

#1

Commissioner Saltzman's motion submitted
June 13, 2012, seconded by Commissioner Fritz:

Y-5

Section 3.

185412

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.

#2

Commissioner Saltzman's motion submitted
June 13, 2012, seconded by Commissioner Fish:

Y-5

185412

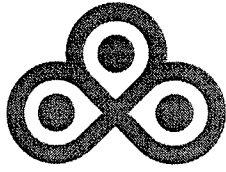
The Market Manager must retain organic certification information on site and must post a sign(s) in a prominent location that reads "Questions about organic certification? Contact market manager," **and that also includes a phone number for the market manager.**

PP 52, 53, 55, 57

Amendment from June 7, 2012

Motion to amend exhibit to require that the market managers must retain organic certification information on site and must post a sign that reads "Questions about organic certification? Please see Market Manager": Moved by Commissioner Saltzman and seconded by Mayor Adams. (Y-4; Fish absent)

PP 52, 53, 55, 57



185412

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

MEMO

DATE: June 7, 2012
TO: Portland City Council
FROM: Jessica Richman, Senior Planner
SUBJECT: Inventory of Market Gardens, Farmers Markets, and Food Membership Distribution Sites

Part of the Urban Food Code Zoning Code Project proposal is that Market Gardens, Farmers Markets, and Food Membership Distribution Sites that currently exist may continue at the level they are operating at now, even if they don't meet the new regulations. For several months, project staff has been collecting information for an inventory of these sites. Inclusion in the inventory is a convenience for the operators; if there is a question about their "grandfather rights," being on the inventory is sufficient documentation. Those not on the inventory will have the same rights, but will be required to document that they existed at the time these regulations were adopted.

The inventory—which closed yesterday—is attached for your information.



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Inventory of Market Gardens, Food Membership Distribution Sites, and Farmers Markets.

June 7, 2012

185412

Property Type (select one)	Address (System Verified)	Neighborhood	Area of Market, in square feet	What is usual use of the site?	How many days per calendar year does market operate?	What hours is market open?	What is percentage of vendors in each of the three categories listed below? Calculations based on number of vendors, rather than linear or square footage.	If Market is on parking lot, how many spaces are on site? How many occupied by Market?
Farmers Market	700-899 NE HOLLADAY ST	LLOYD DISTRICT	5000 sq feet	The gazebo we use for the market is part of Oregon Square Courtyard, a privately managed public park and is enjoyed by the public for the remainder of the week.	67	10 am - 2 pm	Category 1: 40% Category 2: 60% Category 3: 0	
Farmers Market	3807 NE MLK JR BLVD	KING	100	congregation	24	12:30-2:30	Category One: 100%	40, 0
Farmers Market	3029 SE 21ST AVE	HOSFORD-ABERNETHY	~250 feet	residential street and business's public courtyard	52	2pm - 7pm	1: 75% 2: 20% 3: 5%	7 on street parking spaces
Farmers Market	4600 SE WOODSTOCK BLVD	WOODSTOCK		Bank parking lot	23	9:00 a.m. - 1:00 p.m.	category #1 - 46% Category #2 - 54%	
Farmers Market	SE 92ND AVE & SE FOSTER RD	LENTS	25,000	Empty, undeveloped lot.	20	11am - 4pm	1. 70% 2. 25% 3. 5%	
Farmers Market	SW 9TH AVE & SW PARK AVE	DOWNTOWN		public space	8	10am-2pm	1= 75% 2= 25% 3= 0%	
Farmers Market	SE 13TH AVE & SE 14TH AVE	SELLWOOD-MORELAND IMPROVEMENT LEAGUE	Not sure, approximately 20,000 s.f.?	Surface parking lot for Wilhelm's Funeral Home	22-30	3:30-7:30 (earlier hours in the fall)	Category 1: 53% Category 2: 42% Category 3: 5%	Not sure how many spaces, but the market occupies all of the spaces
Farmers Market	SW BROADWAY & SW MORRISON ST	DOWNTOWN		public space- Pioneer Courthouse Square	12	11am-1:30pm	1=25% 2=75% 3=0%	
Farmers Market	SW BROADWAY & SW MORRISON ST	DOWNTOWN		public space- pioneer courthouse square	14	10am-2pm	1= 75% 2= 25% 3= 0%	
Farmers Market	N DENVER AVE & N MCCLELLAN ST	KENTON		on-street(N. McClellan)	18	3pm-7pm	1= 75% 2= 25% 3= 0%	
Farmers Market	NW 19TH AVE & NW EVERETT ST	NORTHWEST DISTRICT		church parking lot	18	3pm-7pm	1= 75% 2= 25% 3= 0%	
Farmers Market	NE 122ND AVE & NE SHAVER ST	ARGAY	20000	Parkrose High School east parking lot	27	9 am to 3 pm	Cat 1 = 50 Cat 2 = 25 Cat 3 = 25	61 - 27
Farmers Market	SE 20TH AVE & SE SALMON ST	BUCKMAN		Church parking lot	22	3pm-7pm	1= 75% 2=25% 3= 0%	
Farmers Market	NE 7TH AVE & NE WYGANT ST	KING		King Elementary school parking lot	26	10am-2pm	1= 75% 2= 25% 3= 0%	40 parking spaces; market occuppies 30-35
Farmers Market	SW 9TH AVE & SW PARK AVE	DOWNTOWN		Park	26	10am-2pm	1= 75% 2= 25% 3= 0%	
Farmers Market	SW HARRISON ST & SW PEDESTRIAN TRL	DOWNTOWN		park blocks	40	8:30am-2pm	1= 75% 2= 25% 3= 0%	
Farmers Market	SW GIBBS ST & SW SAM JACKSON PARK RD	HOMESTEAD	15000	Lawn Area and Parking Lot	22	11-3pm	Category A- Grow/catch/raise their own 2 meat ranchers 2 Berry Vendors 1 Nursery 8 produce Category 2 (produced by them using local ingredients, perhaps even contracted (ie: milk for cheese).. but don't grow their own) 1 seafood (native-salmon) 4 Bread/Pastry Vendors 1 Cheese Vendor 11 prepared foods 1 seafood vendor (buy and resell) 7 value added Category 3 none	11, 9
Farmers Market	3300 SE WOODWARD ST	RICHMOND	100	church	8	10:45 a.m. to 12:15 p.m.	Category One: 100%	12, 2
Farmers Market	7600-7799 NE GLISAN ST	MONTAVILLA	100	church	24	1:30 p.m. to 3:30 p.m.	Category 1: 100%	not on parking lot
Farmers Market	1636 SE HICKORY ST	HOSFORD-ABERNETHY	100	church	8	9 a.m. to 12:30 p.m.	Category 1: 100%	not on parking lot
Farmers Market	1405 SW VERMONT ST	HILLSDALE	18,000	Parking lot for Rieke Elementary and Wilson High. We are in the northern part of the lot, closer to SW Capitol Hwy.	40 with a potential maximum of 52	Sundays, 10am-2pm	Category 1 - 32 Category 2 - 17 Note we never have all these vendors at one market. Many are seasonal or come on a periodic basis (bi-weekly, monthly etc.)	Estimate - 300 spaces, we occupy about 80 spaces.

Inventory of Market Gardens, Food Membership Distribution Sites, and Farmers Markets.

185412

June 7, 2012

Property Type (select one)	Address (System Verified)	Neighborhood	Number of delivery days per year	Number of members who come to site to pick up items from each delivery (if range, enter highest number)	Hours when members pick up items at the site (such as 9 a.m. to 3 p.m.)	Hours when trucks make deliveries (such as 9 a.m. to 3 p.m.)	What kind of activities happen outside structures on the site	Do any outdoor activities happen between the house or other primary building and the street?	On institutional sites, how many on-site parking spaces are reserved for members picking up food?
Food Membership Distribution Site	7038 SE 85TH AVE	LENTS	200	50	9 AM to 9 PM	10 AM to 6 PM	Sorting, weighing, assembling shares of food.	nope	
Food Membership Distribution Site	127 N PORTLAND BLVD	PIEDMONT	48	20	4 p.m. to 5:30 p.m.	9 a.m. to 3 p.m.	None	No	0
Food Membership Distribution Site	9016 SE WASHINGTON ST	MONTAVILLA	27-56	max. 50	9am-9pm	9am-6pm	Items stored in garage for pick-up. Sorting in driveway and on back porch.	delivery, preliminary sorting	NA
Food Membership Distribution Site	403 NE 69TH AVE	MONTAVILLA	27-56	max. 50	9am-9pm	9am-6pm	sorting and box assembly along side driveway.	delivery	NA
Food Membership Distribution Site	414 NE 71ST AVE	MONTAVILLA	53-104	max. 56	8am-9pm	8am-6pm	None. Everything happens on the front porch	Just unloading the truck and carrying product onto front porch	NA
Food Membership Distribution Site	511 SE 74TH AVE	MT. TABOR	27-56	max. 40	9am-9pm	9am-6pm (vans and pickups only)	None. Everything happens in the garage	Just unloading the truck and carrying product into garage	NA

**Inventory of Market Gardens, Food Membership Distribution Sites, and Farmers Markets.
June 7, 2012**

Property Type (select one)	Address (System Verified)	Neighborhood	Area of Market Garden, in square feet	What structures more than 5' are on site? What are the non-garden buildings used for? How far is each structure (of any height) from the nearest property line?	How many days per calendar year are there on-site sales?
Market Garden	5095 SW BARNES RD	SYLVAN- HIGHLANDS	42000	2 market garden buildings, free standing garage for storage/plant starts, one home. Structures are at least 20 feet from property lines.	245
Market Garden	SE 117TH AVE & SE REEDWAY ST	POWELLHURST- GILBERT	87,120	One 8x12 shed for tool storage. The shed is 10' from the property line. There is another 8x12 shed on the site but it is for the 1/4 acre community garden, which is not a market garden.	0 currently (food is sold offsite) but up to 24 on the future.

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Julia Gisler		2. Telephone No. 503.823.7624	3. Bureau/Office/Dept. Planning and Sustainability
4a. To be filed (date): May 23, 2012	4b. Calendar (Check One) Regular Consent 4/5ths X <input type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: May 23, 2012
6a. Financial Impact Section: X Financial impact section completed		6b. Public Involvement Section: X Public involvement section completed	

1) Legislation Title: Amend Title 33, Planning and Zoning regulations for food production and distribution to increase Portlanders' access to healthful, affordable food. (Ordinance; Amend Title 33)

2) Purpose of the Proposed Legislation:

The *Urban Food Zoning Code Update* affirms the City's commitment to increasing access to healthful, affordable food for all residents, especially those who have limited access. While traditional and emerging food production and distribution methods such as farmers markets, community gardens, market gardens (where food is grown to sale), community supported agriculture (CSA), and food buying clubs have dramatically increased in the city, the zoning code has not kept pace. The regulations can be a disincentive because in many situations they are cumbersome, unclear and/or restrictive.

If trends continue, these activities will be more common in the future. This will increase the possibility of conflicts with neighbors over livability issues such as traffic, parking, truck delivery and general increase in activity. These proposals support food-related activities at a scale that is appropriate to neighborhoods and help build community, while protecting neighborhood livability by addressing negative impacts.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |
| <input type="checkbox"/> Internal City Government Services | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

The proposed amendments will have no impact on the increase or decrease in revenue. The proposed zoning code regulations do not require permits and rely on objective standards that can be met without a land use review.

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)*

The proposed amendments will have no cost impact to the City.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No positions will be created, eliminated or re-classified in the current year as a result of the proposed legislation.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No position will be created, eliminated or re-classified in future years as a result of the proposed legislation.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item? The proposed amendments will clarify regulations for market gardens, community gardens, farmers markets, food buying clubs, and community supported agriculture (CSA) and market gardens and support these activities while balancing negative impacts to the surrounding neighborhood. It is the intent of this project that the proposed zoning code amendments will result in more food being grown and sold throughout the City and particularly in our neighborhoods.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

Portland Multnomah Food Policy Council (FPC) During the fall of 2010, project staff met three times with FPC’s Food Production and Distribution Committee to review their prior work on zoning code barriers. These meetings were open to the public.

General Public

- The public was invited to discuss the development of the proposals throughout the project. Starting in winter 2011, there were initial topic area discussions, followed by two rounds of public review: one to discuss conceptual regulatory approaches (Concept Report, July 2011); and, one to discuss initial zoning code language (Discussion Draft, Feb 2012). Staff held open houses and solicited comments during each public review period.
- 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.
- A project mailing list was maintained throughout the project. In addition to meeting legal notice requirements, this list was also used to send numerous periodic e-mail project updates.
- 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.

Health/Equity Partners The Bureau of Planning and Sustainability and Oregon Public Health Institute received funding from Multnomah County Health Department through the Centers for Disease Control and Prevention's Communities Putting Prevention to Work (CPPW) Initiative to apply the health/equity "lens" to this project. Staff engaged health/equity partners through OPHI and CPPW networks and held special "health partner" meetings to review proposals and discuss health/equity issues at each stage of development.

Code Development Advisory Group (CDAG.) To assist project staff developing the proposed zoning code regulations, 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 six CDAG meetings.

c) How did public involvement shape the outcome of this Council item?

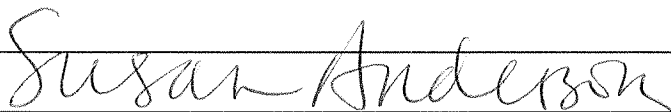
The participation of the CDAG, and other community food and health/equity advocates, was critical to the success of this project. These people were knowledgeable and experienced in all of the areas addressed by the regulations. At Planning and Sustainability Commission hearing many who testified spoke highly of the interactive process of developing these proposals and noted staff's willingness to modify initial ideas as they learned more about the activities. This collaboration with the community has resulted in well crafted, workable proposals.

d) Who designed and implemented the public involvement related to this Council item? The Bureau of Planning and Sustainability, in partnership with Oregon Public Health Institute and the Portland Multnomah Food Policy Council, designed and implemented the public involvement for this project.

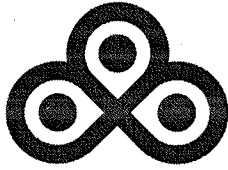
e) Primary contact for more information on this public involvement process (name, title, phone, email):

Julia Gisler, City Planner
503.823.7624
julia.gisler@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not. The Planning and Sustainability Commission heard testimony about the importance of following up on this project with outreach efforts that get the word out about the expanded opportunities for growing and selling food and by providing education materials about how to take advantage of these opportunities. This could be done through existing BPS programs such as Sustainable Food, District Planning, and Residential Education and Outreach as well as by continued work with community food, health/equity partners.



BUREAU DIRECTOR (Typed name and signature)



185412

Bureau of Planning and Sustainability
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MEMO

DATE: May 23, 2012
TO: Mayor Sam Adams
FROM: Susan Anderson, Director

1. Ordinance Title: Amend Title 33, Planning and Zoning regulations for food production and distribution to increase Portlanders' access to healthful, affordable food. (Ordinance; Amend Title 33)
 2. Contact: Julia Gisler, City Planner, 503.823.7624
-

3. Council Date: June 7, 2012
4. Consent Agenda Item Regular Agenda Item
 Emergency Item (explain below) Non-Emergency Item
5. Purpose of Agenda Item:

The *Urban Food Zoning Code Update* affirms the City's commitment to increasing access to healthful, affordable food for all residents, especially those who have limited access. While traditional and emerging food production and distribution methods such as farmers markets, community gardens, market gardens (where food is grown to sale), community supported agriculture (CSA), and food buying clubs have dramatically increased in the city, the zoning code has not kept pace. The regulations can be a disincentive because in many situations they are cumbersome, unclear and/or restrictive.

If trends continue, these activities will be more common in the future. This will increase the possibility of conflicts with neighbors over livability issues such as traffic, parking, truck delivery and general increase in activity. These proposals support food-related activities at a scale that is appropriate to neighborhoods and help build community, while protecting neighborhood livability by addressing negative impacts.



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Following their public hearing on April 24, 2012, the Planning and Sustainability Commission voted unanimously to forward the following recommended amendments to City Council.

- **Market Gardens (produce grown to sale.)** Currently, market gardens are only allowed in a few zones (employment, open space, and very low density residential zones). The recommended amendments allow them in all zones (with size limits in residential zones) and include regulations that address neighborhood livability.
- **Community Gardens (produce grown for personal consumption/donation.)** Currently, community gardens are allowed in all zones. The recommended amendments continue to allow them in all zones and add regulations that address neighborhood livability.
- **Food Membership Distribution Sites.** Currently, the zoning code is unclear how to regulate the pick-up sites for food buying clubs and community supported agriculture (CSA) organizations. The recommended amendments allow food membership distribution sites in all zones and include regulations that address neighborhood livability.
- **Farmers Markets.** Currently, farmers markets are regulated as temporary uses and these regulations can be confusing and expensive. The recommended amendments add regulations specifically for farmers markets that address location, frequency, number of "non-farmer" vendors, and when markets may set up on parking lots.

6. History of Agenda Item/Background:

In the early 2000s, the Food Policy Council identified zoning barriers to food production and distribution. In 2010, the Bureau of Planning and Sustainability and Oregon Public Health Institute received funding from Multnomah County Health Department through the Centers for Disease Control and Prevention's Communities Putting Prevention to Work (CPPW) Initiative to work on this project.

7. Legal Issues:

None.

8. What individuals or groups are or would be supportive or opposed to this action?

Testimony was positive at the Planning Commission. At the City Council we anticipate more positive testimony from those who have been involved in the process—particularly members of the Code Development Advisory Group. During the City's initial outreach there were concerns about over-regulating these activities. Throughout the process, staff has worked closely with operators of food buying clubs, CSA and market gardens, farmers markets, and community gardens to come to a workable solution.

Opposition: None.

Supportive: Food Policy Council, Planning and Sustainability Commission, Multnomah County Health Department, and many community food and health/equity advocates.

9. How does this relate to current City policies?

This proposal supports Climate Action Plan 2030 Objectives 14 and 15: "Reduce consumption of carbon-intensive foods" and "Significantly increase the consumption of local food." This proposal also supports the food related policies in the Portland Plan Healthy Connected Cities strategy and will inform the update of the Portland Comprehensive Plan.

