OREGON
Department of Land Conservation & Development

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Farm Stores in Exclusive Farm Use Zones and Mixed Farm-Forest Zones

A Farm Store is a new opportunity available for owners of property zoned for exclusive farm use (EFU). Farmers may use up to 10,000 square feet of permanent building space to:

- Sell farm products produced on the farm and on other farms in the state of Oregon and certain counties in adjacent states. This includes processed farm products like jams, jerky, pickles and alcohol.
- Sell general retail items. Retail items that are not farm products may be sold indoors so long as the floor space devoted to these types of retail items does not exceed 25% of the permanent structure square footage. This includes packaged food products that are not otherwise considered farm products.
- Sell drinks and food items for visitors to consume on site. Food may be obtained from food carts, from other types of temporary structures or from within the permanent building space. However, drive-throughs and cafes where food is served are not allowed.
- Conduct events that promote visitors to the farm and the sale of farm products including: farm tours, educational classes, crop mazes, farm-to-table meals, animal petting and feeding exhibits, tractor rides, and other seasonal or holiday events.
- Operate a commercial kitchen to support food sales and events.

General Questions

I'm a farmer. Can I build a farm store on my property?
That depends on the size of your property and the amount of the property that is being farmed. A farm store may be authorized if the following is true:

Combined size of farm properties	Minimum acreage in farm use* or alternative standard
80 acres or larger	45 acres
40 – 79 acres	25 acres
20 - 39 acres	15 acres
Smaller than 20 acres	10 acres, or earned at least $10,000 in gross farm income* cumulatively over the preceding two years
** Farm operations for or income from the production of psilocybin-producing fungi or marijuana may not be used to qualify for a farm store.*	

What if I don't meet the requirements?
If you don't meet the above requirements, you may discuss a variety of other options for commercial business development with your county planner including: a farm stand permit, an agri-tourism event permit, a home occupation permit, a commercial activity in conjunction with farm use permit, or an outdoor mass gathering permit.

Do I need other permits and licenses besides the permit from the County Planning Department?
Most likely yes. A farm store may also require licenses or approvals from other agencies and departments such as the Oregon Health Authority/County Health Department, the Department of Environmental Quality/County Sanitarian, the Oregon Department of Agriculture, the Oregon Liquor and Cannabis Commission, the Oregon Department of Transportation/County Public Works, the local fire protection district, etc. Your local county planning staff may be able to identify other required licenses and permits.

Does a farm store have to include a permanent, enclosed structure?
No. A permanent structure is not necessarily required. A farm store and certain associated activities may take place outdoors and in temporary structures. A permanent, enclosed building is required if the farm store intends to sell retail products other than farm products.

Will farm store requirements be different from county to county?
Potentially. Counties must offer farm stores as an opportunity, subject to the same set of standards that are in state statute. Your county may adopt siting standards into their ordinances related to road access, egress, parking, traffic management, noise management, hours of event operation, or sanitation and solid waste management. Counties may not apply other land use criteria or standards to farm store land use approvals.

Questions about food service

Can the farm store include a café or drive-through dining establishment?
No. The farm store may sell food and beverages for immediate consumption on-site, however the food and beverages may not be served to the public in a way that would cause the facility to function as a café or a drive-through dining establishment.

May a farm store include food carts?
Yes. Food carts may be located at a farm store. A license may be required from the Oregon Health Authority.

Do food carts or other temporary structures count towards the 10,000 square foot limitation?
No. There is no limit to the number or square footage of temporary structures or amount of outdoor space used for farm store operations. The limitation only applies to the amount of space used within permanent, enclosed structures.

Does a farm store need a separate *land use* permit for a kitchen facility?
A farm store permit may include authorization for a kitchen facility to support the preparation of food for events and prepared food items as long as it is licensed by the Oregon Health Authority.

Questions about events

What types of events may be held at farm stores?
Agri-tourism activities in conjunction with a farm store must be conducted by the farm operator, and must promote the farm operation, visitors to the store and the sale of farm store products to the public.

Can I obtain other permits for events that might not be allowed at a farm store?
Yes. Events that do not qualify as farm store agri-tourism events may also be permitted as Agri-tourism and Other Commercial Events (ORS 215.213(11)/215.283(4)) or as Outdoor Mass Gatherings (ORS 433.735 to 433.770). These permits would be in addition to the farm store permit.

May events be held indoors?
Events may be held in the permanent, indoor space permitted for the farm store. Space used for events counts towards the 10,000 square foot limitation. There is no limitation on the amount of outdoor space or temporary structures that may be used to facilitate events.

How often may events be held and how large may they be?
There are no limitations on the number or duration of farm store events held, or on the number of attendees. Events may however be limited by a county's parking and transportation requirements for the farm store.

Are state or county Outdoor Mass Gathering standards applied to events at farm stores?
Yes. Large events offered in conjunction with a farm store may be subject to state requirements for outdoor mass gathering including health and safety requirements in Oregon Health Authority rule. The legislature did not provide an exception for events offered in conjunction with a farm store from the statutory outdoor mass gathering regulations at ORS 433.735 to 433.770 and 433.990(7).

Outdoor mass gathering statues apply to outdoor mass gatherings defined by county ordinance as well as those defined in statute (ORS 433.735). However, it is likely that any county-adopted requirements for outdoor mass gatherings in conjunction with a farm store are limited to the categories listed in HB 4153 section 2(7)(a) (access, egress and parking, traffic management, noise management, hours of event operation, sanitation and solid waste).

Where county ordinance requires a land use permit for outdoor mass gatherings and the event meets the statutory or county definition of outdoor mass gathering, the county should likely apply the standards and criteria in ORS 433.763.

Questions about products

What kinds of things may be sold at farm stores?
A farm store must sell some amount of farm product that is produced on the property. Farm stores may also sell farm products or processed farm products that are produced in Oregon and certain counties in neighboring states. Farm stores can provide food and beverages to guests as long as those foods are consumed on site. There is no limitation on the amount of these types of products that may be sold. However, marijuana and psilocybin may not be provided or sold at a farm store (HB 4153 sections 5 and 6 amend ORS 475A.570 and ORS 475C.489).

Additionally, a farm store may sell any other sort of retail item, however no more than 25 percent of the permanent, indoor area may be used to display these items. These items may not be sold outdoors or in a temporary structure.

What are processed farm products?
Processed farm products that may be sold at farm stores include products that have been transformed into a manufactured product through methods such as cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, butchering or freezing and has been packaged or canned for human or animal use. Other licenses or permits may be required to produce or sell these products such as a meat sellers license from the Oregon Department of Agriculture or a processing facility land use permit.

Can I use my farm store kitchen to process farm products?
Kitchens used to prepare snacks or meals: A separate land use permit is not required for a kitchen facility that is used to prepare food for farm store guests to be consumed on site. A license from the health department is also required for this type of kitchen.

Kitchen areas used to prepare farm products: A separate land use permit is not required to prepare farm products on site. Preparation includes the cleaning, treatment, sorting, or packaging of farm products produced on the farm operation (OAR 660-033-0020).

Kitchens used to process farm products: An additional land use permit may be required for a farm product processing facility in order to process farm products on the property. If the farm store has an associated kitchen that is a licensed restaurant under ORS 624, it may conduct some processing activities under the combination facility agreement between ODA and OHA. However, where ODA has primary licensing authority over a kitchen, it is indicative that commercial processing may be the primary focus of the kitchen establishment and land use approval for a farm product processing facility permit may be required.