



# URBAN FOOD ZONING CODE UPDATE

*Enhancing Portlanders' Connection to Their Food and Community*

Adopted and Effective: June 13, 2012  
Ordinance No. 185412  
[www.portlandonline.com/bps](http://www.portlandonline.com/bps)



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City of Portland, Oregon  
Sam Adams, Mayor • Susan Anderson, Director





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The Bureau of Planning and Sustainability (BPS) and Oregon Public Health Institute (OPHI) received funding from the Multnomah County Health Department through the Health and Human Services\Communities Putting Prevention to Work (CPPW) Initiative to consider health and equity issues in this project.



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May 7, 2012

Mayor Sam Adams and Portland City Council  
Portland City Hall  
1121 SW 4<sup>th</sup> Avenue  
Portland, OR 97204

Subject: Urban Food Zoning Code Update

Dear Mayor Adams and City Commissioners,

The Planning and Sustainability Commission is pleased to forward our recommendations on the *Urban Food Zoning Code Update*. We support the primary goal of this project—to increase access to affordable, healthful food for all Portlanders, especially those with limited access—and think this proposal is a significant step towards achieving that goal.

This project also supports our overall desire to be a more equitable and sustainable city: the health and equity "lenses" were used throughout this process. Funding from Multnomah County's Community Putting Prevention to Work (CPPW) Initiative allowed a unique and valuable partnership between BPS and the Oregon Public Health Institute (OPHI).

At our public hearing on April 24, 2012, we voted unanimously to support amendments to the Zoning Code that support neighborhood-scale community gardens, market gardens, farmers markets, food buying clubs, and community supported agriculture (CSAs). The regulations are clear and provide flexibility while protecting the surrounding neighborhoods from potential negative impacts.

We heard a great deal of positive testimony from people involved with these food production and distribution activities. We were impressed with the variety of these activities occurring throughout the city and think it is timely to update our zoning regulations to reflect and encourage these activities. Some of the testifiers talked about the uncertainty of operating in a legal gray area under the current regulations and saw the proposal as a means to protect their operations.

Much of the testimony came from members of the Code Development Advisory Group (CDAG) for this project. We agree with staff that the participation of the CDAG was critical to the success of this project: the CDAG members were knowledgeable and experienced in each of the areas addressed by the regulations. Several of the members spoke highly of the interactive process of developing these proposals and noted staff's willingness to modify initial ideas as they learned more about the activities. We think this collaboration with the community has resulted in well crafted, workable proposals.

Testimony also addressed the importance of following through on this project with a number of suggested "next steps" and we agree. These steps include getting the word out about the expanded opportunities for food production and distribution in Portland and helping people learn how to take advantage of these opportunities. Our community health partners can provide culturally appropriate information and education to communities with limited access to affordable, healthful food, and ensure that the materials are available in multiple languages. Again, we agree that this is important.



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In summary, we found this project to be valuable and well worth forwarding to you for adoption. We recommend that City Council:

1. Adopt the Ordinance;
2. Adopt the *Urban Food Zoning Code Update: Recommended Draft*;
3. Amend the Zoning Code as shown in the *Urban Food Zoning Code Update: Recommended Draft*; and
4. Direct staff to continue to work with community partners to provide information and education to community members about healthful food access through existing BPS programs such as District Planning and Residential Education and Outreach.

Thank you for the opportunity to participate in the review of this project and for considering our recommendations.

Sincerely,



Andre' Baugh, Chair  
Portland Planning and Sustainability Commission



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# Acknowledgements

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Amanda Fritz, Commissioner

Randy Leonard, Commissioner

Dan Saltzman, Commissioner

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SPECIAL THANKS TO ROB GISLER FOR HIS ILLUSTRATIONS THAT MADE US SMILE

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## For more information

[www.portlandonline.com/bps/foodcode](http://www.portlandonline.com/bps/foodcode)

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# Summary of Amendments

The zoning code amendments of the *Urban Food Zoning Code Update* support community food production and distribution with the primary goal of increasing access to healthful, affordable food for all Portland residents, and when appropriate mitigate negative impacts to the surrounding neighborhood.

The zoning code amendments address the following topics:

- **Market Gardens** are gardens or orchards where food is grown to be sold.  
**Currently**, market gardens are classified as an Agriculture Use and only allowed in a few zones (employment, open space, and very low density residential zones).  
**The amendments** allow market gardens in all zones while ensuring that any negative impacts of the gardening on neighbors are minimized.
- **Community Gardens** are gardens where several individuals or households grow for personal consumption or donation.  
**Currently**, community gardens are allowed in all zones.  
**The amendments** continue to allow community gardens in all zones, but regulations to minimize the negative impacts on the surrounding neighborhood have been added.
- **Food Membership Distribution Sites** are sites where pre-ordered food is delivered and picked up as part of a food buying club or community supported agriculture (CSA) organization.  
**Currently**, the zoning code is silent on to how to regulate a food distribution site.  
**The amendments** allow food membership distribution sites in all zones and add regulations to address the impacts of the distribution activity (frequency and number of members, hours of operation, traffic, etc.)
- **Farmers Markets** are events that occur on a regular basis in the same location and the majority of vendors are farmers, ranchers, and other agricultural producers selling food, plants, flowers, and added-value products.  
**Currently**, farmers markets are regulated as temporary uses and the regulations can be cumbersome and expensive.  
**The amendments** add regulations in the temporary use specifically for farmers markets that address location, frequency, number of "non-farmer" vendors, and when markets may set up on parking lots.

*A more detailed summary of the adopted zoning code amendments for each topic areas can be found on page 6. See section II, Adopted Zoning Code Amendments, for the actual code language and staff commentary.*

## Adopted Zoning Code Changes

Topic Area	Current	Proposed
Market Gardens	Classified as Agricultural Use, only allowed in a few zones	Allow in all zones with regulations to mitigate impacts
Community Gardens	Allowed in all zones	Allow in all zones with regulations to mitigate impacts
Food Membership Distribution Site	Not mentioned in current code	Allow in all zones with regulations to mitigate impacts
Farmers Markets	Regulated as a temporary use	Add specific farmers market temporary use regulations

## City Council Actions

The Portland City Council held a public hearing on the Planning and Sustainability Commission's recommendations on June 7, 2012. On June 7 and June 13 City Council discussed and added an amendment to require farmers market managers to have organic certification information on site.

On June 13, the City Council unanimously approved, Ordinance No. 185412 that adopted the *Urban Food Zoning Code Update* and amended the zoning code. The ordinance included an emergency clause which made the zoning code amendments effective immediately. A copy of this ordinance can be found in Appendix E.



***Enhancing Portlanders' Connection to Their Food and Community***

# I. Introduction

## Background

### Why are we doing this project?

Portlanders love food. People who live and work here like to eat, grow, cook, and talk about food. Many people shop at farmers markets to buy fresh food and meet the farmers who grow it; join food buying clubs to purchase bulk quantities of affordable food; and subscribe to Community Supported Agriculture farms (CSAs) to receive a weekly delivery of fresh, organic food. The demand for community gardens far exceeds available plots, although more plots are continuously being added, and gardening classes are extremely popular.

Along with this love of food, there is concern that many in our community are hungry, or don't have access to healthful food because of income or location.

The City of Portland initiated this code review to remove obstacles to urban food production and distribution. The project affirms the City's commitment to promote appropriate neighborhood-scaled food production that increases access to healthful, affordable food for all residents and builds community and increases knowledge about local food systems.

### How will this project increase access to healthful, affordable food?

This project will increase access to healthful, affordable food by removing zoning code barriers to growing, buying, and selling food—particularly in neighborhoods. While the food economy—from farmers markets to community gardens—has dramatically increased over the last decade, the zoning code has not kept pace; the regulations can be a disincentive because they do not address some situations and are unclear and/or too restrictive about others. With zoning barriers removed, government and social services providers can more effectively prioritize programs that increase access to healthful, affordable food to diverse communities.

### Why regulate these activities at all?

During the City's initial research and outreach there were significant concerns about over-regulating urban food production and distribution activities. Many asked why regulations were needed at all.

The amendments seek to revise unclear, cumbersome, and restrictive regulations. For example, food membership distribution sites—which are not addressed at all in the zoning code—have produced some conflicts with neighbors in residential zones. And while growing food for personal consumption is allowed throughout the city, small-scale market gardens that grow food to sell are not allowed in most residential and commercial zones. The code is not clear whether gardeners can sell their produce, either at off-site locations or on their own property. Farmers markets, which are not defined in the code, have had to apply for expensive land use reviews to operate in specific zones. And finally, the code is not clear when these types of food-related activities are added to institutional sites.

# Introduction

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If trends continue, food production and alternative distribution models such as these will only be more common in the future. This will increase the possibility of conflicts with neighbors over livability issues such as traffic, parking, truck delivery and general increase in activity. The proposals in this report explicitly allow progressive food systems to flourish, while protecting neighborhood livability by mitigating negative impacts.

## How was the community involved?

The Bureau of Planning and Sustainability and the Oregon Public Health Institute received funding from Multnomah County Health Department through the Centers for Disease Control and Prevention's Communities Putting Prevention to Work (CPPW) Initiative. The purpose of the CPPW program was to improve access to healthful food and opportunities for physical activity and promote health equity and the equitable distribution of resources to underserved communities. Outreach to other city, county, regional agencies, and community-based organizations funded by CPPW broadened the scope of health/equity partners involved in this project.

The project staff, an interdisciplinary team with experience in food policy and programs, neighborhood planning, zoning code development, and public health, held many meetings with the community. In the Fall of 2010 project staff began meeting with the Portland Multnomah Food Policy Council's Committee on Food Production and Distribution to discuss their past work on these issues. Initial topic area discussions with the broader community were held during Winter 2011, followed by two rounds of public review: one to discuss conceptual approaches to regulating these activities (Concept Report, July 2011); and, one to discuss initial zoning code language (Discussion Draft, Feb 2012). Staff solicited comments during each public review period.

In addition, to help staff develop the zoning code language, 18 people were asked to serve as a Code Development Advisory Group (CDAG). The 18 represented a variety of interests, perspectives, and experiences around urban food production and distribution, and provided invaluable advice. (See acknowledgements in the front of this report)

*For more information on project timeline and milestones see Appendix A: Project Schedule.*

## How will these amendments affect food production and distribution?

The adopted zoning code amendments add definitions and clarify the regulations for market gardens, community gardens, food membership distribution sites, and farmers markets. Most significantly, the amendments allow market gardens throughout the city (with size limitations in residential zones), provide stability for food distribution activities such as farmers markets, CSAs, and food buying clubs, and encourage all these activities on institutional sites.

*See section II, Adopted Zoning Code Amendments for code language and staff commentary.*

## Project Objectives

- **Affirm the City’s commitment to encouraging food production in the city, and promoting a range of food distribution strategies that increase options for all residents.** This commitment is reflected in the community values and policies of the *Climate Action Plan*, *Peak Oil Task Force Report*, the Guiding Principles of the Portland Multnomah Food Policy Council, and the ongoing work of the *Portland Plan*.
- **Increase access to healthful, affordable food, especially in diverse communities.** Recognizing the connections between food and the community’s environmental, economic, and public health goals, the City of Portland strives to increase access to healthful, affordable food for all residents, especially for those who may have fewer healthful food options or limited means of access. A lack of access to healthful and affordable food can lead to significant health problems, such as diabetes and obesity. While the zoning code is a good tool for treating issues equally, it is not a good tool for addressing equity. Removing zoning barriers will allow government and social services providers to prioritize programs that meet the needs of diverse communities more effectively.
- **Support healthy, vibrant neighborhoods by increasing opportunities to grow, sell, and purchase healthful food.** Gardening, farmers markets, and food membership networks can bolster a neighborhood’s sense of community by combining common interests with gathering places for social interaction, group activities, and educational programs. Institutions such as schools, faith-based facilities, hospitals, and community centers provide excellent opportunities for neighborhoods to increase food-centered activity and promote neighborhood cohesion.
- **Support the local food economy.** Increasing the ability to garden for profit allows entrepreneurial food ventures and urban farmers the opportunity to employ neighborhood residents, supplement household incomes, and offer more opportunities for residents to buy locally grown food.
- **Develop zoning code regulations that support residents’ ability to grow, sell, and buy healthful food at a scale that is appropriate to Portland’s neighborhoods.** Develop clear regulations that support food production and easier access to healthy, affordable food, and, when appropriate, mitigate negative impacts (such as noise and traffic) to the surrounding neighborhood. Limit the use of expensive land use reviews and permitting procedures to activities and situations that clearly have a significant impact on the surrounding neighborhood; for smaller or less intensive activities, develop standards that can be met with minimal cost to the applicant.
- **Document issues that require larger or more specific discussions and identify “next steps.”** Many issues outside the scope of this zoning code project influence access to healthful, affordable food. Most frequently brought up in discussions with community and technical stakeholders pertained to food safety, soil testing, pesticide use and exposure, and water rates for agricultural use. As “next steps” that build on this work, many stakeholders are interested in providing more information about market gardens, community gardens, farmers markets, CSAs, and food buying clubs—particularly to communities that have less access to healthful, affordable food options.

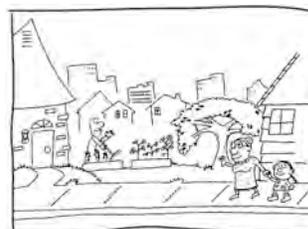
## Topic Area Descriptions and New Regulations

The adopted zoning code amendments add definitions and clarify the regulations for market gardens, community gardens, food membership distribution sites, and farmers markets. Most significantly, they allow market gardens throughout the city (with size limitations in residential zones), provide more certainty for food distribution activities such as farmers markets, CSAs, and food buying clubs, and encourage all these activities on institutional sites.

Each topic area is described below with a summary of current and new regulations. See Section II for more details of the adopted amendments to the zoning code.

1. **Market Gardens** are gardens or orchards where food is grown to be sold. It may be sold directly to consumers, restaurants, or stores. Market gardens tend to be more intensively cultivated and smaller scale than typical farms. A market garden can be the only use on a site or it may be on the same site as a house or building.

**Regulations:** Currently, market gardens are classified as an Agriculture Use. They are allowed only in a few zones (employment, open space, and very low density residential zones) and are prohibited in some commercial zones, most single dwelling residential zones, and all multi-dwelling residential zones. The amendments create a definition of market gardens and allow them in all zones. Regulations also address maximum size in residential zones, on-site sales, hours of operation and the use of motorized equipment. The operators of larger market gardens will have to notify and meet with neighbors.



2. **Community Gardens** are gardens where any kind of plant is grown—including flowers—and several individuals or households garden at a site. The site may be divided into small plots, or gardeners may work together to cultivate the entire property. The land may be publicly owned, as in the Portland Parks and Recreation Community Gardens Program, or may be privately owned. The garden may be on the site of a religious institution, school, or medical center.



The distinction between market and community gardens is that food is grown for sale on market gardens while food from community gardens is used for personal use or donation.

**Regulations:** Currently, community gardens are classified as a Parks And Open Areas Use and allowed in all zones. The amendments will not affect this, but will add a definition and regulations that address hours of operation, use of motorized equipment, and allow limited on-site sales.

3. **Food Membership Distribution Sites.** Groups that use food membership distribution sites fall into two categories:

- Food Buying Clubs allow people to buy food directly from wholesalers, distributors, or growers, usually at significant savings. Types of items purchased include bulk or processed foods, fresh fruits and vegetables, dairy, and meat products. Although Food Buying Clubs vary greatly, there are certain commonalities. The food is pre-ordered, usually on-line, and the “buy” is coordinated by a club member who works with the distributor or farmer and arranges the specifics of the delivery and member pick-up. The “pick-up window”—when members come for their purchases—varies from a few hours to several days.
- Community Supported Agriculture (CSA) organizations allows people to buy a "share" of a farm's future output of produce, meat, eggs, etc. The farmer typically delivers the multiple members' shares, usually once a week, to a predetermined location—often a member's house. Participants go to the distribution site to pick up their shares. The shares may come in pre-assembled boxes or members may assemble them at the distribution site.



**Regulations:** Currently, the zoning code is silent as to how to regulate food distribution membership sites. Some may be classified as Retail Sales And Service Uses, but each one is different. The changes add a definition that includes descriptions of both food buying clubs and community supported agriculture (CSA) organizations. They amend the Use Categories to allow food membership distribution sites in all zones. There are also new regulations that address size and frequency of “buys,” hours when items may be delivered and members can pick up items, and the extent of exterior activities. The operators of distribution sites used more frequently or with more people arriving during a “pick-up window” will have to notify and meet with neighbors. There are also some limits on the location of the sites that are busiest: they must be near a non-local street.

4. **Farmers Markets** are events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food that is freshly made and available for immediate consumption on site, and some may be community groups, services, or other vendors or organizations. Farmers Markets occur on a regular basis in the same location. They are free and open to the public. Some markets are seasonal, while others occur year-round.



**Regulations:** Although farmers markets occur throughout the city, there are no specific regulations for them in the zoning code. They are treated as temporary activities or Retail Sales And Service Uses depending on their location. With the amendments, there is a definition, and all farmers markets are regulated as temporary uses. There are specific regulations to address location, frequency, how many "non-farmer" vendors are allowed, posting of organic certification information, and when markets may set up on parking lots.

## II. Adopted Zoning Code Amendments

### Matrix of Adopted Code Amendments by Topic Area

Market Gardens	
Definition	Add a definition of market gardens in 33.910. Specify produce is grown primarily to be sold.
Use Category	Add market gardens to the list of examples in the Agriculture Use Category (33.90.500). Amend base zone use tables to allow market gardens in all zones.
Special Regulations	Add regulations that establish size limits of market gardens in residential zones and cover hours of operation and use of motorized equipment (33.237.200).  Allow on-site sales of produce and value-added products from garden up to 70 days each year (33.237.200.C).  Add section 33.237.500 Neighborhood Notification and Meeting with requirements on how and who to notify if intensity of activities trigger this regulation.
Locations market gardens are allowed	All zones- all institutional sites.
Community Gardens	
Definition	Add a definition of community garden in 33.910. Specify produce is grown primarily for personal consumption or donation.
Use Category	No change (Parks and Open Areas, allowed in all zones).
Special Regulations	Add regulations that allow unlimited size and cover garden-related structures, hours of operation, use of motorized equipment, and limit opportunities to sale produce. (33.237.100).
Locations community gardens are allowed	All zones- all institutional sites.

# Adopted Zoning Code Amendments

Food Membership Distribution Sites	
Definition	Add a definition of food membership distribution site and include descriptions of both food buying clubs and community supported agriculture (CSA) organizations. Add a definition of "delivery days."
Use Category	Amend Use Categories to allow food membership distribution organizations as an accessory use in all use categories.
Special Regulations	<p>Add regulations that address size and frequency of "buys," hours members can pick up items, truck deliveries, and location for exterior activities.</p> <p>Add Table 237-2 to establish tiers of regulations based on the number of delivery days and the number of members coming to the site.</p> <p>Add section 33.237.500 Neighborhood Notification and Meeting with requirements on how and who to notify if intensity of activities trigger this regulation.</p>
Locations food membership distribution sites are allowed	All zones- all institutional sites.
Farmers Markets	
Definition	Add a definition of farmers market in 33.910.
Use Category	Amend 33.900 to add farmers markets as an example of retail sales and service sales-oriented uses.
Special Regulations	Amend 33.296, Temporary Activities to establish regulations for locations, frequency, vendor composition, organic certification information, and use of required on-site parking.
Locations market gardens are allowed	All zones, except low density multidwelling zones and single family residential zones- all institutional sites.
Nonconforming Situations	
	Add regulations for existing market gardens, food membership distribution sites, and farmers markets that enable them to continue to operate after regulations are adopted.

## How to Read the Code Amendments

- Code language is on the right-handed pages with staff commentary on the left hand pages.
- Code language to be added is underlined and code language to be removed is shown in ~~striketrough~~.

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## Commentary

### Chapter 33.910, Definitions

**Delivery Days.** A delivery day is the day a delivery occurs for later pick-up by members. The length of the "pick-up window" (the period of time that members can pick up their purchases) is not regulated. "Pick-up windows" range from several hours to several days, depending on the type of food and the practices of the Food Membership Distribution Organization.

### Food Membership Distribution Site

Two types of food membership organizations require a distribution site:

- **Food Buying Clubs** allow people to buy food directly from wholesalers, distributors, or growers, usually at significant savings. While many of the items purchased are bulk or processed foods with a long shelf life, fresh produce, meat, dairy, and eggs can also be included. The growers or distributors typically make deliveries to a single location. The club then relies on the efforts of its members to divide up the food for the participants, who go to the site to pick up their food.
- **Community Supported Agriculture Organizations** allow people to buy a share or a specified amount of a farm's output in advance. This entitles them to future produce, meat, eggs, etc. The farmer delivers the food, usually once a week. In most cases, the farmer delivers food for a number of people to a single location, and participants go to the site to pick up their food.

**Community Gardens and Market Gardens.** Market Gardens have size limits and on-site sales are allowed up to 70 days each year. Community Gardens have no size limit, but sales are only allowed occasionally. These are the key distinctions between the two uses. Market Gardens are commercial in nature, while Community Gardens act as "an offsite back yard" for many people, providing home-grown produce, the pleasure of gardening, and can build a sense of community.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**AMEND CHAPTER 33.910, DEFINITIONS**

**Calendar Year** is the year from January 1 through December 31.

**Farmers Market.** Farmers Markets are events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food that is available for immediate consumption on site, and some may be community groups, services, or other vendors or organizations. Farmers Markets occur on a regular basis in the same location. They are free and open to the public. Some markets are seasonal, while others occur year-round.

**Food Production and Distribution Related Definitions**

- **Community Garden.** A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.
- **Delivery Days** are days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.
- **Food Membership Distribution Site.** A site where items ordered through a Food Buying Club or Community Supported Agriculture Organization are picked up by the members.
  - **Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.
  - **Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.
- **Market Garden.** A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

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## Commentary

### Chapter 33.920, Use Categories

**Food Membership Distribution** does not fit neatly into any of the existing use categories. While some charge a fee or a markup, which could make them a Retail Sales And Service Use, others do not charge a fee or markup. Given the intermittent nature of the activity—the distribution—they always occur on sites with another primary use. Many of the sites are individuals' homes, and a number use the sites of institutional uses, such as churches or schools. Some Office or Retail Sales And Service Uses are also used for the distribution. Because of these factors, the best "fit" is to consider Food Membership Distribution as an accessory use to other uses. They can be accessory to most uses, however, they are not appropriate to the following uses: Mining, Radio Frequency Transmission Facilities, and Rail Lines And Utility Corridors.

**Market Gardens** are classified as an Agriculture Use (see commentary for 33.920.500).

**Community Gardens** are currently classified as a Parks And Open Areas Use (see commentary for 33.920.460).

**Farmers Markets** are a Retail Sales And Service Use, and are regulated primarily by Chapter 33.296, Temporary Uses.

**Institutional Uses** are referred to in this document. The following are classified as Institutional Uses:

- Basic Utilities
- Colleges
- Community Service
- Daycare
- Medical Centers
- Parks And Open Areas
- Religious Institutions
- Schools

Language to be **added** is underlined  
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**AMEND CHAPTER 33.920, USE CATEGORIES**

**Residential Use Categories**

**33.920.100 Group Living**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, ~~and~~ parking of vehicles for the facility, and food membership distribution.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.110 Household Living**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, ~~and~~ bed and breakfast facilities, and food membership distribution are accessory uses that are subject to additional regulations.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

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## Commentary

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**Commercial Use Categories**

**33.920.200 Commercial Outdoor Recreation**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, food membership distribution, and maintenance facilities.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.210 Commercial Parking**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing, food membership distribution, and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.220 Quick Vehicle Servicing**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses may include auto repair, food membership distribution and tire sales.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.230 Major Event Entertainment**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, food membership distribution, and maintenance facilities.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

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## Commentary

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**33.920.240 Office**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Accessory uses may also include food membership distribution.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.250 Retail Sales And Service**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking.
- C. Examples.** Examples include uses from the four subgroups listed below:
  - 1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and Farmers Markets; and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
  - 2. Personal service-oriented: [No change.]
  - 3. Entertainment-oriented: [No change.]
  - 4. Repair-oriented: [No change.]
- D. Exceptions.**
  - 1. through 8. [No change.]

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## Commentary

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**33.920.260 Self-Service Storage**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses may include security and leasing offices and food membership distribution. Living quarters for one resident manager per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.270 Vehicle Repair**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses may include offices, sales of parts, ~~and~~ vehicle storage, and food membership distribution.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**Industrial Use Categories**

**33.920.300 Industrial Service**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

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## Commentary

Language to be **added** is underlined  
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**33.920.310 Manufacturing And Production**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses may include offices, cafeterias, food membership distribution, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.320 Railroad Yards**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses include offices, employee facilities, food membership distribution, storage areas, and rail car maintenance and repair facilities.

**33.920.330 Warehouse And Freight Movement**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.340 Waste-Related**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses may include recycling of materials, offices, food membership distribution, and repackaging and transshipment of by-products.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

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## Commentary

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**33.920.350 Wholesale Sales**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**Institutional Use Categories**

**33.920.400 Basic Utilities**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses may include food membership distribution, parking; control, monitoring, data or transmission equipment; and holding cells within a police station.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.410 Colleges**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses include offices, housing for students, food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

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## Commentary

Language to be **added** is underlined  
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**33.920.420 Community Services**

- A. Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. Accessory uses.** Accessory uses may include offices; meeting areas; food preparation areas; food membership distribution, parking, health and therapy areas; daycare uses; and athletic facilities.
- C. Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, crematoriums, columbariums, mausoleums, soup kitchens, park-and-ride facilities for mass transit, and surplus food distribution centers.
- D. Exceptions.**
  1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.
  2. Parks are in Parks And Open Areas.
  3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
  4. Public safety facilities are classified as Basic Utilities.

**33.920.430 Daycare**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses include offices, food membership distribution, play areas, and parking.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

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## Commentary

### 33.920.460 Parks And Open Areas

Community Gardens are currently listed in Subsection A. This amendment also adds them as an example.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**33.920.450 Medical Centers**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, food membership distribution, parking, maintenance facilities, and housing facilities for staff or trainees.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

**33.920.460 Parks And Open Areas**

- A. Characteristics.** Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, Community Gardens, or public squares. Lands tend to have few structures.
- B. Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, food membership distribution, and parking.
- C. Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, Community Gardens, and land used for grazing that is not part of a farm or ranch.

**33.920.470 Religious Institutions**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses include Sunday school facilities, food membership distribution, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days.
- C. Examples.** [No change.]

**33.920.480 Schools**

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, and before- or after-school daycare.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.]

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## Commentary

### 33.920.500 Agriculture

This adds Market Gardens to the Agriculture Use category. Regulations in the base zone chapters (33.100, .110, .120, .130, .140) clarify where all Agriculture Uses are allowed and where only Market Gardens are allowed. Chapter 33.237, Food Production and Distribution, contains standards for Market Gardens that do not apply to other types of Agriculture Uses.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

### Other Use Categories

#### 33.920.500 Agriculture

- A. Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.
- B. Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, food membership distribution, and animal training.
- C. Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; Market Gardens, and wholesale plant nurseries.
- D. Exceptions.**
1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing And Production.
  2. Livestock auctions are classified as Wholesale Sales.
  3. Plant nurseries that are oriented to retail sales are classified as Retail Sales And Service.
  4. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Agriculture or Retail Sales And Service.

#### 33.920.510 Aviation And Surface Passenger Terminals

- A. Characteristics.** [No change.]
- B. Accessory uses.** Accessory uses include freight handling areas, concessions, offices, parking, maintenance and fueling facilities, and aircraft sales areas, rental car facilities, food membership distribution, and Basic Utilities.
- C. Examples.** [No change.]
- D. Exceptions.** [No change.].

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## Commentary

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strike through~~

**33.920.520 Detention Facilities**

- A. Characteristics.** [No change.]
- B. Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, food membership distribution, and hobby and manufacturing activities.
- C. Examples** [No change.]
- D. Exceptions.** [No change.]

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## Commentary

### Chapter 33.237 Food Production And Distribution

This is a new chapter that contains regulations for *Community Gardens*, *Market Gardens*, and food membership distribution by food buying clubs and community supported agriculture (CSA) organizations. The regulations in this chapter apply to these uses in all base zones.

#### **Market Garden or Community Garden?**

*Market Gardens* have size limits and on-site sales are allowed up to 70 days each year. *Community Gardens* have no size limit, but sales are only allowed occasionally. These are the key distinctions between the two uses. *Market Gardens* are commercial in nature, while *Community Gardens* act as "an offsite back yard" for many people, providing home-grown produce, the pleasure of gardening, and can build a sense of community.

This is a new chapter. For ease of reading, the language is not underlined.

**CHAPTER 33.237  
FOOD PRODUCTION AND DISTRIBUTION**

Sections:

- 33.237.010 Purpose
- 33.237.020 Where These Regulations Apply
- 33.237.100 Market Gardens
- 33.237.200 Community Gardens
- 33.237.300 Food Membership Distribution
- 33.237.500 Neighbor Notification and Meeting
- 33.237.550 Farmers Markets
- 33.237.600 Regulations for Existing Market Gardens, Food Membership Distribution, and Farmers Markets

**33.237.010 Purpose**

The purpose of the regulations in this chapter is to increase access to affordable, healthful, food for all, especially for those who may have limited options because of location, access, or income. The regulations encourage Community Gardens, Market Gardens, and food membership distribution at a scale that is appropriate to neighborhoods in an urban environment, and support small-scale agricultural use of land that is not otherwise developed. The regulations also recognize that the gardens and food membership organizations can help build a sense of community and offer increased opportunities to garden and to interact with neighbors.

In addition, the regulations ensure that these uses and activities are compatible with the surrounding area by limiting potential negative effects, particularly in residential neighborhoods, and take into consideration neighborhood character, scale, visual impacts, traffic, noise, fumes, local environmental resources, and hours of operation.

**33.237.020 Where These Regulations Apply**

The regulations of Section 33.237.100 apply to Market Gardens. The regulations of Section 33.237.200 apply to Community Gardens. The regulations of Section 33.237.300 apply to Food Membership Distribution. The regulations of Section 33.237.600 apply to Market Gardens, Food Membership Distribution, and Farmers Markets that existed before these regulations were adopted.

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## Commentary

### 33.237.100 Market Gardens

Market Gardens are a small-scaled agricultural use that can be compatible with the character of residential neighborhoods. Currently, they are not addressed in the Zoning Code, although they would most likely be classified as an Agriculture Use—which is only allowed in a few zones. On-site sales are currently governed by Chapter 33.296, Temporary Uses, which allows "seasonal outdoor sales" twice a year, for up to five weeks each time, for a total of 70 days each year. However, the time between each sale has to be at least four times as long as the last sale.

These new regulations support this activity while reducing potential negative impacts to surrounding residential areas. Market Gardens are allowed in all zones, (with size limits in residential zones).

The new regulations recognize that Market Gardens, which are commercial in nature, have benefits to the neighborhood beyond a typical home occupation, including increased access to affordable, healthful food (particularly with on-site sales), providing green spaces, and using land that might otherwise not be maintained.

#### A. Maximum Area

Maximum area limitations vary with the zone to ensure that the size of the garden is appropriate with the character and scale of the zone in which it is located. The sizes allowed are generous enough that the vast majority of sites that could accommodate a Market Garden will be able to do so without going through any extra steps, or by notifying neighbors and holding an informational meeting. An adjustment review is an option for larger gardens, but would be needed for only a small percentage of potential sites.

There are no maximum area limitations in nonresidential zones.

In the single-dwelling zones, the numbers are based on the size of a typical lot in that zone. The equivalent of two lots (e.g., 14,000 square feet in an R7 zone, 20,000 square feet in an R10 zone) are allowed without any extra steps. The equivalent of three typical lots ((e.g., 21,000 square feet in an R7 zone, 30,000 square feet in an R10 zone) are allowed if the gardener notifies neighbors and holds a meeting (see 33.237.500). In multi-dwelling zones and sites with institutional uses in residential zones, the sizes are more liberal, and are based on a rough estimate of typical lot sizes and, for institutional uses, typical site sizes.

This area limitation has been one of the most-discussed issues in this project. Despite many concerns, these size limits make sense for several reasons. As noted above, there is concern about the effect on the character of urban neighborhoods and the potential differences in scale. It is also more likely that smaller sites will be cultivated by hand, which is more compatible with residential neighborhoods; on larger sites, efficiency might call for more frequent use of mechanical equipment, or for larger equipment. In addition, it is easier to get well-designed development on larger sites than on smaller sites; the

*(continued on next commentary page)*

This is a new chapter. For ease of reading, the language is not underlined.

**33.237.100 Market Gardens**

- A. Maximum area.** The maximum area allowed for a Market Garden is specified in Table 237-1. The area of a Market Garden includes the area under cultivation, the area covered by any structures associated with the garden, the compost pile, any off-street parking, or any other area associated with the activities of the garden.

<b>Table 237-1 Maximum Area for Market Gardens</b>		
<b>Zone</b>	<b>Maximum Area Allowed per Site</b>	<b>Maximum Area Allowed per Site if Neighbor Notification and Meeting requirements of Section 33.273.500 are met</b>
RF Zone	174,000 square feet	261,000 square feet
R20 Zone	40,000 square feet	60,000 square feet
R10 Zone	20,000 square feet	30,000 square feet
R7 Zone	14,000 square feet	21,000 square feet
R5 and R 2.5 Zones	10,000 square feet	15,000 square feet
Multi-Dwelling Zones	14,000 square feet	21,000 square feet
Sites with Institutional Uses in residential zones	14,000 square feet or 10 percent of the total site area, whichever is larger.	21,000 square feet or 15 percent of the total site area, whichever is larger
Industrial, Employment, Commercial, and Open Space Zones	No maximum	-----

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## Commentary

### A. Maximum Area *(continued from previous commentary page)*

larger the site is, the more options there are for configuring buildings, parking, location of garbage areas, and so on. While we expect that many Market Garden sites will be redeveloped over time, there is some value to being more careful about the larger sites—especially in light of state land use laws that seek to place agriculture outside the Urban Growth Boundary and development inside the UGB.

### Effect of maximum area limits on potential sites for Market Gardens in residential zones.

Under the maximum area limits, a vast majority of the potential sites for Market Gardens in residential zones would be allowed without an adjustment. If all residential zones are considered, there are nearly 54,000 potential sites that could accommodate a market garden—either on developed residential or institutional sites with suitable land not covered by buildings (most common) or on vacant sites (less common—most vacant sites are located in outer east Portland). Of those, 87 percent meet the maximum area allowed per site and would not be subject to the Neighbor Notification and Meeting requirement. An additional 7 percent would be subject to the Neighbor Notification and Meeting requirement, and only 6 percent would have to seek an adjustment to exceed the limits in Table 237-1.

### B. Sales

Allowing on-site sales gives neighbors increased access to fresh, locally grown food. Currently, seasonal outdoor sales of produce are allowed as a temporary use in most residential zones. Sales may occur twice a year for up to five consecutive weeks each time. The time between each sale must be four times as long as the duration of the last event. In the nonresidential zones, seasonal outdoor sales are allowed for one month a year.

1. Nonresidential Zones. The new regulations allow sales to be regulated as Retail Sales And Service, which is more consistent with the actual use. Because sales are limited to what can be produced by the site, it is unlikely that sales will be intensive, so there is not a need to provide parking or limit exterior display. There is no limit on how many days sales can occur
2. Residential Zones. The new regulations allow produce to be sold for the same number of days (70) as allowed under the current regulations for residential zones, but does not require the days to be consecutive. Limiting sales to what can be produced by the site will further limit impacts because the amount that can be sold is relatively small.



This is a new chapter. For ease of reading, the language is not underlined.

**B. Sales.**

1. On-site sales.
  - a. Nonresidential zones. In nonresidential zones, on-site sales are a Retail Sales And Service Use; and the following regulations apply:
    - (1) No parking is required;
    - (2) Exterior display is allowed; and
    - (3) Only food and value-added products made from produce grown on site, such as jams and pickles, may be sold
  - b. Residential zones. In residential zones, on-site sales are allowed as accessory to the Agriculture use, and the following regulations apply:
    - (1) No parking is required;
    - (2) Exterior display is allowed;
    - (3) Only food and value-added products made from produce grown on site, such as jams and pickles, may be sold;
    - (4) Sales are allowed only between 7 AM and 9 PM; and
    - (5) Sales are allowed up to 70 days in each calendar year.
2. Off-site sales. Off-site sales are not limited by the regulations of this Chapter.

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## Commentary

### C. Hours of operation in residential zones

1. Hours of operation have been expanded from 7 AM and 9 PM (the times employees or customers may come to a home occupation site) to include daylight hours if earlier than 7AM and later than 9PM. Farmers reported to us that during the summer many worked their gardens in the early morning and late evening.
2. Use of motorized equipment is limited to between 7 AM and 9 PM (the same hours employees or customers may come to a home occupation site). We considered stricter limits on the noisiest types of equipment, but did not choose that option for two reasons. First, we realized that determining which equipment would be further restricted would be extremely difficult and the regulations would be hard to enforce. Second, because Market Gardens are limited in size, motorized equipment that makes significant noise is rarely used once the garden is created (creation of the garden may require heavy machinery). Once a garden is established, a small tractor or rototiller is the most likely equipment to make significant noise in a Market Garden. Lawn mowers and string trimmers (also known as weed whackers and whipper snippers) may be used for maintenance purposes.

- D. **Fences.** We considered increasing the height of fences allowed in the front setback of sites in residential zones from the current 3-1/2 feet to increase security and keep out animals. However, we propose retaining the current regulation to provide more compatibility with the character of most residential areas.

In addition, because many Community Gardens and Market Gardens will be on sites with existing development, a house with a Market Garden in the back yard should not be able to have a tall fence in the front setback, while the identical house next door that has only a personal garden may not have a tall fence in the front setback. Taller fences are allowed outside of the front setback. The front setback in single-dwelling zones ranges from 10 to 20 feet, and from zero to 10 feet in multi-dwelling zones.

- E. **Signs.** The Planning and Sustainability Commission asked staff to find out what signs are allowed for these uses in residential zones, and evaluate whether the allowance was sufficient. Community Gardens on non-institutional sites may have one sign per street frontage, up to 10 square feet in area. Only monument signs (those mounted on the ground) are allowed, and may be up to 10 feet tall. For Market Gardens on non-institutional sites, one sign is allowed per entrance, usually one per site, with a maximum area of 32 square feet. As with Community Gardens, only monument signs are allowed, and they may be up to 10 feet tall. Staff thinks these regulations are appropriate.

On sites with an institutional use, the sign regulations of a Neighborhood Commercial Zone apply; the signage allowed is based on the size of the buildings on the site and the existing signage, and so will vary with each site. Again, staff thinks these regulations are workable.

This is a new chapter. For ease of reading, the language is not underlined.

**C. Hours of operation in residential zones.**

1. In residential zones, operation may begin at sunrise or 7 AM, whichever is earlier, and must end at sunset or 9 PM, whichever is later. A Market Garden is operating if people are on the site. Automatic equipment functioning, such as sprinklers, is not considered operation.
2. Use of motorized equipment in residential zones is allowed only between 7 AM and 9 PM.

**D. Fences.** Fences are regulated by the base zones.

**E. Signs.** Signs are regulated by Title 32, Signs and Related Regulations.

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## Commentary

### **33.237.200 Community Gardens**

Currently, Community Gardens classified as a Parks and Open Areas use, and are allowed in all zones. There are no regulations that apply specifically to them. In residential zones, structures and fences are subject to the regulations that would apply to residential uses. On-site sales are currently governed by Chapter 33.296, Temporary Uses, which allows "seasonal outdoor sales" twice a year, for up to five weeks each time. The new regulations reduce the opportunities to sell produce, but offers the option of the Market Garden, where more sales are allowed. Owners of these gardens may impose more restrictive rules. Currently, most Community Gardens are operated by the Portland Bureau of Parks and Recreation, which has additional operating regulations.

These regulations encourage creation of Community Gardens (and Market Gardens) on institutional sites; these sites often have areas that are not otherwise used, and are often already a neighborhood focal point. To this end, the regulations that might trigger the need for a land use review when a garden is created have been amended as part of this project: See the amendments to Chapters 33.279, 33.281, and 33.815.

This is a new chapter. For ease of reading, the language is not underlined.

**33.237.200 Community Gardens**

- A. Maximum area.** There is no maximum area for Community Gardens.
- B. Sales.** Sales of produce from a Community Garden may occur for no more than three consecutive days on two different occasions during a calendar year. Sales must occur on-site.
- C. Other regulations.** The regulations of Subsections 33.237.100.C through E apply to Community Gardens.

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## Commentary

### 33.237.300 Food Membership Distribution

Food Membership Distribution occurs when items ordered through a Food Buying Club or Community Supported Agriculture Organization are picked up by the members. (See also 33.910, Definitions.)

- Community Supported Agriculture allows people to buy a share or specified amount of a farm's future output. The farmer delivers the "share"—a box or bag of food, usually once a week. In many cases, the farmer delivers multiple shares to one location and members go to that distribution site to pick up their shares.
- Food Buying Clubs allow people to buy food directly from wholesalers, distributors, or growers, usually at significant savings. While many of the items purchased are bulk or processed foods with a long shelf life, fresh produce, dairy, eggs, meat, and poultry may be included. The growers or distributors typically make deliveries to a single location or distribution point, where the members pick up their orders.

There are many Food Buying Clubs and Community Supported Agriculture Organizations throughout the city. As we worked on this project, we learned that each club and organization operates differently; there are some commonalities, but they are each tailored to the needs and interests of the members. Although few complaints have been sent to the city from neighboring properties, the legal status of these distribution sites is unclear, and the potential for negative impacts in residential neighborhoods is significant; we expect that these distribution sites will multiply in coming years, and that some operators may not be as considerate as those now in operation.

The regulations seek to both protect the distribution and limit negative impacts, particularly in residential neighborhoods. These regulations place limits on how intensely a distribution site is used by considering both the frequency with which members will come to the site, and the number of members who will come to the site. After a certain level of activity is reached, sites should cap activity, relocate to an institutional site or nonresidential zone, or share distribution duties with another site.

**A. Use.** Food Membership Distribution is an intermittent activity that occurs at sites with other primary uses, including residential, commercial, industrial, and institutional uses. See 33.920, Use Categories.



This is a new chapter. For ease of reading, the language is not underlined.

**33.237.300 Food Membership Distribution**

**A. Use.** Food Membership Distribution is accessory to most use categories, but not a primary use on a site.

**B. Residential zones.** The regulations of this subsection apply to sites in residential zones that are not in Institutional use.

1. The maximum number of members who may come to the site to pick up items delivered on one delivery day, and the number of delivery days that are allowed in a calendar year are specified in Table 237-2. If a site fits into more than one cell, the more restrictive requirement applies.
2. The operator of a site must select a maximum number of delivery days and maximum number of members who may come to the site, and is responsible for compliance with the regulations that apply to the combination of delivery days and maximum number of members who may come to the site. This may require limiting the number of members who may participate in each order, or moving some deliveries to other locations.
3. Members may pick up items at the site only between 7 AM and 9 PM.
4. Truck deliveries are allowed between 8 AM and 5 PM.
5. Exterior activities, except delivery and pick up, may not occur in the area between the primary building and any street lot line.

**C. Institutional uses on sites in residential zones.** The regulations of this subsection apply to sites in residential zones that are in Institutional use.

1. Sites that have at least three parking spaces reserved specifically for members picking up their food are subject to Paragraphs B.3 and B.4.
2. Sites that do not have at least three parking spaces reserved specifically for members picking up their food are subject to Paragraphs B.1 through B.4.

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## Commentary

**Table 237-2: Food Membership Distribution: Frequency and Number of Members**

**The number of Delivery Days allowed per Calendar Year** is based in part on typical delivery schedules for Community Supported Agriculture Organizations. Most deliver weekly; some operate only during the typical growing season, but others have been able to extend the growing season through use of cold frames, greenhouses, and the like, and can deliver food year-round. While the first column (up to 5 Delivery Days a year) is for those who only occasionally "host" food distribution, the second column (6 to 26 Delivery Days a year) will accommodate those Community Supported Agriculture Organizations that deliver weekly for up to half the year. For deliveries that occur weekly year-round, whether for a Community Supported Agriculture Organization or a Food Buying Club, the third column (27 to 52 Delivery Days a year) contains the requirements, and those with an average frequency more than once a week and as often as twice a week are in the fourth column (53 to 104 Delivery Days a year). More frequent Delivery Days are not allowed.

**Maximum number of members who come to the site.** These numbers are based on discussions with the advisory group—which included several representatives from food membership distribution organizations—and a special meeting staff attended with food buying clubs and CSA farmers. Twelve as the threshold for a small pick-up was arrived at because many felt this number of people could come and go with little impact on the neighborhood. The higher number of 56 was based on the home occupation regulations that allow 8 people to come to the site 7 days a week for a total of 56 people a week. The absolute maximum of 100 members who may come to the site is based on a recommendation from the Bureau of Transportation: they are concerned that higher numbers would have a significant impact on the functioning of streets and intersections, leading to congestion and safety concerns.

**Proximity to non-local streets.** Generally, sites that are close to non-local streets are more likely to be close to transit, giving members the option to take transit to pick up their orders. In addition, the expectations of neighbors near such streets is often that there will be slightly more traffic and activity.

Initially, we considered applying the 500-foot distance citywide, but realized that there are far fewer non-local streets east of I-205 than west of I-205. Keeping the 500-foot distance east of I-205 would sharply limit the potential for Food Membership Distribution in that area. Because that area also has fewer opportunities for access to affordable, healthful food than most of Portland, the 1,000-foot distance is appropriate.

This is a new chapter. For ease of reading, the language is not underlined.

<b>Table 237-2 Food Membership Distribution: Frequency and Number of Members</b>					
	<b>Number of Delivery Days per Calendar Year</b>				
<b>Maximum Number of Members Who Come to Site per Delivery Day↓</b>	<b>Up to 5/year</b>	<b>6 to 26/year</b>	<b>27 to 52/year</b>	<b>53 to 104/year</b>	<b>More than 104/year</b>
<b>Up to 12</b>	Allowed	Allowed	Allowed	Allowed if requirements of Section 33.237.500, Neighbor Notification and Meeting, are met	Not Allowed
<b>13 to 56</b>	Allowed	Allowed if requirements of Section 33.237.500, Neighbor Notification and Meeting, are met	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Not Allowed
<b>57 to 100</b>	Allowed	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street.	Not Allowed	Not Allowed
<b>More than 100</b>	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed

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## Commentary

### 33.237.500 Neighbor Notification and Meeting

The Neighbor Notification and Meeting will be required for Market Gardens and Food Membership Distribution Sites. This is a new process, although it is based, in part, on a process used in conjunction with certain land use reviews and building permits (see Section 33.700.025, Neighborhood Contact).

**C. Notification.** These requirements ensure that both owners who live elsewhere and neighbors who may not own the property are informed of the proposal. Sending a copy of the letter to the Bureau of Development Services makes it easier for staff to respond to questions from the public about the proposal. During their review, the Planning and Sustainability Commission added that the Neighborhood Association for the area also be notified.

- C.1. The letter to owners may not be delivered by hand because many owners do not live on site. Mailing a letter to the address listed in the property tax records ensures the legal owner will receive notice. Names and addresses can be obtained online from [www.portlandmaps.com](http://www.portlandmaps.com).

This is a new chapter. For ease of reading, the language is not underlined.

**33.237.500 Neighbor Notification and Meeting**

- A. Purpose.** The requirements of this section allow neighbors an opportunity to become aware of and comment, in an informal manner, on a proposal before operations begin. By sharing information and concerns, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts. While the comments from the neighbors are not binding, a collaborative approach is encouraged.
- B. When Neighbor Notification and Meeting is required.** Neighbor Notification and Meeting is required as specified in Section 33.237.100 and Table 237-2.
- C. Notification.**
  - 1. A letter must be sent to the owners of property within 150 feet of the site, to the Neighborhood Association for the area, and to the Planning and Zoning Section of the Land Use Division of the Bureau of Development Services. The letter must be sent by US Mail, FedEx, UPS, or similar service. The letter may not be sent electronically or delivered by hand.
  - 2. The letter must:
    - a. Describe the proposal in detail;
    - b. Include information on how to contact the person or organization making the proposal;
    - c. Show the location of the site on a map, and give the address of the site; and
    - d. Invite people to a meeting to discuss the proposal, specifying the date, time, and location of the meeting.
  - 3. The letter must be mailed at least 14 days before the meeting.
  - 4. At least one copy of the letter must be posted on the site.
    - a. A copy of the letter must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access.
    - b. Letters must be posted at least 14 days before the meeting, and may not be removed before the meeting.
  - 5. A copy of the letter and the mailing list must be retained in the files of the person or organization making the proposal.
- D. Meeting.** A meeting to discuss the proposal must be held at a location within the boundaries of the neighborhood association that the site is within. The person making the proposal must attend the meeting.

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## Commentary

### 33.237.600 Regulations for Existing Market Gardens, Food Membership Distribution Sites, and Farmers Markets

The regulations of this section work with those in Chapter 33.258, Nonconforming Situations. First, this section confirms that the Market Gardens, Food Membership Distribution Sites, and Farmers Markets that existed before these regulations take effect may continue to operate. Those that do not meet the new regulations for Market Gardens, Food Membership Distribution Sites, and Farmers Markets will be considered nonconforming—a designation given to uses and development that were legally established, but no longer meet current rules because the rules have changed over time. Nonconforming situations are sometimes said to be "grandfathered in," and have "grandfather rights."

This section clarifies that uses and activities that do not meet current regulations will be treated like other nonconforming situations. Generally, that means they may continue to operate, but expansions and significant changes are limited, and they may not change in ways that take them further out of conformance with current regulations. For example, if a Food Membership Distribution site is operating during the specified time with 60 delivery days per year, and 80 members coming to the site, it would be nonconforming because that is a situation that would not be allowed under these regulations. The site may continue to operate at that level, but may not increase either the delivery days or number of members coming to the site.

Nonconforming use rights are site-specific and are not transferable to a new site, so if an operation moves to a new site, the current regulations will have to be met on the new site. Changes that bring nonconforming uses or development closer to conformance with current regulations are always allowed. Operations that do meet the current regulations are not subject to the regulations of Chapter 33.258, Nonconforming Situations.

**C. and D.** Unlike a Market Garden, which exists at the one location all of the time, Farmers Markets and Food Membership Distribution Sites are not always in operation or existence. A Food Membership Distribution site may only have one or two delivery days per year, and a Farmers Market typically sets up just one day a week, and often not year-round. These variations explain the different dates use for determining whether a use or activity should be "grandfathered in."

During the project an inventory of Market Gardens, Food Membership Distribution Sites, and Farmers Markets that exist before these regulations take effect was compiled. Inclusion in this inventory established rights to continue to operate—at the current operating level—even if it doesn't meet the new regulations.

This is a new chapter. For ease of reading, the language is not underlined.

**33.237.550 Farmers Markets**

The regulations for Farmers Markets are in Chapter 33.296, Temporary Uses, and in Section 33.267.600.

**33.237.600 Regulations for Existing Market Gardens, Food Membership Distribution Sites, and Farmers Markets**

- A. Purpose.** Before the regulations in this chapter were adopted, the regulations for Market Gardens, Food Membership Distribution Sites, and Farmers Markets were sometimes unclear. To simplify regulations for those uses that existed when the regulations were adopted, those that existed are automatically given status as if they were legally established.
- B. Market Gardens.** Market Gardens that existed on June 1, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.
- C. Food Membership Distribution Sites.** Food Membership Distribution Sites that were operating at any time between June 1, 2011 and June 1, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to the number of members coming to the site, the number of delivery days per year, size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.
- D. Farmers Markets.** Farmers Markets that were operating during the month of June, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.

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## Commentary

### Chapter 33.296. Temporary Activities

#### 33.296.010 Purpose and 33.296.020 Description

Although no changes are proposed to these sections, they are included for information and context.

#### 33.296.030 Zone and Duration

##### A. IR and RF through RH zones.

##### 3. Sales.

- b. Seasonal outdoor sales. This clarifies that sales from Community and Market Gardens are not subject to the limits of this section, but are regulated by Chapter 33.237, Food Production and Distribution.
- c. Farmers Markets are not allowed in single dwelling or low density multi-dwelling zones. In residential zones they are only allowed on sites of Institutional Uses and in the highest density multi-dwelling zones. The markets are allowed to be open up to 70 days per calendar year. Currently, seasonal outdoor sales of plants and produce are allowed twice a year for up to five consecutive weeks each time. Ten weeks works out to 70 days; this regulation allows the days when the market is open to occur at any time.

We considered limiting the hours markets could operate and, when they were near residential uses, the hours when they could set up or take down the market. Our concerns were based on the potential for noise early in the morning or late at night. However, discussions with the advisory committee—which included representatives of Farmers Markets—persuaded us that regulating the hours is unnecessary. First, markets will only be open when there are many people willing to purchase food; that effectively eliminates late evening hours.

Second, we learned that it can take several hours to set up a large market, such as the Saturday morning market held in the Portland State Park Blocks, which begins setup as early as 5:00 AM. Although that site is adjacent to several high-density apartment buildings, there have been no complaints: the operators of the markets assured us that vendors and others working to set up the markets are careful about noise. In fact, there have been no complaints about noise from Farmers Markets citywide.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**AMEND CHAPTER 33.296. TEMPORARY ACTIVITIES**

**33.296.010 Purpose**

This chapter allows short-term and minor deviations from the requirements of the zoning code for uses which are truly temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate.

**33.296.020 Description**

Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: construction trailers, leasing offices, garage sales, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. There are two categories of temporary activities. First, there are those which are allowed by the zone but do not meet the development standards. Examples include Christmas tree sales and a parking lot sale in a commercial zone. Second, there are temporary activities which if permanent, would not be allowed by the base zone. Examples include church carnivals in residential zones and retail warehouse sales in industrial zones.

**33.296.030 Zone and Duration**

**A. IR and RF through RH zones.** The regulations for temporary uses in the IR and RF through RH zones are as follows:

1. Use of existing house or manufactured dwelling during construction. [No change.]
2. Residential sales offices. [No change.]
3. Sales.
  - a. Garage sales. Garage sales and other sales for items from the site may occur for no more than three consecutive days on two different occasions during a calendar year. The sale of products brought to the site for the sale is not allowed.
  - b. Seasonal outdoor sales. Seasonal outdoor sales of plants and produce are allowed twice a year for up to five consecutive weeks each time. This does not apply to Community and Market Gardens; they are regulated by Chapter 33.237, Food Production and Distribution.
  - c. Farmers Markets are allowed as follows:
    - (1) Markets are allowed on a site with an institutional use, and on sites in the IR, R1, and RH zones. The Market may be open up to 70 days per calendar year.

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## Commentary

### 33.296.030 Zone and Duration

#### A. IR and RF through RH zones.

##### 3. Sales.

###### c.

- (2) These standards regulate the type of vendors allowed at Farmers Markets to ensure that they will be primarily for the sale of food or other locally grown agricultural products. Markets dominated by other types of sales, such as crafts markets or flea markets, are not allowed under these provisions. While the Discussion Draft proposed a 70/20/10 vendor split (agricultural producers/sellers of other foods/other uses), we learned that such a requirement is impractical for the smaller markets, especially the new ones and revised our proposals to 50/30/20 in this Proposed Draft. However, after studying the results of an impromptu survey of vendor types by local farmers market managers, staff presented the Planning and Sustainability Commission with an amendment to this section. PSC accepted the amendment which clarified the categories of each vendor type and changed the break down to allow up to 50 percent of sellers of other foods instead of setting a 30 percent maximum. We think this will allow more flexibility and still ensure that farmers market vendors are focused on agricultural producers products and other food-related items.
- (4) This provision was added at City Council; the intent is to make additional information easily available to customers about vendors claiming that their produce is organic.

#### B. RX, C, E, and I zones.

##### 2. Seasonal outdoor sales. See commentary for A.3.b.

8. These regulations allows Farmers Markets in most nonresidential zones and in the highest density residential zone, RX. The regulations are the same as Subsection A.

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(2) Vendors. Calculations are based on the number of vendors, rather than linear or square footage. Those who do not sell any products or services, such as community groups and music areas, are not included in these calculations.

- Category One: Agricultural Producers. At least 50 percent of vendors must be farmers, ranchers, and other agricultural producers who sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised.
- Category Two: Other Food. Up to 50 percent of market vendors may be those who sell food, but do not fit into the first category. This includes sales of wild-caught fish, freshly made food available for immediate consumption on site, cheesemakers who do not raise their own animals, and the like.
- Category Three: All Other. Up to 20 percent of market vendors are not required to be related to agriculture or food.

For example, a market may have 50 percent of vendors in Category One, 30 percent in Category Two, and 20 percent in Category Three. Another market may have 70 percent of vendors in Category One, 10 percent in Category Two, and 20 percent in Category Three. A third may have 60 percent of vendors in Category One, 35 percent in Category Two, and 5 percent in Category Three.

(3) The market cannot obstruct a path that is part of a required pedestrian circulation system.

(4) The market manager must retain organic certification information on site and must post a sign in a prominent location that reads "Questions about organic certification? Contact market manager," and that also includes a phone number for the market manager.

4. Fairs, carnivals and other major public gatherings. [No change.]
5. Show of model homes. [No change.]
6. Natural disasters and emergencies. [No change.]
7. Staging areas for public utility installation. [No change.]
8. Radio Frequency Transmission Facilities. [No change.]

**B. RX, C, E, and I zones.** The regulations for temporary uses in the RX, C, E, and I zones are as follows:

1. Parking lot sales. [No change.]
2. Seasonal outdoor sales. Seasonal outdoor sales are allowed for up to one month at any one time. This does not apply to Community and Market Gardens; they are regulated by Chapter 33.237, Food Production and Distribution.
3. Fairs and carnivals. [No change.]
4. Warehouse sales. [No change.]
5. Natural disasters and emergencies. [No change.]
6. Staging areas for public utility installation. [No change.]
7. Radio Frequency Transmission Facilities. [No change.]

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## Commentary

8.b.

See Commentary for 33.296.030.A.3.c(2)



Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

8. Farmers Markets are allowed as follows:

- a. Markets are allowed on sites in the RX, C, E, and I zones. The Market may be open up to 70 days per calendar year.
- b. Vendors. Calculations are based on the number of vendors, rather than linear or square footage. Those who do not sell any products or services, such as community groups and music areas, are not included in these calculations.
  - Category One: Agricultural Producers. At least 50 percent of vendors must be farmers, ranchers, and other agricultural producers who sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised.
  - Category Two: Other Food. Up to 50 percent of market vendors may be those who sell food, but do not fit into the first category. This includes sales of wild-caught fish, freshly made food available for immediate consumption on site, cheesemakers who do not raise their own animals, and the like.
  - Category Three: All Other. Up to 20 percent of market vendors are not required to be related to agriculture or food.

For example, a market may have 50 percent of vendors in Category One, 30 percent in Category Two, and 20 percent in Category Three. Another market may have 70 percent of vendors in Category One, 10 percent in Category Two, and 20 percent in Category Three. A third may have 60 percent of vendors in Category One, 35 percent in Category Two, and 5 percent in Category Three.

- c. The Market cannot obstruct a path that is part of a required pedestrian circulation system.
- d. The market manager must retain organic certification information on site and must post a sign in a prominent location that reads "Questions about organic certification? Contact market manager," and that also includes a phone number for the market manager.

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## Commentary

**C. OS zone.**

5. These regulations allows Farmers Markets in the OS zone. The regulations are the same as Subsection A.

**5.b** See Commentary for 33.296.030.A.3.c(2)

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**C. OS zone.** The regulations for temporary uses in the OS zone as follows:

1. Fairs, carnivals, and other special events. [No change.]
2. Natural disasters and emergencies. [No change.]
3. Staging areas for public utility installation. [No change.]
4. Radio Frequency Transmission Facilities. [No change.]
5. Farmers Markets. Farmers Markets are allowed as follows:
  - a. The market may be open up to 70 days per calendar year.
  - b. Vendors. Calculations are based on the number of vendors, rather than linear or square footage. Those who do not sell any products or services, such as community groups and music areas, are not included in these calculations.
    - Category One: Agricultural Producers. At least 50 percent of vendors must be farmers, ranchers, and other agricultural producers who sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised.
    - Category Two: Other Food. Up to 50 percent of market vendors may be those who sell food, but do not fit into the first category. This includes sales of wild-caught fish, freshly made food available for immediate consumption on site, cheesemakers who do not raise their own animals, and the like.
    - Category Three: All Other. Up to 20 percent of market vendors are not required to be related to agriculture or food.

For example, a market may have 50 percent of vendors in Category One, 30 percent in Category Two, and 20 percent in Category Three. Another market may have 70 percent of vendors in Category One, 10 percent in Category Two, and 20 percent in Category Three. A third may have 60 percent of vendors in Category One, 35 percent in Category Two, and 5 percent in Category Three.
  - c. The Market cannot obstruct a path that is part of a required pedestrian circulation system.
  - d. The market manager must retain organic certification information on site and must post a sign in a prominent location that reads "Questions about organic certification? Contact market manager," and that also includes a phone number for the market manager.

**D. Time between activities.** For Subsection A. and B. above, except for manufactured dwellings, construction trailers, Farmers Markets, and residential sales offices, the time between temporary activities must be four times as long as the duration of the last event.

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## Commentary

### 33.296.040 General Regulations

- D. Farmers Markets frequently set up on surface parking lots. If the parking is not otherwise being used by the primary use on the site, or if the parking is not required by the Zoning Code, a parking lot location may be ideal for both the market and the neighborhood. These regulations allow the markets to occupy required parking spaces in two situations.

Some uses invite farmers to set up a few tables to sell produce to those who are already to visit the site. This increases access to fresh produce for people coming to the site, and gives the farmers an additional sales outlet. The sales are usually limited to a few tables, and are most common at religious institutions. D.1 would accommodate such situations, where a few spaces are occupied, but the bulk of the parking remains available to those coming to the site because of the primary use.

D.2 allows a larger, more typical Farmers Market to occupy all required parking on a site if the parking is not in high demand by the primary use on the site. This is similar to regulations for joint use parking in Chapter 33.266, Parking and Loading.

Language to be **added** is underlined  
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**33.296.040 General Regulations**

All temporary activities are subject to the regulations listed below.

- A.** Permanent changes to the site are prohibited.
- B.** Temporary parking areas are allowed only during construction on the site . . . [No change.]
- C.** Signs. [No change.]
- D.** Temporary activities may not cause the elimination of required off-street parking, except for Farmers Markets. Required parking may be temporarily occupied by a Farmers Market, as follows:
  - 1. The market may occupy up to 3 required spaces or 30 percent of the required spaces, whichever is more; or
  - 2. If the market occurs at a time other than a peak time for the primary use on the site, the market may occupy all of the required spaces. If this option is used, the operator of the market must keep an analysis on file. The analysis must document when the peak times are for the primary use, and the hours of operation (including set-up and take-down) for the market.
- E.** Temporary activities in C, E, and I zones that are maintained beyond the allowed time limits are considered permanent uses, and are subject to the use and development standards of the base zone.
- F.** Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use, except as allowed by Subsection D.
- G.** These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.

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## Commentary

### AMENDMENTS TO USE REGULATIONS

#### Chapter 33.100, Open Space Zone

The change to Table 100-1 and the footnote on the following page establish that Market Gardens are allowed as an Agriculture Use if they meet the regulations of Chapter 33.237, Food Production and Distribution.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**AMEND CHAPTER 33.100, OPEN SPACE ZONE**

**Use Regulations**

<b>Table 100-1 Open Space Zone Primary Uses</b>	
<b>Use Categories</b>	<b>OS Zone</b>
<b>Residential Categories</b>	
Household Living	N
Group Living	N
<b>Commercial Categories</b>	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
<b>Industrial Categories</b>	
Manufacturing And Production	CU [6]
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Railroad Yards	N
Waste-Related	N
<b>Institutional Categories</b>	
Basic Utilities	L/CU [5]
Community Service	CU [4]
Parks And Open Areas	L/CU [2]
Schools	CU
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
<b>Other Categories</b>	
Agriculture	<u>Y L [7]</u>
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [3]
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### 33.100.100 Primary Uses

#### B. Limited uses.

7. *Agriculture*. This ties into the Use Category of Agriculture (33.920.500) and the definition of *Market Garden* in 33.910. If a site meets the regulations for a *Market Garden*, the owner/operator can choose whether to operate the site as a *Market Garden* (where the size is limited, other standards apply, but onsite sales are allowed up to 70 days a year) or as another *Agriculture Use* (no size limit or standards, but onsite sales are governed by 33.296, *Temporary Uses*). If the site does not meet the regulations for a *Market Garden*, it is an *Agriculture Use*, and the regulations for *Market Gardens* do not apply to the site.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~striketrough~~

**33.100.100 Primary Uses**

**A. Allowed uses.** [No change.]

**B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 100-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 100-1.

1. through 6. [No change.]

7. Agriculture. This regulation applies to all parts of Table 100-1 that have note [7]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

**C. Conditional uses.** [No change.]

**D. Prohibited uses.** [No change.]

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## Commentary

### Chapter 33.110, Single-Dwelling Zones

The changes to Table 110-1 and the footnotes on the following page establish that Market Gardens are allowed as an Agriculture Use if they meet the regulations of Chapter 33.237, Food Production and Distribution.

Language to be **added** is underlined  
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**AMEND CHAPTER 33.110, SINGLE-DWELLING ZONES**

**Use Regulations**

<b>Table 110-1 Single-Dwelling Zone Primary Uses</b>						
<b>Use Categories</b>	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>	<b>R2.5</b>
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	CU	CU	CU	CU	CU	CU
<b>Commercial Categories</b>						
Retail Sales And Service	N	N	N	N	N	N
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
<b>Industrial Categories</b>						
Manufacturing And Production	CU [6]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Community Service	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]
Parks And Open Areas	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]
<b>Other Categories</b>						
Agriculture	<del>Y</del> L [7]	<del>Y</del> L [7]	L/CU [8]	L/CU [8]	<del>N</del> L [9]	<del>N</del> L [9]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.110.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### 33.110.100 Primary Uses

#### B. Limited uses.

7. Agriculture in RF and R20 zones. This ties into the Use Category of Agriculture (33.920.500) and the definition of Market Garden in 33.910. If a site meets the regulations for a Market Garden, the owner/operator can choose whether to operate the site as a Market Garden (where the size is limited, other standards apply, but onsite sales are allowed up to 70 days a year) or as another Agriculture Use (no size limit or standards, but onsite sales are governed by 33.296, Temporary Uses). If the site does not meet the regulations for a Market Garden, it is an Agriculture Use, and the regulations for Market Gardens do not apply to the site.
8. Agriculture in R10 and R7 zones. Currently, a conditional use (CU) is required for Agriculture Uses in these zones. A CU is a land use review, where a fee, an application, public notice, and a public hearing are required. As proposed here, if a site meets the regulations for a Market Garden, the owner/operator can choose whether to operate the site as a Market Garden or apply for the conditional use to operate the site as another Agriculture Use. If the site does not meet the regulations for a Market Garden, it is an Agriculture Use, the regulations for Market Gardens do not apply to the site, and a CU is required.

Records indicate that there has been only one request for a CU for Agriculture in the past 10 years. We considered deleting the option of a CU to simplify the code. However, doing so would, under State law, require notice be mailed to more than 40,000 property owners. Given the cost of the notification, we are not deleting the option.

9. Agriculture in R5 and R2.5 zones. The only Agriculture Use allowed in these zones is a Market Garden.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**33.110.100 Primary Uses**

**A. Allowed uses.** [No change.]

**B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 110-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 110-1.

1. through 6. [No change.]

7. Agriculture in RF and R20 zones. This regulation applies to all parts of Table 110-1 that have note [7]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

8. Agriculture in R10 and R7 zones. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.

9. Agriculture in R5 and R2.5 zones. This regulation applies to all parts of Table 110-1 that have note [9]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.

**C. Conditional uses.** [No change.]

**D. Prohibited uses.** [No change.]

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## Commentary

### Chapter 33.120, Multi-Dwelling Zones

The changes to Table 120-1 and the footnote on the following page establish that Market Gardens are allowed if they meet the regulations of Chapter 33.237, Food Production and Distribution.



**PROPOSED ZONING CODE LANGUAGE**

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**AMEND CHAPTER 33.120, MULTI-DWELLING ZONES**

**Use Regulations**

<b>Table 120-1 Multi-Dwelling Zone Primary Uses</b>						
<b>Use Categories</b>	<b>R3</b>	<b>R2</b>	<b>R1</b>	<b>RH</b>	<b>RX</b>	<b>IR</b>
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	Y [1]				
<b>Commercial Categories</b>						
Retail Sales And Service	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Office	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [4]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	CU
<b>Industrial Categories</b>						
Manufacturing And Production	N	N	N	N	N	CU
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	CU
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	L/CU [13]					
Community Service	CU [6]	CU [6]	CU [6]	L/CU [6]	L/CU [5, 6]	CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y	Y
Schools	CU	CU	CU	CU	L/CU [5]	L/CU [11]
Colleges	CU	CU	CU	CU	CU	L/CU [11]
Medical Centers	CU	CU	CU	CU	CU	L/CU [11]
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L/CU [12]
<b>Other Categories</b>						
Agriculture	<del>N L [14]</del>					
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]					
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.120.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

L = Allowed, But Special Limitations

N = No, Prohibited

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## Commentary

### 33.120.100 Primary Uses

#### B. Limited uses.

14. *Agriculture* . This ties into the Use Category of *Agriculture* (33.920.500) and the definition of *Market Garden* in 33.910. The only *Agriculture Use* allowed in these zones is a *Market Garden*.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strike through~~

**33.120.100 Primary Uses**

- A. Allowed uses.** [No change.]
- B. Limited uses.** Uses allowed in these zones subject to limitations are listed in Table 120-1 with an “L”. These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.
  - 1. through 13. [No change.]
  - 14. Agriculture. This regulation applies to all parts of Table 120-1 that have note [14]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.
- C. Conditional uses.** [No change.]
- D. Prohibited uses.** [No change.]

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## Commentary

### Chapter 33.130, Commercial Zones

The changes to Table 130-1 and the footnotes on the following page establish that Market Gardens are allowed if they meet the regulations of Chapter 33.237, Food Production and Distribution.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**AMEND CHAPTER 33.130, COMMERCIAL ZONES**

**Use Regulations**

Table 130-1 Commercial Zone Primary Uses								
Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
<b>Residential Categories</b>								
Household Living	Y	Y	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
<b>Commercial Categories</b>								
Retail Sales And Service	L [2]	Y	N	L [3]	L [4]	Y	Y	Y
Office	L [2]	Y	Y	Y	L [4]	Y	Y	Y
Quick Vehicle Servicing	N	L [12]	N	N	N	N	Y	L [12]
Vehicle Repair	N	N	N	N	N	Y	Y	L [5]
Commercial Parking	N	N	N	N	N	Y	CU [11]	CU [11]
Self-Service Storage	N	N	N	N	N	N	L [6]	L [6]
Commercial Outdoor Recreation	N	N	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	N	N	N	CU	CU	Y
<b>Industrial Categories</b>								
Manufacturing And Production	L/CU [2]	L/CU [2]	N	N	L/CU [4, 5]	L/CU [5]	L/CU [5,7]	L/CU [5]
Warehouse And Freight Movement	N	N	N	N	N	N	CU [5,7]	N
Wholesale Sales	N	N	N	N	L [4, 5]	L [5]	L [5,7]	L [5]
Industrial Service	N	N	N	N	N	CU [5]	CU [5,7]	CU [5]
Railroad Yards	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
<b>Institutional Categories</b>								
Basic Utilities	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]
Community Service	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]
Parks And Open Areas	Y	Y	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y	Y	Y
Colleges	Y	Y	Y	Y	Y	Y	Y	Y
Medical Centers	Y	Y	Y	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y	Y	Y
<b>Other Categories</b>								
Agriculture	<del>N</del> L [13]	<del>N</del> L [13]	<del>N</del> L [13]	<del>N</del> L [13]	<del>N</del> L [13]	L/CU [14]	L/CU [14]	L/CU [14]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N	CU	CU
Detention Facilities	N	N	N	N	N	N	CU	CU
Mining	N	N	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed  
 CU = Conditional Use Review Required  
 L = Allowed, But Special Limitations  
 N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### 33.130.100 Primary Uses

#### B. Limited uses.

13. Agriculture in *CN*, *CO*, and *CM* zones. This ties into the Use Category of Agriculture (33.920.500) and the definition of Market Garden in 33.910. The only Agriculture Use allowed in these zones is a Market Garden.
14. Agriculture in *CS*, *CG*, and *CX* zones. Currently, a conditional use (*CU*) is required for Agriculture Uses in these zones. A *CU* is a land use review, where a fee, an application, public notice, and a public hearing are required. As proposed here, if a site meets the regulations for a Market Garden, the owner/operator can choose whether to operate the site as a Market Garden or apply for the conditional use to operate the site as another Agriculture Use. If the site does not meet the regulations for a Market Garden, it is an Agriculture Use, the regulations for Market Gardens do not apply to the site, and a *CU* is required.

Records indicate that there has been only one request for a *CU* for Agriculture in the past 10 years. We considered deleting the option of a *CU* to simplify the code. However, doing so would, under State law, require notice be mailed to more than 40,000 property owners. Given the cost of the notification, we are not deleting the option.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**33.130.100 Primary Uses**

**A. Allowed uses.** [No change.]

**B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.

1. through 12. [No change.]

13. Agriculture in CN, CO, and CM zones. This regulation applies to all parts of Table 130-1 that have note [13]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.

14. Agriculture in CS, CG, and CX zones. This regulation applies to all parts of Table 130-1 that have note [14]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.

**C. Conditional uses.** [No change.]

**D. Prohibited uses.** [No change.]

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## Commentary

### Chapter 33.140, Employment And Industrial Zones

The changes to Table 140-1 and the footnote on the following page establish that Market Gardens are allowed if they meet the regulations of Chapter 33.237, Food Production and Distribution.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**AMEND CHAPTER 33.140, EMPLOYMENT AND INDUSTRIAL ZONES**

**Use Regulations**

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	<b>EG1</b>	<b>EG2</b>	<b>EX</b>	<b>IG1</b>	<b>IG2</b>	<b>IH</b>
<b>Residential Categories</b>						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
<b>Commercial Categories</b>						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]					
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
<b>Industrial Categories</b>						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]
<b>Institutional Categories</b>						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
<b>Other Categories</b>						
Agriculture	<del>Y</del> L [16]					
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [14]					
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### 33.140.100 Primary Uses

#### B. Limited uses.

16. *Agriculture*. This ties into the Use Category of *Agriculture* (33.920.500) and the definition of *Market Garden* in 33.910. If a site meets the regulations for a *Market Garden*, the owner/operator can choose whether to operate the site as a *Market Garden* (where the size is limited, other standards apply, but onsite sales are allowed up to 70 days a year) or as another *Agriculture Use* (no size limit or standards, but onsite sales are governed by 33.296, *Temporary Uses*). If the site does not meet the regulations for a *Market Garden*, it is an *Agriculture Use*, and the regulations for *Market Gardens* do not apply to the site.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~striketrough~~

**33.140.100 Primary Uses**

**A. Allowed uses.** [No change.]

**B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1. through 15. [No change.]

16. Agriculture. This regulation applies to all parts of Table 140-1 that have note [16]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

**C. Conditional uses.** [No change.]

**D. Prohibited uses.** [No change.]

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## Commentary

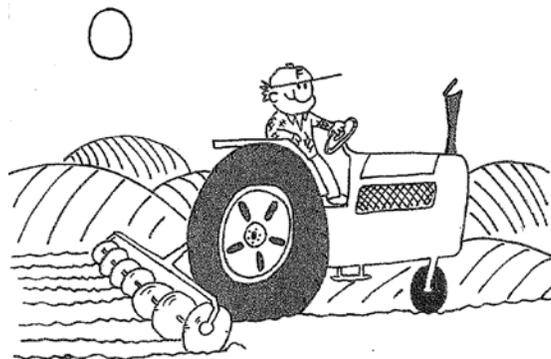
**Chapter 33.279, Recreational Fields For Organized Sports**

**Chapter 33.281, Schools And School Sites**

**Chapter 33.815, Conditional Uses**

Regulations in these three chapters state that an increase in the exterior improvement area by more than 1,500 square feet requires a land use review. A land use review requires an application and an application fee ranging from \$3000 to \$14,000. Notice is sent to neighbors, and there is the opportunity for a public hearing. Given the extremely low impact of adding a *Community Garden* or *Market Garden* to the sites addressed by these chapters, these amendments exempt the gardens from triggering a land use review.

These regulations encourage creation of *Community Gardens* and *Market Gardens* on institutional sites such as schools, medical centers, and religious institutions; these sites often have areas that are not otherwise used, and are often already a neighborhood focal point.



Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**AMEND CHAPTER 33.279, RECREATIONAL FIELDS FOR ORGANIZED SPORTS**

**33.279.030 Review Thresholds for Development**

This section states when development related to recreational fields is allowed, when a conditional use review is required, and the type of procedure used.

**A. Allowed.** Alterations to the site that meet all of the following are allowed without a conditional use review provided the proposal:

1. through 3. [No change.]
4. Does not increase the exterior improvement area by more than 1,500 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, Community Gardens, Market Gardens, and increases allowed by Subsections A.6 and A.8, below are exempt from this limitation;
5. through 8. [No change.]

---

**AMEND CHAPTER 33.281, SCHOOLS AND SCHOOL SITES**

**33.281.040 Review Thresholds for Other Uses**

This section states when a conditional use is required for changes to nonschool uses on school sites in the OS and R zones, and the type of procedure used when a conditional use review is required.

**A. Purpose.** [No change.]

**B. Other uses on school sites.**

1. Daycare, Community Service, Community Gardens, Market Gardens, and nonprofit or social service Office uses are allowed at a school site. However, these uses must comply with the parking requirements in Chapter 33.266, Parking and Loading. In addition, any exterior recreation areas including playgrounds and fields must be maintained and open to the public at times when the use is not occupying the areas.
2. through 6. [No change.]

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## Commentary

See commentary for 33.279.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**33.281.050 Review Thresholds for Development**

This section states when development related to schools and on school sites in the OS and R zones is allowed, when a conditional use review is required, and the type of procedure used. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

**A. Allowed.** Alterations to the site that meet all of the following are allowed without a conditional use review.

1. and 2. [No change.]
3. Increases of exterior improvement areas up to 1,500 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, Community Gardens, Market Gardens, and increases allowed by Paragraphs A.5 and A.8 are exempt from this limitation;
4. through 8. [No change.]

-----  
**AMEND CHAPTER 33.815, CONDITIONAL USES**

**33.815.040 Review Procedures**

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. The review procedures for recreational fields for organized sports are stated in Chapter 33.279. The review procedures for schools, school related uses, and school sites, are stated in Chapter 33.281. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

**A. Proposals that affect the use of the site.**

1. and 2. [No change.]
3. Adding another use.
  - a. In the same use category. [No change.]
  - b. Adding a new conditional use that is in another use category [No change.]
  - c. Adding an allowed use may be allowed by right or require a conditional use depending on the proposed changes to development on the site. See Subsection B., below.
4. through 6. [No change.]

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## Commentary

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**B. Proposals that alter the development of an existing conditional use.** Alterations to the development on a site with an existing conditional use may be allowed, require an adjustment, modification, or require a conditional use review, as follows:

1. Conditional use review not required. A conditional use review is not required for alterations to the site that comply with Subparagraphs a through g. All other alterations are subject to Paragraph 2, below. Alterations to development are allowed by right provided the proposal:
  - a. through c. [No change.]
  - d. Does not increase the exterior improvement area by more than 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems, ground mounted solar panels, Community Gardens, Market Gardens, and parking space increases allowed by 33.815.040.B.1.f, below, are exempt from this limitation;
  - e. through g. [No change.]
2. Conditional use required. [No change.]

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## Commentary

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~striketrough~~

## **ADDITIONAL TECHNICAL AMENDMENTS**

### **Amend Chapter 33.900, List of Terms, to add the following terms**

Calendar Year  
Farmers Market

#### Food Production and Distribution Related Definitions

- Community Garden
- Delivery Days
- Food Membership Distribution Site
  - Food Buying Clubs
  - Community Supported Agriculture Organizations
- Market Garden

### **Amend the Table of Contents, the List of Chapters, and the 200s Content Sheet to add:**

Chapter 33.237, Food Production And Distribution

### III. Issues Outside of the Project Scope

While the zoning code will set forth a framework for growing, selling, and distributing healthful food throughout the city, concerns outside of the scope of this project—many of them related to health—were identified. The list below identifies issues heard most frequently.

- **Food Safety** - Food safety laws regulate food sold both for immediate and later consumption in Oregon. The Oregon Health Authority (OHA) and the Oregon Department of Agriculture (ODA) are the rule making agencies for food safety. OHA oversees licensing and permit applications through their Foodborne Illness Prevention Program in restaurants, food sold for immediate consumption at temporary events, food carts, and farmers markets. Multnomah County Environmental Health enforces OHA's food sanitation rules by performing inspections, responding to complaints, and investigating foodborne illnesses. ODA is the rule making authority for food for later consumption and provides commodity inspections of producers, processing facilities, and retailers.
- **Soil Testing** - At this time there is no requirement to test soil on land used for gardens in industrial, commercial, or residential zones. Fortunately, the City of Portland Parks and Recreation (PPR) Community Garden program does perform soil tests on public community gardens to ensure that soil contaminants such as heavy metals and organic compounds such as pesticides are present at safe levels. There is progress on this issue as the Environmental Protection Agency (EPA) has issued interim guidelines for safe urban gardening practices. It was suggested during this planning process that soil testing should be required, encouraged, or subsidized to ensure that all soils where food is grown for personal consumption or for sale is safe.
- **Pesticide Use and Exposure** - ODA enforces the State Pesticide Control Act that regulates the application and use of pesticides. Every pesticide sold in Oregon must be registered with the ODA, who issues pesticide licenses and certifications. There is also a 'no-drift' rule wherein pesticides applied to a garden cannot drift onto adjacent property.
- **Water** - Urban water costs are much higher than agricultural water rates (the latter of which are not available in the city). This is a significant cost barrier for many urban farmers. Even though most of the farmers we worked with on this project used organic farming practices, there was still concern about rainwater runoff carrying hazardous chemicals to neighboring properties and surrounding waterways.

## IV. Next Steps

When adopted, amendments to the zoning code will clarify the regulations for market gardens, community gardens, farmers markets, and food membership distribution sites, making them easier to establish and operate. The next steps identified below focus on getting the word out that it is easier to do these activities and providing educational/informational support.

**Outreach** - The goal of this project was to increase people's access to healthful, affordable food by removing zoning code barriers to food production and distribution activities. One next step after adopting code regulations would target organizations that influence these activities and encourage them to take advantage of the new regulations. These groups include, but are not limited to:

- Those trying to establish community gardens,
- Faith-based institutions with programs to increase access to food through food buying clubs and community gardens,
- Non-profit organizations with programs for immigrant and low-income communities that address food security and access to food, and
- School-based and private programs that provide education opportunities for learning more about gardens and food systems.

**Educational materials** – Educational materials would be helpful for all the topic areas. Handouts, website information, and “how-to guides” could include summaries of the zoning code requirements for the different uses and information on how to establish a community garden, market garden, farmers market, or food membership distribution site. It is especially important that these materials be available in multiple languages to meet the needs of communities of colors and immigrants. These resources could be generated from the City, other government agencies, or groups promoting these activities. The material could also include information on the benefits of these activities and address how institutions (religious, educational, corporate, etc.) can participate.

Currently, the BPS Sustainable Food website lists many resources for growing food. When the amendments are adopted, the site could provide additional information on how the new regulations will impact:

- **Market Gardens/CSAs** - How to start and run a market garden, how to find a site or land for market farm, case studies of successful farmers, marketing assistance, venues for selling produce (e.g., farmers markets, restaurants, CSAs), and food safety regulations.
- **Food Buying Clubs** - How to start a food buying club, best practices for running a food buying club, software resources, how to work with vendors, and how to reduce impacts to surrounding

## Next Steps

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neighbors. (It would be possible to engage members of the Code Development Advisory Group (CDAG) who have offered their assistance in preparing these materials.)

- **Farmers Markets** - How to find a site, case studies of successful farmers markets, how to reduce impacts to the surrounding neighbors, parking options, the process for working with a city bureau (e.g., Transportation, Parks, Environmental Services, Development Services.)
- **Community Gardens** - Portland Parks and Recreation has materials and information about establishing a city-run community garden. Additional educational materials could include resources for establishing community gardens on private property.

**Health and Safety** – When appropriate, continue to work with health partners to address issues identified during this project including exposure to pesticides and fertilizers, contaminated soils, and general food safety.

## Appendix A: Project Schedule

<b>Fall/Winter 2010</b>		<b>Food Policy Council Food Production and Distribution Committee Initial Work</b>	
		Project staff attended the monthly meetings of the Food Production and Distribution Committee. Staff reviewed background work and confirmed issues as well as identified stakeholders and ideas for public involvement. These meetings were open to the public and relied on notification from the Food Policy Council.	
<b>Winter/Spring 2011</b>		<b>Topic Area Discussions</b>	
<b>January</b>		<p><b>Establish Ongoing Communication Tools</b></p> <ul style="list-style-type: none"> <li>▪ Project website goes live.</li> <li>▪ Publish project brochure.</li> <li>▪ Start building project mailing list.</li> <li>▪ Set up Dropbox to share background documents and relevant research between partners and interested stakeholders.</li> </ul> <p><b>Topic Area Discussions</b></p> <p>Because of the wide variety of issues covered by this project, initial discussions with stakeholders were divided into the following topic areas:</p> <ul style="list-style-type: none"> <li>▪ Project Summary/Introduction Meeting</li> <li>▪ Urban Food Production</li> <li>▪ Community Gardens and Animals and Bees</li> <li>▪ Farmers Markets and Community Food Distribution Sites</li> <li>▪ Send summary memo to PAG members.</li> </ul> <p>The FPC Food Production and Distribution committee members were notified via email of the topic area discussion meetings and additional health, food security, and hunger organizations were identified and invited to participate. People who attended one or all of these meetings were put on a Project Advisory Group (PAG) mailing list. The topic area discussions were open to the public. Participants discussed the existing types of activities for each topic, reviewed the issues, and brainstormed the benefits and possible impacts to surrounding neighborhoods.</p>	
January 18			
February 1			
February 15			
March 1			
April 25			
<b>Spring/Summer 2011</b>		<b>Concept Draft</b>	
<b>July 20</b>		<p><b>Concept Draft is Published</b></p> <p>Building on the topic area discussions and additional research, staff published a Concept Draft that identified issues, benefits, potential impacts, and examples of how other cities regulate food growing and distribution activities.</p>	
July 28		<p><b>Public Review of Concept Draft</b></p> <p>There were three community meetings to discuss the ideas in the Concept Report.</p> <ul style="list-style-type: none"> <li>▪ Hollywood Senior Center</li> <li>▪ Development Services Building</li> <li>▪ Midland Library</li> </ul> <p>In addition to these meetings, project staff coordinated outreach to diverse communities or groups that have historically been underrepresented in public processes such as zoning code updates.</p>	
August 2			
August 8			
August 29		<p>Comment period closes.</p>	
September/October		<p>Comments from the public review are compiled and posted on the website.</p>	

## Appendix A: Project Schedule

Fall 2011/Winter 2012	Develop Project Recommendations
October	<p><b>Establish Code Development Advisory Group (CDAG)</b> Once guidance on the direction was received from community input on the Concept Report, work began on developing the proposed zoning code regulations. To assist project staff, a Code Development Advisory Group (CDAG) was established. This group was composed of 18 members with a variety of interests, perspectives, and experiences around urban food production and distribution.</p>
<p>Oct 2011- Jan 2012</p> <p>February 10</p> <p>Feb 21</p> <p>Feb 28</p> <p>March 7</p>	<p>There were 6 DCAG meetings with the following tasks:</p> <ul style="list-style-type: none"> <li>▪ Review comments on Concept Report.</li> <li>▪ Provide advice on proposed zoning code regulations for each topic area.</li> <li>▪ Review final code language for the Discussion Draft.</li> </ul> <p><b>Discussion Draft is published</b></p> <p><b>Public Review of Discussion Draft</b> There were two community meetings to discuss the proposals in the Discussion Draft.</p> <ul style="list-style-type: none"> <li>▪ A Community Open House @ St. Philip Neri Church</li> <li>▪ Health Partners Meeting @ June Key Delta Community Center</li> </ul> <p>In addition to these meetings, project staff coordinated outreach to diverse communities or groups that have historically been underrepresented in public processes such as zoning code updates.</p> <p>Comment period closes.</p>
Spring/Summer 2012	Portland Planning & Sustainability Commission and City Council Review
<p>March 23</p> <p>April 24</p> <p>May 21</p> <p>June 7</p> <p>June 13</p> <p>June 22</p>	<p><b>Recommended Draft is published</b> Staff published the recommended draft to the Planning and Sustainability Commission (PSC) with proposed zoning code regulations as well as next steps.</p> <p>PSC held a public hearing and unanimously voted to send their recommendations to City Council.</p> <p><b>Planning and Sustainability Commission’s Recommended Draft is published.</b></p> <p>City Council held a public hearing on the Planning and Sustainability’s recommendations.</p> <p>City Council approved Planning and Sustainability’s recommendations with emergency clause—amendments effective immediately.</p> <p><b>Adopted Report is published.</b></p>

# Appendix B: Benefits and Impacts

This section was originally included in the Urban Food Zoning Code Update Concept Report, July 2011. For more specific information about benefits and impacts also see the research paper, Urban Food Zoning: Health, Environmental and Economic Considerations in Appendix D.

## How does growing and distributing food affect our daily lives?

This section highlights the potential benefits and impacts that must be considered and balanced as zoning code regulations are developed that allow more food to be grown, distributed, and sold in Portland.

### Summary

Market gardens, community gardens, animal husbandry, farmers markets, and community food distribution sites have the potential to provide many public health, environmental, and economic benefits to Portland residents. However, it is important to consider how our health, neighborhood livability and the environment could be impacted. In most cases the benefits outweigh the risks, yet as we explore ways to better regulate these activities, we must try to mitigate factors that may negatively affect the overall community. New zoning code regulations can include operational standards and mitigation strategies to help diverse communities enjoy the benefits of growing, distributing, or selling food in Portland.

## Benefits

### Health Benefits

- **Access to Healthful Food** – A food environment that provides a variety of healthful food options is necessary to maintain health and well-being. However, not all communities experience an equitable food environment. Cost, transportation, and cultural significance are some of the factors that influence healthful food access. In some communities, these factors may present more obstacles than in others. Personal and community gardens can help to improve access and food security in communities that have limited options.
- **Social Connectivity** – Communities that are more socially connected often perceive their neighborhoods to be safer and offer more opportunities for social gathering. Gardening, raising backyard animals, farmers markets, and community food distribution points can create social gathering places in communities that have fewer social engagement opportunities. Many of these activities can also help to build and empower communities to get involved in local food justice causes.

## Appendix B: Benefits and Impacts

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- **Healthy Eating** – A household or community garden plot encourages the eating of more fresh produce. There is a direct connection between increased fruit and vegetable intake and successfully maintaining a healthy weight. People who are not obese or overweight are less likely to develop chronic diseases such as diabetes and hypertension.
- **Nature in Neighborhoods** – Urban gardens help to “green” and beautify neighborhoods, offering more places where residents can relax in a natural environment, thereby reducing stress and anxiety, and instilling a sense of place and connection with nature.
- **Cultural Heritage** – Gardening provides an opportunity to share knowledge and gain access to foods that have cultural significance for different ethnic groups. Many people who arrive to the United States as refugees and immigrants from rural backgrounds have benefited from applying their agricultural skills in community gardening or economic development projects.
- **Physical Activity** – Gardening and attending farmers markets is a good form of exercise. Physical activity that is integrated into daily errands and activities—such as weeding, maintaining compost, and walking or bicycling to a farmers market—help contribute to positive health impacts over a lifetime.
- **Mental Health** – Gardening outdoors can help to strengthen mental health for many people as well as be therapeutic in a clinical setting. It has been found to reduce stress, restore mood, and instill a sense of satisfaction in feeding one’s family.
- **Nutrition Education** – Gardening or visiting farmers markets serve as opportunities to teach family and friends about the origins and cultural significance of food. Cooking is a great way to encourage children, parents, and seniors in developing lasting healthy eating habits.
- **Health Care Costs** – Increased intake of fruits and vegetables in combination with regular physical activity helps in maintaining a healthy weight, thus reducing the chance of developing chronic diseases such as obesity, heart disease, stroke, and some cancers—which can reduce lifelong healthcare costs.
- **Respiratory Health** – Plants and vegetation in urban gardens help to improve the quality of the air, which benefits the health of nearby residents. Children in particular are positively affected, as asthma and other respiratory illnesses often develop early in life as a result of outdoor environmental conditions.

### Environmental Benefits

- **Wildlife Habitat** – Green areas created by urban gardens provide a healthy habitat for animals, birds, and insects. Beekeeping helps to increase bee populations and improves crop pollination.
- **Biological Diversity** – Gardens that incorporate native plant species support an increased number and variety of regional flora, which helps to ensure the ecological sustainability of numerous plant and animal populations.

- **Healthy Watersheds** – Urban vegetation effectively absorbs and filters rainwater, which reduces the impact on municipal storm water systems and delays storm water runoff that can pollute waterways and harm fish populations.
- **Cooler Temperatures**–The vegetation of vegetable gardens and orchards can have a cooling influence on urban areas. The additional shade surface helps to offset heat generated by surrounding buildings and pavement.
- **Carbon Footprint** –Growing food near home or buying locally-produced goods through farmers markets and community distribution points can reduce carbon emissions from transporting and distributing food. Purchasing food from farmers markets and community food distribution points may reduce automobile trips to grocery stores and the demand on non-regional produce.

### Economic Benefits

- **Family Food Costs** – Maintaining a backyard or community garden plot can generate hundreds of pounds of produce in a year, which reduces household food-related costs. The result of vegetable gardening fosters self-sufficiency and supports family food security.
- **Supplemental Income and Multiplier Effect** – Selling food from accessory or market gardens helps to generate income, as well as benefit other businesses in the gardening and agricultural sectors. Farmers markets in Portland, for example, have a “spillover” effect generating dollars for neighboring businesses and supporting jobs. By increasing the places where local food is sold, more economic opportunities are available to producers.

### Impacts

It is important to recognize the potential negative impacts these activities could have on health and neighborhoods as well as the environment. It is particularly important to consider these impacts on communities that have historically been overlooked.

### Health Impacts

- **Soil Contamination** – Growing food in soil that contains high levels of lead, mercury, and copper can be hazardous for human consumption. This is particularly true in brown fields, industrial zones, near railroads, and high volume streets and freeways where contamination is likely high.
- **Fertilizer and Pesticide Safety** – Chemicals applied on gardens can blow or runoff onto neighboring properties, leading to the contamination of soil, and nearby sewers and waterways. Pesticide exposure has been linked to cancer and respiratory illnesses in farm workers.
- **Air Pollution** – Gardening or visiting farmers markets that are located near high volume streets and highways increase the likelihood of being exposed to harmful traffic pollutants. Growing crops can cause elevated dust and allergen levels, which can adversely impact neighbors.

## Appendix B: Benefits and Impacts

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- **Vehicle Hazards and Noise** – An increased number of vehicles and traffic in neighborhoods that have gardens, CSA drop-off sites, or farmers markets can result in more accidents as well as elevated noise, which effects sleep and functioning.
- **Pests** – Improperly maintained compost, feeding bins or water catchment systems can attract rats, opossums, mosquitoes, flies, and other pests, which often are hosts to various diseases.
- **Food Safety** – It is important that all food and animal products—at home and when sold—are properly washed, stored, and prepared before eating.

### Neighborhood Impacts

- **Aesthetics** – The act of gardening creates a “look” that some may feel is incongruent with a neighborhood’s residential character. Equipment such as rototillers, structures including greenhouses or sheds, as well as fallow garden beds in the offseason create an effect that neighbors may consider unsightly.
- **Increased Activity** – Allowing more food to be grown, distributed, and sold may bring more people to an area—and with them there may be increased litter, noise, and traffic. In residential neighborhoods, land uses are primarily restricted to household living. Uses in neighborhoods that generate more activities like churches or schools, are often subject to a conditional use review.

### Environmental Impacts

- **Waterways** – With more usage of municipal utility water for gardening, increased runoff can occur, potentially harming the water table if agricultural chemicals are used.
- **Air Quality** – Fumes associated with farm machinery, delivery trucks, compost, and backyard animals can escape into the open air, thus compromising air quality.
- **Agricultural Chemicals** – Chemicals such as fertilizers, herbicides, or pesticides that are applied to crops can be hazardous if improperly used, stored, or disposed. This creates the potential for adversely affecting air, water, and soil quality as well as the surrounding flora and fauna.
- **Energy Use** - Some activities related to urban food production affect a city’s carbon ‘footprint’. Greenhouses are one example, as they utilize heat and light during the winter months to keep plants alive, yet they require electricity, thus increasing energy consumption tied to the burning of fossil fuels.

# Appendix C: Definitions and Related Planning Efforts

This appendix is divided into three sections: definitions of planning and zoning terms, health/equity definitions used in this project, and related reports and planning efforts.

## 1. Planning and Zoning Definitions

### Accessory Home Occupation

Accessory home occupations are activities that are accessory to a house, apartment, or condominium. They have special regulations that apply to ensure that they will not be a detriment to the character and livability of the surrounding neighborhood. These regulations address issues such as number of clients, employees, and/or deliveries coming to the site, modifications to the appearance of the site, and adverse impacts to the neighborhood such as noise and hazardous substances.

### Accessory Use

An accessory use is an activity that is subordinate, or secondary, to the primary, or main, use on a site. For example, in residential zones where the primary use is household living, common accessory uses include raising pets, parking of owners' vehicles, and gardening. A garden may be accessory to any primary use such as a household living, commercial or institutional.

### Allowed Use

An allowed use can happen on a site without a land use review, it however, may still be subject to additional requirements or conditions depending on the regulations in the base zone it is located. These uses may also be referred to as "permitted" or "allowed by right."

### Base Zone Categories (Use and Development Regulations)

There are twenty-seven different base zones in the Zoning Code that fall into the following six general categories: Open Space, Single-Dwelling Residential, Multi-Dwelling Residential, Commercial, and Employment/Industrial. Each base zone includes a set of land use and site/building development regulations, also called "standards." The use regulations dictate what uses are allowed by right, with limitations, or through a conditional use review as well as those uses that are prohibited. The development regulations address site and building design (i.e., property line setbacks, building height, parking placement).

## Appendix C: Definitions and Related Planning Efforts

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### Conditional Use Review

Certain uses are conditional uses instead of being allowed outright, although they may be beneficial to the neighborhood and serve an important public interest, such as a school or religious institution. These uses are subject to a conditional use review because they may have significant adverse effects—either individually or cumulatively—on the surrounding area. A conditional use, which includes notification to the neighborhood, provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions that address identified concerns, or to deny the use if the concerns cannot be resolved.

### Land Use Review

A land use review is a process conducted by the Bureau of Development Services (BDS) to determine if a particular activity, land use, or building may be allowed on a site. There are many different types of land use reviews, including those related to protecting the environment, considering special conditions and impacts, ensuring appropriate architectural designs for buildings, or appropriately subdividing plots of land.

### Primary Use

A primary use is the main activity on a site. A site may have more than one primary use. Each base zone includes a list of primary uses that are allowed, not allowed, or allowed with limits or require some type of land use review.

### Prohibited Use

A prohibited use is not allowed in a particular zone under any circumstances because it inherently conflicts with other allowed uses in the zone or produces substantial negative impacts on the surrounding community.

### Site

For most purposes in the zoning code, “site” is defined as the ownership of the property. For example, some people own “double lots,” two lots side by side, the site of this property would include both lots even if the development (e.g., market garden, community garden) was only on one of the lots.

## Appendix C: Definitions and Related Planning Efforts

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### Temporary Activities (Uses)

Temporary activities (uses) are characterized by their short-term or seasonal nature and by the fact that permanent improvements are not made to the site. There are special regulations to ensure they are truly temporary, will not adversely impact the surrounding areas and can be terminated and removed immediately. For example, a garage sale in a single dwelling zone is allowed as a temporary activity in a zone that typically does not allow retail sales.

### Urban Growth Boundary

Oregon has a system of state-wide planning goals and regulations that guide land use policies and regulations in Portland. One of the most significant elements of this system is the Urban Growth Boundary (UGB). Each city or metropolitan area must draw a UGB, and different regulations apply inside and outside the UGB. The major purpose of the UGB is to preserve agricultural and forest lands from urban development, and to focus urban development where infrastructure (sewers, water, etc.) either already exist or can reasonably be provided.

Under this scheme, land inside the UGB should be developed, not used for farming. The state goals and regulations do not strictly prohibit agriculture within the UGB, but see it more as an interim use of land until the land is developed. In recent years, there has been much discussion about allowing more opportunities for growing food inside the UGB, taking into consideration the many benefits of doing so. At this point, it is reasonable to see that growing food within the UGB does not conflict with State goals when it is done in a manner significantly different from traditional agriculture. The elements to be considered in differentiating agriculture outside the UGB from growing food inside the UGB include:

- Scale—Sites used to grow food in urban areas are generally small—an acre or less.
- Techniques—Use of large mechanized equipment on these small sites is rare; hand tools and smaller equipment is more typical.
- Consumers—Food grown on these sites is usually consumed by people who live in the same city or metropolitan area. Most often, the food is eaten by those who grow it, but if it is sold, it is sold locally.

### 2. Health/Equity Definitions

#### Diverse Communities

Diverse communities often experience social and economic discrimination based on race, income, education, and employment. These communities also often suffer disproportionate disparities in health outcomes and are at a greater risk for developing chronic diseases such as obesity, type II diabetes, hypertension, and some cancers. Diverse communities often experience limited employment opportunities, few safe places for physical activity, and inadequate healthful food options. *From “Health Disparities and Inequalities Report – United States, 2011.” Centers for Disease Control and Prevention. Morbidity and Mortality Weekly Report. January 14, 2011.*

#### Healthful Food

Healthful foods include whole and minimally processed fruits, vegetables, whole grains, legumes, nuts, seeds, eggs, dairy, meats, fish, and poultry. They are produced without added hormones or antibiotics, without artificial colors or unnecessary preservations. Healthful foods are equitably accessible in residential neighborhoods, worksites, and schools. They are also reflective of the cultural traditions of consumers. Healthful foods are also produced, processed, and transported in a way that protects farmers, farm workers, and natural resources. *From “Setting the Record Straight: Nutrition and Health Professionals Define Healthful Food.” Prevention Institute. August 2009.*

### 3. Related Reports and Planning Efforts

#### Portland Multnomah Food Policy Council Guiding Principles

The Food Policy Council was established by City and County Resolution in 2002. The organization’s Guiding Principles include the following:

- Every City and County resident has the right to an adequate supply of nutritious, affordable, and culturally appropriate food (food security).
- Food security contributes to the health and well-being of residents while reducing the need for medical care and social services.
- Food brings people together in celebrations of community and diversity and is an important part of the City and County’s culture.
- Support an economically viable and environmentally and socially sustainable local food system.
- Ensure ready access to quality grocery stores, food service operations, and other food delivery systems.
- Promote the availability of a variety of foods at a reasonable cost.

## Appendix C: Definitions and Related Planning Efforts

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### Climate Action Plan

The Climate Action Plan was approved by the City of Portland and Multnomah County in 2009 to provide an innovative framework for the region's transition to a more prosperous, sustainable, and climate-stable future. The goals and strategies outlined in the plan will guide future efforts by the City and County as well as encourage businesses and citizens to take actions that support this desired outcome.

### Peak Oil Task Force

In May 2006, Portland City Council created the Peak Oil Task Force to develop recommendations on appropriate responses to uncertainties in the supply and affordability of oil. This group identified key short-term and long-term vulnerabilities and developed recommendations for addressing these issues.

### Portland Comprehensive Plan

The Portland Comprehensive Plan—also referred to as the 'Comp Plan'—provides a coordinated set of guidelines for decision-making to guide the future growth and development of the city. The State required all cities to have comprehensive plans and to periodically update them. Comprehensive Plans are intended to be dynamic, flexible documents able to respond to changing circumstances, technology, and community values. Since adoption in 1980 the Portland Comprehensive Plan has been revised many times. The Bureau of Planning and Sustainability is currently developing the work plan for the Comprehensive Plan Update.

### Portland Plan

The Portland Plan, April 2012, is a strategic plan to make Portland a thriving and sustainable city—a city that is prosperous, healthy, educated, and equitable. Through it, Portlanders defined community priorities, set the course for the city and partner agencies for the next 25 years, and identified a five year action plan. The Portland Plan is built on a foundation of equity. The plan includes a framework for equity; three integrated strategies: Thriving Educated Youth, Economic Prosperity and Affordability, and Healthy Connected City; and twelve citywide measures of success. Most food related policies and actions can be found in Healthy Connected City.

The Bureau of Planning and Sustainability lead this effort with the help of many regional and local community and business partners. The Portland Plan will be accomplished over time through a variety of efforts including intergovernmental agreements, legislative advocacy, programs, city internal practices, budget instructions, and the updated of the Portland Comprehensive Plan.

# Appendix D: Urban Food Zoning: Health, Environment and Economic Consideration

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## URBAN FOOD ZONING: Health, Environmental and Economic Considerations



A Supplement to the Urban Food Zoning Code Update's Concept Report  
Public Review Report, July 2011

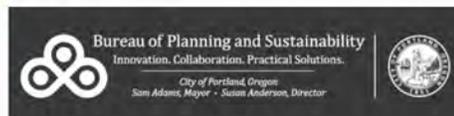
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# Summary

The **Urban Food Zoning Code Update** is the City's first broad look at how our regulations affect activities associated with growing and distributing food in our neighborhoods. The following topics are addressed in this report: market gardens, community gardens, farmers markets, food membership distribution sites as well as animals and bees.

*Market Gardens* are gardens or orchards where food is grown to be sold directly to consumers, restaurants, or other places. *Community Gardens* are where multiple households grow plants for self consumption on public land, church property, or senior meal center, for example.

*Farmers Markets* are regularly-occurring events where farmers, ranchers, and other agricultural producers sell food and related products that they have grown, raised, or processed. *Food Membership Distribution Sites* are categorized as Community Sponsored Agriculture (CSAs) or food buying clubs, where growers or distributors typically deliver weekly bulk goods or farm produce at a main distribution point to be picked up directly by customers. The *Animals/Bees* topic area includes beekeeping and raising a variety of animals in residential areas; the purpose is to harvest food such as honey, eggs, milk, and chickens.

The goal of this publication—a supplementary exhibit to the Concept Report—is to provide further analysis of how future zoning regulations for these five topic areas can benefit or negatively impact our health and the environment. Also considered is how urban food production and distribution activities can help to supplement personal income as well as benefit the overall economy.

## Health Considerations

### Background

#### *Food Environments and Population Health*

Growing more fruits and vegetables in community and market gardens, improving access to farmers markets, and designating food membership distribution sites will have many public health benefits for Portland residents. Access to healthful food is one of the most important factors in determining mental, physical, and social well-being and warding off chronic disease and poor health outcomes over a lifetime. Consistently eating fresh produce, in combination with reasonable meal portions and regular physical activity, helps in maintaining a healthy weight. Because fruits and vegetables have a high water and fiber content, fewer calories are consumed in comparison to processed foods. Moreover, individuals who are not obese or overweight are less likely to develop chronic diseases such diabetes and hypertension.<sup>1</sup>

While whole fruits and vegetables are highly recognized for providing key nutrients, many other healthful foods can support healthy eating habits. Minimally processed whole grains, legumes, nuts, seeds, eggs, dairy, meats, fish and poultry produced without added hormones or antibiotics, artificial colors or preservatives, are legitimately healthful foods.<sup>2</sup> Despite the many benefits and evidence supporting the relationship between nutrition and health outcomes, Portland and Multnomah County residents, similarly to the U.S. population, struggle to consume the recommended servings of fruits and vegetables. About 70 percent of adults in Multnomah

County fail to eat five or more fruits and vegetables per day<sup>3</sup> and only about 20 percent of 8<sup>th</sup> graders in Oregon meet this recommendation.<sup>4</sup>

Food security is also a major concern among Oregonians. About 14 percent of Oregon households were considered “food insecure” meaning one or more people in the household were hungry over the course of the year because of the inability to afford enough food.<sup>5</sup> Low-income families are quite often the most susceptible to fluctuations in household economic security. Currently, one in five Oregonians rely on Supplemental Nutrition Assistance Program (SNAP) benefits; similarly, 20 percent of children<sup>6</sup> live in poverty, which puts them at high risk for many poor health outcomes.<sup>7</sup> These trends are also reflected in chronic disease rates and health outcomes, as some studies have found that there is an association between socioeconomic status and being overweight or obese.<sup>8,9</sup> Childhood and adult obesity are the number one public health crisis of the 21<sup>st</sup> century in the United States. About one-third of U.S. adults are obese<sup>10</sup> with Blacks and Hispanics having a 51 and 21 percent higher prevalence of obesity, respectively, than their white counterparts.<sup>11</sup>

Overweight and obesity pose as a serious problem for over half of Multnomah County residents; in fact, one in four Oregonian youth is at risk of these conditions.<sup>12</sup> Moreover, one in 16 Multnomah County residents is at risk of developing diabetes. These statistics reflect a chronic disease ‘epidemic’ that is occurring throughout the United States and unfortunately, the numbers translate into negative health and economic consequences for a large portion of the region’s population. One significant and disturbing trend is that in Multnomah County, minority racial and ethnic groups tend to experience worse health conditions than the rest of the population. County statistics reveal that Hispanic, American Indian/Alaskan Native, and African Americans are more likely to be overweight and obese than their white counterparts. Asian/Pacific Islanders, on the other hand, have the lowest rates of overweight or obesity of any racial or ethnic group in Multnomah County. Similarly, death rates for African American and Hispanic Oregonians due to diabetes are significantly higher than for non-Hispanic Whites, with African American and Hispanic women faring the worst.<sup>13</sup>

### *Social Determinants of Health*

In recent decades, public health emphasis has shifted from a focus on individual health to the social, environmental, and political conditions in which people live, work, and recreate. These conditions are significant predictors of health outcomes and are often unevenly distributed by geographic location and follow racial and socioeconomic lines. Emerging research indicates that disparities in health outcomes between racial and ethnic groups, in part, can be attributed to a variety of factors such as employment status, education level or attainment, environmental conditions, and access to healthful food.<sup>14</sup>

### *Access to Healthful Food*

Generally, food access is described as the ability for all citizens to obtain sufficient food for their personal needs; however, determining accessibility requires understanding complex socioeconomic factors such as affordability, physical accessibility, appropriateness and awareness.<sup>15</sup> Accessibility is not a proxy for improved consumption. Food deserts—defined as “low-income communities without ready access [one mile or more] to healthy and affordable food” are gaining recognition as ways to assess food access in neighborhoods.<sup>16</sup> Many sophisticated mapping projects and community food assessments have been conducted in Portland to determine where geographic gaps in access exist. While the city may not experience extreme food deserts,<sup>17</sup> many diverse communities face challenges to purchasing healthful foods such as fruits and vegetables because the produce available in their neighborhoods is

either too costly, culturally inappropriate or of poor quality.<sup>18</sup> Community and personal gardens may help improve healthful food access because they have the potential to remove barriers associated with transportation, cost, and food preferences.

## **Benefits of Urban Food Production and Distribution**

### *Social Capital*

Social Capital is a term often used to describe the presence of formal or informal social networks, group membership, trust, reciprocity, and civic engagement in a neighborhood.<sup>19</sup> Social capital has a major impact on health, particularly on those who may experience social exclusion due to discrimination, unemployment, underemployment and stigmatization. Communities that are often socially isolated are less likely to possess organizational networks or gain access to health-supportive services and citizenship activities.<sup>14</sup> Urban gardening can help to transform urban open space from blighted vacant lots to community assets. It is an activity that is relatively accessible to most segments of the population, including people with disabilities who often have fewer opportunities for social interactions and collective activities, such as gardening. In fact, public community gardens are required by the Americans with Disabilities Act (ADA) to be wheelchair-accessible with proximity to public transportation. When gardening is accessible to diverse populations, its benefits are numerous, as it is a leisure activity, encourages food security, and lowers household food costs. Gardening can also build social capital through face-to-face interaction and community empowerment.

### *Cultural Heritage and Social Justice*

Community gardens can also be a driver for social justice. The Urban League of Portland, an organization that “helps empower African Americans and others to achieve equality in education, employment and economic security,” launched the Urban Harvest Garden in partnership with the African Women’s Coalition. The aim of the garden is to “encourage healthy eating and active living” and to “provide an intercultural, intergenerational gardening space where the African and African American community can come together and grow culturally specific produce”. This effort, among others led by the Urban League, helps instill community ownership and self-determination in broader public health issues.<sup>20</sup>

Gardening and farmers markets also provide a familiar space for recent immigrants and help them acculturate to Western growing practices, share their cultural traditions with their neighbors, and establish strong social ties. Mercy Corps Northwest promotes these activities in its New American Agriculture Project, which “educates and assists refugees and immigrants in the Portland and Vancouver, Washington area in establishing small agricultural businesses by leasing local farmland”.<sup>21</sup> Farmers markets also provide an opportunity for social interaction and engagement with family and friends. A *Project for Public Spaces* study found that farmers markets provided 15-20 social interactions per visit compared to grocery stores at one or two social interactions per visit.<sup>22</sup>

One study in New York City researched community gardens visited by Latinos, focusing on the history of the spaces, a description of the members, the plants chosen as well as activities and problems associated with the gardens. It was discovered that the gardens were considered “participatory landscapes” that promoted community development by providing a safe place to gather, reducing household food costs and providing a connection between immigrants and their cultural heritage.<sup>23</sup>

Community gardens managed and operated by faith-based organizations may be more likely to improve nutrition and physical activity among congregants as their approach to garden-based education is rooted in the spiritual and emotional perspectives of their congregation members. A faith-based health promotion project was successful in improving fruit and vegetable consumption among community garden members of a predominantly African American congregation.<sup>24</sup> In Portland, many faith-based efforts exist that are engaged in healthful eating promotion, such as the Interfaith Food and Farms Project of Ecumenical Ministries of Oregon. The project collaborates with various congregations to launch buying clubs, cooking classes, community gardens, farm stands, wellness assessments, policies and advocacy.<sup>25</sup>

### *Fruit and Vegetable Consumption*

Multiple studies on community gardens found they enhance positive dietary habits, such as increased fruit and vegetable consumption and preference among participants, regardless of population.<sup>26</sup> Small community garden plots can yield enough vegetables to meet most of a household's nutritional requirements for Vitamins A, C, B complex, and iron.<sup>27 28</sup> In one study, fruit and vegetable intake, measured in recommended servings per day, was higher among gardeners than among non-gardeners.<sup>29</sup> In a survey of adults (more than half were African American) with a household member who participated in a community garden, the adults consumed fruits and vegetables 1.4 more times per day than those who did not participate, and they were 3.5 times more likely to consume fruits and vegetables at least five times daily.<sup>30</sup>

Farmers markets, too, have been shown to improve fruit and vegetable consumption among customers. Farmers markets have proliferated over the past twenty years and are one the fastest growing venues for selling regional produce and products.<sup>31</sup> Many farmers markets in the Portland area are equipped to accept SNAP benefits and provide a welcoming atmosphere; however, studies have revealed common barriers low-income families face to shopping at farmers market such as inconvenient location, lack of transportation, and hours of operation.<sup>32</sup> Women Infants and Children, Farm Direct Nutrition Program (WIC FDNP) recipients sustained increase in fruit and vegetable consumption after the farmers market season ended.<sup>33</sup> In a study of New York City residents, farmers market shoppers ate three-quarters to one serving more of fruits and vegetables than those who shopped at grocery stores.<sup>34</sup>

### *Physical Activity*

Physical activity is critical to maintain a healthy weight throughout life and reduce the risk of developing chronic diseases such as heart disease, stroke, type II diabetes, and some cancers. Physical activity that is integrated into routine activities—such as walking or taking public transit to work, and gardening—is likely to contribute to positive health impacts over a lifetime. Self-reported survey results demonstrated that nearly 340 community gardeners increased their physical activity sessions by six percent per week and increased their consumption of fruits and vegetables by 10 percent.<sup>35</sup> In a separate study, it was found that farmers markets can help foster pedestrian-scale development thereby promoting walkable neighborhoods and may increase walking, irrespective of whether such walking is associated with trips to the market. Farmers markets can also have a positive impact on walkability, bikeability, and transit use when they are in close proximity to safe residential neighborhoods that have comfortable and accessible pedestrian infrastructure, and have aesthetically appealing characteristics of value to residents.<sup>36</sup>

### *Mental Health*

Spending time outdoors in natural settings has been associated with many positive mental health benefits. Gardening, in particular, has been shown to be restorative and therapeutic for patients in rehabilitation facilities.<sup>37</sup> In a field experiment, gardening led to a greater decrease in cortisol levels—which indicates reduced stress—than in the control group. Participants also reported that their moods were restored after gardening.<sup>38</sup> Mexican-American males with diabetes engaged in gardening more frequently than other activities not because it was viewed as physical activity but rather as a source of relaxation, satisfaction, and beauty.<sup>39</sup>

### *Crime and Personal Safety*

The presence of urban vegetable gardens has been positively correlated with decreases in crime and vandalizing.<sup>29</sup> Gardens also create space for social exchanges and interactions, which can affect the perception of crime among gardeners as well as neighborhoods.<sup>40</sup> Places that are aesthetically pleasant such as community gardens or farmers markets can offer community gathering spaces that people feel safe visiting. Well maintained natural areas and green space within urban neighborhoods are often monitored and tended by neighbors creating a sense of well-being and trust within neighborhoods. Community gardens have also been shown to increase collective efficacy as they can be a, “link between mutual trust and shared willingness to intervene for the community good of the neighborhood”.<sup>41</sup>

## **Potential Negative Health Impacts**

Although urban food production, food membership distribution points, urban animal husbandry and beekeeping all have many health benefits, it is important to consider the potential negative health impacts. The impacts should be analyzed around growing food on vacant urban land in different zoning districts; the indirect and direct impacts of traffic, or of nuisances such as noise, odor, and air quality need to be weighted when transporting and distributing food. Children, pregnant women, seniors and those who have compromised immune systems have the highest susceptible risk to environmental exposures.<sup>42</sup> Risks should also be considered and if necessary, mitigated for market gardeners, residents, food processors, distributors, food handlers, and consumers.

### *Soil Quality*

Gardening in spaces on or near former toxic land use sites (such as dry cleaners or gasoline stations) can typically contain toxic levels of heavy metals such as lead, mercury, and copper as well as organic compounds, pathogens, asbestos fibers and other substances.<sup>43</sup> The major source of lead exposure is from older properties where people ingest leaded paint, either as a dust or when children have “hand to mouth” activity with contaminated soil.<sup>44</sup> Emerson Garden in Northeast Portland is one local example of a former city lot with high levels of lead paint residue from a demolished house.<sup>45</sup> Additionally, motor vehicles are a major contributor of particulate matter that can be deposited in soils, such as polycyclic aromatic hydrocarbons (PAHs), a known carcinogen.<sup>29</sup>

### *Water Quality*

Rainwater runoff can carry hazardous chemicals to neighboring properties and surrounding sewers and waterways, eventually contaminating the municipal water table. If non-potable grey

water is used in gardens, it adds an increased risk of spreading harmful microorganisms and chemicals on vegetables.

### *Air Pollution*

Increased traffic associated with urban food production and distribution activities can pollute the air, affect traffic safety, and increase noise; all of which have negative health effects. Gardens proximate to highways and high volume roadways can increase exposure to hazardous air toxins, dust, and allergens in residential neighborhoods. Long-term exposure to air pollution can create many adverse health outcomes such as cardiovascular disease, lung disease, asthma, and some cancers.<sup>43</sup>

### *Noise*

Traffic also contributes noise to a community and in some cases can cause sleep disturbances, negatively affect children's reading comprehension, and attention. Noise from traffic has also been shown to negatively impact physical activity.<sup>46</sup>

### *Fertilizers and Pesticides*

Fertilizers, herbicides, pesticides and other products—which contain chemicals that are harmful to human health—can runoff from gardens into storm drains to eventually contaminate private wells or public water tables. They can also become vaporized in the air and have been linked to some cancers and associated health problems in agricultural workers or neighboring residents.<sup>47 43</sup>

### *Urban Animal Husbandry*

Additionally, animals—whether domesticated or pests—pose risks to human health. Backyard animals such as chickens can ingest chemicals and cause egg products, for example, to pose a risk for human consumption. Raising domesticated animals such as fowl, goats or pigs can jeopardize human health if they become diseased or spread germs through their manure; similarly, keeping bees can harm those with severe allergies to bee stings.<sup>48</sup>

### *Vector Control*

Improperly maintained compost or water catchment systems can attract rats, mice, opossums, mosquitoes, flies and other pests which often are hosts to various diseases.<sup>47</sup> These pests may be attracted to pens housing domestic animals or grain storage areas if food products are improperly stored. In the city, disease transmission may be a greater threat since population density is higher than in rural areas.<sup>49</sup>

### *Food Safety*

Lastly, food safety is a potential negative impact that should be considered. Some risks include animal manure coming into contact with urban food as well as self-produced meat and dairy products that can become contaminated. Food that is not handled properly, not rinsed in clean water, or stored appropriately has the potential to spread foodborne illnesses.<sup>50 51</sup>

### *Conclusions*

It is uncertain the degree to which these activities will have negative health impacts on Portland residents, although overall, it is anticipated to be minimal. Land use decisions to improve access to healthful food, urban animal husbandry, and beekeeping should consider the broader

neighborhood and human impacts when planning for a healthy community. Emerging research and local experiences demonstrate that there are numerous health benefits of growing and distributing food within the urban landscape.

## Environmental Considerations

### *Background*

The production of food on residential properties, community and market gardens, as well as the transport and retail of food products through community food membership sites and farmers markets have numerous “green” benefits. From environmental stewardship, land restoration and remediation, as well as decreasing fossil fuel usage and carbon emissions, many cities—including Portland—are promoting urban agriculture to address their “ecological footprint.”

Although the environmental benefits associated with urban agriculture activities appear to outweigh the potential negative impacts, it is important to consider both sides of the situation. Growing food on a small-scale level within the urban landscape exemplifies good land stewardship as it is aligned with two important principals of sustainable agriculture: biological diversity and environmental stewardship.<sup>52</sup>

### *Reducing Carbon Emissions*

The process of producing, distributing and consuming food accounts for more than 10 percent of U.S. carbon emissions.<sup>53</sup> Growing food at home or in nearby gardens and buying locally-produced goods through farmers markets and community food membership sites can reduce carbon emission that contributes to climate change.<sup>53</sup> A recent report by the Environmental Working Group found that the amount of greenhouse gas emissions (GHG) related to producing a four ounce serving of grass-fed beef is equivalent to driving a car for more than six miles. In comparison, growing the same serving size of tomatoes, broccoli, beans, or milk has a smaller GHG impact, equal to driving less than a half mile.<sup>54</sup>

### *Cooling the Urban Environment*

Increased green spaces that incorporate community and market gardens also contribute to the cooling of the urban environment, where the “urban heat island effect” is reduced. Places with more plants are cooler since they contain more surface area that absorbs heat, whereas urbanized areas, in contrast, have less natural places and more roads and other development. This results in an increase of the air temperature and creation of “heat islands.”

This phenomenon increases demand for energy use by burning fossil fuels to cool buildings. The U.S. Environmental Protection Agency states that urban forestry practices such as increasing trees and other vegetation—which includes gardens—is an effective mitigation strategy for urban heat islands. Expanding such vegetation increases shade and tree canopy, which can make temperatures 20-45°F cooler than unshaded areas.<sup>55</sup>

In Portland, the Urban Forestry Management Plan describes policy goals related to expanding the citywide tree canopy coverage from 26 to 33 percent. Although fruit-bearing trees and gardens are not classified as canopy due to their lower height, this effort highlighted how trees cool the urban landscape as well as have many other environmental benefits.<sup>56</sup>

### *Storm Water Run-off*

Vegetation associated with home, community and market gardens aids in reducing storm water runoff. Greenroofs—called ‘ecoroofs’ in Portland—serve as locations to host gardens on rooftops of buildings, and offer an innovative urban space to grow food.<sup>57</sup> Studies on greenroofs show they can absorb significant portions of rainwater and later release it after peak runoff times. In a 2006 Pennsylvania study during a storm, 40 gallons of storm rainwater was measured from a traditional roof, whereas only about 10 gallons fell from greenroofs. Thus, greenroofs—and other urban gardens that host vegetation—effectively serve as a tool to reduce impact of urban development on municipal storm water systems.<sup>57</sup> Ultimately, this helps to reduce pollution in surrounding watersheds and supports fish habitat.<sup>58</sup>

### *Animal Habitat*

Green areas that include gardens provide a healthy habitat for animals, birds and insects. Urban sprawl and industrial farming practices have been steadily reducing wildlife habitat, so the presence of such green spaces that incorporate mixed plantings with native vegetation can support healthy animal populations. Additionally, beekeeping in urban areas increases the pollination of other crops and flowers, which is a much needed support. For example, on Vancouver Island, where the bee population has declined by over 80 percent in recent years, the growing number of urban farms in the area is expected to, “provide long-term habitat for these and other insects”. Moreover, it supports surrounding rural farms which rely on bees for pollinating crops, thus benefiting the larger regional agricultural system.<sup>59</sup>

### *Negative Impacts*

The evidence that urban food production and distribution are associated with environmental benefits is overwhelmingly positive, yet it is also important to consider the potential negative impacts. Due to the increased use of utility water, increased runoff can occur. Greenhouses that utilize heat and light during the winter months to keep plants alive lead to elevated energy consumption, thus increasing reliance on the burning of fossil fuels.<sup>60</sup>

### *Conclusions*

The environmental benefits of urban food production and distribution have been documented on the micro as well as macro levels—such as providing new insect habitat to offsetting global climate change. It is important to recognize that increased tree and vegetation coverage not only provides environmental benefits but also contributes to better respiratory health for urban residents. Overall, the benefits of gardening, animal husbandry, farmers markets, and food membership distribution outweigh the negative environmental impacts.

## Economic Considerations

### *Background*

Currently, small-scale urban farming projects—such as market and community gardens, aquaculture or animal husbandry—do not overwhelmingly fuel the local economy or create numerous jobs. However, some direct and indirect economic benefits of these activities are worthwhile to recognize. In regards to selling and distributing food such as through farmers markets, more considerable economic impacts exist and have successfully been measured quantitatively. Overall, growing and distributing food within the urban landscape has positive economic impacts that can be characterized on both the individual and greater community level.

### *Supplementing Household Income and Saving on Food Costs*

Maintaining a backyard garden or tending a community garden plot can reduce food costs and supplement low wages earned by families. It is estimated that a well-tended 400-square foot garden in Portland can produce between 300 and 500 pounds of food, potentially saving hundreds of dollars annually. Growing Gardens—a local nonprofit that supports home scale gardening for low income families—reflected that in 2007, almost all of their members saved money as a result of growing their own food.<sup>61</sup> Other studies conducted in New Jersey and Maine found that community gardeners saved between \$100 and \$2550 per year in food-related costs.<sup>62 63</sup> Raising backyard animals or bees can also yield benefits. Three chickens can produce from 6-18 eggs per week during peak seasons.<sup>64</sup>

Beekeeping during the first year typically produces around 15 pounds of honey per hive; starting the second year and after, the average yield estimate is around 100 pounds per hive.<sup>65</sup> Pygmy goat owners find that they collect at least two gallons of milk per week an average.<sup>66</sup> Moreover, savings can be found in household food costs by participating in food buying clubs. These groups of people buy bulk food from wholesale sources to successfully offer lower product costs to their members.<sup>67</sup> Framing personal gardening, animal husbandry and food buying clubs as ways to save on monthly household costs demonstrates that these activities can potentially outweigh initial start-up costs and inconveniences.<sup>68</sup>

### *Spillover Effect of Farmers Markets*

Farmers markets have been shown to support a localized economy and minimize distribution costs since food produced regionally requires less travel, packaging and refrigeration.<sup>69</sup> The direct and indirect economic impact of these venues has also been measured. In Portland, one report highlighted that in 2007, farmers markets had an impact of over \$17.1 million on the regional economy.<sup>70</sup>

Direct benefits associated with potential economic impacts of farmers markets include “profits to business owners in the market, job creation, sales and real estate tax revenues” while indirect benefits are related to stimulating downtown development, enhancing parks and public spaces, and farmland preservation.<sup>71</sup> One reason why farmers markets can impact on a city’s economy is that the majority of such customers tend to also patronize other stores on their way or upon visiting a market.<sup>71</sup> One local example of this “spillover” effect is in 2008, Portland’s Hollywood Farmers Market was estimated to generate \$16,000 per day for surrounding businesses. Since then, more stores such as Grocery Outlet have opened in the area and seen increased sales on market days.<sup>70</sup> On the west side of Portland, other groceries and local businesses surrounding the farmers market have reported up to double their normal sales on market days, while banks

also see an increase in ATM traffic.<sup>72</sup> By highlighting these concrete impacts, it is clear that urban food production and retail venues can have a multiplier effect on the local economy.

### *Market Gardens: For-Profit Business Ventures*

Operations that grow food products exclusively for retail—known as market gardens—are a growing trend, particularly in Portland. SPIN farming, an inexpensive, intensive vegetable growing method for areas under one acre, has been found to be profitable for many successful practitioners. It is calculated that a half acre lot (20,000 square feet) has the gross revenue potential between \$24,000 and \$72,000, depending on the farming method and the crop variety.<sup>73</sup>

Portland ventures such as Blue House Greenhouse Farm, Victory Garden Farms or the 47<sup>th</sup> Avenue Farm are growing a large number of vegetables on various city lots and selling the produce either at on-site farmstands, through farmers markets or to local restaurants, groceries, or directly to individual customers via Community Supported Agriculture (CSA) shares. The nonprofit program model demonstrated by Mercy Corps Northwest—called New American Agriculture Project (NAAP)—stands out as an inspiring effort that will benefit from updated zoning rules that promote market gardening. NAAP helps recent refugees and immigrants work on small-scale farming projects, some of which are located on vacant public lands in the greater Portland area.<sup>21</sup>

### *Job Creation and Skills Development*

One of the greatest questions pertaining to the economic development of urban food activities, however, is whether they actually create jobs. There is no uniform model that describes existing efforts, yet more evidence is showing that there is employment growth for diverse communities in central city areas where vacant land is available for food production. Various initiatives have been launched, mostly started by nonprofits organizations, which have resulted in some new jobs. They include: “community garden groups, community development corporations, social service providers, food-based organizations, coalitions for the homeless, neighborhood organizations, school- and university-based groups, animal husbandry organizations, and individuals with farm backgrounds who become committed to growing and marketing food in the inner city”.<sup>74</sup>

One example of a local effort to support economic development through urban agriculture is Food Works program. Janus Youth hires and trains youth to manage a 7500-square foot community garden at the St. Johns Woods housing project and other neighborhood areas where part of the harvest is sold at farmers markets and other retail food outlets.<sup>68</sup> Although one success indicator of Food Works and other similar organizations around the country is that they provide immediate jobs, more importantly, they help build capacity for individuals to develop job experience and skills for future employment.<sup>74</sup>

Farmers markets in particular have demonstrated that they are associated with a growing number of jobs. Over 300 jobs are directly reliant on farmers markets in Iowa, and overall, there are 1,000 jobs associated with them in Oklahoma. Moreover, as markets become more established around the country, the number of farmers has increased as well. In Alabama, the number of registered farmers markets and participating farmers was only 17 and 234 respectively in 1999. Ten years later, there were 102 farmers markets and 1,064 farmers. Such growth signifies that as viable retail food venues increase, more farmers may be able to “stay in agriculture over another profession, thereby helping preserve...farmland and rural traditions”.<sup>75</sup>

In Portland, many vendors at local farmers markets have “graduated” to selling products to other restaurants and stores, while individuals have eventually opened their own businesses.<sup>72</sup>

### *Supporting Gardening-Related Businesses*

Although there are fewer examples in existence to draw on, a growing number of businesses are being launched to support urban food production and sales. Some operations involve gardening for both self consumption and selling surplus products; and then there are non-farming companies such as Your Backyard Farmer in Portland that provide consultation and supplies to practitioners.<sup>68</sup> Other operations are chartered as nonprofits, while others are informal collections of neighbors and a fewer number consist of small businesses. Locally, one example is Urban Farm Collective, which sells community-supported agriculture shares to its membership and produces the food on plots in residential yards via arrangements with private landowners.<sup>76</sup> It is these types of groups who may especially benefit from zoning clarification around market gardens, as they would be more able to engage in the retail sales of food grown in various areas within the city.

### *Conclusions*

There is growing evidence that urban food production, localized markets and distribution systems are economically beneficial and hold untapped potential. However, particularly with entrepreneurial urban agriculture projects, many city or county-funded initiatives have not achieved economic self-sufficiency. For instance, even after factoring in food product sales, many projects rely on supplemental grants or donations in order to break even in their annual budgets, and overall, “most operations produce only modest revenues, even when subsidized”.<sup>68 74</sup> However, many cities, including Portland, continue to be supportive of these efforts in order to promote economic vitality and encourage entrepreneurship.

## **Conclusions and Recommendations**

Gardening, raising animals, beekeeping as well as distributing urban food through farmers markets, community supported agriculture or buying clubs have been found to have numerous health, environmental, economic-related benefits. Some notable impacts include: promoting reduced chronic disease through increased physical activity and consuming more fruits and vegetables; expanded social interaction and social capital; improving neighborhood aesthetics; reducing carbon emissions; cooling the urban environment; preventing storm water run-off; helping to supplement household income and food supply; creating some jobs; and causing a “spillover effect” throughout the local economy.

However, some negative impacts—mostly pertaining to human health risks—of urban food production and distribution should be considered, such as soil, water and air quality; improper fertilizer and pesticide use; vector control; and food safety. Neighborhood-level concerns include traffic and noise. Unfortunately, the benefits and consequences of these activities are not uniformly distributed across all areas and populations. Communities of color and/or low social economic status often experience less of the benefits and sometimes more of the negative impacts. It is important that we continue to protect the environment and encourage economic development, but future policies related to urban food must strive to ensure equitable outcomes in the health and wellbeing for all Portland residents.

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## Appendix E: City Council Ordinance No. 185412

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ORDINANCE No. 185412 *As Amended*

Amend regulations for food production and distribution to increase Portlanders' access to healthful, affordable food (Ordinance; amend Code Title 33, Planning and Zoning)

The City of Portland Ordains:

Section 1. The Council finds:

### **General Findings**

1. In 2010, the Planning and Sustainability Bureau (BPS) was awarded a grant from the Multnomah County Health Department through the Communities Putting Prevention to Work (CPPW) Initiative with the goals of furthering the bureau's work on integrating health and equity considerations into land use and transportation decisions.
2. A portion of the CPPW funding allowed BPS to initiate a project to increase access to healthful, affordable food- particularly for those with limited access by removing zoning code barriers to urban food production and distribution.
3. Access to healthful food is one of the most important factors in determining mental, physical, and social well-being and warding off chronic disease and poor health outcomes over a lifetime. Consistently eating fresh produce, in combination with reasonable meal portions and regular physical activity, helps in maintaining a healthy weight. Overweight and obesity pose a serious problem for over half of Multnomah County residents; with one in four Oregonian youth overweight. (Promoting Physical Activity and Healthy Eating Among Oregon's Children: A Report to the Oregon Health Policy Commission, 2007) These statistics reflect a chronic disease 'epidemic' that is occurring throughout the United States and the numbers translate into negative health and economic consequences for a large portion of the City's population.
4. Oregon Public Health Institute (OPHI) was also funded by a CPPW grant to participate on this project and provide public health expertise. OPHI staff contributed health/equity information to written materials and reports, provided relevant research and best practices information, and engaged health/equity stakeholders in the process through their public health networks and CPPW partnerships.
5. During fall of 2010, project staff met with Portland Multnomah Food Policy Council's committee on food production and distribution to review this group's prior work on identifying zoning code barriers and to identify stakeholders.
6. The issues of the Urban Food Zoning Code Update were categorized into the following topic areas: market gardens (food grown to sale); community gardens (food grown for personal consumption or donation); farmers markets; food membership distribution sites (pick-up/drop-off sites for food buying clubs and community supported agriculture subscribers); and animals and bees.

7. In January 2011, city-wide outreach efforts to announce project were made. A project website was established to provide the public with project updates and materials; a project summary brochure was published; and a project mailing list was initiated.
8. There were four topic area discussions during the winter of 2011 (January 18, February 1, February 15, and March 1). These meetings were facilitated by BPS staff and members of the Portland Multnomah Food Policy Council and open to the public. Participants discussed the existing types of activities for each topic, reviewed the zoning barriers, and brainstormed the benefits and possible impacts to surrounding neighborhoods.
9. On July 20, 2011, a Concept Report was published that built on the topic area discussions and additional research. The report identified issues, benefits, potential impacts, and examples of how other cities regulate food growing and distribution activities, and proposed a conceptual regulatory 'direction' or approach for each topic area..
10. The Concept Report included a questionnaire at the back of the report that was also available on-line. Over 800 surveys were submitted during the public review period of the Concept Report (July 20 – August 29, 2011). In addition to the questionnaire, staff also solicited comments at three community open houses (July 28, August 2, and August 8).
11. Once guidance on the direction was received from community input on the Concept Report, work began on developing the proposed zoning code regulations. To assist project staff, a Code Development Advisory Group (CDAG) was established. This group was composed of 18 members with a variety of interests, perspectives, and experiences around urban food production and distribution. Initial code language for each topic area was shared and reviewed at the following CDAG meetings: October 19, 2011, November 2, November 30, December 14, January 11, 2012, and January 31.
12. On February 10, 2012, a Discussion Draft with draft code language was published. Staff hosted two open houses during the comment period (February 10- March 7), a Community Open House on February 21 and a Health Partners Meeting on February 28, 2012.
13. On March 14, 2012 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
14. On March 23, 2012, a Proposed Draft was published for Planning and Sustainability Commission review.
15. As per Title 33.740.020, written notice of the April 24, 2012, Portland Planning and Sustainability Commission public hearing was mailed on March 23, 2012 (total of 1,280 addresses)
16. On April 24, 2004, the Planning Commission held a hearing on the proposals and public testimony was received. With minor revisions, the Commission unanimously recommended that City Council adopt the Urban Food Zoning Code Update.
17. As per Title 33.740.030, written notice of the June 7, 2012 City Council hearing on the Planning and Sustainability Commission's recommendations was mailed on May 18, 2012 (total of 1,280 addresses)
18. On May 21, 2012, a *Recommended Draft* was published for City Council review.

19. On June 7, 2012, City Council held a public hearing on the Planning and Sustainability's *Recommended Draft* and on June 14, 2012, voted to adopt this ordinance.

### Findings on Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.

20. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:
- a. During the fall of 2010, project staff's initial discussions with the Food Production and Distribution Committee of the Portland Multnomah Food Policy Council were open to the public with Food Policy Council member's networks and distribution lists used for notification.
  - b. Beginning in January of 2011, the Bureau of Planning and Sustainability maintained and updated as needed a project web site that included basic project information, announcements of public events, project documents and staff contact information.
  - c. A project mailing list was maintained throughout the project. In addition to meeting the notice requirements of Title 33.740.020 and 030, this list was also used to send numerous periodic e-mail project updates.
  - d. Throughout the project planning staff met with and engaged in telephone and email exchanges with property owners, health/equity stakeholders, developers, members of the business community, neighbors, and other interested parties in regards to project goals and provisions.
  - e. During the winter of 2011, the public was invited to participate in four topic area discussions (January 18, February 1, February 15, and March 1).
  - f. On July 7, 2011 a postcard announcing the availability of the *Concept Report* was mailed to 851 addresses—the project mailing list plus the legislative mailing list. In addition to the postcard, the project mailing list was sent an announcement via e-mail (315 addresses).
  - g. The postcard also announced a series of open houses to discuss the ideas in the *Concept Report*. In addition to the postcard, The report was available to the public at these open houses, posted on the project web site, and mailed to all those who requested copies.
  - h. During the public comment period for the Concept Report (July 20 – August 29, 2011), BPS hosted a series of community open houses (July 28, August 2, August 8) where project staff explained the proposals, answered questions and accepted public comments.
  - i. To facilitate public comments on the Concept Report a questionnaire was provided at the back of the report and on-line at the project website. Over 800 questionnaire were submitted. A summary of the responses was published and a database with all the individual responses was posted on the project website.

- j. A Code Development Advisory Group (CDAG) was established to help project staff develop the initial zoning code language. This group of 18 members met 6 times between October 2011 and January 2012. Meetings were open to the public and agendas were posted on the project website.
  - k. On February 6, 2012, a postcard announcing the availability on the *Discussion Draft* was mailed to 1,264 addresses. The postcard also announced a community open house on February 21 and a health partners meeting on February 28 to discuss the draft code language in this report. The *Discussion Draft* was made available at community meetings, posted on the project web site, and mailed to all those who requested copies. In addition to the postcard the project mailing list as sent an announcement via e-mail (782 addresses).
  - l. Also during the public comment period for the *Discussion Draft* (February 10 – March 7) project staff met with various groups and organizations to discuss the report and solicited comments.
  - m. On March 23, 2012, the *Proposed Draft* for the Planning and Sustainability Commission review was published. The report was posted on the project web site, available at BPS offices, and mailed to all those who requested copies.
  - n. As per Title 33.740.020, written notice of the April 24, 2012, Portland Planning and Sustainability Commission public hearing was mailed on March 23, 2012 (total of 1,280 addresses). In addition, the project mailing list was sent the notice via e-mail (796 addresses).
  - o. On April 24, 2012 the Planning and Sustainability Commission held a public hearing on the *Proposed Draft* and provided the opportunity for oral and written testimony.
  - p. On May 21, 2012, the *Recommended Draft* for the City Council review was published. The report was posted on the project web site, available at BPS offices, and mailed to all those who requested copies.
  - q. As per Title 33.740.030, written notice of the City Council June 7, 2012 public hearing was mailed on May 18, 2012 (total of 1,280 addresses). In addition, the project mailing list was sent the notice via e-mail (796 addresses).
  - r. On June 7, 2012 the City Council held a public hearing on the *Recommended Draft* and provided the opportunity for oral and written testimony.
21. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because Title 33, Planning and Zoning, implements the policies of Portland’s Comprehensive Plan. The proposed amendments ensure that there are processes that act as a basis for land use decisions regarding farmers markets, market gardens, community gardens, and food membership distribution sites. See also findings for Portland Comprehensive Plan Goal 1, Metropolitan Coordination, and its related policies and objectives.
22. **Goals 3 and 4, Agricultural Lands and Forest Lands**, requires the preservation and maintenance of the state’s agricultural and forest lands, generally located outside of urban areas. The amendments are consistent with this goal. The amendments allow “market

gardens” where produce is grown for sale, throughout the city—with size limitations in residential zones. The majority of these market gardens are anticipated to be located on sites with existing buildings (houses, commercial buildings), on institutional sites (e.g. schools, faith-based facilities, hospitals) and the occasional vacant lot (mostly in outer east Portland). Because this land will be zoned for other uses (e.g. residential, commercial, industrial) agricultural uses cannot compete with these uses and when the market is ready the land will be developed. And in the case of market gardens on sites with existing buildings- most of these sites are fully developed and the existence of the garden does not reduce the development potential. Therefore, as an interim use agriculture will not compete with development thus not putting pressure to expand the UBG. In addition, the amendments limit the size of market gardens in residential zones to ensure that they truly are small scale and limit the sales of produce grown on site to 70 days a year.

23. **Goal 6, Air, Water, and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water, and land resources. The amendments support this goal because they allow market gardens and community gardens as green spaces throughout the neighborhoods that contribute to cleaner air. In addition, most of the current community gardens and small-scale market farmers that participated in this project use organic farming practices. Portland Comprehensive Plan findings on Goal 8, Environment, and its related policies and objectives also support this goal.
24. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments are consistent with this goal because they support community gardens that promote outdoor activity and recreational gardening.
25. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support expanding opportunities for entrepreneurial food ventures by reduce zoning code barriers for market gardens and farmers markets. Portland Comprehensive Plan findings on Goal 5, Economic Development also support this goal.
26. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments are consistent with this goal as they do not change the policy or intent of any of the existing regulations pertaining to housing. See also findings for Portland Comprehensive Plan Goal 4, Housing, and Metro Title 1.
27. **Goal 11, Public Facilities and Services**, requires planning and development of a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for development. Throughout the project, technical advisors from various government bureaus and agencies advised the City on facility issues, and no facility issues have been identified. Portland Comprehensive Plan findings on Goal 11, Public Facilities, and its related policies and objectives also support this goal.
28. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The proposed code amendments are consistent with this goal for the reasons stated in the findings addressing Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.

29. **The Oregon Transportation Planning Rule (TPR)** was adopted in 1991 and amended in 1996, 2005 and 2012 to implement State Goal 12. The TPR requires certain findings if the proposed [Comprehensive Plan Map amendment, Zone Change, regulation] will significantly affect an existing or planned transportation facility.

This proposal will not have a significant effect on existing or planned transportation facilities because the amendments related to community gardens and farmers markets will allow no traffic generating uses that are not already allowed by the code and the amendments related to market gardens and food membership distribution sites will, in the case of market gardens, include restrictions on the size and operation of the use and, in the case of food membership distribution sites, include restrictions that set maximums on the number of days per year and number of members per day that are allowed to pick up deliveries at that site. These restrictions on size, operation, and allowed delivery pick-up are intended to minimize the impacts, including traffic impacts, of market gardens and food membership distribution sites on neighborhoods and will, consequently, lead to minimal and indiscernible effects on existing and planned transportation facilities.

30. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments support this goal because they increase the likelihood that food can be grown at a small scale throughout the city thus reducing the amount of produce grown outside of the city that must be transported. See also findings for Portland Comprehensive Plan Goal 7: Energy.

#### **Findings on Metro Urban Growth Management Functional Plan**

31. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not significantly alter the development capacity of the city. See also findings under Comprehensive Plan Goals 4 (Housing) and 5 (Economic Development).
32. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are consistent with this title because they do not affect parking regulations or policy.
33. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. Title 3 specifically implements the Statewide Land Use Goals 6, Air, Water, and Land Resource Quality. The findings for this statewide goal are incorporated here to show that the amendments are consistent with this Title. See also findings for Comprehensive Plan Goal 8, Environment.
34. **Title 4, Industrial and Other Employment Areas**, limits retail and office development in Employment and Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a larger market area. The amendments are consistent with this title because they do not affect industrial or employment policies.

35. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types. The amendments are consistent with this goal as they do not change the policy or intent of any of the existing regulations pertaining to housing

#### Findings on Portland's Comprehensive Plan Goals

36. Only the Comprehensive Plan goals addressed below apply.
37. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. Coordination with state and regional planning efforts has been undertaken with the development of these amendments. The planning process included participation of representatives from city, regional, state agencies, ensuring consistency with applicable local, regional, and state plans.
38. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies included: Metro; Multnomah County (Health Department, Office of Sustainability, Land Use Planning, Vector Control); Oregon Department of Agriculture; Multnomah Soil and Water Conservation Districts (East and West); Public School Districts (Portland, Centennial, Reynolds, Parkrose, David Douglas, and Riverdale); and Tri-Met.
39. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because they expand opportunities to grow food for sale on underutilized and vacant land within the urban growth boundary. As interim uses, these market gardens will not reduce housing potential. Market gardens, farmers markets and community gardens all support urban development by providing much desired neighborhood open space and amenities.
40. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments support healthy, vital neighborhoods in the following ways: gardening, farmers markets, and food membership networks can bolster a neighborhood's sense of community by combining common interests with gathering places for social interaction, group activities, and educational programs for people of all ages- from children to seniors. Institutions such as schools, faith-based facilities, hospitals and community centers provide excellent opportunities for neighborhoods to increase food-centered activities and promote neighborhood cohesion. To maintain stability of neighborhoods, the amendments protect the surrounding area with a variety of regulations that address size, location, activity level, hours of operation, on-site parking, and use of motorized equipment.

41. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal as they do not change the policy or intent of any of the existing regulations pertaining to housing.
42. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they have direct and indirect economic benefits by increasing the ability to garden for profit and to have on-site sales from these gardens. In addition, the amendments provide clear regulations that lead to more certainty for farmers markets and distribution sites for food buying clubs and community supported agriculture (CSA) subscribers thus creating more options for how people can purchase their food.

The amendments support market gardening—growing food to sale—which is becoming more popular in Portland. SPIN farming, an inexpensive, intensive vegetable growing method for areas under one acre, has been found to be profitable for many successful practitioners. It is calculated that a half acre lot (20,000 square feet) has the gross revenue potential between \$24,000 and \$72,000, depending on the farming method and the crop variety. (How much is that lot worth in farm income? Available at: <http://www.spinfarming.com/common/pdfs/SPIN%20passalong%20calculator.pdf>)

The amendments also support farmers markets. In a report by Barney & Worth, Inc, Growing Portland Farmers' Markets: Portland Farmers' Markets/Direct-Market Economic Analysis published in 2008, concluded that in 2007, farmers markets had an impact of over \$17.1 million on the Portland regional economy.

The amendments support community gardening, food buying club, and CSAs, all of which can reduce food costs for many, especially low income households. In addition, the amendments support the creation of market gardens, community gardens, and farmers markets which can provide skills development training in growing and selling food.

43. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. This proposal will not have a significant effect on existing or planned transportation facilities because the amendments related to community gardens and farmers markets will allow no traffic generating uses that are not already allowed by the code and the amendments related to market gardens and food membership distribution sites will, in the case of market gardens, include restrictions on the size and operation of the use and, in the case of food membership distribution sites, include restrictions that set maximums on the number of days per year and number of members per day that are allowed to pick up deliveries at that site. These restrictions on size, operation, and allowed delivery pick-up are intended to minimize the impacts, including traffic impacts, of market gardens and food membership distribution sites on neighborhoods and will, consequently, lead to minimal and indiscernible effects on existing and planned transportation facilities. These amendments will also allow providers of

high-quality locally produced foods to locate within walking and biking distance of residential areas, which will encourage trips by those modes.

44. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city. The amendments support this goal because they increase the likelihood that food can be grown at a small scale throughout the city reducing the amount of produce grown outside of the city that must be transported.
45. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments support this goal because they encourage the production and consumption of more locally-grown fruits and vegetables which can help reduce carbon emissions. A recent report by the Environmental Working Group found that the amount of greenhouse gas emissions (GHG) related to producing a four ounce serving of grass-fed beef is equivalent to driving a car for more than six miles. (*Eat Smart - 2011 Meat Eater's Guide to Climate Change + Health*. Available at: <http://breakingnews.ewg.org/meateatersguide/eat-smart/>. Accessed July 21, 2011) In comparison, growing the same serving size of tomatoes, broccoli, beans, or milk has a smaller GHG impact, equal to driving less than a half mile. In addition, the amendments support more community and market gardens that create neighborhood green spaces that can contribute to cooling the urban environment and providing a healthy habitat for animals, birds, and insects—especially in gardens with fruit and nut trees.
46. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
47. **Goal 10, Plan Review and Administration**, calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. The amendments support this policy by updating zoning code regulations that reflect traditional and emerging ways that food is being produced and distributed—particularly in our neighborhoods.
48. **Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures**, requires that all proposed amendments to implementing ordinances be reviewed by the Planning Commission prior to action by the City Council. The amendments support this policy because the Planning and Sustainability Commission was briefed twice on the proposed amendments, March 8, 2011 and August 9, 2011, and held a public hearing on April 24, 2012 where they listened to public testimony and unanimously approved their recommendations on the amendments be forwarded to the City Council.
49. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments address present and future land use problems by providing definitions for market gardens, community gardens, farmers markets, and food membership distribution sites, and clarifying the regulations that apply to these activities ensuring that they address livability issues that

may occur in the surrounding neighborhoods. The amendments balance the benefits of regulation against the cost of implementation by allowing most activities to be allowed without land use reviews and introducing a new advisory neighborhood notification and meeting requirement for larger market gardens and food membership distribution sites. The amendments also clarify the regulations that apply to all these activities when they take place on an institutional site. The amendments use clear and objective standards, maintain consistent procedures, and are organized logically.

50. **Goal 11, Public Facilities**, includes a wide range of goals and policies. Throughout the project, technical advisors from various government bureaus and agencies advised the City on facility issues, and no facility issues have been identified.
51. **Goal 11 F, Parks And Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities. The amendments support this goal by creating more efficient regulations for the establishment and operation of community gardens on city parklands.
52. **Goal 11 I, Schools**, calls for enhancing the educational opportunities of Portland's citizens. The amendments support this goal by creating more efficient regulations addressing the establishment and operation of community gardens on school lands. In addition, clearer regulations for market gardens, farmers markets, and food membership distribution sites on schools and other institutional sites, foster educational opportunities for learning about growing food and exploring entrepreneurial methods of selling it.
53. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal by allowing market gardens throughout the city and encouraging farmers markets both which add visual variety and activity. In addition, the amendments include regulations that protect the character of residential neighborhoods by maintaining front yard setbacks.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Urban Food Zoning Code Update—Recommended Draft*, dated May 2012;
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Urban Food Zoning Code Update—Recommended Draft*, dated May 2012;
- c. Adopt the commentary and discussion in Exhibit A, *Urban Food Zoning Code Update—Recommended Draft*, dated May 2012; as further findings and legislative intent; and
- d. Direct BPS staff to continue work to educate Portlanders about the new regulations and opportunities, and provide information in multiple languages.

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The

Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

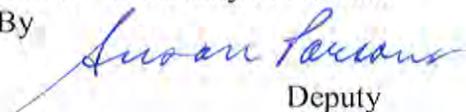
Section 3. The Council declares that an emergency exists because food production and distribution affects the public health and safety; now, therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by Council JUN 13 2012

Mayor Sam Adams  
Prepared by: Julia Gisler  
Date Prepared: May 22, 2012

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

A handwritten signature in blue ink, appearing to read "Susan Parsons", is written over the printed name "Susan Parsons".

Deputy

Agenda No.  
**ORDINANCE NO. 185412** As Amended  
 Title

Amend Title 33, Planning and Zoning regulations for food production and distribution to increase Portlanders' access to healthful, affordable food. (Ordinance; amend Code Chapter 33)  
 Title Planning and zoning

INTRODUCED BY Commissioner/Auditor: <b>Adams</b>	CLERK USE: DATE FILED <u>JUN 01 2012</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: Deputy
<b>BUREAU APPROVAL</b> Bureau: Planning and Sustainability Bureau Head: Susan Anderson 	<b>ACTION TAKEN:</b>  JUN 07 2012 PASSED TO SECOND READING As Amended JUN 13 2012 9:30 A.M
Prepared by: Julia Gisler Date Prepared: May 22, 2012	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date <b>June 7, 2012</b>	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter	

**AGENDA**

**TIME CERTAIN**   
 Start time: 2:00 pm

**Total amount of time needed: 60 minutes**  
 (for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
 Total amount of time needed: \_\_\_\_\_  
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	