

RAC Member Comments for 07/24/2025 Meeting

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From: [Austin Barnes](#)
To: [FOOTE Hilary * DLCD](#); [TAYLOR Casaria * DLCD](#); [HOWARD Gordon * DLCD](#); [BOYER Barbara * DLCD](#)
Cc: [GREENE Kirstin * DLCD](#); [BONINI Alyssa * DLCD](#); [HAMMER Alexis * DLCD](#); donna@dsconsult.co
Subject: RE: Continuation of Farm Stand RAC Meeting 4 - Thursday July 24th, 1pm - 4pm
Date: Monday, July 21, 2025 2:43:47 PM
Attachments: [image005.jpg](#)
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[image009.jpg](#)

Hi Hilary,

I will unable to attend the last meeting, but Brandon Reich, Marion County Planning Director may sit in for me. I wanted to pass along some written comments for the topics that will be covered, mainly the 7 year reporting timeline.

1. Workload and difficulty to reviewing every farm stand every seven years. This is an increased workload to county planners and will require us to create a new way to track these and log their data. During a 7 year timeline, an entire county planning staff may turnover, making it harder for information and knowledge to be passed down about the reporting. Farmstands may never be able to get to know the auditor and planning staff will never get to know the farmstands. I see this causing a lot of frustration and negatively affecting the relationship that farmers have with local planners. Additionally, this leaves the burden of shutting down farm stands that are out of compliance to the county. We simply do not have the staff or resources to do this. This should be carefully reviewed before a decision is made that makes a county responsible for shutting down farmstands.
2. Improper to apply new criteria/standards to an existing use, whether it was previously permitted or not. It's a form of "moving the goalpost" for what constitutes approval and, in this case, the use is pre-existing.
3. It brings too much uncertainty to a business for financing, making plans, advertising for customers, etc. to have to be up for renewal every seven years. That's not how land use works for properties with a commercial use or commercial uses in conjunction with farm use.

Thank you,

Hood River County Planning Department

OAR 660-033-0130(23)

A farm stand may be approved if:

(a) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(b) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment. A temporary structure designed and used only for the sale of farm crops and livestock grown on the farm operation is not a farm stand for purposes of this rule. Low-intensity, infrequent activities, such as educational farm tours, for which no fee is charged or collected do not require a farm stand approval. Temporary structures may be used to shelter visitors participating in promotional events authorized by this section.

(c) As used in this section “temporary structure” includes structures such as tents, and canopies 600 square feet or less, chairs, benches and tables that are sited on the property for no more than 90 days in a calendar year. “Temporary structure” does not include food trucks.

Hood River County Planning Department Comments: Placing a size limit on a temporary structure used to sell farm products grown on the subject farm operation seems to make sense to minimize the overall intensity of a non-farm stand retail outlet and to better distinguish it from a bona fide farm stand operation. 600 square feet (e.g. 20' x 30') seems like a reasonable sized tent or canopy size, although something a bit larger might be fine too.

Defining “low-intensity, infrequent activities” might also be helpful.

(d) 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.~~ farm products that have been converted into other products through canning, drying, baking, freezing, pressing, fermenting, dehydrating, pickling, freeze-drying, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients (less than half), but not including the conversion of farm products into prepared food items that are intended for on-site, immediate consumption. Such items may include, but are not limited to, products such as jam, pickles, syrup, apple cider, ~~jerky,~~ salsa and kimchi.

Hood River County Planning Department Comments: Defining “incidental ingredients” would be helpful. The word incidental in other parts of the farm stand criteria indicated 25% or less. However, incidental could also mean less than half. Additionally, it was brought up in a recent application processed by Hood River County that jam typically contains more sugar and pectin than actual fruit. However, by specifically identifying jam in the list of appropriate farm products that issue should not, hopefully, create a problem. As part of this recent application, Hood River County used “less than half” as the threshold for incidental ingredients.

On a related note, we recently had to make a call on how to measure incidental ingredients, which was a bit awkward. The question that came up is... Are incidental ingredients based on weight, volume, or number of ingredients? In the case we were reviewing, we chose to base it on volume since the product involved baked goods. In another situation, basing ingredients on weight or number of ingredients may make more sense. With all of that said, it might be best to just leave the language as is and let counties make a judgement call based on the specific circumstances involved.

In identifying types of processed farm crops and livestock, it seems like jerky is a product that can easily be intended (or at least lend itself) for onsite consumption and, therefore, may not be the best example to use.

(e) As used in this section, "local agricultural area" includes Oregon or an area in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located ~~and is within 50 miles of the Oregon state boundary~~.

Hood River County Planning Department Comments: Adding the new 50-mile limit will provide no obvious benefit and only increase the potential for additional work and the opportunity for an issue to arise. It is recommended that the existing language be maintained.

(f) As used in this section a "promotional activity is an activity that encourages the sale of farm crops or livestock sold at the farm stand by featuring that product or products as the primary focus of the activity or educates visitors on the agricultural practices being conducted on the farm. Such activities may include, but are not limited to, flower arranging classes at a farm stand that sells cut flowers, ~~fee-based tours, cooking demonstrations using farm products sold at the farm stand, product sampling or tasting, and rides to or through crop fields. Occasional farm-to-table meals, up to seventeen days in a calendar year, may be hosted outside of farm stand structures as promotional activities when such meals predominantly feature farm crops and livestock sold at the farm stand.~~ Promotional activities authorized by this section shall be incidental and subordinate to the sale of farm crops or livestock at the farm stand.

Hood River County Planning Department Comments: Making it clear that promotional activities must be directly tied to and have an association with products sold from the farm stand will help eliminate confusion and unnecessary enforcement. However, several of the example activities provided really seem to be describing more intense agri-tourism activities.

As suggested during the July 18 RAC meeting, the proposed language, which includes the addition of up to 17 farm-to-table events, product sampling or tasting, and cooking demonstrations, could lend themselves to a bona fide restaurant or other similar type of meal service establishment being allowed as part of a farm stand operation. It seems like allowing such activities contradicts the prohibition on "banquets" from occurring from a farm stand structure. It seems cleaner to allow such activities as a Subsection 2 agri-tourism event instead.

Additionally, if the existing draft language is retained to allow up to 17 farm-to-table events, it would be helpful to define what an event entails and how long it may continue. For instance, under existing agri-tourism provisions, events may last up to 72 hours and still be considered a single event. Does that mean that someone could host multiple farm-to-table meals over a long weekend and have it count as one of 17 allowable events?

(g) For purposes of this section "retail incidental items" are items with a direct relationship to the farm crops or livestock sold at the farm stand and which are intended to promote the sale of farm crops or

livestock sold at the farm stand. Such retail incidental items may include, but are not limited to, vases for flowers grown on the site, carving kits for pumpkins grown on site, t-shirts advertising the farm itself, and prepared food items predominately comprised for farm crops or livestock sold from the farm stand.”

Hood River County Planning Department Comments: It should be clarified that prepared food items are considered an allowable “retail incidental items” subject to the 25% income limit. However, based on the proposed language, which intends to require a direct relationship between the retail items and farm crops/livestock sold in the farm stand, it would also be good to clarify that prepared food items must primarily be comprised of products sold from the farm stand. For instance, if the farm stand operator wants to sell apple pie and ice cream as a prepared food item, then they should at least be selling apples from their farm stand.

(h) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

(i) At the request of a local government with land use jurisdiction over the farm stand, the farm stand operator of a farm stand approved under this section shall submit to the local government evidence of compliance with the annual sales requirement of subsection. Such evidence shall consist of an IRS tax return transcript and any other information the local jurisdiction may require to document ongoing compliance with this section or any other condition of approval required by the county.

~~(j) The governing body or its designee shall review a farm stand permitted under these rules no more than seven years after the initial approval of the farm stand for continued compliance with these rules, and every seven years thereafter. For farm stands existing as of the effective date of these rules, the governing body shall conduct the review no more than seven years after the effective date of these rules, and then every seven years thereafter. The governing body or its designee shall, at the conclusion of the review, issue a land use decision that either:~~

- ~~I. — Renews farm stand the land use permit without additional conditions;~~
- ~~II. — For farm stands not previously permitted under the provisions of this rule, determines that the farm stand is operating in compliance with this rule;~~
- ~~III. — Renews the farm stand land use permit with modified conditions, or~~
- ~~IV. — Terminates the farm stand land use permit. The governing body may charge a fee for permit review from the farm stand operator that is reasonably related to the costs of the permit review;~~

Hood River County Planning Department Comments: The 7-year approval requirement should be eliminated. It is unclear what the purpose of the required is and why it should apply to just farm stands and not other types of allowed uses. If it remains, then it is suggested that the burden of requesting the renewal of an existing permit be placed on the farm stand operator and not counties. Not all counties are well equipped to track permit timelines, especially over a long period of time. Plus, it creates an awkward enforcement situation. If the County fails to timely notify an applicant, then what? Has the County lost the ability to require compliance?

During public testimony, a valid point was made about retroactively applying the proposed standards to a previously approved permit where such requirements were not included in the original decision. This is often referred to as the “goal post rule.”

(k) The following development standards concerning access, off-street parking, intersection clearances, outdoor lighting, signage, buffers, litter, trespass and other similar activities shall may be applied to farm stands permitted under this rule:

- I. Adequate off street parking will be provided
- II. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
- III. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
- IV. No farm stand building or parking is permitted within the right of way.
- V. Approval is required from the County Public Works or Road Department regarding adequate egress and access.
- VI. All egress and access points shall be clearly marked.
- VII. Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within "vision clearance areas" at street intersections or as otherwise required by applicable county clear vision ordinances.
- VIII. Service drives shall have a minimum clear vision area formed by the intersection of the driveway centerline, the road right of way line, and a straight line joining said lines through points twenty (20) feet from their intersection or as otherwise required by applicable county clear vision ordinances.
- IX. Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade or as otherwise required by applicable county clear vision ordinances.
- X. Requirements limiting outdoor lighting should be consistent with county requirements for illuminated signs.
- XI. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.
- XII. Sign requirements should be consistent with the county's sign ordinance and the allowances/restrictions related to signs in resource zones.
- XIII. Permit approval is subject to compliance with any applicable County and Department of Agriculture requirements concerning public sanitation (e.g. portable toilets) and food processing and handling, and with the development standards of this zone.
- XIV. Protective buffers or setbacks may be required to minimize conflicts with adjacent farm and forest operations.

Hood River County Planning Department Comments: These provisions should be made optional and not mandatory. Give counties the opportunity to address impacts such as parking, access, outdoor lighting, buffers, etc., but don't mandate it. First of all, most counties already have these standards built into their zoning codes and so requiring the above language might conflict with the county's existing language. For instance, Hood River County regulates vision clearance at road intersections, but the language proposed above is different than the wording already in place and used throughout the County. This may cause confusion and inconsistent implementation. The only standard that might be helpful to retain is item XIII, which refers to compliance with County and Dept of Ag requirements. Maybe that can be pulled out as a separate standard, such as item (l).

From: graham fordyce <fordycegraham@yahoo.com>

Sent: Wednesday, July 23, 2025 12:58 PM

To: FOOTE Hilary * DLCDC <Hilary.FOOTE@dlcd.oregon.gov>

Subject: Re: Continuation of Farm Stand RAC Meeting 4 - sharing member perspectives

Hello! I unfortunately won't be able to make it to the meeting tomorrow. I had a major breakdown on our blueberry picking machine in the middle of harvest yesterday and it threw off the whole week. Fortunately it is back up and running though!

Here are my thoughts on the last 4 rules.

1. This looks good to me!
2. No comment
3. 3. Everything looks good to me except requiring protective buffers on properties. Some farm property's are situated in such a way that having buffer zones might make having a farm stand impossible. Often times farm stands are located next to the road as to take up minimal space with driveways to and from the farm stand.
4. I saw it was noted that the 7 year rolling permit review was removed. I approve in its removal. Thanks so much! It's been a pleasure serving on the RAC. Thanks for all of your work. Graham Fordyce



Friends of Family Farmers comments re: Rules proposed in 7/18/25 RAC meeting

July 23, 2025

Dear DLCD staff and fellow members of the RAC regarding farm stands:

The following text is part of what we produced to explain our positions and concerns on the proposed rules to our membership. This should be taken as feedback on each of the proposed draft texts, and we welcome feedback if any of the context or analysis we have provided is inaccurate or requires clarity. We are glad to see some of the definitions and opportunities important to our membership included, but we are also concerned about a few aspects of the new rules especially in enforcement. We believe there are better ways to ensure new rules are followed. Thank you for the opportunity to provide feedback.

Best,

Alice Morrison
Co-Executive Director, Friends of Family Farmers

Rule Language to clarify when a farm stand is a “farm use” and when it requires a farm stand permit.

Context

This section is included because selling farm products is an inherently allowed use on EFU zoned land, but counties require a farmstand permit when the business reaches a certain level. Being allowed to do something on the land does not mean that the county cannot require a permit for it. Just like if I owned a plot of land that was zoned for a house, I would still need permits to build the house, EFU zoning allows farmstands but counties require certain permits for farmstands so that they know farms are following the law. This is not new, and the system as it stands has many problems, but this rulemaking is not introducing a new concept here.

Proposed text

“A temporary structure designed and used only for the sale of farm crops and livestock grown on the farm operation is not a farm stand for purposes of this rule. Low-intensity, infrequent activities, such as educational farm tours, for which no fee is charged or collected do not require a farm stand approval.”

“As used in this section “temporary structure” includes structures such as tents, canopies, chairs, benches and tables that are sited and used on the property for no more than 90 days in a calendar year. “Temporary structure” does not include food trucks.”

Analysis

This text seeks to clarify that if a farmer is selling only their own product (not other farms' product from Oregon which is allowed at farmstands), which erect a temporary structure to sell product do not need to seek a permit at all. If they want to take advantage of all the other things allowed by the farm stand law (selling incidental items, selling other farms' products, hosting promotional events, etc) they would need to seek a county farm stand permit.

What we like: It is good to clarify that the simplest and smallest use of this law does not require a permit. We have heard consistently that farmers are frustrated by the administrative burden of permitting and that it can cost thousands of dollars regardless of scale. FoFF appreciates the clarity that a farmer would not have to go through a county permitting process for the simple act of selling their own product from the farm.

What we think should be improved:

- This portion of the rules should allow farmers to temporarily use a permanent structure on their farm if they see fit. The onus is still on the farmer to make sure whatever structure they use is permitted to have the public inside if they choose to do that (building codes for ag buildings often don't allow public access) but if they have an overhang, or suitable building available and are only selling their own product, they should not have to seek a permit.
- We want clarity here that Farm Direct Producer processed exemption value added products are included in the farm product guidelines here and not considered incidental items.
- We want clarity that u-pick operations would fall under this guidance. They are inherently selling only their own product if the visitors are picking it themselves and should be included.
- A definition of “low intensity, infrequent activities” should be included to make sure all counties enforce this accordingly.

Local Agricultural Area

Context

Defining the “local agricultural area”(LAA) is very important for farm stands. All farm stands in Oregon must sell some product produced on the farm property where the stand is hosted, but can also sell farm products (including produce, meat, eggs, nursery products and seeds, and non-food products like wool and cut flowers) from the LAA. Farm products sourced from the LAA may be sold at farmstands and considered as an agricultural product, not an incidental item. While sales from incidental items and fee-based events can only comprise 25% of the total sales of the farm stand, there is no requirement of how much of the agricultural product must be sourced from the host farm vs other farms in the LAA.

Proposed text

“(d) As used in this section, "local agricultural area" includes Oregon. or an area in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located and is within 50 miles of the Oregon state boundary.”

Analysis

Right now, the working definition of LAA includes all of Oregon and (if the farm stand is located in a county that borders another state) products from the adjoining county across state lines. This definition only limits that product from across state lines saying that if your farm stand is for example in Hood River County, under current rules you could source product from Skamania or Klickitat counties in Washington, but these new rules would mean you could only source product from those out of state counties if the product is from within 50 miles of the border. All farmstands can still source agricultural product (including wine and beer) from the entire state of Oregon.

What we like: We heard loud and clear from our members that they wanted the LAA to remain the entire state of Oregon and we have honored that in our comments and participation in the RAC.

What we think should be improved: Clarity should be given to make sure everyone is aware of when this comes into play. We prefer the existing language and don't think there is a problem with the current policy. There has been lively discussion in our office hours about whether a farm stand could receive a shipment from a wholesale shipper just because the product they were purchasing wholesale was grown in Oregon. The rules do not address this, but FoFF believes the point of farmstands is to promote sales as directly from the farmer as possible and would like to discuss solutions to promote direct relationships between the producers and the farm stands that sell their product. This is not currently being discussed in the RAC but we have brought it up several times.

Retail Item Limitations - Incidental Items

Context

The law currently limits the sale of incidental items and fees for proportional events (the definition of which is outlined and debated below), is limited to 25% of the total farmstand sales. The rest of the sales must be made up of sales of agricultural product from the host farm and the LAA. There are currently no rules governing what constitutes an incidental item and some people are concerned about the “Pokemon card” scenario, where a permitted farmstand may sell items that have nothing to do with agriculture or farming, i.e. Pokemon cards. This is not a concern we have heard from our members. They are more concerned with the ability to bring a diverse array of locally produced goods to the farmstand to round out the experience of their customers.

Proposed text

“As used in this section “retail incidental items” are items with a direct relationship to the farm crops or livestock sold at the farm stand and which are intended to promote the sale of farm crops or livestock sold at the farm stand. Such retail incidental items may include, but are not limited to, vases for flowers grown on the site, carving kits for pumpkins grown on site, t-shirts advertising the farm itself.”

Analysis

This proposed text would require a farmer to justify every single item in their store. As having a direct relationship to their production.

What we like: We appreciate the ethos of this requirement and agree that the point of a farm stand is to promote farm product. However, we think this well intentioned provision may cause more problems than solutions.

What we think needs to be improved: We heard directly from our farmers in the office hours that they want the option to have locally made art pieces, their own art, or wild crafted items sourced from the area (examples given were willow baskets, or pottery made with clay from the area). This new language would exclude those items. It also creates a subjective standard where a county planner could decide whether or not an incidental item is related “enough” or not. This creates the potential for differing standards and enforcement across counties, which we are trying to eliminate. FoFF’s official position is that the definition of retail incidental items should remain unchanged, with the caveat that under no circumstances should a farm direct producer processed exemption product be considered incidental. These are farm products and should be counted in the agricultural product section of revenues.

The relationship between promotional activities and farm stand products

Context

Allowing promotional events at farm stands was not always part of the statute, and in fact was added by the legislature in 2006. Since that time, events held as part of a farmstand permit have always needed to be tied to promotion of the farm product. Examples of events/activities considered promotional include: workshops on how to use or consume your product (cooking classes, flower wreath making, canning demos, etc), fee based activities to transport people to a place to purchase your product (hay ride to the pumpkin patch, etc), or a celebration of a certain product you grow or raise (think about flower festivals, harvest festivals, etc). Part of the reason we joined in on this conversation was because until this rulemaking effort, educational programming on your farm (for which a fee is charged) was not explicitly allowed in the law and some farms were given some opportunities over others based on county interpretation. This meant that some farmers were being told that farm tours, workshops on farm practices or farmer led research (like SARE grant projects), or talks related to their farm ecosystem management were not allowed because it was not directly in promotion of their product. Fees from all promotional activity, and educational activity, when combined with sales of incidental items cannot exceed 25% of sales from the farmstand. Farm to table meals are not included in the current rules at all and are addressed in the rules.

Proposed Text

“As used in this section a “promotional activity is an activity that encourages the sale of farm crops or livestock sold at the farm stand by featuring that product or products as the primary focus of the activity or educates visitors on the agricultural practices being conducted on the farm. Such activities may include, but are not limited to, flower arranging classes at a farm stand that sells cut flowers, fee-based tours, cooking demonstrations using farm products sold at the farm stand, product sampling or tasting, and rides to or through crop fields. Occasional farm-to-table meals, up to seventeen days in a calendar year, may be hosted outside of farm stand structures as promotional activities when such meals predominantly feature farm crops and livestock sold at the farm stand. Promotional activities authorized by this section shall be incidental and subordinate to the sale of farm crops or livestock at the farm stand.”

Analysis

This new definition expands what is allowed for fee based activities/events at farmstands over current rules. There is no limit on the overall number of events or days for promotional or educational activity, except for the 17 day limit specifically for farm to table dinners.

Things we like:

- Addition of educational fee based activity. The exclusion of educational fee based activities at farmstands in the current rule is not right, and we worked hard in the legislative working group and RAC to make this point and make sure educational activity is allowed at farmstands.

- Addition of direct address of farm to table meals. This is something our members really want, and has not been directly addressed in rule before. This led to unequal enforcement of the rule in different counties, which hurts small farms. This is a positive step for farmers who were not allowed to do dinners like these in their county before. The 17 day limit is just below the threshold for an agritourism permit (required after 6 72-hr long events, and with a maximum of 18 72-hr events per year with permits in most counties), and since some counties in Oregon do not allow agritourism (but all are required to honor farm stands as a use of EFU zoned land), we see this as a positive that affords more options to all farmers and evens out the ability for people to take advantage of this type of activity.

Things that could use improvement:

- Definitions of farm to table meals. The vague language in this draft brings a lot of questions and room for individual interpretation on a county by county or case by case basis. We want all farmers to be able to depend on these rules to build their business. There need to be clearer definitions of what constitutes a farm to table dinner (guest limits, format, etc) and we would like to see a more clear definition of what it means to “predominantly feature farm crops and livestock sold at the farm stand.” Does this mean the meal may only be comprised of these products? Does it mean primary ingredients must come from the farm stand? These questions need to be answered so farmers know how to plan.

Temporary Structures

Context:

Temporary structures are not currently allowed in the farm stand statute. This would mean the requirement for a farmer to get costly permits to build permanent structures that would also have to be up to public building codes. This is not accessible to most farmers on a cost basis, and there is general fear from many that encouraging people to build purpose built structures on farm land would encourage activities that exceed what is allowed in farm stands. FoFF believes that the 25% rule generally takes care of the activities that folks are concerned about. If your revenue from incidental items and fee-based activities exceeds 25% of farmstand sales, it is time to apply for agritourism permits with your county. But temporary structures are a major point of debate in the RAC.

Proposed text:

“Temporary structures may be used to shelter visitors participating in promotional events authorized by this section.”

“As used in this section “temporary structure” includes structures such as tents, canopies, chairs, benches and tables that are sited and used on the property for no more than 90 days in a calendar year. “Temporary structure” does not include food trucks.”

Analysis:

Temporary structures for the safety of the public, including shade and seating are necessary for the safety and accessibility of on farm experiences and shopping allowed at farm stands. Especially when considering the needs of children, the elderly, and people with disabilities or chronic health conditions. Providing shade under a temporary tent and seating on a hay bale could prevent an accident or heat related illness from occurring at your local u-pick farm.

Things we like: Providing temporary shelters for safety and comfort is a good idea and responsible management for our farmers. They don't want an accident to occur, and they want their customers to be happy and healthy while at the farm.

Things that could be improved: There could be more clarity about the 90 day rule. Do the days need to be consecutive? Is this appropriate for the harvest seasons of most u-pick operations? We are in favor of there being a limit of days to ensure the structure is temporary, but we would appreciate more nuance in the decision of the length of time.

Prepared Foods with a Direct Tie to the Farm Operation or the Local Agricultural Area

Context:

There is a legal definition difference between "processed" agricultural crops, and "prepared" foods. Processed crops are anything that has been altered from its natural state in order to make it useable to the end consumer, and prepared foods are intended to be consumed in their presented form. Sometimes it helps me to think about a processed crop as an ingredient and a prepared food as a dish. Prepared foods are currently allowed if they are sealed to be taken home and are counted as incidental items (counted in the 25%) rather than farm products. Processed farm crops are currently considered farm products (counted in the 75%). It should be noted that restaurants are not permitted uses of EFU zoned land, and full food service would require a conditional use permit, or special commercial zone.

Proposed text:

(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.~~ farm products that have been converted into other products through canning, drying, baking, freezing, pressing, fermenting, dehydrating, pickling, freeze-drying, 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 prepared food items that are intended for on-site, immediate consumption. Such items may include, but are not limited to, products such as jam, pickles, syrup, apple cider, jerky, salsa and kimchi.

Analysis:

This new definition makes it clear that farm direct producer processed exemption products, as well as those produced in a commercial kitchen, through a co-packer, or a service (like hazelnut drying, etc) are considered processed farm products. This does clarify that prepared foods are not considered farm products.

Things we like: This definition will help farmers incorporate value added products into their product offerings and make sure that all value added, processed farm products are counted in the agricultural product section of farm stand revenue. This was not applied equally before across counties and was left up to individual planners' discretion. We prefer to have a clear, set standard.

Things that could be improved: FoFF agrees that prepared foods should be considered incidental, but we would like to see an exploration of an agritourism (not farmstand) permit type to allow temporary prepared food offerings at a farm stand intended for on farm consumption. We would like to see this mirror existing permit structures like temporary restaurant licenses that allow people to serve food at farmers markets for limited durations if the food is prepped in a licensed kitchen (off site). This could be a potential middle ground without opening the possibility of permanent restaurants/kitchens on farm while allowing farmers the option of partnering with another food service/catering business to highlight their product seasonally. We are interested in that conversation and exploring options.

Impacts on Neighboring Farms

Context:

There is a lot of concern from farmers engaging in more traditional cropping models that agritourism operations will prevent their operation through uncontrolled traffic blocking roadways, customers trespassing on neighboring properties, complaints about the sights, smells, and sounds of production farming from agritourism customers, or damage to neighboring crops or livestock. One farm operation's choices should not impede the production of a neighbor, and there is a lot of discussion on how to ensure this in the permitting process. Currently, counties handle this individually and FoFF has heard reports that some processes are very extensive, and some are not.

Proposed text:

Farm Stand Development Standards

- Adequate off-street parking will be provided
- 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.
- No farm stand building or parking is permitted within the right-of-way.

- Approval is required from the County Public Works or Road Department regarding adequate egress and access.
- All ingress, egress and access points shall be clearly marked. 7 DRAFT 7.11.2025
- Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within “vision clearance areas” at street intersections or as otherwise required by applicable county clear-vision ordinances.
- Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection or as otherwise required by applicable county clear-vision ordinances.
- Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade or as otherwise required by applicable county clear vision ordinances.
- Requirements limiting outdoor lighting should be consistent with county requirements for illuminated signs.
- All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.
- Sign requirements should be consistent with the county’s sign ordinance and the allowances/restrictions related to signs in resource zones.
- Permit approval is subject to compliance with any applicable County and Department of Agriculture requirements and with the development standards of this zone.
- Protective buffers or setbacks may be required to minimize conflicts with adjacent farm and forest operations.

Analysis

These new rules are drawn from the 2015 Model Code Language and have already been implemented via county ordinance in some parts of the state.

Things we like: It is good to be very clear on what is required. Having a clear set of guidelines on what is needed to be a good neighbor will help in planning for a farm stand operation.

Things we think could be improved: Some of these standards seem to imply an additional review process and possible additional fees for new farmstands. We are especially concerned about the condition “Approval is required from the County Public Works or Road Department regarding adequate egress and access.” This seems like it could imply a whole other approval/permit process from another county agency that would require more fees and delays in getting farm stand permits approved. We would prefer to see a plan development component of the permit be dictated by DLCD where all counties would be required to have applicants demonstrate they comply with these requirements during permitting (without the need to hire a consultant or get approval from another agency) and keep that on file. If there is a problem with a farmstand, this plan could be used to point out where things may have gone wrong. Some

farmers told us that in Jackson county the farm stand permit process already costs them \$3,000 in fees alone, we don't need additional layers here.

Enforcement

Context:

There was a lot of discussion about what could be done about farm stands that RAC members thought were acting inappropriately during this process. Concerns over the tourism over taking the agriculture in agritourism has implications for land values, competition for farmland and the future of the affordability/viability of our working lands. We want to make sure that there are guardrails in place that center farm production on working lands and make sure we are stewarding our natural resources in a way that aligns with our need to feed our communities in the future. That being said, there is also a line we could cross in the other direction, where enforcement becomes so draconian that we make it impossible for a small farmer to get by. We need to strike a balance.

Proposed text:

The governing body or its designee shall review a farm stand permitted under these rules no more than seven years after the initial approval of the farm stand for continued compliance with these rules, and every seven years thereafter. For farm stands existing as of the effective date of these rules, the governing body shall conduct the review no more than seven years after the effective date of these rules, and then every seven years thereafter. The governing body or its designee shall, at the conclusion of the review, issue a land use decision that either:

1. Renews farm stand the land use permit without additional conditions,
2. For farm stands not previously permitted under the provisions of this rule, determines that the farm stand is operating in compliance with this rule,
3. Renews the farm stand land use permit with modified conditions, or
4. Terminates the farm stand land use permit.

The governing body may charge a fee for permit review from the farm stand operator that is reasonably related to the costs of the permit review.

Analysis

These rules would implement an entirely new review system for permits and require all permits to be reviewed on a 7 year cycle, including existing/current permits. This also allows the agency to charge the permit holder a renewal fee.

Things we like: This makes us worried, I am not putting much in this category right now.

Things that we think could be improved:

- This does not preclude DLCD from doing rulemaking within all these 7 year periods and revising all permits every 7 years

- Counties do not have capacity to implement this with current staffing and farmers may bear the burden of elapsed permits
- Allowing counties to charge fees on this cycle of unspecified amounts does not help our farmers plan and manage their businesses.
- We would prefer to see specific conditions that would trigger a permit review such as certain average visitor counts, expansion by a certain square footage, etc. This could be monitored with a simple annual (or every 2 years, or whatever interval they choose) report requirement that would not require inspections or permit review of every operation. If a farm stand is found to be falsifying their reports or a neighbor complains, then a review process could be undertaken.