



2025 Farm Stands Rulemaking Advisory Committee (RAC) Meeting #2 Summary

June 3, 2025, RAC Meeting #2

Location: The meeting was conducted virtually over Zoom Webinar.

RAC Member Attendees:

Alice Morrison	Friends of Family Farmers
Austin Barnes	Marion County
Charles Bennett	Jackson County
Emily Iverson	Large farm stand operator
Eric Walker	Hood River County
Graham Fordyce	Medium farm stand operator
Inga Williams	Union County
Jim Johnson	Oregon Department of Agriculture
Justin Throne	Klamath County
Lauren Lucht	Small farm stand operator
Lindsey Eichner	Lane County
Lindsay Eng	Oregon Department of Agriculture
Maitreyee Sinha	Washington County
Marc Hudson	Oregon Agricultural Trust
Matthew Lisignoli	Large farm stand operator
Michael McCarthy	McCarthy Family Farm
Peter Kenagy	Small farm stand operator
Ryan Krabill	Oregon Farm Bureau
Samantha Bayer	Oregon Property Owners Association
Sid Friedman	Friends of Yamhill County
Barbara Boyer	Land Conservation and Development Commission (LCDC) Liaison

Department of Land Conservation and Development (DLCD) Staff Attendees and Consultants:

- Donna Silverberg, DS Consulting, RAC Facilitator
- Hilary Foote, Farm and Forest Land Use Specialist
- Casaria Taylor, Senior Rules Coordinator/Records Officer
- Silas Lobnibe, Grants and Periodic Review Coordinator



- Gordon Howard, Community Services Division Manager
- Alyssa Bonini, Legislative and Policy Analyst
- Alexis Hammer, Legislative and Policy Manager
- Kirstin Greene, Deputy Director

Introductions & Process Clarity

Donna Silverberg welcomed the group and thanked them for their willingness to serve as members of this RAC. Hilary Foote, DLCD reviewed the meeting agenda and objectives for the session, as well as the charge and expected timeline for the rulemaking process. DLCD staff communicated that the department has moved the close of public comment to 5:00 p.m. on November 7, 2025, and LCDC will consider adoption at its December 2025 meeting. DLCD anticipates that the Secretary of State will post notice of the public comment period the first week in September.

Hilary reminded the group that today's session would be focused on two items from the list of 5 in the LCDC charge to the RAC: activities that promote the sale of farm products and promotional activities outside and inside farm stands. She also clarified that DLCD staff would have an initial draft of rule language based on discussions at session 1 of the RAC (and perhaps from today's discussion as well) at the next meeting, giving the group an idea of how their input is being included.

Promotional Events

Hilary Foote, DLCD provided a brief orientation to the topic by reviewing the statutory language for farm stands. She clarified that, while events may be permitted in a variety of ways in farm zones, the focus of the RAC conversation today is on promotional events in conjunction with a farm stand. She noted that every county must allow farm stands, but a county cannot make rules stricter than those LCDC adopts. Hilary also noted that LCDC only has the authority to interpret and clarify a statute enacted by the Legislature; it cannot change the statutory requirements nor contradict statute in rule. In 2001 the legislature added that promotional events could make up no more than 25% of the farm stand's annual sales. Other types of events may be allowed as 'commercial activities in conjunction with farm use' and 'home occupation' rules or as 'agri-tourism and other commercial events' if there is evidence provided that such sales will not have a negative effect on farms. She clarified that as such, DLCD is seeking advice from the RAC on language changes that could help make the process clearer and implementation easier for general farm stands.

RAC members highlighted a number of issues for DLCD to consider:

Events in conjunction with a Farm Stand vs. Other types of events



Many planners shared that it can be difficult to distinguish between when to require an ‘agri-tourism and other commercial events permit’¹ or ‘outdoor mass gathering permit’² and expressed it would be helpful to have clarification on what might trigger the need for one of these alternative permits.

- Some members suggested that creating a visual aid such as a table or list describing the type, scope, and limitations on events permissible under different permitting pathways would be useful.
- One member suggested that narrowing the rule definition for what is allowable under the various permitting pathways may increase clarity.
- Another member suggested that promotional events in conjunction with a farm stand should be limited and ‘agri-tourism and other commercial events’ permits be required for most promotional activities.
- Some members noted there can be big differences in the scale of farm stand proposals and it was suggested that there might be some correlation with the size of the farm operation and the scale of permissible promotional events.
- Another planner noted that the types of creative ideas applicants bring in now for promotional activities are very different than those contemplated in the legislative discussions.
- Some members expressed concern that applying more objective standards or defining limitations may have unintended negative consequences for both farm stand operators and planners and noted that some grey areas may be beneficial for providing flexibility to local planning jurisdictions to exercise discretion. Other members noted that grey areas in rules often result in disagreement and can lead to costly legal appeals, suggesting that clear and objective rules are more beneficial, especially for those who cannot afford legal advice.

Helpful definitions identified during the discussion:

- What is a “farm stand operation”?
- How often can promotional events be held in a season?
- Provide examples of the types of events considered appropriate.

Alternative permitting pathways and the farm impacts test

RAC members discussed impacts to farms from events and the application of the farm impacts test³ to events that are permitted through some of the other permitting pathways. Donna noted that this topic is scheduled for discussion at the next RAC meeting.

Relationship between the Promotional Events and the Products Sold at the Farm Stand

¹ [See ORS 215.213\(11\)/215.283\(4\)](#)

² [See ORS 433.735 to 433.770](#)

³ [OAR 660-033-0130\(5\)](#)



- Many members agreed that the nature or directness of the needed relationship between the promotional events and the products sold at the farm stand is a grey area.
- One member suggested clarifying that there needs to be a direct relationship between the promotional event and the farm crop sold at the farm stand and shared their opinion that events or spectacles held to increase foot traffic should be reviewed under an alternative permitting pathway.
- Another member suggested clarifying that only promotional events to promote products grown on the hosting farm be permissible.
- Several members brought up tours and educational activities as a particular grey areas that would benefit from clarification.

Events in conjunction with a Farm Stand vs. Farm Use

Staff noted that some of the concerns expressed by RAC members related to tours and educational activities may be addressed in the rules through clarification on what is allowable through a farm stand permit vs what is allowable as a farm use under ORS 215.203. Hilary noted that the agency is open to ideas to address identified issues beyond rulemaking, such as providing technical guidance documents or other materials. Hilary noted that DLCD has a published table on various ways that agritourism activities may be permitted in EFU zones (attached) and collaborated with OSU on the creation of their [agri-tourism curriculum](#).

Public Comment

Donna invited public members to provide comments at mid-meeting, prior to the break. Hilary explained that DLCD has clarified: verbal public comments will be considered by the RAC. However, the rulemaking record for LCDC will include only written comments. Hilary also explained that the department will include written comments received a week prior to RAC meetings in the meeting packet; comments received after that time will be included in the next meeting's packet.

Public comment was received from:

- Jason Lampman explained that education at farm stands is important and an excellent marketing tool, especially for organic and regenerative farming. He noted that this is important to the survival of his farm.
- Claire Zielinski described the types of events they host on their farm operation, how they have managed relations with their neighbors, and described the need to charge for those events to limit and manage attendance. She also provided information on agri-tourism initiatives in other countries.

RAC members expressed appreciation for the public comments and some members reflected that there are a wide variety of farming operations ranging from one acre to thousands. A one-size-fits-all solution may not be possible, so finding a fair way to provide flexibility for the operator and



planner to make decisions seems important. One member suggested that the focus might best be on differences in scales of promotional event types rather than differences in farm types: clarify activities, not the farm size or crop type. Another member noted that education from and at farm stand activities was emerging as a theme that merits consideration.

Location of Promotional Event Activities

Hilary Foote, DLCD provided a brief orientation to the topic by reviewing the statutory language for farm stands. She also reviewed key questions raised in a Court of Appeals case (*Greenfield v. Multnomah County*) on this topic:

1. Should the use limitations and standards for ‘structures for farm stands’ apply to temporary structures like tents and canopies?
2. Should the use limitations and standards for ‘structures for farm stands’ apply to accessory farm stand structures like kiosks or viewing platforms?
3. Should events hosted in the open air be treated differently from events hosted in a farm stand?

Building Code Requirements

Planning members noted that building code requirements are one of the more frequent issues in applications for farm stand permits. In practice, planners ask farmers what their ideas are for the structure and help them start small and grow from there, as needed. Hilary explained that the statutory provision that exempts agricultural buildings from structural building code requirements ([ORS 455.315](#)) means that many barns have not been through structural plan review. If an applicant wants to use that agricultural building for other purposes, like a farm stand where members of the public enter the building, that changes the use of the structure, and the structure then needs to be upgraded to meet building code requirements for a commercial structure. This can be expensive and time-consuming.

- Several RAC members noted that this is a building codes issue, not a planning issue; all the planners noted that they focus on the use.
- Other members noted that additional permit requirements stem from health, safety, and welfare issues that should not be ignored.
- One member suggested that clarifying the formal process to address the conversion of an agricultural building to another use would be helpful for everyone (note, this may look like rule language clarifying [ORS 215.760](#)).

Temporary Structures

The statute specifically prohibits the use of farm stand structures for banquets, public gatherings and public entertainment. Given this, should temporary structures be treated differently?



- Farmer members explained that they often face a health or safety issue and they need to use tents for shade or shelter from rain. (Some members noted that there may be additional safety issues with using tents, especially on windy/stormy days).
- Several planners said they do not see many requests involving temporary structures.
- Some planners noted that they do not differentiate between permanent and temporary structures; again, the focus is on the use of the structure.
- One member thought there should be some safeguards to ensure that temporary structures are actually temporary; without further clarification, both food trucks and tents could be considered temporary structures.
- Another member shared that they would appreciate clarity as to whether promotional farm-to-table dinners may be held under the farm stand rules and suggested the rules should authorize them in temporary or permanent structures, but not purpose-built structures without permits.
- Another member suggested that the location is not necessarily as much a concern as the frequency of the dinners and asked, how many farm-to-table dinners can you host inside a farm stand before you actually are operating a restaurant instead of a farm stand?
- Another member suggested that, with the changes in climate, there may be extreme situations (heat or cold) that may warrant a move indoors; but, if the plan is to have the event indoors, then all necessary permits should be required.

Accessory Structures

One planner noted a case where the accessory structure set up and used for promotional activities (e.g., a playground) became the primary focus for visitors rather than the farm stand. How might we avoid this?

Dual-purpose Structures

Some members noted that accessory structures are sometimes used for multiple purposes, sometimes for farm use and sometimes for farm stands, which can be confusing.

Next Steps and Questions

Hilary shared several questions she identified during the discussion and asked RAC members to consider providing responses as written comments by the end of the day on June 11th:

1. What does the promotion of farm products involve? What sorts of activities are not promotional for the purpose of the farm stand rule?
2. Would putting some parameters on scope and scale of allowable events be helpful or detrimental? What would that look like?
3. How direct should the relationship between the event and products being sold at the farm stand be?



4. At what point is an application for an agri-tourism permit required rather than (or in addition to) a farm stand permit?
5. Should there be graduated standards based on the intensity of the farm stand operation?
6. Should there be graduated standards based on the scale of promotional events?
7. DLCD has heard the need for clarifying the distinction between farm use marketing and farm stand marketing, particularly on the topic of educational activities. RAC's written comments on this topic would be helpful.
8. Should there be rule language clarifying different standards for temporary structures like tents and canopies? Should there be a time limitation or other standard to support a determination that the structure is temporary?

In closing, Hilary and Donna reviewed the next steps for the RAC, which include:

- RAC Meeting #3 will be held June 24th, 2025, 1:00 p.m. – 4:00 p.m. and will be focused on prepared foods and potential impacts to neighboring farms.
- Please review the meeting summary for RAC meeting #2 and provide comments or revisions to the summary to hilary.foote@dlcd.oregon.gov or farmforest.comments@dlcd.oregon.gov by End of Day (EOD) June 11th.
- Provide any comments or thoughts on RAC meeting #2, the questions posed, or on the upcoming topics to farmforest.comments@dlcd.oregon.gov or facilitator donna@dsconsult.co by EOD June 11th.
 - Staff asked RAC members to clarify whether their comments are just for staff or for the entire RAC. Please note however, that written comments received are part of the public record and will be disclosed if requested.