



Oregon

Tina Kotek, Governor



OREGON
DEPARTMENT OF
AGRICULTURE



DLCD
Department of
Land Conservation
& Development

February 9, 2026

Rep. Ken Helm, Co-Chair

Rep. Mark Owens, Co-Chair

House Committee on Agriculture, Land Use, Natural Resources, and Water

Via email: Rep.KenHelm@oregonlegislature.gov and Rep.MarkOwens@oregonlegislature.gov

Subject: House Bill 4153 Follow-Up

Dear Co-Chairs Helm and Owens:

We wanted to take this opportunity to describe how the state interprets the impact of HB 4153 to existing farm stands and clarifies additional allowable activities for farms that direct market their products. The state wants to ensure that Oregon producers understand their options for on-farm direct marketing of agricultural products and compliance with Oregon's land-use regulations.

It's clear that people use the term "farm stand" to mean different things. There is a specific legal definition in statute, and there is also the way the term is commonly used in everyday conversation. Those are not always the same. This bill does **not** eliminate or add new requirements for what most people think of as a traditional roadside farm stand.

Under both current Oregon law and HB 4153, a permit is **not required** for a farmer to sell crops produced exclusively by their own farm operation. That is because selling farm products is included in the definition of "farm use" in ORS 215.203. Here are some examples of farm activities that **do not need a land use permit**:

- Roadside Produce: Selling vegetables, fruits, or grains directly from the farm where they were grown. (e.g. a stand selling pints of berries, eggs, or zucchinis).
- U-Pick Operations: Allowing customers to harvest their own berries, pumpkins, or apples on-site.
- Bulk Crops: Selling hay, straw, or silage grown on the property to other producers or the public.
- Livestock: Selling live animals or poultry raised on the farm.
- Nursery Stock: Selling flowers, shrubs, or trees produced by the farm.
- Wholesale Staging: Using farm buildings to store or load crops grown by the farmer for transport to market.

HB 4153 moves away from using the term "farm stand" and replaces it with a new term, "farm store." This change is intended to reduce confusion between how the term "farm stand" is used in everyday conversation and how it is defined in law. The bill spells out what activities are allowed at a farm store and the conditions under which a farm store can operate. In doing so, it distinguishes on-site sales as farm use (allowed outright by land use law) from farm stores (which require a land use permit).

Additionally, we want to be clear that the passage of HB 4153 does not affect: (1) already-existing farm sales that are allowed outright as part of farm use, or (2) already-permitted farm stands that sell agricultural products produced on-farm, by others in the local agricultural area, or have incorporated activities that promote the sale of farm products. Producers operating an already-permitted farm stand under ORS 215.283(1)(o) may continue to do so under their current county permit.

A producer needs to seek a new farm store permit as proposed in HB 4153 only if the scope of the operation or activities conducted under that permit changes or expands beyond its original scope.

We remain available should you have any follow-up questions.

Sincerely,



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