

Testimony in opposition to HB 4153

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Co-chairs Helm and Owens and members of the House committee on Agriculture, Land Use, Natural Resources and Water:

We have a farm of less than 3 acres and sell mostly at farmers' markets. We love farm stands and value our neighbors promoting farm direct agriculture in this way. Farm stands in our area are scale appropriate and still focused on producing food to nourish Oregonians and visitors.

We write in opposition to HB 4153, a bill that ignores the needs and aspirations of small farms even as it rushes to create a less-regulated playground for larger farms – especially those that are less passionate about farming food and fiber than about farming tourism dollars.

Please compost this cow pie of a bill in the short session and create an interim work group to bring back a more balanced bill for the 2027 long session. The work group should include a diversity of farmers and address farm stand issues for all sizes of farms that participate in direct marketing.

A legislative work group is needed because some proponents of this bill last year blew up a DLCD rule making process by spreading false videos about the rule making process and “outcomes” that were neither real nor likely to ever occur – had the process been allowed to proceed. There is no universe in which DLCD would be outlawing pumpkin patches.

The “farm store” provisions of HB 4153 would largely exclude producers who actively farm 10 or fewer acres. It's unfair that the percentage of land farmed needed to participate is higher the smaller you are.

There's only an income requirement for smaller farms. A new farm trying to meet such requirements might be delayed by two years to get the needed data. But how do they even get there in two years without a farm stand?

Proponents have claimed that current law will *somewhat/mumble mumble* still be there for the “little people.” But current farm stand law does have a number of clarity issues that are not addressed at all in this bill. That's why the regulatory review was happening last year ... until they made sure it wasn't happening.

Now would be a good moment to look at 2022 Census of Agriculture size breakdowns. Here's a paragraph from an OSU Extension series:

“A majority of the 35,547 farms in Oregon are small-acreage. The smallest farms, or those with less than 10 acres, account for 32% of all farms. Farms between 10 and 50 acres account for 35% of all farms.”

Apart from the lack of fairness to small farms that have or may want to have a farm stand, it seems this bill is written to blow a large hole in farmland protections.

Outdoor concert venues would face few restrictions. Farms that are still trying to grow stuff are certain to face new problems caused by neighbors with dollar signs in their pupils.

It's terrible policy to replace the 25 percent revenue limit on non-farm products plus fee-based revenue with a square footage limit that would apply only inside the overgrown buildings the bill will allow.

This swap means that newly unrestricted venue revenue, such as concert fees, could dwarf revenue from the sale of farm products.

Is it too much to ask that agri-tourism be mostly about agriculture?

Sincerely,

Larry and Rebecca Landis
Territorial Road Orchard