



Farm Stands in Washington County

Washington County has a rich farming tradition that continues today. Many Washington County farmers and food producers sell their products to consumers at farm stands. These operations offer a great opportunity to buy fresh food and other agriculture-related items where they are grown. There is a wide variety of farm stands in the county. Some allow you to pick your own produce. Others are charming stores, sometimes offering their neighbors' products and other incidental items as well. Some farm stands may also hold agriculture-related events such as educational events, mazes and hay rides. Each farm stand or store has a different personality, giving a glimpse into the personality of the owners.



The following are some frequently asked questions about the regulation of farm stands in Washington County.

What is “farm use”?

Farm use is defined in state statute (ORS 215.203) and is generally the employment of land for the primary purpose of obtaining a profit through the raising, harvesting and selling of crops and/or through the feeding, breeding, or management and/or sale of animals, including but not limited to livestock, poultry, honeybees, horses, and cows. Farm use also includes the preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use.

Farm use, including the sale of farm-use related products *that does not involve a structure requiring a building permit*, is allowed anywhere within Washington County's jurisdiction and is exempt from land use regulation.

What is a “farm stand”?

Oregon statute defines a “farm stand” as a **structure** “designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area ¹.” In other words, a **“farm stand” is what people might consider a “farm store.”** The farm stand cannot include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock. This restriction includes but is not limited to structures for banquets, public gatherings, or public entertainment.

Where are farm stands allowed?

As noted above, the direct sale of farm crops is permitted on farm operations located in any land use district. However, **farm stand structures**, as defined by state statute, **are permitted only in the EFU (Exclusive Farm Use) and AF-20 (Agriculture and Forest) land use districts**—these are the only districts in Washington County that are considered “agricultural resource” zones as defined in state statute. **“Farm stand” structures are not permitted in other land use districts.**

Does Washington County require a land use permit for a farm stand?

Only if the proposed farm stand structure requires a building permit. Structures over 200 square feet generally require a building permit from the county's Building Services section. If the proposed farm stand is in the EFU or AF-20 district and a building permit is required, it will be reviewed through a Type II land use review by the county's Current Planning section before a building permit can be issued.

The Type II land use process provides opportunity for public comment and the ability to appeal the staff decision to a Hearings Officer. If the land use permit is approved, the applicant may then apply for a building permit. The proposed structure is reviewed for consistency with building and health codes prior to issuance of the building permit.

¹ Ref. ORS 215.213(1)(r). State administrative rule [ref: OAR 660-033-0130 (23)] defines the ‘local agricultural area’ as the state of Oregon or an adjacent county in Washington, Nevada, Idaho or California that borders the Oregon county in which the farm stand is located.

What items besides farm crops can be sold at farm stands?

Farm stands in Washington County can sell farm products from the farm operation where the farm stand is located as well as from other farm operations within Oregon. Some farm stands also sell “incidental retail items” like jams, syrups and other processed items. Some also sell mugs or t-shirts with the name of the farm.

The sale of “incidental retail items” and fee-based activities to promote the sale of farm products sold at the farm stand may occur—as long as the revenue from these sources does not exceed 25% of the total sales from the farm stand in any given year.²

What activities can occur at farm stands?

Typically, activities associated with the existing farm use (such as u-pick activity) and fee-based activities (such as corn mazes, petting zoos, hayrides) are allowed. However, “celebratory” events (such as weddings held inside the building) and banquets are not generally permitted in conjunction with a farm stand structure.

What are the requirements for locating a farm stand on my property?

Farm stands must comply with applicable development standards. For example, adequate parking and safe access to the public road are required, and structures cannot be located in a Drainage Hazard Area or floodplain. Contact Current Planning for additional possible requirements or restrictions for your site.

Farm stand buildings must be designed for public occupancy. Agricultural structures are intended for agricultural purposes only and are not intended or allowed to be used by the public. Since farm stands are open to the public, different building code standards apply. Contact Building Services for additional information.

What about existing farm stand structures in the county?

Existing farm stands should not be affected by June 2013 changes to the farm stand provisions of the Community Development Code³, unless there are safety issues or existing activities associated with the farm stand that are not allowed either by state statute or the county’s development code. Potential safety issues could include the use of existing agricultural structures that do not have appropriate building permits for public occupancy.

How are farm stand regulations enforced?

The county’s code compliance section is complaint driven. The county will work with property owners in the rural area to ensure that their buildings are safe and have the proper permits. Our goals are to provide the opportunity for compliance with county regulations and to implement these regulations for the benefit of our residents, including our agricultural community.

² Ref. ORS 215.213(1)(r).

³ Refer to A-Engrossed Ordinance No. 762, adopted June 25, 2013

More Questions?

For building permit questions related to farm stands, call Building Services, (503) 846-3470.

For land use questions related to farm stands, call Current Planning Services, (503) 846-8761.

www.co.washington.or.us/development



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