



# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

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October 9, 2025

To: Land Conservation and Development Commission

From: Brenda Ortigoza Bateman, Ph.D., Director  
Alexis Hammer, Legislative and Policy Manager  
Alyssa Bonini, Legislative and Policy Coordinator

Subject: **Agenda Item #8, October 23-24, 2025, LCDC Meeting**

## 2025 – 2027 Policy Agenda

### I. Agenda Item Summary

Each biennium, the Department of Land Conservation and Development (DLCD or department) issues a Policy Agenda to establish the agency's work plan for rulemaking and policy development. The work plan is determined by direction from the Legislature, the Governor, the Land Conservation and Development Commission (LCDC or commission), and Department leadership. Actions in the Policy Agenda include rulemaking and policy development (e.g. work groups, studies, etc.) that could lead to future rulemakings.

**Purpose.** The department requests that LCDC review, discuss, and endorse the Policy Agenda for DLCD's rulemaking and policy development during the 2025 – 2027 Biennium.

**Objective.** Endorse DLCD's 2025-2027 Policy Agenda.

### a. Summary of Public Comment

Staff identified the following theme from comments in the record and included them in full as Attachment B to this Agenda Item:

- Add a timeline for the Farm and Forest Modernization Program workplan the commission approved at its March 2025 meeting.

The Department made the following adjustments to the draft recommendation on pages 1, 10-12 of the Policy Agenda, based on public comment and staff feedback:

- Legislative staff named on the Policy Agenda have been updated to reflect recent staffing changes.
- In response to public feedback, additional clarification on Farm and Forest Modernization Program work plan sequencing has been added to the 2025-2027 Policy Agenda.
- In response to staff feedback, the Community Green Infrastructure report has been added to the 2025-2027 Policy Agenda.

## **II. Recommended Action**

The Department recommends adoption of the 2025 – 2027 Policy Agenda.

*Motion to adopt the recommendation:* “I move to adopt the 2025 – 2027 Draft Policy Agenda as presented.”

Motion to adopt amendments to the 2025 – 2027 Policy Agenda: “I move to adopt the 2025 – 2027 Draft Policy Agenda with the following changes: [itemize or cite changes to the department recommendation].”

## **III. Attachments**

- a. 2025 – 2027 Policy Agenda**
- b. Written Testimony**



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## 2025-2027 Policy Agenda

The Department of Land Conservation and Development (DLCD or department) 2025-2027 Policy Agenda consists of rulemakings and policy development activities that are:

- Directed by the Governor or Legislature,
- Carried over from previous biennia, or
- Agency initiatives

DLCD creates a new Policy Agenda every two years, following the long legislative session when the department's budget for the next two years is determined. In even-numbered years, when there is a short legislative session, DLCD updates the Policy Agenda to reflect new legislation, completed work, and any department or state policy priorities that have emerged or changed in the meantime. Questions about this Policy Agenda may be directed to:

- Alexis Hammer, J.D., Legislative and Policy Manager at [alexis.hammer@dlcd.oregon.gov](mailto:alexis.hammer@dlcd.oregon.gov) or 971-718-4545
- Alyssa Bonini, J.D., Legislative and Policy Analyst (Natural Resources) at [alyssa.bonini@dlcd.oregon.gov](mailto:alyssa.bonini@dlcd.oregon.gov) or 971-458-3866

## Questions and Answers

### *What is rulemaking?*

Rulemaking is the process by which the department creates, amends, or adjusts Oregon Administrative Rules (OARs) to conform to recently passed legislation, implement new programs, or interpret existing statutes. Rulemaking takes two forms – conforming and complex. Conforming rulemaking does not require statutory interpretation by the department. Complex rulemaking requires the department to involve outside input, usually from an appointed Rulemaking Advisory Committee (RAC).

### *What is consultation?*

Consultation with the nine federally recognized tribes in Oregon on all matters of policy are an expectation of all state agencies, including DLCD. While agency staff have invited consultation on this policy agenda, staff will continue to seek formal and staff to staff consultation in each of the policy initiatives described here.

### *What is the difference between rulemaking and other policy projects?*

Rulemaking requires a specific process, including public hearings and filing legal notices with the Oregon Secretary of State (SoS). Without this specific process, rule updates cannot by law take place. Other policy items can take many forms: a workgroup, development of a work plan, development of legislative recommendations or policy development work that engages outside parties. All of these could ultimately lead to policy development or program changes and may eventually result in rulemaking or proposed legislation.

### *What if something isn't on the policy agenda but I would like to see it added?*

DLCD hopes to capture these ideas in the public comment period. Before commission approval of the Policy Agenda, DLCD staff will present commissioners with a full list of additional ideas that were presented in the comment period. If the commissioners and department agree that a new idea merits inclusion in the policy agenda for the coming biennium, DLCD will add the item and seek commission endorsement. Providing feedback on the development of the agency's biannual Agency Recommended Budget (ARB) is another opportunity for community members to influence the longer-term direction of the agency. ARB development will take place in spring of 2026.

### *Why is there an opportunity for public comment?*

DLCD's Policy Agenda builds on the department's core work. It includes policy development and rulemaking that reflect the priorities of the department, the commission, Governor, and Legislature. The opportunity for public comment provides a space for local government partners, interested parties and community members to engage in this conversation, provide feedback and support, and help call attention to priorities that may be missing or need refinement.

### *When is the opportunity to comment?*

The period for public comment on the 2025-2027 Policy Agenda is **September 2, 2025 to September 30, 2025**. All comments submitted during this time will be included in commission materials for the October 23-24, 2025 LCDC meeting. DLCD also invites Tribal consultation on the policy agenda during this time.

Comments may be submitted in letter form, by email, or by addressing the commission at a Commission meeting. Information on how to address the commission is available on the [DLCD website](#).

## Legislatively Directed Policy Work

Legislatively directed policy work is the result of legislation that passed in the 2025 Oregon Legislative Session, as well as ongoing projects from the 2023 and 2024 sessions with deadlines in this biennium. This section describes the resulting analysis, grant programs, and rulemaking where the department will contribute original work and policy development according to statute.

### Complex Rulemaking

In complex rulemaking, the department is tasked with interpreting statute and creating or directing program implementation. DLCD solicits a Rulemaking Advisory Committee (RAC) to offer input on the rules.

#### **HB 2258 (2025) “Oregon Homes” Rulemaking**

##### **Division: Housing Services**

##### **Summary**

HB 2258 (2025) establishes a program, colloquially called “Oregon Homes,” that outlines a suite of “permit ready” building plans that will be preapproved for eligible sites throughout the state. This program is intended to significantly reduce the time and variability of the permitting and review processes. DLCD and the Building Codes Division (BCD) of the Department of Consumer and Business Services (DCBS) are directed to coordinate on rulemaking to implement this program. LCDC has a deadline of January 1, 2027, to adopt the first set of rules.

##### **Tentative Workplan**

*October 2025:* LCDC initiates rulemaking; RAC recruitment

*December 2025:* RAC appointment and orientation

*February 2026–September 2026:* Advisory Committees meet to discuss policy and draft rule concepts; project team research advances; DLCD staff provides updates to LCDC; external engagement about rules

*October 1, 2026:* Publish draft rules with Secretary of State

*October 2026:* LCDC public hearing

*November 2026:* Close of public comment

*December 2026:* LCDC deliberation and adoption

#### **HB 2001 (2023) Oregon Housing Needs Analysis Rulemaking**

##### **Division: Housing Services**

##### **Summary**

HB 2001 and 2889 (2023) codified the Oregon Housing Needs Analysis (OHNA) program in statute. The OHNA program serves to reframe how cities engage in housing planning, from focusing on past production trends to instead planning for the current and future needs of their communities. In September 2023, the commission initiated rulemaking to implement the OHNA program. Per statute, the commission must adopt Oregon Administrative Rules (OARs) relevant to

implementing the OHNA program by two specific deadlines – January 1, 2025 and January 1, 2026. The first set of rules, adopted by the commission in the previous biennium, included those related to the integration of the OHNA framework into the statewide land use planning Goal 10 – Housing planning process. Specifically, those rules outlined: what analysis local governments must do to contextualize their housing need based on community characteristics, how local governments must complete Housing Production Strategies (HPSs), and established the Housing Acceleration Program for underperforming cities.

The second rulemaking deadline is January 1, 2026. This set includes rules related to the intersection of Goal 10 – Housing and Goal 14 – Urbanization, including clarifications and reforms to the Buildable Lands Inventory (BLI), Housing Capacity Analysis (HCA), Development-Ready Lands Inventory, and the urban growth boundary (UGB) decision making process. Additionally, during the adoption of the first phase of rules in December 2025, LCDC directed staff to continue discussions and developing rules related to the manner in which local governments take specific housing actions in the context of the Housing Production Strategy. Rules outlining these compliance pathways are expected to be considered for adoption by the commission, along with rules related to capacity and urbanization, at the December 2025 LCDC meeting.

#### [Tentative Workplan](#)

*June 2025 – September 2025:* Rulemaking Advisory Committee (RAC) meetings and rule drafting

*October 2025:* Secretary of State filing

*October 24, 2025:* LCDC public hearing

*November 7, 2025:* Close of public comment

*November 26:* Final proposed rules published

*December 4, 2025:* LCDC deliberation and adoption

### **SB 1129 (2025) Urban Reserve Rulemaking**

#### **Division: Housing Services**

#### [Summary](#)

SB 1129 (2025) directs LCDC to amend the urban reserve rule priority schema to allow cities to ascribe a lower priority to nonresource or exception lands that have subdivisions or planned unit developments on them as compared to other nonresource and exception lands. Cities may also be allowed to lower the priority of otherwise high priority lands where it is difficult or cost-prohibitive to provide with urban services. These changes are being incorporated as part of the HB 2001 (2023) Oregon Housing Needs Analysis rulemaking.

#### [Tentative Workplan](#)

This rulemaking follows the HB 2001 (2023) rulemaking schedule above.

### **HB 2138 (2025) Middle Housing Rulemaking**

#### **Division: Housing Services**

#### [Summary](#)

HB 2138 (2025) included a suite of reforms to middle housing policy and directed LCDC to adopt rules related to middle housing and infill development by January 1, 2028. The rulemaking directives include regulatory streamlining topics including manufactured dwellings, accessory dwelling units, single room occupancies, and middle housing. The bill directs the commission to adopt operative and applicable dates for the rules.

The purpose of the rulemaking, as outlined in HB 2138 (2025), is to better facilitate production of duplexes, triplexes, quadplexes, townhouses, and cottage clusters, both prefabricated and site-built, in cities across the state. It is also meant to further equitable housing outcomes and increase access to homeownership opportunities.

**Tentative Workplan**

*August 2025 – November 2025:* Project preparation

*October 2025:* Applications for Rulemaking Advisory Committee (RAC) members open

*December 2025:* RAC appointment and orientation

*February 2026 – December 2026:* RAC convenes

*January 2027 – April 2027:* RAC pause for 2027 Legislative Session

*April 2027 – September 2027:* RAC reconvenes

*October 2027:* Secretary of State draft rule publishing, LCDC public hearing and opening of public comment

*November 2027:* Public comment closes

*December 2027:* LCDC deliberation and adoption

## **SB 504 (2025) Non-Structural, Nature-Based Solutions for Shoreline Stabilization Rulemaking**

**Division: Ocean and Coastal Services**

### **Summary**

SB 504 from the 2025 legislative session directs LCDC to adopt rules by January 1, 2028 that allow, define, and provide guidance on nonstructural, nature-based solutions for shoreline stabilization in estuaries, coastal shorelands, and the ocean shore. The department is directed to, at a minimum:

- Define “nonstructural, nature-based solutions”
- Provide guidance for the use of nonstructural, nature-based solutions to minimize harmful impacts from flooding and erosion.
- Require that nonstructural, nature-based solutions conform with statewide land use planning goals and are prioritized over structural solutions to address erosion and flooding.
- Not change rules allowing ODOT to use structural shoreline stabilization methods.

As directed by SB 504, the rulemaking advisory committee (RAC) must include the following interests:

- Coastal engineering professionals
- Restoration professionals
- Environmental and recreational organization representatives
- Tribal representatives
- Land owners/managers
- Fish and wildlife professionals
- Local government officials.

### **Tentative Work Plan**

*January 2026:* Hire Limited Duration Planner 4 to lead rulemaking

*June 2026:* LCDC initiates rulemaking

*July 2026:* RAC member applications open

*August 2026:* RAC appointment and orientation

*September – May 2027:* RAC meets; rules drafted

*April 2027:* LCDC public hearing; geographic hearing

*June 2027:* LCDC deliberation and adoption

## **Conforming Rulemaking**

In conforming rulemaking, the department simply prescribes in rule what is already written in statute. Conforming rulemaking will likely be done in one batch during the 2025-27 biennium.

## **Housing Capacity Analysis (HCA) and Housing Production Strategy (HPS) Schedule Update**

**Division: Housing Services**

### **Summary**

Update the schedule for when cities are due to submit their HCA or HPS for department approval.

#### **Employment Table Update**

##### **Division: Community Services**

###### **Summary**

Update the employment tables information in OAR 660-038 for the simplified UGB amendment process.

#### **Division 1 Rule Update**

##### **Division: Director's Office**

###### **Summary**

Update OAR 660-001 to reflect the updated Attorney General manual.

#### **SB 974 (2025) and HB 2138 (2025) Conforming Rulemaking**

##### **Division: Housing Services**

###### **Summary**

The passage of HB 2138 and SB 974 in the 2025 Legislative Session significantly amended statutes related to middle housing, land use approvals, and review timelines. While a thorough assessment is still necessary, the department anticipates that conforming rulemaking to amend relevant sections in OAR 660-046 and/or other divisions to conform with the newly amended statutes is warranted. While policy-related amendments to OAR 660-046 are already directed under HB 2138 (2025) to be completed by January 1, 2028, conforming amendments to ensure clarity of definitions and applicability of siting and design standards from changes made by that bill and SB 974 (2025) will be necessary prior to that statutory deadline.

## **Projects and Reports**

#### **HB 2316 (2025) State-Owned Lands for Housing**

##### **Division: Housing Accountability and Production Office**

###### **Summary**

As directed by the Governor's Office, Housing Accountability and Production Office (HAPO) staff are responsible for intaking, tracking, and responding to inquiries related to the "[Oregon State-Owned or Managed Lands Inventory](#)". Staff are working with individuals who expressed interest in developing housing on parcels named in this database to determine feasibility and the next steps for proposed projects.

HAPO staff will collaborate with Oregon Department of Administrative Services (DAS) and the Oregon Housing and Community Services Department (OHCS) to implement the Home Start Lands program associated with HB 2316 (2025). HB 2316 (2025) establishes a new program dedicated to Home Start Lands. The new program:

- Establishes the operational and fiduciary vehicle for conveyance or leasing of state-owned parcels, an unknown volume by local governments lands, and privately-held lands,
- Directs DAS to analyze and maintain a statewide home start lands inventory/GIS resource, and
- Establishes a grant/loan program for the development of affordable housing.

**Tentative Workplan**

*July 2025 – January 2027:* DAS rulemaking with HAPO consultation

*January 2027:* “Home Start Lands” transactions and developments may begin taking place

**HB 2138 (2025) System Development Charge (SDC) Model Methods and Safe Harbor Study**  
**Division: Housing Services**

**Summary**

HB 2138 (2025) directed LCDC to adopt model system development charges (SDCs) for residential development types. The model SDC method is to be created for optional adoption or incorporation by local governments. HB 2138 (2025) also directed LCDC to provide a report to the Legislature by July 1, 2028 exploring a legal safe harbor for cities who adopt the model framework.

**Tentative Workplan**

**SDC Model Methods**

October 2025: LCDC initiates rulemaking and applications for RAC members open (this is the same RAC as the middle housing rulemaking above)

December 2025: RAC appointment and orientation

February 2026 - December 2026: RAC convenes

January 2027 - April 2027: RAC pauses for 2027 Legislative Session

April 2027 - September 2027: RAC reconvenes

October 2027: Secretary of State rule publishing, LCDC public hearing and opening of public comment

November 2027: Public comment closes

December 2027: LCDC deliberation and adoption

**SDC Safe Harbor Study**

January 2026 - June 2027: Engagement with external parties; research and analysis

June 2027: Begin analysis and recommendations

July 2027 - April 2028: Incorporate recommendations and findings from model system development charge methodology rulemaking into the study

April 2028: Begin review processes through DLCD, Governor’s Office

June 30, 2028: Submit report to Legislative Assembly

**SB 1537 (2024) Housing Development Process Improvement Reports**

**Division: Housing Services**

**Summary**

SB 1537 (2024) directed the Housing Accountability and Production Office (HAPO) to submit three reports to the Legislative Assembly by September 15, 2026. The reports are intended to describe opportunities to improve:

- Building plan and pre-entitlement review
- Public works review
- State agency processes, policies and programs

**Process Improvement Studies Report**

HAPO staff will contract with one or more organizations having relevant expertise and experience to assist the HAPO to produce a report identifying proposed methods for improvements in the

local building plan review approval, design review approval, land use zoning, and permitting processes, with the focus on increasing housing production.

The report will, at minimum, include a thorough accounting and evaluation of the development process, including an evaluation of the common barriers experienced as well as promising policies or practices in Oregon and other states that help address those barriers. This report will include recommendations at various jurisdictional scales (e.g. local, regional, state) to address the most substantial barriers identified in the report. The report will identify pathways or mechanisms by which recommendations may be advanced through policy or programmatic changes.

#### *Evaluation of State Policies and Program on Housing Production*

HAPO staff will produce a comprehensive evaluation and report assessing state agency plans, policies and programs related to land supply and readiness, infrastructure availability and financing, permitting, and the financing of housing. The objectives of the evaluation are to identify potential barriers to housing production and opportunities to leverage existing state resources to boost production. State agencies, interested parties, and the public will engage with this project through an agency work group, facilitated group discussions, and an opportunity for public comment on the draft findings and recommendations prior to finalizing the report.

#### *Tentative Workplan*

Fall 2025: Research of existing reports, work group meetings, distribution of questionnaire and public survey

Spring 2026: Continued work group meetings, facilitated group discussions

Summer 2026: Drafting initial findings and recommendations, opportunity for public comment, finalizing the report.

### **SB 1564 (2024) Model Code**

#### **Division: Housing Accountability and Production Office**

#### *Summary*

SB 1564 (2024) directed LCDC to adopt three model housing codes, for cities of small, medium, and large size by January 1, 2026. These model codes can be adopted by reference and are meant to facilitate easier compliance with state housing laws. In the first half of 2025, DLCD produced a draft model code to fulfill this legislative direction. Before the statutory deadline for adoption, DLCD will refine the draft code. In order to do so, DLCD will engage housing developers, local governments, and interested parties to ensure the code achieves its intended objectives.

#### *Tentative Workplan*

*August 2025 – September 2025:* External engagement on draft model code

*October 2025:* Publishing of 2<sup>nd</sup> draft of model code, public comment opens

*November 2025:* Public comment closes, final refinements to draft model code

*December 2025:* LCDC deliberation and adoption

### **SB 5528 (2025) Housing Outcomes from State Policies and Programs Tracker**

#### **Division: Housing Services**

##### **Summary**

SB 5528 (2025) provided direction and funding for the department to produce a housing production dashboard that identifies where state housing programs and funding have facilitated or led to housing production. This tool is meant to provide decision-makers with an understanding of what tools are most effective and assess the efficiency of use of funds.

##### **Tentative Workplan**

*August 2025-October 2025:* Engagement with state agencies

*February 2026-December 2026:* Develop tracker; work with other state agencies to collect data and establish systems, engage external parties in developing the tracker

*January 2027:* Publish and update tracker on an annual basis

### **HB 4080 (2024) – Offshore Wind Roadmap**

#### **Division: Ocean and Coastal Services**

##### **Summary**

As a result of HB 4080 from the 2024 legislative session, DLCD is required to submit a final report to the legislature outlining the results of the Offshore Wind Energy Roadmap, which will define standards to be considered in the processes related to offshore wind energy development and approval in Oregon. During the 2025 legislative session, legislators used HB 3963 to extend the due date for this final report January 2027.

### **HB 3409 (2023) – Community Green Infrastructure**

#### **Division: Planning Services**

##### **Summary**

HB 3409 (2023) enables DLCD to appoint an Advisory Committee on Community Green Infrastructure Investments to provide consultation on the implementation of the Community Green Infrastructure (CGI) Grant Program, also established by HB 3409. No later than September 15 of each even-numbered year, the Advisory Committee is required to submit a report on the implementation of the program to the appropriate interim Committee of the Legislative Assembly. The first report was submitted to the Legislature on September 13, 2024.

The Department accepted applications for its second grant cycle through October 13, 2025. Award notifications will be published in January 2026.

## **Executive Branch Initiated Projects**

This section includes initiatives recommended by executive branch staff (DLCD and Governor's office) as distinct from legislatively directed initiatives.

### **Rulemaking**

#### **Territorial Sea Plan**

##### **Division: Ocean and Coastal Services**

### Summary

The Ocean Policy Advisory Council (OPAC) is a legislatively established marine policy advisory council that stewards Oregon's Territorial Sea Plan with LCDC. OPAC provides a forum for public discussions related to ocean resource policy, planning, and management issues. As a result of HB 4080 related to the state's interest in offshore wind energy development, OPAC will likely recommend rulemaking to amend Part Five of the Territorial Sea Plan. The exact details of this rulemaking are still under development and may extend into the next biennium. There is also potential for amendments to other parts of the Territorial Sea Plan that could move forward under the direction of OPAC during the biennium.

### Tentative Workplan

Dates are not known at this time. Rulemaking is likely to occur either at the end of the 2025-2027 biennium or into the next biennium.

## Goal 5 Cultural Resources Rulemaking

### Division: Community Services

#### Summary

Administrative rules for Goal 5 were first adopted in 1981 as Chapter 660, Division 16. Division 23 was adopted in 1996 and replaced Division 16 with specific directives but remained silent on cultural areas. A working group convened by DLCD at the time recommended postponing development of a rule for Cultural Areas until Government-to-Government relationships between the state and Oregon's nine federally recognized Tribal Nations were better established.

"Cultural Areas" are understood to include archeological sites with Native American artifacts, human remains and associated funerary objects. Oregon Tribes also consider significant "cultural areas" to include sites used consistently, over centuries for ceremonial activities or food gathering. However, protections are weak or non-existent in many Oregon jurisdictions. Since December 2020, DLCD and LCDC have been in discussion with representatives of Oregon's nine federally recognized tribes to explore how a new administrative rule for Goal 5 Cultural Areas could improve protections for areas and items that are sacred to one or more tribes.

LCDC adopted a new administrative rule for Goal 5 Cultural Areas in 2024. In March 2025, it asked DLCD to reconvene the RAC to consider three elements of the rule:

1. Who can bring an application for a local government to consider a potentially significant landscape feature
2. How this would be processed at the local level
3. UGB expansions in the Metro region.

#### Tentative Workplan

*September 1, 2025:* Rules published with the Secretary of State

*September 2025:* Public hearing at September LCDC meeting

*September – October 2025:* Public comment period

*December 4-5, 2025:* LCDC deliberation and adoption

## Farm and Forest Modernization – Agricultural Lands Rulemaking

### Division: Community Services

#### Summary

At the request of legislators and the Governor's office, the commission directed the department, at its March 2025 meeting, to undertake rulemaking on soil reports, replacement dwellings, and agritourism after finishing a rulemaking relating to Farm Stands. The Farm Stand rulemaking is currently paused. DLCD is working with the Governor's Office and the Oregon Department of Agriculture to determine next steps. The department will continue work on soil reports, replacement dwellings, and agritourism rulemakings when its work relating to Farm Stands has concluded.

### Reviewing Targets for Reducing Greenhouse Gas Pollution

#### Division: Planning Services

#### Summary

House Bill 2001 (2009) and Senate Bill 1059 (2010) directed the commission to adopt greenhouse gas emission reduction targets to guide the cities, counties, and Metro as they conduct land use and transportation scenario planning for metropolitan areas. The commission adopted the Metropolitan Greenhouse Gas Reduction Target Rules in [OAR chapter 660, division 44](#) in May, 2011, amended the rules in [January, 2017](#), and [reviewed the targets](#) as part of the Climate-Friendly and Equitable Communities rulemaking in 2021.

Consistent with earlier statutes and executive order, the targets are:

- Set at a level needed to reduce greenhouse gas pollution 75% from 1990 levels by 2050 as required in Oregon Revised Statutes (ORS) 468A.205
- Set for each year from 2040 through 2050
- For greenhouse gas pollution from travel by households in metropolitan areas
- For greenhouse gas pollution from passenger cars and light trucks
- Incorporate expected improvements in vehicle technology, fuels, and state pricing

The rules require the commission to review the targets at four-year intervals to monitor progress on state actions and local implementation, and to decide if changes to the targets are needed.

#### Tentative Work Plan

DLCD staff are working with staff at three other departments: Oregon Department of Transportation (ODOT), Oregon Department of Environmental Quality (DEQ), and Oregon Department of Energy (ODOE), and will engage city and counties in metropolitan areas to gather information and review drafts. Staff will engage a wider audience including advocacy organizations through an online meeting and opportunities to review drafts. Staff will bring the report back to the commission in December 2025. If the commission decides that the targets should be updated, the commission would add another rulemaking to the policy agenda.

## Transportation Planning Rules (0210, Cleanup, Potential Policy Refinements)

### Division: Planning Services

#### Summary

OAR 660-12-0210 (0210) relates to modeling methods that a local government can use to estimate a transportation project's impact on how much people drive in a community. The Climate-Friendly and Equitable Communities (CFEC) rulemaking in this area intended to set requirements for how cities and counties use transportation models to make land use decisions to support equal or decreased community reliance on vehicular transportation. During the rulemaking, the rulemaking advisory committee (RAC) was unable to reach a consensus on the subject. As a result, the commission adopted the overall package and delayed the effective date of 0210 to December 31, 2027 to give time for further rulemaking before the rule takes effect.

#### Tentative Work Plan

The department plans to refine or repeal this rule before its effective date in 2027. A RAC will be utilized to inform the process, in coordination with the Oregon Department of Transportation (ODOT), the Oregon Department of Energy (ODOE), and the Oregon Department of Environmental Quality (DEQ).

July 2026: LCDDC initiates rulemaking

August 2026: RAC member applications open

September 2026: RAC appointment and orientation

October 2026 – February 2027: RAC meets; rules drafted

March 2027: LCDDC public hearing

June 2027: LCDDC deliberation and adoption

## Urbanization and Wetlands Planning Rulemaking

### Division: Community Services

#### Summary

Department staff will recommend the commission adopt a charge to amend rules governing how cities apply Goal 5 wetlands protections in the context of a UGB amendment and subsequent annexation and urbanization. This rulemaking is intended to streamline the process and facilitate housing and economic development opportunities.

#### Workplan

*October 2025:* LCDDC initiates rulemaking

*November 2025:* RAC member applications open

*December 2025:* RAC appointment and orientation

*January – March 2026:* RAC meets; rules drafted

*April 2026:* LCDDC public hearing

*June 2026:* LCDDC deliberation and adoption

## Coastal Access Rulemaking

### Division: Ocean and Coastal Services

#### Summary

There are two major pieces of public policy that provide and protect public access rights to the coast; the Oregon Beach Bill of 1967 and [Statewide Planning Goal 17 Coastal Shorelands](#). Oregon Statewide Land Use Planning Goal 17 covers Coastal Shorelands, and among other things, requires that cities and counties in coordination with the Oregon Parks and Recreation Department have plans to provide public access to the beach. The goal also requires local governments to protect those access sites and replace them if they are lost. This goal provision is broad and there are currently no implementing rules related to it. DLCD convened a Coastal Access Advisory Team (CAAT) throughout 2022 and 2023 to engage tribes and partners on how to help strengthen this provision, and to ascertain whether some ideas were ripe for rulemaking, guidance, grants, or other assistance to local governments. Department staff recommend that the commission initiate rulemaking related to Goal 17 and public shoreline access to advance some of the CAAT's ideas and recommendations and help clarify public access requirements for coastal local governments.

#### Work Plan

*October 2025:* LCDC initiates rulemaking

*November 2025:* RAC member applications open

*December 2025:* RAC appointment and orientation

*January – May 2026:* RAC meets; rules drafted

*April 2026:* LCDC public hearing; geographic hearing

*June 2026:* LCDC deliberation and adoption

## Projects and Reports

### State Agency Coordination Agreements

#### Division: Director's Office

#### Summary

The Director's Office is working with other agencies to update their State Agency Coordination (SAC) Programs, which, in many cases, are using agreements older than thirty years. DLCD is exploring options to streamline the update process for SAC agreements. By streamlining the process and providing assistance to agency partners, the goal is to encourage several agencies to commit to updates in this biennium.

### State Housing Interagency Partnership (SHIP)

#### Division: Housing Accountability and Production Office

#### Summary

The Governor's Office directed the Housing Accountability and Production Office (HAPO) to develop a proposal to fulfill its statutory role of facilitating interagency coordination in support of housing production. In response, HAPO developed a coordination framework – called the "State Housing Interagency Partnership" (SHIP) – along with its key elements of executive leadership, participating agencies, governance structure, objectives, and an annual implementation work plan. Participating agencies include those with responsibilities over land readiness, infrastructure availability and financing, land use planning, design-construction standards, permitting and financial support for housing. The goals of the framework are to support agency collaboration,

identify actions that boost housing production while acknowledging other agency priorities, and ensure accountability and focus on the critical mission of housing production.

The SHIP framework is designed as an agency-to-agency collaboration. Directors of participating agencies will collectively decide on the final priority actions included in the work plan. Agency directors will then individually decide on the implementation of priority actions.

#### **Tentative Workplan**

*June 2025 – August 2025:* Final approval of SHIP framework and official launch

*August 2025 – September 2025:* Develop and commit to roles and responsibilities among participating agencies

*October 2025 – November 2025:* SHIP members draft recommendations on evaluation criteria and potential actions

*December 2025:* Priority actions are considered and selected for the 2026 SHIP work plan

*January 2026 – December 2026:* Implementation of the 2026 SHIP work plan, quarterly progress updates, work to develop and adopt the 2027 SHIP work plan



September 30, 2025

VIA E-MAIL: [alyssa.bonini@dlcd.oregon.gov](mailto:alyssa.bonini@dlcd.oregon.gov)

Oregon Land Conservation and Development Commission  
635 Capitol St. NE, Suite 150  
Salem, OR, 97301-2540

Re: DLCD Draft 2025-2027 Workplan | Support for LCDC's Farm/Forest Land Policy  
Modernization Program

Dear Chair Hallová and Members of the Commission:

Please accept the following as written comments on behalf of 1000 Friends of Oregon. 1000 Friends is a nonprofit organization working statewide for over fifty years to protect family farms, forests, ranches and to enhance the quality of life for all Oregonians.

We were distressed to see that the Department's proposed 2025-2027 workplan has no dates for continuing the rulemaking process to consider high priority policy improvements arising out of the Department's Farm and Forest Modernization Program.

In 2024, your staff proposed a plan for addressing the critical issues identified by the 2023 Farm and Forest Technical Working Group. The plan was that the Commission would address simpler housekeeping measures through 2024 rulemaking, which it did, then take 2025 off from rulemaking while the Legislature was in session, then resume substantive rulemaking in 2026.

In March this year, the Commission voted unanimously to take up specific items of the technical working group's high priorities for rulemaking, beginning in 2026. These include: **replacement dwellings**, the use of **privately-paid soils scientists** in authorizing other types of **nonfarm dwellings**, and the **case-by-case rezoning** of agricultural and forest land for low-density sprawl outside the urban growth boundary. The Commission did not specify the order of rulemaking, but it did clarify that a new rules advisory committee would be appointed for each issue, starting in 2026.

The Department's proposed 2025-27 workplan issued earlier this month omits the 2026 date for resuming the identified rulemaking process. In fact, it has no dates identified at all for this process.

We urge the Commission to stick with the plan adopted in March to take up rulemaking on these critical issues in 2026. Otherwise, it will be 2028 at the earliest before the Commission even begins to consider policy improvements to address these identified problems. That's five

full years after the gravity of these issues was identified by the Farm Forest Technical Working Group in 2023.

In the meantime, DLCD's excellent biennial Farm and Forest report shows hundreds of houses unrelated to agriculture or forestry are being approved each year across Oregon's limited supply of extraordinarily valuable agricultural and forest lands. Hundreds more of these houses will continue to be approved in our agricultural and forest zones each year, with no relief at LUBA or the courts, who have interpreted the Commission's rules to authorize this sprawling pattern of ex-urban development throughout our agricultural and forest preserves.

Please amend the proposed workplan to schedule the rulemaking critical to the protection of our agricultural and forest lands resource to resume in January 2026, as previously decided by the Commission.

Thank you for the opportunity to comment.

Best regards,



Blair Batson  
Staff Attorney



September 22, 2025

**VIA E-Mail:** [denise.johnson@dlcd.oregon.gov](mailto:denise.johnson@dlcd.oregon.gov)

Land Conservation and Development Commission

Re: Testimony on 2025-27 Draft Policy Agenda – Farm and Forest Land Modernization Program

Dear Chair Hallová and Members of the Commission:

Four a year. That's the average number of farm stand permits issued annually, statewide.<sup>NOTE 1</sup> For that, the entire Farm and Forest Technical Work Group's workplan has been put on indefinite hold. An immense amount of necessary, strategically prioritized work is languishing because of a misinformation campaign designed to derail the rulemaking process for farm stands – and ultimately undermine Goal 3 of Oregon's unique land use system.

The governor initiated farm stand rulemaking at the behest of the Oregon Property Owners Association (OPOA) after the legislature refused to pass HB 3133, the latest proposal for virtually unlimited non-farm commercial uses on Exclusive Farm Use land. OPOA was given a seat on the farm stand Rulemaking Advisory Committee. After the fourth meeting, when it appeared that the DLCD would not propose rules changing statutory provisions, exceeding its authority and circumventing the legislative process, OPOA:

“turned to social media and pushed a narrative that farmers needed nonfarm, commercial activities to stay viable. Rather than acknowledge the OPOA-initiated request as something that the LCDC could not deliver, the governor ordered a pause in the rulemaking, saying that she was hearing the commentary and ‘paying attention. So, right now, nothing is happening. The governor let the LCDC take the fall for the failure of the process she initiated, knowing full well that it was doomed for failure.”<sup>NOTE 2</sup>

The 2026-27 policy agenda being considered at this meeting abandons the Commission's prior commitment to begin substantive Farm and Forest Modernization Program rulemaking in 2026. This rewards bad-faith tactics intended to subvert the Commission's work. We urge the Commission to restore the 2026–27 rulemaking schedule and proceed with the Farm and Forest Modernization work as planned.

PO Box 1544  
Hood River, OR 97031  
[thrivehoodriver.org](http://thrivehoodriver.org)

Finally, we want to add a note of appreciation to the Commission for your commitment to farm and forest land protection, and to DLCD staff for the poise, professionalism, and depth of knowledge with which the farm stand rulemaking process was conducted. Thank you.

Respectfully,



Chris Robuck, Co-President

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Note 1: Graph presented by agency staff at RAC meeting 4b, July 24, 2025, at time 2:25:38.  
Note 2: Piece in the Daily Journal of Commerce, September 9, 2025, by Edward Sullivan and Carrie Richter, <https://dcoregon.com/news/2025/09/09/agritourism-and-farmland-preservation-collide-virtually-opinion/>

Land Conservation and Development Commission  
635 Capitol St. NE, Suite 150  
Salem, OR, 97301-2540

Re: Testimony on 2025-2027 Draft Policy Agenda – Farm and Forest Land Modernization Program

Dear Chair Hallová and Members of the Commission:

I am writing to express concern that the agency's draft policy agenda does not include 2026 dates for rulemaking in the Farm and Forest Modernization Program.

In March 2024, the Commission approved a work plan to address major issues identified in the 2023 Technical Working Group recommendations. At that time, the Commission deliberately voted to limit 2024 activity to housekeeping rule amendments, and to begin substantive rulemaking work in 2026, after the 2025 long session. The approved plan called for staff to conduct research during the 2025 legislative year, and to initiate rulemaking in 2026.

In March 2025, however, the Governor directed the agency to appoint a Rulemaking Advisory Committee (RAC) and conduct rulemaking on farm stands in 2025. Farm stands were not identified as a priority in the Technical Working Group's recommendations, and this unanticipated directive diverted already-limited staff resources from preparations for the planned 2026 rulemaking. While this disruption was unfortunate, the Commission prudently included in its approval motion a plan to address three of the most pressing issues identified by the Technical Working Group—replacement dwellings, other nonfarm dwellings, and the use of soil scientists in rezoning and nonresource dwelling proceedings—following the December 2025 completion of the farm stand rulemaking.

The farm stand Rulemaking Advisory Committee (RAC) was proceeding on schedule until it was undermined by a social media disinformation campaign alleging that the agency was attempting to shut down farm stands and drive farmers out of business. In response, the Governor directed the agency to suspend the farm stand RAC. As a result, the proposed policy agenda now places the broader modernization program—replacement dwellings, nonfarm dwellings, and soil science issues—on indefinite hold, pending the Governor's direction.

I strongly urge the Commission not to allow the questionable policy objectives of a private property rights group to derail the agency's well-considered, Commission-approved plan to strengthen agricultural and forest land protections. The Farm and Forest Modernization Program represents essential and long-overdue updates to Oregon's land use system. These reforms should not be held hostage to unrelated controversies.

Accordingly, I respectfully request that the Commission amend the proposed policy agenda to restore the 2026–2027 schedule for rulemaking on the modernization program. This will ensure that the agency fulfills its commitment to address the Technical Working Group's recommendations and to remedy significant weaknesses in the state's farm and forest land protection framework.

Thank you for the important work you do for Oregon!

Sincerely,  
Jim Gilbert

Jim Gilbert

Northwoods Nursery  
28696 S. Cramer Rd.  
Molalla, OR 97038  
wk. 503-651-3737  
cell 503-502-6925  
[www.northwoodsnursery.com](http://www.northwoodsnursery.com)

Good Afternoon Chair Hallová and Commissioners,

My name is Hope Segel; I am speaking today on behalf of LandWatch Lane County. LWLC is a small nonprofit organization that has been working to protect farm and forest lands for farm and forest uses for close to 30 years.

My comments today address the Departments Farm and Forest Modernization Program scheduled for 2025-2027 according to the staff's draft policy agenda.

In 2024, this Commission, after receiving written and oral public testimony from multiple parties, adopted a work plan for the Department that included recommendations from the Technical Working Group. Those recommendations included small housekeeping changes in 2024, research in 2025, and initiation of more significant rulemaking in 2026, focused largely on agricultural lands. Missing from those recommendations was any action to protect our state's dwindling productive forest lands, an issue that is not receiving the kind of attention it deserves.

Since then, the Governor has directed the Department to shift their focus to farm stands, an issue elevated by controversy and the spread of misinformation. This, obviously, has required staff to shift priorities away from issues scheduled for inclusion in the 2026 rulemaking. Making matters worse, the controversy and spread of misinformation has resulted in the suspension of any progress on farm stands and putting the previously scheduled modernization program on indefinite hold.

Oregon has experienced very little progress in terms of protecting our farm and forest lands over the past several decades. The proof can be seen in the Department's biannual farm and forest lands reports.

We respectfully urge the Commission to restore the 2026–2027 rulemaking schedule, reaffirming your commitment to addressing long-standing issues related to protecting Oregon's farm and forest lands.

Thank you.

Hope Segel-Vaccher

LandWatch Lane County

PO Box 5347

Eugene OR 97405

To: LCDC

Re: Item # 10 2026-2027 Draft Policy Agenda for Farm  
and forest Land Modernization

Dear Chair Hallova and Members of the Commission,  
I was not available to participate in your September 26,  
2025 meeting at which you discussed, via Item #10, work  
being done by DLCD to continue to clarify Oregon's land  
use laws.

I simply want to commend you and DLCD for striving to  
protect Oregon's farm and forest lands. I was totally  
shocked when a private property rights lobby group made  
what I consider a swift boat attack against your work and  
the intentions of DLCD and Governor Kotek. In my  
opinion, this was a dishonest, heartless, misleading  
disinformation campaign designed to put fear into the  
hearts of those who strive to uphold the laws that make  
Oregon bountiful and beautiful.

I hope you will continue to support the work done by  
DLCD staffers regarding the protection of Oregon's  
farm/forest lands.

Thank you for all you do and thank you for listening.

Aileen Kaye  
Turner, Oregon  
[arkaye2@gmail.com](mailto:arkaye2@gmail.com)

Please consider my request that LCDRC continue the plan of work as adopted in March 2025 to modernize rules for farm and forest resource lands during the 2025-2027 years, Dan Lowrie Saige Timber LLC Sent from

Ilsa Perse  
5765 NE Mineral Springs Rd  
Carlton, OR 97111  
Ilsa Perse [4@gmail.com](mailto:4@gmail.com)

30 September, 2025

Land Conservation and Development Commission  
635 Capitol St. NE, Suite 150  
Salem, OR, 97301-2540

Re: 2025-2027 Draft Policy Agenda – Farm and Forest Land Modernization Program

Dear Chair Hallová and Members of the Commission:

I am writing to express my concern about the abrupt cancelling of the Department's Rule Making work, work that only *briefly* touched on farm stand regulations. The Dept acquiesced to a misleading and quite frankly dishonest campaign, promoted by a *few* farmers who hold events at what are *supposed* to be farm stands, along with some individuals who do not believe in Oregon's land use regulations. .

In March 2024, the Commission adopted a thoughtful plan to follow up on the 2023 Technical Working Group recommendations. That plan cautiously sequenced the work: limiting 2024 to housekeeping amendments, conducting research during the 2025 legislative year, and initiating rulemaking in 2026 on key issues such as replacement dwellings, nonfarm dwellings, and the role of soil scientists in quasi-judicial proceedings.

The Governor's subsequent directive to prioritize farm stand rulemaking in 2025 understandably placed additional demands on already limited staff capacity. While we understand the pressure to address the Governor's concerns about farm stands, this diversion unfortunately interrupted preparation for the broader modernization program. The situation was further complicated by controversy and public misunderstanding, which led to suspension of the farm stand RAC, some might call it the Tyranny of the Minority!

It appears that the draft policy agenda now leaves the remainder of the modernization program on indefinite hold.

I urge the Commission to restore the 2026–2027 rulemaking schedule. In so doing, the Commission can reaffirm its commitment to implementing the Technical Working Group's recommendations and addressing the longstanding challenges in Oregon's farm and forest protection framework.

Thank you.

Ilsa Perse, Owner of farmland in Carlton and Dayton, OR

## Ag for Oregon Land for the Future

Sept 26, 2025  
LCDC Meeting  
Public Comment Period  
Chair Hallova and members of the Commission:

I represent Ag for Oregon.  
Our members make their living from the land. Please come for a visit. I would like to arrange a tour for commissioners and any DLCD staff.

We support small farms, medium farms, large farms, just all farms. We especially support protections of the land that all these farms need to produce crops and livestock. Most farms in Oregon, particularly small farms require off farm income to be sustainable. This has historically been the case for decades. Many of us worked on jobs off our farms to grow our businesses.

We need not change the land use laws to supposedly make all farms financially viable. There are too many non-farm uses already. It is your job to protect farm land for the future so as many people that want to farm can have the land resource to try farming. It is not your job to try to make farms profitable. Making farms profitable is up to the ingenuity and hard work of the farmer.

Ag for Oregon is working with a coalition of 20 land use, farm and environmental groups that are all concerned about the excessive number of allowed uses on our resource lands.

We all are very concerned about the continued erosion of the land base by conversion and allowance of non farm uses. This virtual rezoning that is occurring fragments the farm zone, increases land costs for new farmers and interferes with farm practices which increases farming costs. Land costs reflect all of the potential allowed uses, not just the current use of the land.

We urge you to take a strong position to protect resource land in Oregon and not allow more stealth conversion to what are commercial or residential zones. Let's put **Conservation** back in the Dept of Land Conservation and Development.

Mike McCarthy  
McCarthy Family Farm, LLC  
Ag for Oregon

## Ag for Oregon Land for the Future

Sept 26, 2025  
LCDC Meeting, Klamath Falls, Oregon  
Testimony on Item 10: Draft Policy Agenda

Chair Hallova and Members of the Commission:

I represent Ag for Oregon, a group of farmers, ranchers and forest land owners.. Our members make their living from farm and forest land. I farm in Parkdale and am the first generation in my family to make a living farming.

I wish to comment on Agenda Item 10: 2025-2027 Draft Policy Agenda.  
I participated on the Technical Working Group in 2023 that created the Farm and Forest Conservation Program Improvement Program. We spent hours and days on this deep dive into the rules and regulations on farm and forest land. The result was a well thought out plan created by a diverse group of stakeholders. The Working group plan is an important step in maintaining strong resource land protections. The Program Plan should proceed unrelated to the Farmstand process.

I hope you will continue this work, focusing on Non-farm Dwellings, Replacement Dwellings and the use of soil scientists for land use decisions as identified. Farmstands were not identified by the Work Group as needing amendments or clarification.

I hope you will honor the expertise, the time spent and the work done by the participants on the Technical Working Group and not let this work be derailed by undue political influence. DLCD has the knowledge and expertise to carry this out. DLCD and Director Bateman are quality dedicated professionals who should be allowed to follow the original plan.

Let's put **Conservation** back in the Dept of Land Conservation and Development.

Mike McCarthy  
McCarthy Family Farm, llc  
Ag for Oregon  
Parkdale, Oregon



Gregory H. Macpherson  
Bannockburn Farms, Inc.  
29626 Church Drive SW  
Albany, Oregon 97321  
[ghmacpherson@outlook.com](mailto:ghmacpherson@outlook.com)  
(503) 320-2515

September 29, 2025

Submitted via Email

Land Conservation and Development Commission  
635 Capitol St. NE, Suite 150  
Salem, OR, 97301-2540

Subject: 2025-2027 Draft Policy Agenda – Farm and Forest Land Modernization Program

Chair Hallová and Members of the Commission:

I was a member of the Commission from 2009 to 2017. I am now living on the farm in rural Linn County that has been in my family for a century and where I grow hazelnuts. This letter comments on the Department's 2025-2027 draft policy agenda and the Commission's ongoing work to strengthen Oregon's farm and forest land protections.

The Commission has important work to do on the protection of Oregon's working lands, as reflected in the Farm and Forest Modernization Program. This work has been disrupted by a directive to conduct rulemaking on farm stands which was then paused as a result of a disinformation social media campaign that mischaracterized the issues. When operated at an appropriate scale that does not interfere with nearby farming activity, farm stands are a desirable feature of Oregon's ag economy. Rulemaking that achieves the right balance between these objectives is desirable and useful. But more importantly the farm stand issues should not disrupt the important work of the Farm and Forest Modernization Program.

Therefore, I urge the Commission to amend the proposed policy agenda to restore the 2026-27 schedule for rulemaking on the modernization program, including work on replacement dwellings, nonfarm dwellings, and how to access legitimate soil science in land use applications. Thank you for your consideration and for your service to the state.

Sincerely,



Gregory H. Macpherson,  
President, Bannockburn Farms, Inc.

Dear LCDC Commissioners and DLCD Staff,

I have been involved with the Oregon land use system since 1973 when I was in college and it was an assignment in one of my Ag Econ classes. I am a simple shepherd that still actively farms.

It is very important to continue the plan of work approved in March of 2025 on the Farm and Forest Modernization. Our industries are under attack and Goal 3 is being attacked and weakened every legislative session. Senate Bill 100 was to protect our landscape for those farming at the time and into the future. It still can provide that protection if you as LCDC and DLCD raise yourselves above the political fray and decide to schedule a policy agenda for 2025-2027 that includes the Farm and Forest Modernization schedule that had been adopted previously.

Sincerely,

***Mickey Killingsworth***

Mickey Killingsworth

Simple Shepherd 

798 SE Dover Lane

Madras, Or 97741

503.250.2460

Good Day,

I just want to follow up from the oral testimony last Friday on agenda item #10.

Jefferson County Farm Bureau can not support the 2025-2027 Policy Agenda since the Farm and Forest Modernization schedule that was approved in March of 2025 is now showing no dates to start review of policies and RACs during the 2025-2027 policy proposed agenda.

We have waited for almost 20 years for this process to begin and it was beginning until the "farm stand" debacle took place.

We encourage the LCDC and DLCD to reconsider the 2025-2027 Policy Agenda plan of work to include the Farm and Forest Modernization original plan of work.

Sincerely,

***Mickey Killingsworth***

Mickey Killingsworth

Secretary-Treasurer

Jefferson County Farm Bureau

503.250.2460

cc Sue Vanek (President) Gary Harris (Vice President)

September 27, 2025

Land Conservation and Development Commission  
635 Capitol Street, Suite 150  
Salem, OR 97301

Re: 2025-2027 Policy Agenda (farm and forest modernization program)

Dear Commissioners and Staff:

Thank you for the opportunity to provide comment on your proposed 2025-2027 policy agenda. My wife and I have a hay & timber operation in Yamhill County's coast range foothills. We strongly urge you to restore the 2026 timeline for the farm and forest modernization program rulemaking. There is an urgent need to address the major recommendations of your technical working group and no sound reason to pause the effort.

I also served on your Farm Stand Rulemaking Advisory Committee. Farm stands were never a priority for the technical working group or your rulemaking. I believe you were asked to address it because of pressure from an organization that couldn't get its bill through the legislature. This rulemaking was suspended after a well-organized campaign of disinformation that falsely claimed that the state was poised to shut down farm stands.

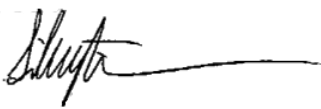
It would be a huge mistake to reward that disinformation campaign by suspending your much more important efforts to modernize and strengthen farm and forestland protections.

Over the last 25 or 30 years, we've seen an ever increasing parade of non-farm uses approved on some of our best farmland. Agricultural land is not vacant land waiting for development. It is already developed industrial land that supports the state's second largest industry- agriculture. The long-term future of this industry at risk. Replacement dwellings, non-farm dwellings, and private soil scientists for hire were top priorities for your Technical Working Group.

The pressure from non-farm uses significantly pushes up the price of farmland. This makes it more difficult for farmers and aspiring farmers to acquire, more difficult to pencil-out for farming, and in many areas the cumulative impacts of nonfarm development threaten the overall stability of our rural land base.

In closing, I urge you to stay the course. Clarify the grey areas, close the loopholes and uphold our farm and forestland protections from relentless erosion. I also want to acknowledge the vitally important work the commission does, all as volunteers. Your efforts on behalf of Oregon are appreciated.

Sincerely,



Sid Friedman  
14286 NW Old Moores Valley Rd.  
Yamhill, Oregon 97148

September 24, 2025

**VIA E-Mail:** [denise.johnson@dlcd.oregon.gov](mailto:denise.johnson@dlcd.oregon.gov)

To: Land Conservation and Development Commission  
635 Capitol St. NE, Suite 150  
Salem, Oregon 97301-2540

Re: Testimony on 2025-2027 Draft Policy Agenda – Farm and Forest Land  
Modernization Program

Dear Chair Hallova and Members of the Commission:

I am writing on behalf of the Jernstedt Century Farm and the Jernstedt Daughters Farm in Yamhill County. We are not in this for short-term profits but seek to preserve and extend the continued practice of farming on our Exclusive Farm Use zoned land and in Oregon as a whole.

Our operation is intertwined with activities on adjacent properties and the larger community. My father, Ernest Jernstedt Jr, credited Oregon's Land Use system with protecting valuable farmland from speculators. This made it possible to hold the farm intact in the face of generational change. I hope that it is still doing that for the 5<sup>th</sup> and 6<sup>th</sup> generations that follow me.

There have been innumerable highs and lows in agriculture since my great grandparents set about farming in Yamhill County in the 1880's. Crops fall in and out of favor and profitability. Processing facilities come and go based on market conditions. Land speculators have come and gone in Yamhill County since the 19<sup>th</sup> century rumors of railroad connectivity to Portland. Land prices are driven up by investors chasing the next fad and are usually followed by hard times. Families struggle through or give it up and move. Undergirding it all is that agriculture is a business which operates with a long-term perspective. As such it needs to be adequately capitalized, and the business plan needs to be based on the realities of soil, water, and market conditions.

B&Bs and farm stands were included in farm uses to help bridge the lean years for active farming operations. We have neighbors who have utilized the options in the rules while remaining focused on farming for profit. To this day owners of small holdings frequently have jobs off the farm. They may hope to expand their holdings, but prices have been driven up by investment groups looking for non-agricultural development. The FFLMP was convened to consider the evolution of the 50 year old program in the face of legislative, litigation, and market forces. To abandon it in the face of a social media disinformation campaign solves nothing. And it is a disservice to the staff and public who have worked on it.

Agricultural land is not vacant land waiting for development. It is industrial land that supports Oregon's second largest economic sector. Fields that are not producing for local consumption are producing commodities for export around the world. Depending on the crops and farm practices they can make environmental contributions like carbon sequestration, erosion control, and provide habitat. Our cities and towns could benefit enormously from the investments in access to local produce, dining, lodging, and other entertainment amenities if developers sited them inside the Urban Growth Boundaries.

Agriculture is a diverse industry. While offering some picturesque images, there needs to be understanding of the complexities of it as a business. Not every soil type or topography works for every crop. We have done dryland farming, mostly profitably for over 100 years by adjusting crops and expectations accordingly. A specific property may not grow the crop envisioned by a new buyer but that does not mean it does not have high value for the appropriate crop. Non-farm uses are NOT dependent on soil types and land modified for non-farm uses rarely goes back. The price inflation and modifications have impact even if the venture fails. Compaction can be the work of months but years to repair.

No one said farming was going to be easy or even always profitable. This can be said of every business endeavor. What sets it apart is the essential element of taking the long-term view and respecting the soil upon which it all rests. The mantra "there's always next year" relies on continued protection of our natural resources. Please restore the 2026-2027 schedule for the Farm and Forest Land Modernization Project rulemaking.

Thank you for the opportunity to comment.

Sincerely,



Kathryn Jernstedt  
Jernstedt Century Farm  
Jernstedt Daughters Farm LLC  
8160 NE Mineral Springs Road  
PO Box 911  
Carlton, Oregon

[kljernstedtpro@outlook.com](mailto:kljernstedtpro@outlook.com)

DLCD Sept 2025 Jernstedt Farm

September 29, 2025

*via email: [alyssa.bonini@dlcd.oregon.gov](mailto:alyssa.bonini@dlcd.oregon.gov)*

Oregon Land Conservation and Development Commission  
c/o: Alyssa Bonini, Legislative and Policy Analyst  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540

**Re: 2025-27 Draft Policy Agenda**

Dear Chair Hallova, Vice-Chair Lazo, and Commissioners,

Thank you for the opportunity to provide public comment on the Department's 2025-27 Draft Policy Agenda. Based in Bend, Central Oregon LandWatch is a 39-year-old land use and conservation advocacy organization with over 900 members. We have worked for decades to uphold the state land use system, with particular attention to the preservation of farm and forestlands and the rural livelihoods those lands facilitate.

Our comments on your 2025-27 Draft Policy Agenda are focused on the Farm and Forest Modernization Program rulemaking. Although the Commission voted unanimously in support of a rulemaking schedule for the Farm and Forest Modernization Program at your March 2025 meeting, your 2025-27 Draft Policy Agenda fails to include a timeline for rulemaking. We respectfully urge the Commission to recommit to this important policy work to improve and modernize the state's farm and forestland protections, and do not let uncertainty regarding the farmstand rulemaking stand in the way.

Here in Deschutes County, our farm and forest lands face continued, irreversible fragmentation and gentrification. While Deschutes County has ample irrigation water, and climate and soil conditions on par with large swaths of farm and rangeland throughout Central and Eastern Oregon, LCDC's rules protecting these lands have proven insufficient to preserve a farming future.

Your most recent farm and forest report shows that Deschutes County approved 949 nonfarm dwellings in EFU zones between 1994 and 2023.<sup>1</sup> The next closest county (Lake County) approved 601 nonfarm dwellings during the same period. Each one of these nonfarm dwellings fragments the land and gentrifies our farm zones with what is most often luxury nonfarm development.

In the last 10 years, we've also seen many thousands of acres of EFU land "spot zoned" out of EFU zoning for sprawling residential and industrial development. This occurs both

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<sup>1</sup> Department of Land Conservation and Development. November 21, 2024. "Oregon Farm & Forest Land Use Report 2022-2023." Appendix 2, Table 12. Available at [https://www.oregon.gov/lcd/FF/Documents/Farm\\_Forest\\_Report\\_2022\\_2023.pdf](https://www.oregon.gov/lcd/FF/Documents/Farm_Forest_Report_2022_2023.pdf).



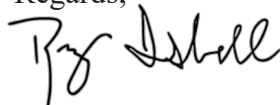
adjacent to UGBs, frustrating that boundary's purpose, and in remote farming communities. These applicant-driven rezonings are not comprehensive planning; they are tools for private enrichment, benefitting only the wealthy few.

A family member of a potential spot-zoning applicant called us recently to learn more about the land use process and why Central Oregon LandWatch opposes spot zoning of agricultural land. She relayed that her family member recently spent \$70,000 on a private soils report to argue their land is not protected as agricultural land under Goal 3. This is clearly a "pay to play" situation that LCDC's rules have created. Everyone else plays by the objective, statewide soils information long furnished by the U.S. NRCS. But those privileged few with the financial means can buy their way out of the Oregon land use planning program's natural resource protections, and use their private wealth to impose inefficient sprawl on the rest of us.

The common thread for these two major harms (nonfarm dwellings and spot zoning) to Deschutes County's resource lands are LCDC's rules allowing the use of private soils reports to justify nonfarm development and fragmentation of our farmlands.

Central Oregon LandWatch respectfully requests this Commission recommit to its unanimous vote from March of this year to proceed with the next phase of the Farm & Forest Modernization Program rulemaking, which includes amending rules on the use of private soils reports, by adopting a 2025-2026 schedule for the rulemaking at your October 2025 meeting.

Regards,



Rory Isbell  
Rural Lands Program Director & Staff Attorney  
Central Oregon LandWatch  
2843 NW Lolo Drive, Ste 200  
Bend, Oregon 97703  
(541) 647-2930  
[rory@colw.org](mailto:rory@colw.org)



## 2025-2027 DLCD Rulemaking Work Schedule

The chart below outlines the tentative work schedule for DLCD's rulemaking, projects, and reports throughout this biennium, including LCDC public hearings and deliberation and adoption meetings.

| Project ↓   Month →  |   | 2025 |     |     |     |     |     | 2026 |     |     |     |     |     |     |     |     |     |     |     | 2027 |     |     |     |     |     |
|----------------------|---|------|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|
|                      |   | Jul  | Aug | Sep | Oct | Nov | Dec | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan  | Feb | Mar | Apr | May | Jun |
| Rulemaking           | HB 2258 (2025) “Oregon Homes” Rulemaking  |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | HB 2001 (2023) Oregon Housing Needs Analysis Rulemaking                                     |      |     |     | ★   |     | ★   |      |     |     |     |     |     |     |     |     |     | ★   | ★   |      |     |     |     |     |     |
|                      | SB 1129 (2025) Urban Reserve Rulemaking   |      |     |     | ★   |     | ★   |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | HB 2138 (2025) Middle Housing Rulemaking  |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | SB 504 (2025) Non-Structural, Nature-Based Solutions for Shoreline Stabilization Rulemaking |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     | ★   | ★   |     |
|                      | Territorial Sea Plan Update   |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | Goal 5 Cultural Resources Rulemaking  |      |     | ★   |     |     | ★   |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | Farm and Forest Modernization – Agricultural Lands Rulemaking                               |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | Reviewing Targets for Reducing Greenhouse Gas Pollution                                     |      |     |     |     |     | ★   |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | Transportation Planning Rules (0210, Cleanup, Potential Policy Refinements)                 |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     | ★   | ★   |     |
|                      | Urbanization and Wetlands Planning Rulemaking   |      |     |     |     |     |     |      |     |     |     | ★   |     |     | ★   |     |     |     |     |      |     |     | ★   | ★   |     |
|                      | Coastal Access Rulemaking   |      |     |     |     |     |     |      |     |     |     | ★   |     |     | ★   |     |     |     |     |      |     |     |     |     |     |
|                      | Housing Capacity Analysis (BCA) and Housing Production Strategy (HPS) Schedule Update       |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | Employment Table Update   |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | Division 1 Rule Update  |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| Projects and Reports | SB 974 (2025) and HB 2138 (2025) Conforming Rulemaking                                      |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | HB 2316 (2025) State-Owned Lands for Housing <sup>2</sup>                                   |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | HB 2138 (2025) System Development Charge (SDC) Model Methods and Safe Harbor Study          |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | SB 1537 (2024) Housing Development Process Improvement Reports                              |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | SB 1564 (2024) Model Code   |      |     |     |     |     | ★   |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | SB 5528 (2025) Housing Outcomes from State Policies and Programs Tracker                    |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | HB 4080 (2024) Offshore Wind Roadmap  |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | State Agency Coordination Agreements  |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | State Housing Interagency Partnership (SHIP)  |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      |   |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | Project ongoing   |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| ★                    | LCDC public hearing   |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| ★                    | LCDC deliberation and possible adoption   |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
|                      | Project timeline unknown  |      |     |     |     |     |     |      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |