



Department of Land Conservation and Development Farm and Forest Protections Improvement Program

Oregon's farm and forest land conservation programs have been in place for over 50 years. Since it began, the Oregon Legislature, the Land Conservation and Development Commission (LCDC), and the state's courts have passed laws, adopted rules, and made decisions that have changed the program.

The Farm and Forest Modernization Project

DLCD convened a scoping workgroup through 2023, comprised of county planners, farmers, advocates, and other natural resource agencies to identify areas where lack of clarity in statute and rule have resulted in repeated appeals or have been burdensome to counties working to implement state requirements. The working group informed a [technical scoping report](#) which lists dozens of instances of regulatory direction that could be clarified.

Considering the technical scoping report, public comment, and feedback from department staff, DLCD has prepared an initial five-year [work plan](#) (2024-2029) intended to address many issues identified in the report. DLCD will propose adapting the work plan in the future to respond to emerging issues, availability of resources and the early results of the work plan.

Current Rulemaking

In early 2024, LCDC directed DLCD to codify certain common law standards. Oregon's Farm and Forest Conservation Program aims to balance clear statewide standards with local flexibility to suit individual county needs. However, unclear definitions and rules have led to frequent appeals and repeated requests for guidance from local authorities. Over the past 40 years, certain uses and criteria have tended to be more frequently appealed resulting in a large body of case law standards. Many of these standards are not codified in rule. Local jurisdictions have different levels of resources to stay updated on court decisions or interpret standards. This leads to inconsistent application of standards and appeals that may not reflect recent legal decisions. Codification of case law standards intends to improve consistency and reduce unnecessary appeals.



The charge for the 2024 rulemaking initiated in January is to analyze, draft, and recommend rules that codify certain case law standards related to:

- Farm impacts testing of the standards for approval of certain uses in exclusive farm use zones.
- Commercial activities in conjunction with farm use, including agri-tourism and other commercial events.
- Transportation facilities on rural lands in farm or forest zones.

In response to significant public testimony received during the January 2024 LCDC meeting, the commission expanded the rulemaking charge in April 2024 to include several additional topics where a need for additional clarity was identified in the scoping report. The additions include:

- Define ‘processing’ and repair the circular definition of ‘preparation.’
- Define a methodology to align a template rectangle with a stream or a road. Clarify what constitutes a ‘road’ for purposes of review.
- Clarify the recreational nature of ‘private parks.’
- Clarify whether uses otherwise listed in chapter 215 of statute or in OAR 660-006-0025 may or may not alternatively be reviewed as Home Occupations
- Establish an evidentiary standard for verification of income.

LCDC hearings for this rulemaking will be conducted in September and December of 2024.

Conclusion

The current rulemaking is part of an ongoing program that DLCD is dedicated to working on in collaboration with our county and state partners to ensure farm and forest protections are clearly outlined for implementation by local partners.

Additional Resources



**Technical Work Group
Scoping Report**



**Farm and Forest
Program Webpage**



**April 2024 Staff
Report to LCDC**

