



HB 4153 THE “FARM STORE” BILL

2026 Legislative Session
Oregon Property Owners Association
Association of Oregon Counties

Oregon's Exclusive Farm Use (EFU) Zone

To keep Oregon's farmland in commercial production, traditional farming is a protected right, while non-farm activities need land use permits to ensure the land stays focused on agriculture.

Farm Use Allowed Outright

- Traditional farming activities
- Includes the sale of farm products
- No permit required

Permitted Non-Farm Use

- Not traditional farming activities, but generally compatible or connected to agriculture
 - Farm Stands
 - Wineries, Cideries, Breweries
 - Farm Product Processing Facilities
- Requires county permit

Conditional Non-Farm Use

- Commercial activities generally unrelated to farming
- Requires county permit
- Requires passage of farm impacts test

What is a “farm stand” under existing law?

In Oregon, a permitted “farm stand” is essentially the state’s version of a “farm store” license. While the name sounds like a small table by the road, it actually **allows farmers to operate a permanent retail space on their land and host events.**

Under **existing law**, a farm stand is a “permitted use,” meaning it is designed to be a streamlined process to help farmers sell directly to the public.

What a Farm Stand is Allowed to Do:

1. Sell farm products & processed farm products.
2. Sell “incidental” items like merchandise, snacks, souvenirs.
3. Host fee-based activities to attract the public to the store.

With significant limitations...



Fee- Based Promotional Activities (*Already Allowed*)

“As noted by LUBA, the types of outdoor activities discussed by the legislators as within the scope of the promotions clause included group activities or public gatherings, as activities that are entertaining or educational, such as **farm animal exhibits, hayrides, pumpkin patch rides, cow trains, farm product food contests, and farm product food preparation demonstrations.**”

Greenfield v. Multnomah Cty., 259 Or App 687, 703, 317 P3d 274, 284 (2013)



Existing Limitations

- Sales from agritourism activities and retail items are capped at 25% of total sales of the farm stand.
- Structures cannot be used for:
 - Occupancy as a residence
 - Banquets
 - Public gatherings
 - Public entertainment
 - Any other activities than for the sale of farm crops or livestock
- Courts have broadly defined "structures" to include not just permanent buildings, but also temporary items like tents, canopies, food carts, and ticket kiosks.
- Vagueness in Rule/ Mixed-Local Interpretation:
 - Fee-Based activities must promote sale of products
 - Structures must promote the sales of crops
 - Limits on prepared foods

To the extent the play structures are "structures," as defined in Section 1.160 of the HRCZO, and intended for public entertainment and not for the sale of farm crops or livestock, they are not allowed under the requirements of Section 3.04(G)(2) of the HRCZO.

In *Greenfield v. Multnomah County*, the Oregon Court of Appeals concluded that a viewing platform for a corn maze was not allowed as part of a farm stand because it was a structure that was intended for public entertainment rather than the sale of farm crops. While the corn maze itself could be allowed as a promotional activity, the viewing stand was a "structure" that was designed for public entertainment rather than selling crops or livestock. In this case, the applicant acknowledges that the play structures are intended to "amuse and entertain children" rather than to sell farm crops. As such, they do not comply with HRCZO 3.04(G)(2) of the HRCZO, which prohibits structures that are designed solely for entertainment. However, staff also finds that activities, such as the corn maze and walking tours that do not involve a "structure" are considered a promotional activity and, therefore, allowed.



As described, the use of small temporary tents for the purpose of accommodating farm stand operations and collecting fees for farm products purchased is permissible without special review or building permits.

Structure 40: This structure is identified as a temporary tent, approximately 1,600 square feet in size, and used during certain promotional events as a picnic eating area.

As described, Structure 40 has no relationship to the ongoing farm operation and exists solely to support a promotional event. Plus, due to its location next to Carmen's Snack Shack and intended purpose to accommodate customer eating, it effectively functions as a banquet structure, which is explicitly prohibited under the provisions of Section 3.04(G)(2) of the HRCZO.



HB 4153-2 Improves Existing Law



Renames “farm stand” with “farm store” to help reduce confusion about when a permit is needed.



Allows farmers to sell local farm products, processed goods, retail items, and host agritourism activities that attract the public to the farm store.



Replaces the outdated 25% income cap with other guardrails to ensure that farming remains the primary use of the property.



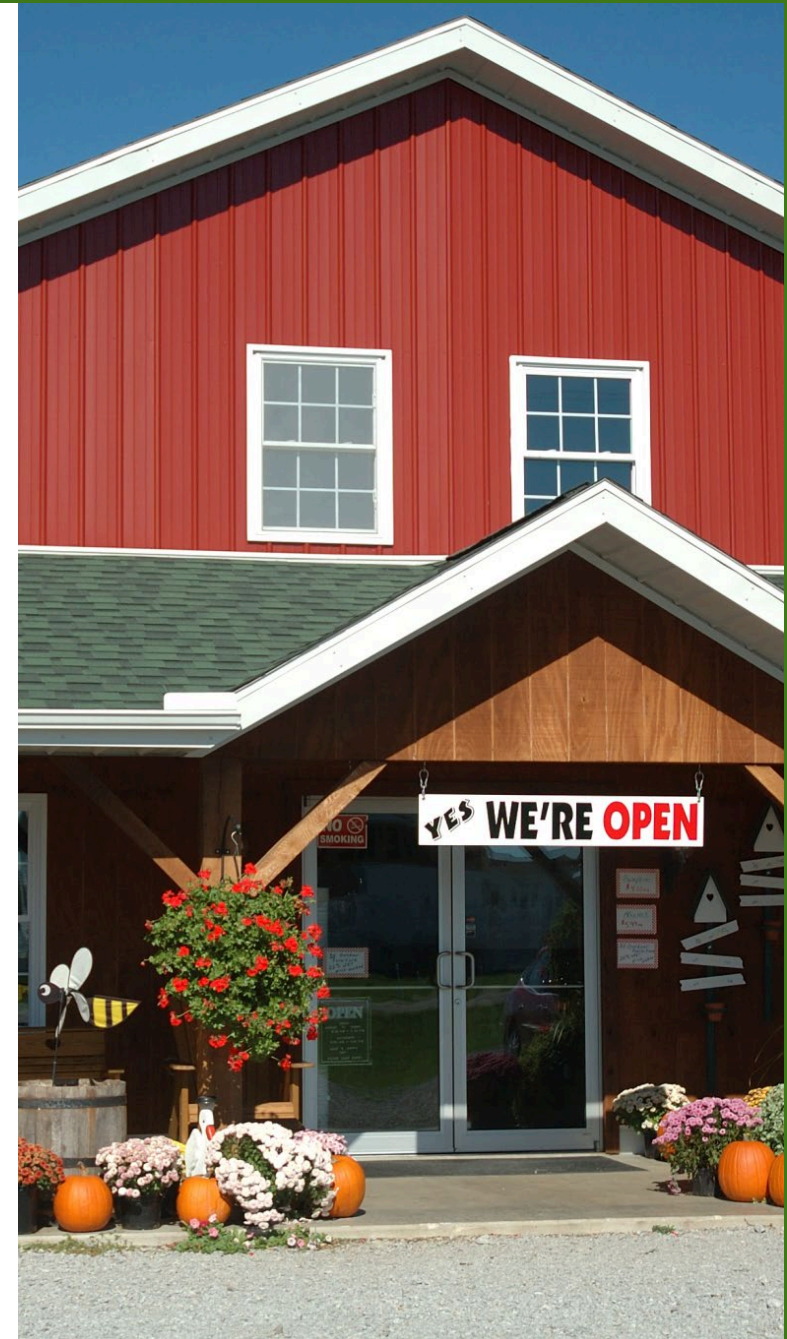
Expressly allows fun and educational activities that promote the farm store such as corn mazes, play areas, and animal exhibits.



Allows the use of tents, barns, and covered spaces for promotional activities.



Sets a statewide standard allowing simple grab-and-go food items to be sold at farm stores.





HB 4153 -2 Guardrails: Ensuring Properties Remain Farming-First

Farms must remain working farms, with agriculture as the primary use of the land to obtain a farm store permit:

- Both the farm store structure and the property must be used for farm use:
 1. Farm store must sell farm operation's product.
 2. More than half of the property must remain in active farm use.
 3. Small farms granted greater flexibility, but must be a part of working farm operation.
- All farm store buildings are capped at 10,000 square feet total.
- Only 25% of indoor farm store space may be used for retail merchandise such as gifts or souvenirs.
- Event must be conducted by the farm operation – not a third-party.
- Farm stores cannot be used as houses, hotels, full-service cafés, or drive-thru fast food.
- Counties have ability to regulate traffic, noise, and store hours so farms do not negatively impact nearby farms.

Other concerns...

- There is a path for small farms
- Existing farm stand permits will be protected
- Agri-tourism is defined specifically for this permit
- This is only about land use permits
- Public roads must be allowed for public use, but counties retain authority to keep them safe

Questions?

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