandoned domestic water wells.**

5 “[7] (8) Notwithstanding any provision of ORS chapter 183, an applica-
6 tion for a permit to appropriate ground water shall be processed in the
7 manner set forth in ORS 537.505 to 537.795. Nothing in ORS chapter 183
8 shall be construed to allow additional persons to participate in the process.
9 To the extent that any provision in ORS chapter 183 conflicts with a pro-
10 vision set forth in ORS 537.505 to 537.795, the provisions in ORS 537.505 to
11 537.795 shall control.

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

13 “537.620. (1) The Water Resources Department shall accept all applica-
14 tions for permits submitted under ORS 537.615 in proper form.

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

25 “(3) Upon determining that an application is complete and not defective,
26 the department shall determine whether the proposed use is prohibited by
27 statute. If the proposed use is prohibited by statute, the department shall
28 reject the application and return all fees to the applicant with an explana-
29 tion of the statutory prohibition.

30 “(4) If the proposed use is not prohibited by statute, the department shall

1 undertake an initial review of the application and make a preliminary de-
2 termination of:

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

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

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

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

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

27 “(7) Within 30 days after the public notice under subsection (6) of this
28 section, any person interested in the application shall submit written com-
29 ments to the department. Any person who asks to receive a copy of the
30 department’s proposed final order shall submit to the department the fee re-

1 quired under ORS 536.050 (1)(p).

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

3 “537.621. (1) Within 60 days after the Water Resources Department pro-
4 ceeds with the application under ORS 537.620 (5), the department shall com-
5 plete application review and issue a proposed final order approving or
6 denying the application or approving the application with modifications or
7 conditions. The department may request the applicant to provide additional
8 information needed to complete the review. If the department requests addi-
9 tional information, the request shall be specific and shall be sent to the ap-
10 plicant by registered mail. The department shall specify a date by which the
11 information must be returned, which shall be not less than 10 days after the
12 department mails the request to the applicant. If the department does not
13 receive the information or a request for a time extension under ORS 537.627
14 by the date specified in the request, the department may reject the applica-
15 tion and may refund fees in accordance with ORS 536.050 (4)(a). The time
16 period specified by the department in a request for additional information
17 shall allow the department to comply with the 60-day time limit established
18 by this subsection.

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

30 “[a)] (A) One or more of the criteria for establishing the presumption

1 are not satisfied; or

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

6 “[*A*] (i) The specific aspect of the public welfare, safety and health un-
7 der ORS 537.525 that would be impaired or detrimentally affected; and

8 “[*B*] (ii) Specifically how the identified aspect of the public welfare,
9 safety and health under ORS 537.525 would be impaired or be adversely af-
10 fected.

11 **“(b) In lieu of the factors described in paragraph (a) of this sub-**
12 **section, the department shall presume that a proposed use will ensure**
13 **the preservation of the public welfare, safety and health if the appli-**
14 **cation is for a community or public water well located in a ground**
15 **water quality management area declared under ORS 468B.180 for an**
16 **amount of water equivalent to the amount of water provided by**
17 **abandoned domestic water wells if:**

18 **“(A) The impact of the proposed community or public water well**
19 **on hydraulically connected surface water bodies is similar to or less**
20 **than the cumulative impact of the abandoned domestic water wells;**
21 **and**

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

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

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

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

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

3 “[(d)] (D) An assessment of whether the proposed use would result in in-
4 jury to existing water rights;

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

8 “[(f)] (F) A draft permit, including any proposed conditions, or a recom-
9 mendation to deny the application;

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

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

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

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

25 “(4) In establishing the flow rate and duty of water allowed, the depart-
26 ment may consider a general basin-wide standard, but first shall evaluate
27 information submitted by the applicant to demonstrate the need for a flow
28 rate and duty higher than the general standard. If the applicant provides
29 such information, the department shall authorize the requested rate and duty
30 except upon specific findings related to the application to support a deter-

1 mination that a lesser amount is needed. If the applicant does not provide
2 information to demonstrate the need for a flow rate and duty higher than the
3 general basin-wide standard, the department may apply the general standards
4 without specific findings related to the application.

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

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

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

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

18 “(b) A description of the protestant’s interest in the proposed final order,
19 and if the protestant claims to represent the public interest, a precise state-
20 ment of the public interest represented;

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

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

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

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

27 “(8) Requests for standing and protests on the proposed final order shall
28 be submitted within 45 days after publication of the notice of the proposed
29 final order in the weekly notice published by the department. Any person
30 who asks to receive a copy of the department’s final order shall submit to

1 the department the fee required under ORS 536.050 (1)(p), unless the person
2 has previously requested copies and paid the required fee under ORS 537.620
3 (7), the person is a protestant and has paid the fee required under ORS
4 536.050 (1)(j) or the person has standing and has paid the fee under ORS
5 536.050 (1)(n).

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

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

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

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

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

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

16 “537.775. (1) Whenever the Water Resources Commission finds that any
17 well, including any well exempt under ORS 537.545, is by the nature of its
18 construction, operation or otherwise causing wasteful use of ground water,
19 is unduly interfering with other wells or surface water supply, is a threat
20 to health, is polluting ground water or surface water supplies, is causing
21 substantial alteration of ground water temperatures or is causing substantial
22 thermal interference with other wells contrary to ORS 537.505 to 537.795 and
23 537.992, the commission may order discontinuance of the use of the well,
24 impose conditions upon the use of such well to such extent as may be nec-
25 essary to remedy the defect or order permanent abandonment of the well
26 according to specifications of the commission.

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

1 “(3) A landowner who replaces an old well by drilling a new well shall
2 permanently abandon the old well if the old well is within a setback as de-
3 fined in well construction rules adopted by the commission. Permanent
4 abandonment of a well located within a setback shall occur within one year
5 after the function of the well is replaced or within one year after the water
6 right, if applicable, is transferred to the new well, whichever is later.

7 “(4) **In a ground water quality management area declared under**
8 **ORS 468B.180, the Water Resources Department shall require the re-**
9 **pair, or replacement and abandonment, of wells described in ORS**
10 **537.545 and wells permitted under ORS 537.505 to 537.795, that are**
11 **commingling.**

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

13 “537.780. (1) In the administration of ORS 537.505 to 537.795 and 537.992,
14 the Water Resources Commission may:

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

18 “(b) Enforce:

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

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

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

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

1 tamination.

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

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

7 “(f) Prosecute actions and suits to enjoin violations of ORS 537.505 to
8 537.795 and 537.992, and appear and become a party to any action, suit or
9 proceeding in any court or before any administrative body when it appears
10 to the satisfaction of the commission that the determination of the action,
11 suit or proceeding might be in conflict with the public policy expressed in
12 ORS 537.525.

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

16 “(h) Adopt and enforce rules necessary to carry out the provisions of ORS
17 537.505 to 537.795 and 537.992 including but not limited to rules governing:

18 “(A) The form and content of registration statements, certificates of reg-
19 istration, applications for permits, permits, certificates of completion, ground
20 water right certificates, notices, proofs, maps, drawings, logs and licenses;

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

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

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

28 “(j) **Establish by rule, and enforce, backflow prevention require-**
29 **ments for the use of surface water in a ground water quality concern**
30 **area, as defined in ORS 468B.150.**

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

5 “[(2)] (3) Notwithstanding any provision of subsection (1) of this section,
6 in administering the provisions of ORS 537.505 to 537.795 and 537.992, the
7 commission may not:

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

11 “(b) Make any determination that a ground water use will impair, sub-
12 stantially interfere or unduly interfere with a surface water source unless
13 the determination is based on substantial evidence. Such evidence may in-
14 clude reports or studies prepared with relation to the specific use or may be
15 based on the application of generally accepted hydrogeological principles to
16 the specific use.

17 “[(3)] (4) At least once every three years, the commission shall review any
18 rule adopted under subsection [(2)] (3) of this section that restricts ground
19 water use in an area. The review process shall include public notice and an
20 opportunity to comment on the rule.

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

22 “540.435. (1)(a) In addition to any other authority of the Water Resources
23 Commission to order installation of a measuring device, if the commission
24 finds accurate water use information necessary because of serious water
25 management problems created by ground water decline, unresolved user dis-
26 putes or frequent water shortages, the commission by rule may require a
27 water right owner using any surface or ground water source within the state
28 to install a totalizing measuring device and to submit annually a water use
29 report.

30 **“(b) In addition to the factors listed in paragraph (a) of this sub-**

1 **section, as necessary to protect public health, the commission may**
2 **find that ground water contamination in an underground reservoir in**
3 **a ground water quality concern area or a ground water quality man-**
4 **agement area, as those terms are defined in ORS 468B.150, is a serious**
5 **water management problem and require a water right owner using the**
6 **underground reservoir to install a totalizing measuring device and to**
7 **submit annually a water use report.**

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

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

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

15 “(3) The watermaster may prohibit the diversion or use of water by any-
16 one who has failed to comply with a commission rule or order requiring in-
17 stallation of measuring devices or submission of a water use report.

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

19 “540.520. (1)(a) Except when the application is made under ORS 541.327
20 or when an application for a temporary transfer is made under ORS 540.523,
21 if the holder of a water use subject to transfer for irrigation, domestic use,
22 manufacturing purposes, or other use, for any reason desires to change the
23 place of use, the point of diversion, or the use made of the water, an appli-
24 cation to make such change, as the case may be, shall be filed with the
25 Water Resources Department.

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

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

1 “(a) The name of the owner;
2 “(b) The previous use of the water;
3 “(c) A description of the premises upon which the water is used;
4 “(d) A description of the premises upon which it is proposed to use the
5 water;
6 “(e) The use that is proposed to be made of the water;
7 “(f) The reasons for making the proposed change; and
8 “(g) Evidence that the water has been used over the past five years ac-
9 cording to the terms and conditions of the owner’s water right certificate
10 or that the water right is not subject to forfeiture under ORS 540.610.
11 “(3) If the application required under subsection (1) of this section is
12 necessary to allow a change in a water right pursuant to ORS 537.348, is
13 necessary to complete a project funded under ORS 541.932, or is approved by
14 the State Department of Fish and Wildlife as a change that will result in a
15 net benefit to fish and wildlife habitat, the department, at the discretion of
16 the Water Resources Director, may waive or assist the applicant in satisfying
17 the requirements of subsection (2)(c) and (d) of this section. The assistance
18 provided by the department may include, but need not be limited to, devel-
19 opment of an application map.
20 “(4) If the application is to change the point of diversion, the transfer
21 shall include a condition that the holder of the water right provide a proper
22 fish screen at the new point of diversion, if requested by the State Depart-
23 ment of Fish and Wildlife.
24 “(5) Upon the filing of the application the department shall give notice
25 by publication in a newspaper having general circulation in the area in
26 which the water rights are located, for a period of at least two weeks and
27 not less than one publication each week. The notice shall include the date
28 on which the last notice by publication will occur. The cost of the publica-
29 tion shall be paid by the applicant in advance to the department. In appli-
30 cations for only a change in place of use or for a change in the point of

1 diversion of less than one-fourth mile, and where there are no intervening
2 diversions between the old diversion of the applicant and the proposed new
3 diversion, no newspaper notice need be published. The department shall in-
4 clude notice of such applications in the weekly notice published by the de-
5 partment.

6 “(6) Within 30 days after the last publication of a newspaper notice of the
7 proposed transfer or the mailing of the department’s weekly notice, which-
8 ever is later, any person may file, jointly or severally, with the department,
9 a protest against approval of the application.

10 “(7) If a timely protest is filed, or in the opinion of the Water Resources
11 Director a hearing is necessary to determine whether the proposed changes
12 as described by the application would result in injury to existing water
13 rights, the department shall hold a hearing on the matter. Notice and con-
14 duct of the hearing shall be under the provisions of ORS chapter 183, per-
15 taining to contested cases, and shall be held in the area where the rights are
16 located unless all parties and persons who filed a protest under this sub-
17 section stipulate otherwise.

18 “(8) An application for a change of use under this section is not required
19 if the beneficial use authorized by the water use subject to transfer is irri-
20 gation and the owner of the water right uses the water for incidental agri-
21 cultural, stock watering and other uses related to irrigation use, so long as
22 there is no increase in the rate, duty, total acreage benefited or season of
23 use.

24 “(9) A water right transfer under subsection (1) of this section is not re-
25 quired for a general industrial use that was not included in a water right
26 certificate issued for a specific industrial use if:

27 “(a) The quantity of water used for the general industrial use is not
28 greater than the rate allowed in the original water right and not greater
29 than the quantity of water diverted to satisfy the authorized specific use
30 under the original water right;

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

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

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

8 “(B) The water right certificate number;

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

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

14 **“(10) The Water Resources Department may deny an application
15 under this section for a change of use, place of use or point of diver-
16 sion if the department determines that the change will contribute to
17 an increase of a contaminant of concern in:**

18 **“(a) A ground water quality concern area declared under ORS
19 448.268 or 468B.175.**

20 **“(b) A ground water quality management area declared under ORS
21 468B.180.**

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

23 “568.909. (1) The State Department of Agriculture may describe the
24 boundaries of agricultural and rural lands that are subject to a water quality
25 management plan:

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

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

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

3 “(2) For an area whose boundaries have been designated under this sec-
4 tion, the department shall develop and carry out a water quality management
5 plan for the prevention and control of water pollution from agricultural ac-
6 tivities and soil erosion. The department shall base the plan and rules
7 adopted to implement the plan upon scientific information.

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

9 “568.930. (1) Landowners shall conduct all agricultural activities on agri-
10 cultural lands within the boundaries of an area subject to a water quality
11 management plan in full compliance with the rules implementing the plan
12 and with all the rules and standards of the Environmental Quality Commis-
13 sion relating to water pollution control. In addition to any other remedy
14 provided by law, any violation of those rules or standards shall be subject
15 to all remedies and sanctions available to the Department of Environmental
16 Quality or the Environmental Quality Commission.

17 “(2) The State Department of Agriculture and the State Board of Agri-
18 culture shall consult with the Department of Environmental Quality or the
19 Environmental Quality Commission in the adoption and review of water
20 quality management plans and in the adoption of rules to implement the
21 plans.

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

27 “(b) The State Department of Agriculture, in consultation with the State
28 Board of Agriculture, shall complete its review of a petition submitted under
29 paragraph (a) of this subsection within 90 days of the date of the filing of
30 the petition for review. The State Department of Agriculture may not ter-

1 minate the review without the concurrence of the Environmental Quality
2 Commission unless the department initiates revisions to the rules imple-
3 menting the water quality management plan that address the issues raised
4 by the Environmental Quality Commission. If the State Department of Agri-
5 culture adopts any revisions in response to a petition by the Environmental
6 Quality Commission, the department shall adopt the revisions not later than
7 two years from the date the Environmental Quality Commission submits the
8 petition, unless the department, with the concurrence of the Environmental
9 Quality Commission, finds that special circumstances require additional
10 time.

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

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

15 “634.016. (1) Every pesticide, including each formula or formulation,
16 manufactured, compounded, delivered, distributed, sold, offered or exposed
17 for sale in this state shall be registered each year with the State Department
18 of Agriculture.

19 “(2) Every device manufactured, delivered, distributed, sold, offered or
20 exposed for sale in this state shall be registered each year with the depart-
21 ment.

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

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

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

26 “(b) The name and address of the manufacturer if different than the reg-
27 istrant.

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

29 “(d) A specimen or facsimile of the label of each pesticide, and each for-
30 mula or formulation, for which registration is sought, except for annual re-

1 newals of the registration when the label remains unchanged.

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

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

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

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

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

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

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

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

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

25 “(B) Authoritative findings and recommendations of agencies of the fed-
26 eral government and of any advisory committee or group established under
27 ORS 634.306 (10).

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

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

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

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

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

7 “(b) The sale or exchange of pesticides between manufacturers and dis-
8 tributors.

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

11 “(d) Common carriers, contract carriers or public warehousemen deliver-
12 ing or storing pesticides, except as provided in ORS 634.322.

13 **“SECTION 44. (1) Notwithstanding the amendments to ORS 468B.150**
14 **and 468B.175 by sections 1 and 2 of this 2025 Act, an area subject to a**
15 **declaration under ORS 468B.175 as of the day immediately preceding**
16 **the effective date of this 2025 Act shall be deemed to be declared a**
17 **ground water quality concern area on the effective date of this 2025**
18 **Act.**

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

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

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