



2025 Farm Stands Rulemaking Advisory Committee (RAC) Meeting #1 Summary

May 16, 2025, RAC Meeting #1

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
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

Hilary Foote, DLCD, welcomed the group and thanked them for their willingness to serve as members of this RAC. She reviewed the meeting agenda and objectives for the session, as well as the charge and expected timeline for the rulemaking process. DLCD staff clarified that issues or suggestions exceeding the scope of the charge would be noted and considered for potential inclusion in future work. Several RAC members noted that calendar invitations for future meetings appear to be missing zoom links. DLCD staff committed to correcting the calendar invitations.

Donna Silverberg, DS Consulting, noted that she is an outside facilitator asked to assist the RAC with impartial management of the meetings and the RAC summaries. To that end, she walked the group through the RAC Operating Agreement to clarify expectations for participation by RAC members. Donna asked RAC members to indicate support for the Agreements detailed in the Operating Agreement. All indicated their support.

Commissioner Barbara Boyer, Land Conversation and Development Commission (LCDC), introduced herself, thanked the group for the willingness to serve on the RAC, and provided opening remarks including a brief orientation to the rulemaking charge approved by LCDC. She clarified that she would be attending and listening to the varying views and ideas that would be shared at the sessions while serving as a liaison to LCDC.

DLCD staff asked RAC members to consider moving the adoption hearing to December and the close of public comment to early November to provide opportunity for people to participate while also working the fall harvest season. 18 members voted, nine members indicated support for extending the schedule, five members opposed moving the schedule and four members had no preference. DLCD staff clarified that the RAC's votes on the question would be conveyed to the Director and the LCDC Chair. RAC members will be notified when the department makes a decision on the schedule.



Public Comment

Hilary explained DLCD is taking a different approach with this RAC and others in the future: there will be a 20-minute public comment period during RAC meetings. She clarified that verbal public comments are for the RAC's consideration. Only written comments will be included in the rulemaking record. Kirstin Greene, DLCD, clarified there will not be a sign up for public comment; instead, those desiring to provide public comment can let the facilitator know they wish to make comment by adding Public Commenter after their name, and then raising their hands during the public comment portion of the meeting. Donna explained that the public comment period will be held mid-meeting, prior to the break. RAC members were encouraged to let people know the time, while brief, will exist for each session.

Donna asked if anyone wanted to make public comment at this session. No public comment was offered at the meeting.

Discussion: Primary Use of a Property Hosting a Farm Stand

Hilary Foote, DLCD provided a brief orientation to the topic, noting that a more detailed background paper had been included in the RAC's materials packet. Hilary reviewed the statutory language for farm stands and noted that LCDC has the authority to interpret and clarify a statute enacted by the Legislature but cannot change the statutory requirements nor contradict statute in rule.

Hilary noted that while the statute states there must be a farm operation associated with the farm stand, the agency is seeking advice from the RAC on the nature of the relationship between that farm operation and the farm stand.

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

1. Farm Use vs. Farm Stand

A member asked that the RAC consider clarifying when a farm stand permit is required and when the sale of farm products is a "farm use" as it is defined in [ORS 215.203](#). Several county planners on the RAC shared their approach to making that distinction with most planners agreeing that they view u-picks or roadside sales of product grown on the farm at "tables" or similar temporary structures as a "farm use" that does not require a separate farm stand permit. Most planners also shared that they typically require a farm stand permit when a proposed use involves retail sales, promotional activities, the sale of prepared or processed foods, building or health code permits.

RAC member questions and comments

- A member noted that the definition of "farm use" at ORS 215.203 includes the "disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use". The member shared that they find this challenging because there are a wide variety of interpretations on this distinction. They shared that they have worked with applicants whose use of temporary tent structures was questioned by county permitting authorities and wondered how



ORS 215.253¹ should apply to this situation and questioned if there is a meaningful difference between selling product from a temporary tent structure and selling product out of a barn. A county planner agreed that this would be useful to clarify.

- Hilary noted that there is some discussion on this in the background document and clarified that DLCD has published guidance that certain types of activities, like u-picks and sales of product grown on the property in temporary structures like roadside stands are “farm use” and noted that the statute refers to structures.
- A county planner shared that their county allows as “farm use” u-picks or sales of products grown on the farm sold at a table or for pick-up on the roadside with a cash box. When a development involves retail sales, promotional activities or the sale of prepared or processed foods, then the county requires a farm stand permit. The county planner noted that applicants appreciate the flexibility to approve as a farm use proposals that do not involve selling processed items or developing structures. Three other county planners noted that their county makes a similar distinction between a farm use and a farm stand, including some that require a farm stand permit if the proposal requires a building permit, or if the proposal involves the sales of processed foods and products from other farms.
- A member noted that when a farmer invites the public onto their property they can get into questions of risk management and health and safety as well as compatibility issues.

2. Should farming be the primary use of a property hosting a farm stand?

The current statutory and rule language does not require farming to be the primary use of a property hosting a farm stand. Several planners noted that the property hosting a farm stand might be primarily residential or commercial so long as some agricultural product produced on the hosting property be sold at the farm stand. Some RAC members suggested that the rule should clarify that the production of agricultural products should be the primary use of a property hosting a farm stand. It was noted we should be careful in how we are interpreting the word “farming” relative to ORS 215.203.

RAC member questions and comments

- A member asked how we can ensure that farming remains the primary use of a property. They also asked that the RAC and LCDC consider language to ensure that the farm operation itself is providing the bulk of the material sold at the farm stand so the stand is not turning into a market for other vendors or something akin to a grocery store. The member recommended LCDC clarify

¹ ORS 215.253 (1) No state agency, city, county or political subdivision of this state may exercise any of its powers to enact local laws or ordinances or impose restrictions or regulations affecting any farm use land situated within an exclusive farm use zone established under ORS 215.203 (Zoning ordinances establishing exclusive farm use zones) or within an area designated as marginal land under ORS 197.247 (1991 Edition) in a manner that would restrict or regulate farm structures or that would restrict or regulate farming practices if conditions from such practices do not extend into an adopted urban growth boundary in such manner as to interfere with the lands within the urban growth boundary. “Farming practice” as used in this subsection shall have the meaning set out in ORS 30.930 (Definitions for ORS 30.930 to 30.947). (2) Nothing in this section is intended to limit or restrict the lawful exercise by any state agency, city, county or political subdivision of its power to protect the health, safety and welfare of the citizens of this state.”



what proportion (of farm crops and livestock sold) needs to come from the farm operation itself to ensure that farming remains the primary activity on the parcel.

- The current statutory language does not require farming to be the primary use of a property hosting a farm stand.
- The RAC and DLCD were encouraged to note that there is seasonality to many crops grown in Oregon and a farm property may not be in active production year-round.
- A member expressed that, under current rules, farming should be the primary activity on a property hosting a farm stand and the farm should have enough product to supply that farm stand. They noted that a primarily residential property growing specialty tomatoes in a small green house could qualify for a farm stand under current rules. They suggested that a dimensional standard might be suitable for ensuring that farming remains a primary use on the property.
- A member noted that the definition of “farm use” includes activities other than the growing and harvesting of farm crops and encouraged RAC and DLCD to be careful with the way “farming” is being used here. It was suggested that the sale of farm crops might be considered “farming” under the definition at ORS 215.203. Another member disagreed with this interpretation.
- Many seemed to agree: this is an important question that the rule should clarify. As one planner noted, technically, you could have 3 blueberry bushes and qualify for a farm stand.

3. Where should the bulk of the farm crops and livestock sold at a farm stand come from?

A farm stand may sell crops and livestock produced on the farm, or on the farm and other farms in the “local agricultural area”. The “local agricultural area” is defined in rule as Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located. Some RAC members expressed concern that the current rule definition is overly broad and not aligned with the original legislative intent; instead they support a narrower definition that would limit sales to products produced in a more local region citing concerns that the broad area allows farm stands to operate more like grocery stores. Some RAC members appreciate the current flexibility to sell a wide range of products from Oregon and neighboring states in order to provide a diversity of farm product year-round. Some RAC members expressed that the majority of farm crops sold at a farm stand should be produced on the hosting farm itself, which would also indicate that farming is the primary use of the hosting property.

RAC member questions and comments

- Should we require that the farm operation itself provide the bulk of the material sold at the farm stand and it is not turning into a market for other vendors or something akin to a grocery store?
 - One member suggested that the predominance of crops and livestock sold at a farm stand should be produced on the hosting farm operation and clarified that “farm operation” can be inclusive of parcels that are not contiguous.



- One member shared that her organization would want to ensure that farm stand permits are being issued for farm stands that are selling their own products in addition to other farm's agricultural products. They would not want to see language that allowed a farm stand to be located on property where there is no farm operation because that would drive up farmland prices. She also noted that some agricultural products are more valuable than others and that might skew an income-based metric for determining the bulk of agricultural products sold are produced on the farm operation.
 - Another member stated that they believe that a predominance of the agricultural products sold at a farm stand should come from the hosting farm operation, noting that if you do not have an actual farm operation along with the farm stand, you lose both the educational value of having the farms along with farm stands as well as the authentic agricultural experience.
 - A farm stand operator shared the importance for a farm stand to be able to sell products from other farms: Farm stands provide a service for neighboring farms. The member shared that they think the majority of product sold at the farm stand should be from crops the farm grows. They pointed out it is important to stay open year-round to keep staff employed and that requires bringing in product from other farms. They also shared the USDA definition of "local", which includes land within 400 miles.
- Where should farm crops and livestock sold at the farm stand that are not grown on the underlying farm operation be sourced from? Statute refers to farm crops and livestock from "the local agricultural area".
 - DLCD put the rule definition for "local agricultural area" for farm stands into the chat. *"OAR 660-033-0130(23)(d) As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located."*
 - Marion County's code defines the local agricultural area as the state of Oregon, and that this definition could be narrowed to smaller regions.
 - Another member voiced support for current rule language that includes adjacent counties in other states.
 - One member noted that the original definition for farm stands contemplated a much smaller local agricultural area than the whole state. As such, he recommended requesting LCDC consider revising the definition of "local agricultural area" to encompass more regionalized areas.
 - A member noted that in the legislative record from 1993 the legislature had rejected a definition of "local agricultural area" that included the entire state of Oregon. They believe the legislative intent was to source product from sub regions that the farm stand is located within, and noted that this is contrary to the current LCDC rule.
 - Another member expressed support for a definition that includes neighboring counties and noted farm stands can serve a need in food deserts.



- A member requested that whatever language may be adopted to address these issues be clear and objective language so that the intent is enforceable noting difficulties with enforcement and quantification.

4. Incidental Retail Items

One member expressed that incidental retail items sold at farm stands should be related to or specifically promote the farm products being sold.

5. Enforcement

Several RAC members had questions about the enforceability of current farm stand standards with one member noting that they are unfair to farm stand operators who abide by state rules. Several planners on the RAC shared that enforcement of farm stand standards is complaint driven but there might be other approaches, such as annual farm plan reviews, that might be feasible. Several RAC members suggested that any rule language considered by the RAC be clear and objective and the challenge of enforcing the provisions be considered.

6. Impacts to the Cost of Farmland

There was a significant amount of discussion on the potential impact of commercial and residential development on the cost of farmland and the concern that higher land prices make access to land unaffordable for new and beginning farmers. Some RAC members shared that they felt there should not be any limitations on an owner of EFU land to develop commercial businesses on farmland because, when that owner is also producing farm products, it allows them an alternative source of income which may be needed to support continued farming of the property. As noted above, there was related discussion on the scale of farming occurring on a property hosting a farm stand and whether farming should be the primary use of that farm property. RAC members also discussed the profitability and seasonality of various types of agricultural activities.

RAC questions or comments:

- One member shared they believe the number one issue in agriculture is succession and the cost of agricultural land being 30% to 5 times the agricultural productivity value based on the vested development rights. They believe the more distant allowable uses on a property get from agricultural productivity, the more difficult it is for a farmer to afford the property.
 - Another member asked for clarification on how a successful farm stand business run by a farm operator purchasing wholesale farm products from other farms is detrimental to future farmers?



- The RAC member responded that the property now involves a farm operation and a separate wholesale/retail business. The cost to buy that wholesale/retail business, in addition to the cost to buy the farm, significantly increases the capital required to purchase that property. When that type of nonfarm use is available in the general area, it increases the cost of farmland to a point where a second nonfarm business is required to afford the inflated land cost.
- A member highlighted that concerns related to the cost of farmland are not unique to Oregon. 96% of farming households also have off-farm income and noted that the ability to diversify those off-farm income sources is important. They noted that the discussion seemed to be focused on farms producing edible crops and pointed out many farms in Oregon produce other agricultural products and they also should have an opportunity for diversified income streams.
 - Along these lines, another member expressed agreement with this information.
 - While another cautioned that the quoted Census of Agriculture statistic includes the majority of small farms 3 to 10 acres in size and suggested that it is no longer realistic to expect to make a full-time living off of small acreage farms. Also, the minimum parcel size for farms in western Oregon is 80 acres, which the legislature felt was indicative of a commercial farm operation.
- Another farm stand operator shared that in their experience it is not other farm stand developments that are driving up the cost of agricultural land, but rural residential development. They offered an example of a “burn-it-down” dwelling on a few acres that sold for \$0.5M for viewshed. Agri-tourism is needed in order to compete with that.
- Another member gave an example from Hood River County that points to the number of opportunities for non-farm uses that increase the value of farmland, making it unaffordable for the next generation of farmers: When purchasing a piece of farmland to add to a farm operation, the appraiser valued it considering the ‘possibility of all conditional uses allowed in EFU zones’ adding significant value to the appraisal and cost of the parcel.
- One member offered that adding a \$200-300k farm stand structure on 20 acres of farmland might make the property unaffordable for someone who wants to farm.
- Another member noted that some agricultural operations earn lower dollar/acre yields and suggested that DLCD and the RAC should not be limiting farmers’ ability to use their property in ways that can produce alternative income for them.
- A member noted Oregon has a lot of specialty crops which are not mechanically harvested, meaning that those crops are burdened with higher labor costs.
- One member expressed concern about the idea of DLCD or the RAC limiting the ability of property owners to earn income from other business ventures in order to support future farmers. Instead, there may be other solutions that could be explored for improving access to land that don’t involve restricting development opportunities on farmland.

7. Other Related Issues and Comments



- A member asked that the RAC and LCDC clarify the phrase “farm crops” as it is used in ORS 215.213(1)(r)/215.283(1)(o), as opposed to other tangential activities.
- A member stated that they do not support curtailing a farmer’s ability to sell their own agricultural products from their farm.
- A number of farm stand operators expressed support for maintaining flexibility in how their operations are run and their ability to earn nonfarm income.

Next Steps and Questions

In closing the conversation Hilary clarified that DLCD is asking the RAC to provide suggestions for how the rule can incorporate clear and objective language that can help planners and farmers when they meet ‘at the counter’. Hilary identified several topic areas from the conversation where specific language proposals would be helpful and asked the RAC to think about the following:

- Language that helps clarify what is a farm stand as opposed to a farm use as defined in ORS 215.203.
- Proposals for adjustments to the definition of “local agricultural area” and expressions of support for the current definition.
- Proposals for a definition of “farm operation” that would help clarify if farming should be the primary use of the operation hosting a farm stand.
- Additional clarifications that would make compliance and enforcement easier for farm stand business owners and counties.
- Proposals for language clarifying that retail items sold should also promote farm crops and livestock or expressions of support for maintaining a broader definition for this category of products sold at a farm stand (subject to the income limitation).

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

- RAC Meeting #2 will be held June 3rd, 2025, 9:00 – noon and will be focused on promotional activities at farm stands.
- Please review the meeting summary for RAC meeting #1 and provide any comments or revisions to the summary to hilary.foote@dlcd.oregon.gov or farmforest.comments@dlcd.oregon.gov by EOD May 23rd.
- Provide any comments or thoughts on RAC meeting #1 or on the upcoming topics to farmforest.comments@dlcd.oregon.gov or facilitator donna@dsconsult.co by EOD May 23rd.



- Staff asked RAC members to clarify whether their comments are just for staff or for the entire RAC.