

## **Department of Land Conservation and Development**

### **Farm and Forest Conservation Program: Rulemaking Charge**

Farm and Forest Conservation Program Improvements Project: Codification of Case law Standards. Department of Land Conservation and Development (DLCD) Staff intend that the charge will support the Rulemaking Advisory Committee's (RAC) efforts by implementing commission expectations. Should there be confusion or disagreement among the RAC, the charge will prevail.

Members of the Rules Advisory Committee (RAC) will provide assistance to agency staff to analyze, draft, and recommend Oregon Administrative Rules (OARs) that codify certain case law standards related to the implementation of Goal 3: Agricultural Lands and Goal 4: Forest Lands. OARs staff recommend for consideration by the Land Conservation and Development Commission will:

- Codify the identified established case law standards.
- Result in more consistent implementation of those identified case law standards across Oregon counties.
- Provide additional clarity to counties, rural residents, and potential land use permit applicants with the intent of reducing unnecessary appeals.

Topics of consideration: ORS 215.296 (the 'Farm Impacts Test'), Commercial Activities in Conjunction with Farm Use, the Agri-Tourism and Other Commercial Events 'incidental and subordinate' and 'necessary to support' standards, Transportation Facilities on Rural Lands.

The potential audience for this effort is very broad including owners and lessees of land zoned for farm and forest use, owners and renters of neighboring properties, farm, woodlot and forest business owners and suppliers of farm, woodlot and forest industries, county commissioners and planning staff, county public works departments, farmland and forestland protection advocates, natural resource and climate advocates, farm and forest and land use scholars, land trust organizations, land use lawyers, property rights advocates, developers, tourism support entities, natural resource agency staff with interest in land use, a member of LCDC's Community Involvement Action Committee and a LCDC liaison