



## **Testimony in Opposition to HB 4153 to the House Committee on Agriculture, Land Use, Natural Resources and Water**

Ivan Maluski & Kendra Kimbirauskas

Shimanek Bridge Farm, Scio

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Co-Chairs Helm and Owens, Members of the Committee,

We are writing in opposition to HB 4153, which sets up a misguided approach to farm stores in Oregon. This bill as written would have the impact of both harming the ability of smaller farms to legally operate farm stands, while creating alarming loopholes for expansive non-farm uses on larger farms.

We farm and ranch on nearly 70 acres in the Scio area in rural Linn County, raising grassfed beef, lamb and goat, pasture raised pork, hay, and vegetables. We focus on direct marketing via farmers' markets, restaurant sales, and a small farm stand on our property. The farm stand is open-air and honor-system based, built during the height of COVID so that people could shop for meat, vegetables, honey and more produced on our farm without having to come into close contact with others. It has since become an important part of our business, providing a stream of year round income and exposure to a larger, devoted customer base.

We believe that farm stands, on-farm sales, and on-farm activities and events are important ways for farmers and ranchers to diversify their incomes and for the broader public to be exposed to agriculture in a positive way.

Unfortunately, while it may be well intentioned, HB 4153 has some serious flaws that will hurt the ability of smaller farms to open or operate farm stands, while simultaneously creating loopholes for expansive non-farm uses on farmland in the state. The key flaws include:

- The bill appears to make farm stands illegal on new and small farms under 10 acres that don't meet an arbitrary income threshold. No other size of farm is limited by an income threshold to get permission to build a farm stand. This creates a paradox where a newer farmer on a smaller acreage would be denied one of the most economical ways (a farm stand) to sell enough to meet the income threshold to be allowed to have a farm stand.
- The bill appears to allow farms over 10 acres to only keep an arbitrary fraction of their farm in agricultural production as long as they have a farm store. The larger the farm, the larger the percentage they are allowed to take out of agricultural production. This appears to create a massive loophole for the development of non-farm uses like concert or event venues on farmland. For example, a 100-acre EFU zoned property would be allowed to only farm 45 acres and could use the remaining 55 acres for unlimited

numbers of large events that would previously require impact tests for things like traffic, and county permitting.

These two flaws are very significant, and in our view, the short session does not allow the legislature the time to resolve them fairly. These are the kinds of issues that are better resolved in an agency-led stakeholder work group between now and 2027.

To be clear, there is a real need to clarify state rules around issues like farm stands, farm stores and agritourism so that they do not vary wildly between counties, treat some farmers to vastly different sets of rules than others, or create loopholes that undermine the state's long-standing farmland protections. There are some aspects of the bill that are worthwhile, but which should also be the subject of stakeholder work group discussions rather than rushed legislation. These include:

- The designation of educational events (like farm tours, workshops and speakers) in permitted farm related fee-based activity.
- The clarification that products made under Oregon's farm direct market laws are considered 'farm products,' and not counted towards the limited percentage of sales considered 'incidental.'
- The inclusion of farm to table dinners in fee-based events. This provision is important but should be clarified to require that at least some of the food at farm-to-table events be produced or grown on the host farm.

Again, we urge your opposition to HB 4153. The short session this year simply does not allow the time needed to address the flaws in this bill or the larger issues around farm stores, farm stands and agritourism it raises.

Ivan Maluski & Kendra Kimbirauskas  
Shimanek Bridge Farm  
39006 Richardson Gap Rd.  
Scio, Oregon