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Land Conservation and Development Commission
635 Capitol Street NE Suite 150
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Friday, January 26, 2024

Re: Testimony in Support of Prioritizing Goal 3 and 4 Updates

Chair Hallová and members of the Land Conservation and Development Commission:

My name is Nellie McAdams and I am the Executive Director of Oregon Agricultural Trust. Thank you for the opportunity to testify.

I was honored to serve on the recent Farm and Forest Technical Workgroup, coordinated by DLCD's Farm and Forest Specialist Hilary Foote. First, I want to commend Ms. Foote and the Department on a very well organized and productive process that engaged diverse stakeholders. It is a tremendous accomplishment of the Department to have reviewed, ranked, and vetted roughly 80 needed updates to Farm and Forest rules and statutes.

The organization I work for, OAT, helps farmers and ranchers sell or donate their development rights via working land easements. As such, my staff and I are keenly aware that, while Oregon's land use program is second to none in the U.S. for protecting agricultural and forestry lands and keeping them in production, it does not prevent but only slows the pace of development. Oregon has lost 2 million acres from agricultural production since the program was created. Some of that loss was due to the incremental encroachment of Urban Growth Boundaries, but even more land has been made unsuitable for agriculture because of cumulative non-farm uses on land designated for Exclusive Farm Use. The list of permitted non-farm uses has increased from 6 to 60 since the program was passed - an average of 1 new use per year.

The 80 updates identified by the Workgroup were ranked into those that are most urgent and simplest to solve. **I urge the Commission to immediately begin implementing measures to address these systemic challenges**, focusing first on the identified issues that do not require a technical advisory group or additional funding. Three strategies I'd like to see prioritized are:



1. **Regulating Replacement Dwellings:** There is a trend for building replacement dwellings that would not have been approved under the original exception. Some replacement dwellings also dramatically increase the footprint and home value from the original dwelling. In OAT's work, we see McMansions on farmland that inflate the value of the land far beyond agricultural value, making it unaffordable for producers and functionally taking it out of production. Replacement dwellings should meet the original justification for a dwelling and not be significantly larger or more expensive.
2. **Prohibiting Use of Paid "Soil Scientists":** Development prospectors are increasingly hiring soils scientists to justify 1) non-resource dwellings and 2) rezonings of farm and forest land to non-resource use on a case-by-case basis. This should be prohibited to protect the integrity of landscape scale zoning and rural economies.
3. **Prohibiting Non-farm Dwellings in Areas of Concern:** To conserve limited public resources, DLCDC should prohibit the approval of nonfarm dwellings and other nonfarm uses in state-designated areas of concern, such as designated critical groundwater areas, high risk wildfire areas, ODFW designated critical wildlife habitat areas.

There are many excellent updates outlined in the report in your packet, but these rise to the top for complementing our work. I'm also grateful to DLCDC for your investment in data management, which will provide needed information to guide programmatic policy as a whole.

In short, I urge the Commission to take immediate action on the recommendations in the report and strategize toward implementing all of them over time.

Thank you for your time and service,

Nellie McAdams
Executive Director
Oregon Agricultural Trust