



2025 Farm Stands Rulemaking Advisory Committee (RAC) Meeting #3 Summary

June 24, 2025, RAC Meeting #3

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
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
- Gordon Howard, Community Services Division Manager



- Alyssa Bonini, Legislative and Policy Analyst
- Kirstin Greene, Deputy Director

Introductions & Process Clarity

Donna Silverberg welcomed the group and thanked both RAC and public members for their thoughtful written comments on the topics LCDC asked the RAC to discuss. Donna reviewed the meeting agenda and operating principles for the RAC, and asked people who wanted to provide public comment to identify themselves. It was noted that two RAC members would be sharing images as a part of the public comment period. Hilary Foote, DLCD clarified that the agency had chosen to allow RAC members wanting to share images and presentations to do so during public comment in order not to disrupt the flow of conversation during RAC discussions. It was clarified that the presentations and images would be a part of the public record for the rulemaking.

Hilary Foote, reviewed LCDC's charge to the RAC and DLCD's expected timeline for the rulemaking process. DLCD anticipates that the Secretary of State (SoS) will post notice of the public comment period the first week in September. Hilary explained that LCDC will consider the version of the proposed rules published in the SoS notice. LCDC may make modifications to the proposed language or choose not to adopt proposed changes, but LCDC may not make additions to sections of rule that are not identified in the SoS notice.

Hilary pointed out that a draft document with the agency's initial thoughts on issues raised during the first two meetings was included in the materials packet for this meeting. She clarified this was provided to give RAC members time to consider the language and provide written comments to the department prior to development of the agency proposal for discussion at the July 18th RAC meeting.

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: prepared foods and potential impacts to neighboring farms.

Prepared Foods

Hilary Foote, DLCD provided a brief orientation to the topic by reviewing the language, added to rule in 2006, that expanded the definition of "farm crops and livestock" to include processed crops and livestock but explicitly excluded prepared foods from that definition:

OAR 660-033-0130(23)(c) "As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed farm crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items."



Hilary noted that prepared food items like sandwiches or burritos may be sold as ‘retail incidental items’, subject to the 25% income limitation in statute. She clarified that DLCD is seeking advice from the RAC on changes that could make the language clearer, easier for counties to implement, and easier for applicants to understand. RAC members were asked: How do you distinguish between processed farm crops and livestock, and prepared foods? What language might help to clarify what they are/are not?

RAC members highlighted several issues for DLCD to consider:

Clarify definitions distinguishing between processed farm crops and livestock and prepared foods for easier compliance and implementation:

- Some planners shared that it can be tricky to identify what qualifies as a processed farm product, particularly when the final product only contains a small amount of a farm crop. The example of lotion scented with oil lavender grown on site or spirits primarily made from products grown elsewhere and flavored with product grown in the local agricultural area were provided as examples.
- Some planners shared that they require any ingredients that are produced outside of the local agricultural area to be incidental components of the product for it to be considered a “farm crop or livestock”.
- Several RAC members suggested that food served or packaged or otherwise intended for consumption on site should be considered “prepared food”; food intended to be taken elsewhere for consumption should fall under the definition of “farm crops and livestock”.
- One RAC member offered that the relationship between the products offered, whether prepared food or processed farm crops, should be directly related to value recaptured by the farmer producing the crops.
- Other RAC members expressed concern that any definitions be carefully considered to maintain farming as the primary focus of exclusive farm use zones in order to prevent restaurants or delis from being approved in farming areas as outright uses with no review of impacts to neighboring farms.
- Several RAC members brought up a need to align or consider definitions related to food processing or farm product processing to avoid confusion, such as definitions used by ODA and the Health Department and in DLCD’s 2015 Model Code (see examples below). One member cautioned that other agency’s rules intended for specific regulatory purposes and may not be appropriate to apply in a land use context.
 - Marion County Code: “4. As used in this section, “processed food items” means farm crops and livestock that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, such as jams, syrups, apple cider, and similar animal products, but not prepared food items;”



“5. As used in this section, “prepared food items” means food products that are prepared for immediate consumption, such as pies, shortcake, milk shakes, smoothies, and baked goods;”

- 2015 DLCD Model Code for Exclusive Farm Use Zones,: *“Processed”*: As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.”
- ODA OARs for Food Establishment Standards and Standards for Retail Food Service Activities: *“Food Processing”* means the cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing or otherwise manufacturing a food or changing the physical characteristics of a food, and the packaging, canning or otherwise enclosing of such food in a container, but does not mean the sorting, cleaning or water-rinsing of a food.

It was noted that processing facilities or kitchen facilities used to produce processed farm products do require a different land use permit as well as licenses from other jurisdictions¹.

Public Comment

Donna invited public members to provide comments at mid-meeting, prior to the break.

Public comment was received from:

- Claire Zielinski expressed concern that changing the definition of “local agricultural area” in DLCD’s rules may impact other regulatory programs like food assistance programs. Claire also shared that she felt agri-tourism enterprises do not increase the land value of a property. She also stated that she feels farm consolidation is a threat and that agri-tourism helps small farms stay in business.
- John Zielinski shared his support for retaining the definition of local agricultural area. He suggested that agri-tourism be considered a primary farming use but agreed that there should be sideboards on agri-tourism rules. He noted that farming operations can also have impacts on neighbors.

¹ Farm product processing facilities are authorized under ORS 215.255. Other processing facilities that don’t meet these standards are often permitted as either Home Occupations pursuant to ORS 215.448 or Commercial Activities in Conjunction with Farm Use pursuant to ORS 215.213 (2)(c)/215.283 (2)(a).



- RAC member Sid Friedman shared a set of slides illustrating his concerns about what he perceived to be violations of farm stand standards. The slides will be included in the public comments for RAC meeting #4.
- RAC member Mike McCarthy shared photos illustrating his concerns about impacts of neighboring farm stands which he feels threatens his orchard operation, including his ability to transport pears. The photos will be included in the public comments for RAC meeting #4.

One RAC member objected to the inclusion of the images, which included images businesses or people, as part of the public comment segment without assuring that they are accurate reflections prior to sharing [facilitator note: this comment is specific to photos taken off the web, not those taken by a RAC member of a lived experience].

Impacts to Neighboring Farms

Donna introduced the next topic by acknowledging that the topics under discussion on this day hold a lot of emotions for people. She encouraged people to think about what could support farmers and neighbors, as opposed to enhancing threats. Hilary provided a brief orientation to the topic by explaining the difference between “sub-1” and “sub-2” uses.

Sub-1 uses are uses that the legislature assumed to be compatible with farm and forest operations in the surrounding area as long as the standards in statute are followed. Counties must offer these uses in their ordinances and Counties may not add conditions that are more restrictive than statute. Farm Stands are in this category.

Sub-2 uses are generally processed as conditional uses – these are uses that may possibly be compatible depending on the specific property and the circumstances of the request. A county must conduct a review and, based on evidence provided by the applicant and other community members, find that the use as proposed is compatible with farm and forest uses in the surrounding area

- Some RAC members suggested that there aren’t many current standards to ensure compatibility; they stressed the importance of ensuring that the farm stand operation is really a farm stand associated with a farm operation and does not become something else that would normally be permitted as a sub-2 use, subject to the farm impacts test (such as a Home Occupation permit or Agri-Tourism Event Permit).
- Several planners shared examples of fire, life, safety development standards that they apply to farm stand permits to assure adequate infrastructure to support mitigation of potential issues, including:



- Provision of adequate off-street parking
 - Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 - All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
 - Signing or marking all ingress and egress points.
 - No farm stand building or parking is permitted within the right-of-way.
 - Coordination with the County Public Works or Road Department.
 - Down-directed and shielded lighting.
 - Maintenance of clear vision areas.
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- Objective Standards vs. An Impacts Test:
 - Some planners offered that common concerns related to farm stands include noise, traffic, glare, street side parking, litter, and trespass. They suggested it may be beneficial to explicitly allow counties flexibility to require measures addressing these concerns, like requiring buffers.
 - Other RAC members expressed support for clear and objective standards addressing these types of issues as opposed to requiring an impacts test analysis.
 - Other RAC members suggested an impacts analysis would be helpful in reducing conflict at larger farm stands or farm stands that frequently host events.
 - Tiered Standards/Threshold: There was some discussion of tiered standards for different scales or intensities of farm stands which would allow farm stands to grow so long as they met the standards for their tier. There was also discussion of a scale and intensity threshold for farm stand that would trigger an impacts test.
 - Suggestions of a square foot standard and/or an event frequency standard.
 - One member noted that this sort of a standard could be difficult to design due to the seasonal nature of some operations.
 - Conflict Resolution Support:
 - Some RAC members suggested that some common concerns might be addressed neighbor-to-neighbor or in conjunction with the community, without involving county enforcement. Some shared examples of working out conflicts with their neighbors.
 - Other RAC members suggested that it is unfair to shift the enforcement burden to individual farmers and suggested DLCD take on an enforcement role.



- One RAC member suggested more formalized options for mediation might be a helpful solution.
- Lindsay Eng, ODA shared that ODA has had an agricultural mediation program (see: <https://www.oregon.gov/oda/about-us/pages/complaints-disputes-mediation.aspx>), however, the agency is not able to maintain the program going forward. Instead, they can provide referrals to mediation resources.
- **LCDC Authority:** There was some discussion related to the extent of LCDC's authority to adopt standards or require an impacts analysis for sub-1 uses with some suggesting that a Supreme Court case held that LCDC can be more restrictive, but counties may not be.
- **Other topics:**
 - One RAC member noted that a farm stand that sells products produced on-site is more likely to be small and have less impact on the farms around them.
 - One RAC member noted that larger farm stands may detract business away from commercial businesses in nearby small towns and suggested that Farmers Markets in town are something that would be worth supporting or providing incentives for. Other members suggested that farm stand operators can give back to the community in different ways.

Next Steps and Questions

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

- RAC Meeting #4 will be held July 18th, 2025, 9:00 a.m. – noon and will be focused on reviewing proposed rule changes.
- Please review the meeting summary for RAC meeting #3 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) July 3rd.
- Provide any comments or thoughts on RAC meeting #3, the questions posed, or on the upcoming topics to farmforest.comments@dlcd.oregon.gov or facilitator donna@dsconsult.co by EOD July 3rd.