

## ORDINANCE No. 185412 As Amended

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

The City of Portland Ordains:

Section 1. The Council finds:

### **General Findings**

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

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

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

### **Findings on Statewide Planning Goals**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

NOW, THEREFORE, the Council directs:

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

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

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

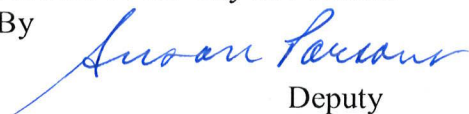
Section 3. The Council declares that an emergency exists because food production and distribution affects the public health and safety; now, therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by Council JUN 13 2012

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

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

By

  
Deputy

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

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

Title Planning and zoning

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

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Leonard	4. Leonard		
Adams	Adams		