



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/26/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment
DLCD File Number 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 10, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Julia Gisler, City of Portland
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

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DEPT OF

JUN 20 2012

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Portland**

Local file number: **N/A**

Date of Adoption: **6/13/2012**

Date Mailed: **6/19/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **3-13-12**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

In order to increase Portlanders' access to healthy, affordable food, these proposals add definitions and clarify regulations for: 1) market gardens; 2) community gardens; 3) farmers markets; and 4) food membership distribution sites (food buying clubs and CSA drop-off/pick-ups). The amendments allow market gardens throughout the city (with size limits in R zones) and provide more certainty for food distribution activities such as farmers markets, CSAs, and food buying clubs.

Does the Adoption differ from proposal? Yes, Please explain below:

- The Planning and Sustainability Commission added an amendment to notify neighborhood associations when notice is required for 33.237.500 Neighborhood Notification and Meeting; and
- The City Council added an amendment requiring farmers market managers to retain organic certification information on site and post a sign that tells where to go if there are questions about organic certification.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 002-12 (19235) [17089]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Multnomah County, Metro

Local Contact: **Julia Gisler**

Phone: (503) 823-7624 Extension:

Address: 1900 SW 4th Avenue, Rm 7100

Fax Number: 503-823-7800

City: **Portland**

Zip: 97201-5380

E-mail Address: julia.gisler@portlandoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

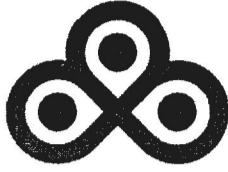
1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

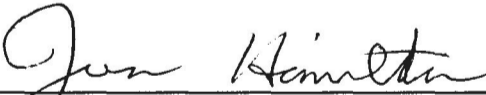


Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

Certificate of Mailing

I hereby certify that on June 19, 2012, I mailed a correct copy of Form 2, DLCD Notice of Adopted Amendment, with Amendments to Portland Zoning Code for Urban Food Code Project to the following persons by first class mail at the post office at Portland, Oregon.

<i>Name</i>	<i>Address</i>
Plan Amendments Specialist	Dept. of Land Conservation & Development 635 Capitol Street, Suite 150 Salem, Oregon 97301-2540
Planning Manager	Paulette Copperstone, Compliance Coordinator Land Use Planning Department Metro Portland, OR 97232-2736
Stuart Farmer	Multnomah County Land Use Planning 1600 SE 190 th Ste 116 Portland OR 97233

 6-19-12
Joan Hamilton Date
Management Assistant
Bureau of Planning and Sustainability



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandonline.com/bps
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Printed on 100% post-consumer waste recycled paper.

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

185412

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.

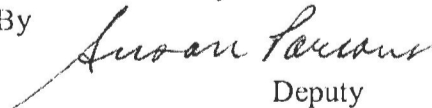
Section 3. The Council declares that an emergency exists because food production and distribution affects the public health and safety; now, therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

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



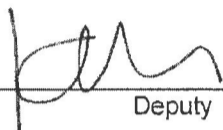
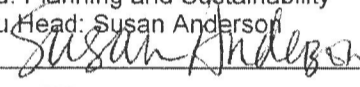

Deputy

~~668~~ ~~690~~ = JUN 14⁹

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: Adams	CLERK USE: DATE FILED <u>JUN 01 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By:  Deputy
Position 2/Works - Fish	ACTION TAKEN:
Position 3/Affairs - Saltzman	JUN 07 2012 PASSED TO SECOND READING As Amended JUN 13 2012
Position 4/Safety - Leonard	9:30 A.M
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson 	
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 June 7, 2012	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter 	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>2:00 pm</u>
Total amount of time needed: <u>60 minutes</u> (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> 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"/>	

Urban Food Code Project

Amendments to the Zoning Code

**ADOPTED
CODE ONLY**

June 14, 2012

PROPOSED ZONING CODE LANGUAGE

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.

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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.]

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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.]

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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.

PROPOSED ZONING CODE LANGUAGE

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.

Table 237-1 Maximum Area for Market Gardens		
Zone	Maximum Area Allowed per Site	Maximum Area Allowed per Site if Neighbor Notification and Meeting requirements of Section 33.273.500 are met
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	----

PROPOSED ZONING CODE LANGUAGE

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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.

PROPOSED ZONING CODE LANGUAGE

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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.

PROPOSED ZONING CODE LANGUAGE

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.

PROPOSED ZONING CODE LANGUAGE

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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.

PROPOSED ZONING CODE LANGUAGE

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PROPOSED ZONING CODE LANGUAGE

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Table 237-2 Food Membership Distribution: Frequency and Number of Members					
Maximum Number of Members Who Come to Site per Delivery Day↓	Number of Delivery Days per Calendar Year				
	Up to 5/year	6 to 26/year	27 to 52/year	53 to 104/year	More than 104/year
Up to 12	Allowed	Allowed	Allowed	Allowed if requirements of Section 33.237.500, Neighbor Notification and Meeting, are met	Not Allowed
13 to 56	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
57 to 100	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
More than 100	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed

PROPOSED ZONING CODE LANGUAGE

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.

PROPOSED ZONING CODE LANGUAGE

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.

PROPOSED ZONING CODE LANGUAGE

Language to be **added** is underlined
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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.

PROPOSED ZONING CODE LANGUAGE

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

(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.]

PROPOSED ZONING CODE LANGUAGE

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.

PROPOSED ZONING CODE LANGUAGE

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.

PROPOSED ZONING CODE LANGUAGE

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

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.

PROPOSED ZONING CODE LANGUAGE

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

AMEND CHAPTER 33.100, OPEN SPACE ZONE

Use Regulations

Table 100-1 Open Space Zone Primary Uses	
Use Categories	OS Zone
Residential Categories	
Household Living	N
Group Living	N
Commercial Categories	
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
Industrial Categories	
Manufacturing And Production	CU [6]
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Railroad Yards	N
Waste-Related	N
Institutional Categories	
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
Other Categories	
Agriculture	Y L [7]
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.

PROPOSED ZONING CODE LANGUAGE

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.]

PROPOSED ZONING CODE LANGUAGE

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

AMEND CHAPTER 33.110, SINGLE-DWELLING ZONES

Use Regulations

Table 110-1 Single-Dwelling Zone Primary Uses						
Use Categories	RF	R20	R10	R7	R5	R2.5
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	CU	CU	CU	CU	CU	CU
Commercial Categories						
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
Industrial Categories						
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
Institutional Categories						
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]
Other Categories						
Agriculture	Y L [7]	Y L [7]	L/CU [8]	L/CU [8]	N L [9]	N 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

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.

L = Allowed, But Special Limitations

N = No, Prohibited

PROPOSED ZONING CODE LANGUAGE

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

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.]

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

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	R3	R2	R1	RH	RX	IR
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	Y [1]
Commercial Categories						
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
Industrial Categories						
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
Institutional Categories						
Basic Utilities	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	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]
Other Categories						
Agriculture	N L [14]	N L [14]	N L [14]	N L [14]	N L [14]	N L [14]
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]	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

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

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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
Residential Categories								
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]
Commercial Categories								
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
Industrial Categories								
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
Institutional Categories								
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
Other Categories								
Agriculture	N L [13]	N L [13]	N L [13]	N L [13]	N 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.

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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

AMEND CHAPTER 33.140, EMPLOYMENT AND INDUSTRIAL ZONES

Use Regulations

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
Commercial Categories						
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]	CU [15]	CU [15]	CU [15]	CU [15]	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
Industrial Categories						
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]
Institutional Categories						
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]
Other Categories						
Agriculture	Y L [16]	Y L [16]	Y L [16]	Y L [16]	Y L [16]	Y 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]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

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 33.140.100.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

PROPOSED ZONING CODE LANGUAGE

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

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.]

PROPOSED ZONING CODE LANGUAGE

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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.]

PROPOSED ZONING CODE LANGUAGE

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.]

PROPOSED ZONING CODE LANGUAGE

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.]

PROPOSED ZONING CODE LANGUAGE

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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

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City of Portland, Oregon
1900 SW 4th Ave. Suite 7100, Portland, OR 97201



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