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**STAFF REPORT FOR THE PLANNING COMMISSION MEETING:
REGULATORY CONCEPTS TO IMPLEMENT HB 4153 (FARM STORE BILL)
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Staff Contact:

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A. Summary

In the 2026 legislative session, the legislature approved HB 4153 (the Farm Store Bill or the bill). The Farm Store Bill establishes Farm Stores as a new and distinct use which must be allowed on EFU-zoned land. The bill is effective on January 1, 2027.

A Farm Store use is a retail establishment on an active farm through which a farm operator, on a property that meets minimum farmed area requirements, can:

- Build an up to 10,000 sq. ft. permanently enclosed Farm Store structure, or structures.
- Sell farm products from the farm or the Local Agricultural Area (all of Oregon and Clark and Skamania counties)
- Sell non-farm retail items on up to 25-percent of the floor space of the permanent, enclosed Farm Store structures.
- Establish kitchen facilities and sell food prepared for immediate consumption or ready-to-consume food, and have mobile vending units (food carts) in association with agritourism events.
- Host agritourism activities inside or outside of permanent, enclosed Farm Store structures, and/or in temporary tents.

A Farm Store use may not include lodging or dwellings of any kind, and may not host events that do not promote local agriculture and farming, such as weddings, retreats, or other non-farm events.

The bill establishes a limited set of categories for which local land use authorities, such as Multnomah County (County), may set time, place, and manner regulations. Those categories include the following:

1. Hours of operation
2. Noise management
3. Parking management
4. Traffic management; ingress and egress
5. Sanitation and solid waste

Under the bill, counties may not set standards in a manner that prohibits the siting and operation of a Farm Store. Counties are not allowed to establish siting and time, place, and manner regulations that do not fall within the five categories listed above.

Farm Stores are a new and distinct use in State law, which has different allowances and limitations than Farm Stands and Agritourism uses. The new Farm Stores regulations do not eliminate or replace Farm Stands or Agritourism uses; those uses remain in effect and separate from Farm Stand uses. Key distinctions between Farm Store rules and Farm Stand and Agritourism rules, are that state law limits the revenue that can be generated from non-farm retail sales and from promotional agritourism activities, and regulates the number of promotional agritourism activities.

B. Requested Planning Commission Action

Review and discuss proposed regulatory concepts to implement the Farm Store Bill in Multnomah County.

C. Proposed Regulatory Concepts

To support the development of regulatory concepts Land Use Planning staff reviewed materials related to the development and passing of HB 4153, including public testimony materials, and documents prepared by state agencies in response to the bill. Staff also reviewed news articles and public discussions about the Farm Store bill and materials from the earlier Farm Stand rulemaking process. Staff also spoke informally with a few farm operators in Multnomah County, both those with and without farm stand / agritourism activities in high traffic areas. Additionally, staff completed a desktop level review of activities and hours of operation of a few dozen farms in the Willamette Valley and other destination areas in Oregon. Finally, Multnomah County staff has engaged and continues to engage with planning staff at other counties on this topic.

During the development of the regulatory concepts, staff considered some of the major tensions documented during the rulemaking and bill development processes. In response, staff worked to develop concepts that would provide a simpler Type 1 permitting option for lower impact Farm Stores, and a permitting process that would provide robust public review at a public hearing, a Type 3 use, for Farm Stores with variable, and higher impact activities, while maintaining conformance with the limitations and allowances created by HB 4153. Staff does not recommend a Type 2 option.

These concepts are at the draft discussion phase and are intended to be discussed, revised, and changed through the Planning Commission and community review processes.

1. Hours of Operation

- a. Type 1: Daytime Hours of Operation – Staff recommends establishing hours of operation that would maintain road availability for farm traffic during daylight hours in the morning and evening, and reduce evening noise impacts from events and traffic as a Type 1 use.

Staff does not have a definitive recommendation for daytime hours of operation, but recommends a limited window that could begin between 8:00am and 10:00am and end between 6:00pm and 7:00pm.

Examples of potential hours of operation include, but are not limited to the following:

- 9:00 am to 6:00 pm
- 10:00 am to 7:00 pm
- 8:00 am to 5:00 pm

- b. Type 3: Extended Hours of Operation – Staff recommends establishing an opportunity to have extended hours of operation with community notice and an opportunity for input and discussion. Extended hours would have the same morning start time as daytime operations (to be determined), but would allow activities to extend to 10:00 pm in the evenings, subject to potential limiting approaches described below.

There are two main approaches to extended hours of operation that staff would like the Planning Commission to weigh:

1. Weekend-only extended hours of operation that would allow Farm Stores and agritourism activities on any Friday and Saturday evening until 10:00 pm. No limit on the number of Fridays and Saturdays on which evening operations would be allowed.
2. A set number of days for extended operations, such as 18, 24, 36, etc., on which operations could extend up and until 10:00 pm. There are a few variations to consider within the set number of days approach:
 - a) No restrictions on when a Farm Store operator uses their allotted extended hours of operation. They could concentrate them in a short season, or spread them across the calendar year on any day of the week.

- b) Set a limit on the number of consecutive days for extended hours of operation. Examples could be, extended hours may only be used for up to three, five, or seven days in a row.
- c) Set certain days on which extended hours of operation could occur, such as Fridays and Saturdays only.

2. Noise Management

- a. Type 1: Noise Management – Staff recommends prohibiting all amplified noise or use of pneumatic devices, such as pumpkin cannons, for Type 1 Farm Store permits.
- b. Type 3: Noise Management – Staff recommends allowing Farm Store operators to have agritourism activities with amplified noise or that include including pneumatic devices between the following hours:
 1. Sunday through Thursday: Opening time to 6:00 pm
 2. Friday and Saturday: Opening time to 8:00 pm.

All amplification equipment or pneumatic devices must be located at least 100-feet from adjacent property lines, including the ROW.

No activities may violate existing County noise limits.

3. Traffic Management + Ingress and Egress

- a. Transportation Compatibility Assessment & Transportation Impact Study – All Farm Stores applicants will need to complete a Transportation Compatibility Assessment with the Transportation Division prior to submitting a land use application for review.

The Transportation Compatibility Assessment will establish baseline traffic expectations and determine if additional transportation review is required, such as traffic and sight distance studies, or further property information.

Depending on the outcomes of the Transportation Compatibility Assessment, a Transportation Impact Study may be required. It is likely that any proposed Farm Store that requires a Transportation Impact Study due to the scale of impacts on County ROW will need to be reviewed through a discretionary land use process.

- b. Driveway Access Standards – The Transportation Division will manage driveway access consistent with the County's Driveway Access Standards.
 1. The typical standard is one driveway per property. However, agricultural zoned lots may have more than one access to ensure

operations can function throughout different seasons and ensure safe passage around physical constraints. Additional accesses need to be confirmed by Transportation.

2. New driveway access points must meet standards for spacing, width and sight distance. Vegetation trimming may be required to achieve sight distance and a registered traffic engineer may be required to certify sight distance. Access standards are primarily to ensure safety; there is no difference in the siting and permitting requirements between a "temporary" access and one which is there for permanent use. Existing driveway access points may be reviewed with the addition of the new Farm Store use.
3. If the Farm Store access connects to a paved road on County Right-of-Way (ROW), Transportation Planning will typically require a paved apron. If the Farm Store access connects to an unpaved road within County ROW, a paved apron will typically not be required.

4. Parking Management

- a. Parking for Permanent Enclosed Structures – Permanent enclosed structures will require permanent parking consistent with requirements for retail uses: one space for every 400 sq. ft. of retail floor area that is open to the public. At this standard, a 1,000 sq. ft. store would require 3 parking spaces, a 5,000 sq. ft. store would require 13 parking spaces, and a 10,000 sq. ft. store would require 25 parking spaces. One loading space will be required for all stores greater than 5,000 sq. ft.

Land Use Planning is weighing the benefits and drawbacks of requiring and / or prohibiting the paving of parking for Farm Store structures. Parking for permanently enclosed structures may also require ADA parking. Applicants will need to consult with the appropriate building department.

- b. On-site Queuing and Turn-Around – All Farm Store sites will need to include an on-site queuing and turn-around area as part of the parking area to reduce impacts to the ROW. Staff is reviewing options for setting a standard for queue area length.
- c. Parking Area Design – Land Use Planning staff is exploring the benefits and drawbacks of prohibiting resurfacing of farm land to support event parking. There are potentially conflicting goals and preserving potential farmland and keeping dirt and damaging debris off roadways used by the public.
- d. Parking for Agritourism Uses/Event Parking – All applications will be required to provide an agritourism/event parking plan that is consistent with the Transportation Compatibility Assessment from the

Transportation Division. The parking plan must show parking stall dimensions, maneuvering areas and pedestrian areas. Parking areas may be delineated through paint, chalk or other visual demarcation.

Land Use Planning anticipates applying the parking ratios developed for agritourism at wineries, which assumes 300 sq. ft. for every 2.5 attendees. Additional work is needed to reconcile Farm Store structure parking with event parking.

- e. Parking Area Limit – Land Use Planning staff can explore options for setting parking area limits based on the site size, and establish a tract area coverage limit. No more than 5-percent or 5-acres, whichever is greater, is a limit used in the current Farm Stand regulations. All parking must be located outside of any areas used to meet the “farmed area” requirement for the Farm Store.
- f. Timed & Ticketed Entry – Timed and ticketed entry may be used to support events that exceed the parking and queuing capacity on the site. Land Use Planning staff is working on thresholds for requiring timed and ticketed entry, and on how the requirement would be implemented through either the Land Use or the Transportation permit.

5. Sanitation and Solid Waste

- a. Sanitarian Approval - Require the applicant to obtain approval from the County Sanitarian or other delegate of the Department of Environmental Quality for all required on-site wastewater (septic) systems and provide documentation as part of the Land Use Planning application.
- b. Waste Management Plan - Provide a waste management plan for trash and recyclables as part of the Farm Store application. All solid waste management facilities must be at least 100-feet from adjacent properties and any public ROW. Clear and objective standards will need to be developed, and a potential impact threshold could also be considered. Consider enclosures for Farm Store waste management and requiring covered trash and recycling containers for patrons. Farm store generated waste shall be contained during operation and removed or secured after the operating period in which it was generated. If relied-upon sanitation or solid waste capacity becomes unavailable, farm store activities may operate only at the level supported by the remaining compliant facilities.
- c. Other Sanitation and Waste Related Permits May Apply - Land use permits will include references and reminders that all development must obtain required approvals from the Building Official, Health Department, and State agencies. Staff will explore the capacity of Land Use Planning to require that the applicant maintain permits and licenses in good standing, and if feasible, mechanisms for assurance.

6. Additional Regulatory Requirements

- a. Base Zone Dimensional Requirements Apply - All applications will need to comply with the dimensional requirements of the base zone; and dark sky standards, septic, and stormwater management requirements, among others.
- b. Overlay Zones – All applications will need to comply with all applicable overlay zones, such as the Floodplain Overlay and Significant Environmental Concern overlays, among others. State review and/or permits may also be required based on site conditions, such as hydric soils.
- c. Ground Disturbance - All applications will need to comply with County ground disturbance permit requirements.
- d. Health Requirements – Comply with all applicable County Health Department and Oregon Department of Agriculture requirements related to permanent and temporary food services and waste management, as applicable.
- e. Building and Trade Permits - Require compliance with all Oregon State building and structural and specialty codes for occupied structures. Staff will recommend, but not require, applicants consult with the applicable Building Official, either City of Portland or City of Gresham, prior to submitting for Land Use approval.

Note: Permitting for temporary event structures needs to be addressed. Partner agency requirements and processes are under review.

7. Structural Approach for Adding Farm Stores to Chapter 39/Zoning Code

- a. Update definitions to conform with HB 4153.
- b. Develop Farm Store special use standards and application materials to include in Part 8 of the Zoning Code
- c. Add Farm Stores as a new use to the EFU zone.

D. Next Steps & Using State Standards Prior to County Land Use Ordinance Adoption

Next Steps

Staff will attend community meetings in October, in coordination with the Zoning Code Improvement Project to obtain community input on the Farm Store regulatory concepts. Staff will continue to coordinate with multiple counties in

Oregon to help refine and collaborate on consistent and implementable regulatory language.

After discussion with the Planning Commission, and after community conversations at upcoming public meetings for the Zoning Code Improvement Project, staff will refine the regulatory concepts and develop proposed regulations to include in MCC Chapter 39 (Zoning Code) for Planning Commission review at a Public Hearing.

Following the Planning Commission review, staff will take proposed regulatory language and Planning Commission recommendations to the Board of County Commissioners for consideration at a public hearing.

Using State Standards

State regulations go into effect on January 1, 2027. Any applications that the County receives between January 1, 2027 and when the County's regulations for Farm Stores are adopted, will need to be reviewed consistent with HB 4153.

If the County does not have Farm Store specific regulations in place on January 1, 2027, Land Use Planning will apply any applicable and appropriate standards allowed under HB 4153, which are currently understood to include the following:

- Base zone standards for setbacks/yards, height, stormwater, septic and dark sky standards.
- Overlay zone requirements, such as Significant Environmental Concern overlays and the Floodplain Overlay, among others.
- Demonstrated access to required services through the provision of service provider letters from the Sanitarian, the local fire service district, the appropriate local water provider, and power provider.
- Ground disturbance standards.

In addition to Land Use review, all applicants will be required to:

- Consult with Transportation Planning and obtain any required permits needed to comply with Multnomah County Road Rules, and other applicable traffic management and ingress and egress requirements.
- Obtain all required building, trade and life safety permits for structures that require such permits. This will include structures that support public occupancy and may include tents over a certain size.
- Obtain all required Multnomah County Health, Oregon Department of Agriculture or other required agency permits.
- County noise ordinance standards continuously apply to all properties and property owners.

Land Use Planning will continue to review the Multnomah County Code to determine if additional regulations may apply during the interim period.

Reviews of applications submitted prior to the County adoption of an ordinance to implement Farm Store time, place, and manner regulations, will be binding. New County Farm Store time, place, and manner regulations will not be retroactively applied to Farm Store applications taken in prior to the future ordinance's effective date.