The Diggable City

Phase II:

Urban Agriculture Inventory
Findings and Recommendations

February 2006

Portland **M**ultnomah **F**ood **P**olicy **C**ouncil

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To forget how to dig the earth & tend the soil is to forget ourselves.

-Gandhi

Many thanks to the PSU School of Urban Studies and Planning Diggable City Project Team for their groundbreaking work; the dedicated community members who served on technical advisory committees who nourished this report; and Brendan Finn and Commissioner Dan Saltzman for their support in cultivating this project.

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Portland Multnomah Food Policy Council
The Diggable City: Urban Agriculture Inventory Phase II

I. Diggable City Background

In 2002 the City of Portland and Multnomah County, through their formation of the Portland Multnomah Food Policy Council (FPC), adopted a set of governing principles to help guide Food Policy for the City and County. The two jurisdictions will promote, support and strengthen a healthy regional food system based on these six principles:

- Every City and County resident has the right to an adequate supply of nutritious, affordable and culturally appropriate food (food security).
- Food security contributes to the health and well-being of residents while reducing the need for medical care and social services.
- Food and Agriculture are central to the economy of the City/County and a strong commitment should be made to the protection, growth and development of these sectors.
- A strong regional system of food production, distribution, access and reuse that protects our natural resources contributes significantly to the environmental and economic well-being of this region.
- A healthy regional food system further supports the sustainability goals of the City/County, creating economic, social and environmental benefits for this and future generations.
- Food brings people together in celebrations of community and diversity and is an important part of the City and County's culture.

In November 2004 Portland Commissioner Dan Saltzman introduced passed Resolution 36272 calling for an inventory of city-owned lands suitable for community gardens and other agricultural uses. This resolution was passed unanimously by City Council. A group of graduate students from the Nohad Toulan School of Urban Studies and Planning worked with Commissioner Saltzman's office to conduct the inventory. In June 2005, these students published *The Diggable City: Making Urban Agriculture a Planning Priority*.

As a follow up to that report, City Council directed the Portland FPC to advise Council on how best to proceed with the "Diggable City" report. The FPC formed the Urban Agriculture Subcommittee to explore the impediments to community gardens and other urban agricultural uses on city-owned properties and to develop a management plan for use of these lands.

In order to research the best knowledge and practices to carry out this endeavor, the subcommittee formed a technical advisory committee (TAC) made up of more than twenty individuals. The TAC members included people involved with existing urban agriculture or food security projects, community organizers, City staff, and others interested in the issues. This committee broke into six topic teams that were charged with reporting back to the group with recommendations for removing barriers and developing a land management plan. The six teams were as follows:

- Land Use Planning and Zoning
- Immigrant Farmer Program
- Community-Supported Agriculture
- Community Gardens
- Public Involvement

- Other Urban Agricultural Uses

These groups met in the fall of 2005 to consider issues of land use, funding, models for success, criteria on which to judge projects, and other considerations. After considerable discussion and research, all six groups delivered their findings to the Urban Agriculture Subcommittee. Summaries of reports from these six groups can be found in Appendix B.

II. Urban Agriculture Overview

What is urban agriculture?
Urban agriculture is an activity located within the urban growth boundary which includes raising, processing and distributing a variety of food and non-food products using resources, products and services found in and around the city, and in turn supplying resources, products and services for local consumption. Urban agriculture encompasses a wide range of food-related activities from education to production, collection to consumption and can include community gardens, small farms, farm stands, farmers markets, and native plant nurseries.

What makes urban agriculture different than traditional commercial farming?
Agricultural uses can be considered along a continuum from large-scale, single-crop commercial operations of hundreds or thousands of acres to backyard gardens for personal use. State land use policy and regulations provide important protections for agriculture to avoid conflicts with other land uses, allow larger-scale operations and preserve lower land costs. In order to set policy and determine appropriate land use tools for agriculture within urban areas it is useful to understand how urban agriculture differs from more traditional farming practices. The following provides a general description of the characteristics commonly associated with urban agriculture. Given the diversity of urban agricultural activities there remains considerable variation from site to site.

- *Scale* – sites can be as small as a few hundred square feet and are rarely over a few acres
- *Location* – sites are often leftover spaces within developed areas; they may be remnants of historic farms, difficult to develop sites, or portions of sites developed in a compatible use, such as a school, a utility right-of-way or water storage facility
- *Intensity of use* – land is used intensely to maximize benefits in a small area
- *Techniques* – the small scale favors hand tools and smaller mechanized equipment
- *Crop diversity* – rather than growing single crops oriented to mass production, these sites often include a variety of crops that change from season to season
- *Products* – fruits, vegetables, herbs, flowers or nursery stock are most common; some sites may have small beehives or a few chickens
- *Consumer base* –local products may be grown for personal use, local subscribers (as in CSAs), nonprofit or student consumption, or those who shop at farmers markets or farm stands
- *Community orientation* – sites are often considered a community asset, providing open areas, educational opportunities, or food security
- *Associated activities* – educational activities may include nutrition or farming education to school children, job training programs, demonstration projects, or gardening education for self-sufficiency/food security; related commercial activities may include farm stands, plant sales, or collection by CSA members
- *Land ownership* – nonprofit or government ownership is common; remnant historic farms or CSAs may be in private ownership

Why urban agriculture?
Urban agriculture:

- connects urban residents to their food supply and helps bridge the urban/rural divide
- increases awareness of the importance of Oregon agriculture as part of the economy
- promotes the local economy by increasing direct marketing opportunities for regional growers
- increases avenues for cultural exchange within and among diverse communities
- promotes health and nutrition by expanding access at all income levels to fresh, local fruits and vegetables
- engages communities and promotes self-reliance

Goal for urban agriculture in the City of Portland
Urban Agriculture through the "Diggable City" project is concurrent with and supports the Governing Principles adopted by the City of Portland to promote, support and strengthen a healthy regional food system. The Portland Multnomah Food Policy Council's recommends a goal of fostering community livability, youth education, economic resiliency and creation of urban spaces by increasing the presence of, and improving access to, a broad range of urban agriculture opportunities on suitable land within the City of Portland.

III. Summary of Findings

There were notable commonalities in the issues that were raised by the six technical advisory committees, despite different models being considered. Key findings of the committees include the following:

City Priorities

- Need for public involvement process, including:
    - Fair RFP process to grant access to land
    - Demonstrated public good

- Lease agreement between land-owning bureau and organization proposing use of land that addresses issues of concern, including:
    - Protection against liability / insurance coverage by lessees – "hold harmless" statement
    - Accountability of lessee
    - Possible rent model to offset costs

User Priorities

- Fair RFP process to gain access to land
- Specific tenure of land guaranteed at beginning of process
- Reconsideration of zoning and mitigation of other barriers to using land for agricultural projects
- Fair rent/or other considerations for use of land
- Assistance gaining access – staff manager, streamlined bureaucracy, etc.

Most Commonly Cited Barriers

- Currently, no staff to manage/streamline process or access to lands
- Zoning and land use issues: agriculture not allowed in many residential zones
- Utilities and infrastructure costs: water meter, water, fencing, etc. are often prohibitively high

IV. Recommendations

The Portland Multnomah Food Policy Council proposes the following four steps be taken to further the recommendations of *The Diggable City* report and support urban agriculture on city-owned land:

1) Identify Suitable Land for Urban Agriculture

The Office of Sustainable Development's Sustainable Food Coordinator will collaborate with city bureaus to identify the parcels of land most suitable for urban agriculture and amenable with the bureau's future goals.

2) Create Pilot Projects

Establish three pilot projects on plots of land identified in the urban agriculture inventory. Projects will move forward if agreements can be reached with bureau land owners, surrounding neighbors and nonprofit partners. Funding strategies will be considered on an individual basis and serve to inform future ventures, as diverse projects may lend themselves to different support mechanisms. OSD's Sustainable Food Coordinator will lead this process.

3) Test Land Management Plan

The Urban Agriculture Technical Advisory Committee has recommended elements of a land management plan that includes a public participation component and a competitive process to grant access to the land. These elements will be tested through the pilot projects as we develop a long-term plan.

4) Explore Policy Changes to Remove Barriers

a) Work with the Bureau of Planning and Bureau of Development Services to assess zoning barriers to urban agriculture in Portland and recommend and undertake specific actions to remove them.

b) Work with Water Bureau on creating new fee arrangements for water meters on City-owned land, and that urban agriculture projects not be required to pay sewer fees (latter part is current agreement with Community Gardens Program). Explore with the Bureau how Urban Agriculture may complement and serve as an integral part in the development of its "Hydropark" program.

V. Recommendations Narrative

1) Identify Suitable Land for Urban Agriculture

Next steps:

- Refine site identification through Diggable City GIS database to develop short list of properties with the greatest potential for easy conversion to urban agriculture projects.
- Meet with bureaus and update on project; identify bureau staff to be lead contact
- Work with bureau staff to review property list and find the best properties for use in pilot projects
- Work with organizations interested in conducting pilot projects to bring projects to fruition; work with them to craft project proposals
- Develop and oversee public participation process for community property goals

2) Create Pilot Projects

The Diggable City team, along with Commissioner Saltzman's Office, is working with potential partners who have been exploring several sites from the inventory that might be appropriate for their urban agricultural ventures. The following describes the projects and their goals in more detail.

East Side Community Garden

The Hazelwood Neighborhood and Commissioner Randy Leonard have proposed turning most of the 117th and Multnomah St. Water Bureau property into a "Hydropark." Much of the barbed wire fencing currently on the site will be removed and access opened up to the surrounding neighborhood. An on-site building will be leased by the East Portland Neighborhood Organization for its office and development features would include a community garden, walking trails and perhaps a playground.

Community Gardens provide opportunities for innovation in gardening and urban agriculture. They are gathering spaces and a forum for learning about growing vegetables, fruits and herbs. Beginners work near experienced gardeners, observing and trying innovative or time-tested horticultural methods.

A community garden in a section of the "Hydropark" property is highly desirable. The neighborhood is currently park and community garden deficient. There are no Portland Community gardens east of 92nd Ave. A goal of Portland Community Gardens is to make land and the learning opportunities of the garden available to all geographic areas and neighborhoods of Portland. As a Diggable City pilot project, a model garden is proposed that would encourage cooperation between public agencies and the surrounding neighborhood on property not previously accessible to the public.

Community gardens cultivate strong neighborhoods. Linda Robinson, chairperson of the Hazelwood Neighborhood Association and Richard Bixby Director of East Portland Neighborhood Organization support the development of a community garden on this Water Bureau site. Other potential partners include the nearby Fir Ridge School and the Immigrant and Refugee Community Organization (IRCO), located on 103rd and Glisan St. A public meeting for neighborhood input about the site, facilitated by the Water Bureau, is planned for early February 2006.

Verde Native Plant Nursery

The Verde Native Plant Nursery is a unique, community-driven project to deliver environmental jobs, training and entrepreneurial opportunities to residents of Hacienda CDC's (HCDC) affordable housing. Verde's proposed pilot project would partner with the Diggable City and Portland Parks and Recreation for the use a property in the Cully Neighborhood. In fall 2007, the Nursery plans to make ferns, rushes, sedges, and Oregon iris available in one- gallon containers for use in Portland area wetland restoration, streamside revegetation and stormwater management projects.

In addition to promoting social equity in Portland's sustainable development efforts, the Verde Native Plant Nursery will encourage a greater understanding within HCDC's resident community of the connection between watershed health, community and economic sustainability. The Nursery is a project of *Verde*, an independent non-profit corporation created by HCDC to house the Nursery and future environmental job, training, and entrepreneurial opportunities that meet the daily economic needs of disadvantaged communities. HCDC is Verde's fiscal sponsor until Verde receives tax exempt status.

HCDC housing is available to households earning at/below 60% median area income. Many of these residents work jobs that are low paying, unhealthy, unstable, and offer little opportunity to develop new skills. These tenants are economically isolated, disconnected from Portland's broader economic opportunities. For Nursery employees, their story will be different: they will receive family wages with benefits, work in a healthy and environmentally beneficial field, have year-round and full-time employment, receive job training, and have the chance for revenue sharing.

The Nursery will also provide the following services: commercial landscape maintenance of HCDC properties in fall 2005; removal of invasive plant species in fall 2006; and native plant installation and maintenance in fall 2006. Importantly, Nursery employees will have the chance to become business

owners, either through Nursery ownership (tax laws permitting) or through Verde support to establish their own sustainable landscaping and/or nursery businesses. By the end of 2006, the Nursery will employ nine residents.

The Verde Native Plant Nursery project is supported by Verde's Board of Directors and an experienced native plant nursery committee.

Zenger Farm

Incorporated in 1999, Friends of Zenger Farm (FZF) was created to preserve Zenger Farm, a 16-acre urban farm and wetland in SE Portland and to transform it into a community learning center for sustainable food systems, environmental stewardship and local economic development. One of the last operational farms within the City limits, FZF provides unique "demonstrational" learning opportunities for both youth and adults in subjects such as organic farming, stormwater management, wetland ecology, food security, green building and local economic development.

To fulfill its mission, FZF serves the local and regional community through the following programs: 1) Grow Wise Youth Education: educating and empowering disadvantaged youth with knowledge of sustainable food production and local environmental issues such as seasonal flooding and storm water management. Educational activities are interactive and focus on topics such as planting, harvesting, composting, and wildlife viewing, 2) Immigrant Market Garden: providing land, training and market assistance to immigrant and refugee farmers, and 3) Scholarship Shares: subsidizing CSA membership for low-income families of Outer SE Portland to receive fresh, seasonal produce on a weekly basis from May-October.

In an effort to expand current programming levels in both the Youth Education and Immigrant Market Garden Program, FZF is interested in accessing the BES property at SE 117th and Reedway, historically known as the 'Furey' Property. The Furey Property is directly adjacent to the existing Zenger Farm project and shares a property boundary to the north of the Spring Water Corridor Trail. It was originally purchased as part of the 'Willing Seller Acquisition Program' to acquire stormwater and habitat significant lands as part of the Johnson Creek Watershed Management Plan of the City of Portland. The upland portion (approximately 3.85 acres) of the Furey Property has recently been identified as 'surplus' due to its lack of habitat or stormwater management significance. The remaining 1.01 acres wetland and floodplain portion of the property has been determined to be 'important for the future Springwater Wetland Complex restoration project' by BES.

A partnership with the Diggable City and BES to use the surplus portion of this property by the Friends of Zenger Farm would accomplish several objectives:
* Strengthen existing relationship between City of Portland, Bureau of Environmental Services and the non-profit Friends of Zenger Farm
* Expand sustainable agriculture programming available to immigrant, refugee and other emerging farmers
* Expand experiential education opportunities around farming, nutrition and the environment available to PPS, Centennial and David Douglas School District students, teachers and administrators
* Strengthen the link with the local community members to FZF programs and activities by expanding pedestrian and neighborhood access onto Zenger Farm (current access via Foster Rd. only - mostly light industrial zoning on that side of Foster)
* Create a destination point along the Spring Water Corridor Trail for self-guided tours and passive recreation opportunities.
* Complete the ecological offerings of FZF by adding a 'forested wetland' type habitat to the existing open wetland, field-scale farm and urban education center landscape types currently available.

Next steps:

- Facilitate a public process to discuss with neighbors the pilot project organization's plans for the site and reaction to proposed project
- Work with bureaus and pilot project organizers to develop acceptable terms for use and lease language

3) Test Land Management Plan

The development of the pilot projects will be a first test of the management structure for using public lands for urban agriculture projects. The pilot projects will test the development of leases with City bureaus as well as compare expectations for different land uses with on-the-ground realities. These pilot projects will lay the groundwork for future projects, highlight potential problems and barriers, and explore the opportunities for urban agriculture on City-owned properties.

The project is not yet a large-scale program involving many parcels of City-owned land, nevertheless the Urban Agriculture Technical Advisory Committee planned for that scenario through the consideration of a longer-term land management plan. The TAC has recommended that the best way to make lands available is through a competitive request-for-proposals process through which organizations or groups of neighbors can develop proposals for the land. Below are some suggested for RFP inclusions.

Proposals should include the following elements at a minimum:

- Problem statement including need and constituency
- Benefits to constituency and/or community
- Partners
- Expected results
- Timeline
- Demonstration of meeting unaddressed needs or underrepresented populations
    - Equity
    - Products
    - Methods
    - Diversity of uses
- Methods of growing: projects should not counter existing City plans, such as Parks' pest management plan. Projects that use organic methods or are in accord with the City's plans should rank more highly.
- Charge for application?

Criteria for judging proposals could include but are not limited to:

- Diversity of partnerships/stakeholders
- Need addressed
- Public good offered
- Clear goals/timelines
- Organizational capacity and experience
- Level of community partnering
- Feelings of neighbors towards project (how to gauge?)
- Qualified advisors to project (necessary technical assistance)

The City should try to identify as many issues as possible upfront in the lease language in order to avoid problems, conflicts with neighboring property owners, etc. Some of these would include limitations around:

- Tractor use, or appropriate times for using
- Use of pesticides, fertilizer, fungicides, etc. (this could be a selection criteria; projects growing organically could rank higher than projects proposing to use these chemicals)
- Expected traffic to the site (number of trips)
- Hours of operation
- Number of people expected on plot at any given time
- Expected decibels of noise pollution created
- Use of animals and restrictions thereof
- Runoff and water pollution
- Tenure of project on land

4) Explore Policy Changes to Remove Barriers

This section more specifically describes the type of zoning code changes that could be considered to further support urban agriculture. This is intended to give a sense of what types of changes may be possible rather than a complete listing of the types of changes that could or should be pursued.

A. Exterior Work Activity

Change Zoning Code to allow exterior work activity in those zones that allow agriculture uses, possibly as an exception that is specifically for agriculture.

Problem this is intended to address: This would correct a current conflict in the code that allows agriculture uses in some zones but doesn't allow the outside work activities that are associated with agriculture.

How this would work: A code change – perhaps a code error correction – would correct this standard so the issue would no longer come up in a land use review process.

Policy and implementation issues: No apparent issues.

B. Small-Scale Retail

Change Zoning Code to allow small scale retail, such as produce stands, as accessory uses when agriculture is an allowed use or a conditional use.

Problem this is intended to address: Retail sales and service uses are not allowed in many of the zones where agriculture is either an allowed use or can be allowed as a conditional use. This means that marketing the agricultural products on-site is not allowed, even when the impacts of allowing these small scale retail uses have been considered.

How this would work: Some zones, such as OS, allow some small-scale retail uses as accessory uses. The code would be amended to include farm stands as one of these allowed accessory uses.

Policy issues: The scale of the retail uses would need to be limited in order to limit or avoid impacts.

Implementation issues: There would need to be standards to address potential impacts and to ensure that the retail use remained an accessory to the agriculture use and did not become the primary function of the site.

C. Definitions for Urban Agriculture Uses

Create Zoning Code definitions for various urban agriculture uses, such as Community Supported Agriculture operations (CSAs) and farmers' markets, and incorporate those uses into appropriate use categories (i.e., Parks and Open Areas, Agriculture, Community Service, Retail Sales and Service, Manufacturing and Production, etc.)

Problem this is intended to address: Currently the code does not identify or recognize many uses related to urban agriculture, which limits the type, function, profitability and visibility of urban agriculture. Without definitions of the various types of urban agriculture, it is impossible to know where to start in determining which activities are allowed and which activities are not allowed under the current zoning code.

How this would work: New definitions and modifications to descriptions of the use categories would be added to the code. These would be used to clarify when the uses are allowed outright, when they are allowed with specific reviews and approvals, and when they are not allowed.

Policy issues: The process for drafting these code definitions would need to determine whether farmers markets, farm stands and other uses are appropriate to the fabric of an urban community and, if so, whether they should be regulated only to the extent that they create impacts that should be mitigated or avoided.

Implementation issues:

- Some uses may be difficult to define
- May increase complexity of interpreting code

D. Including Urban Agriculture in Eco-Roof Programs

Promote urban agriculture as part of eco-roof systems through density or floor area bonuses.

Problem this is intended to address: While community gardens and urban agriculture may be desirable throughout the city, in higher intensity areas the land to support them may not be available or may be more appropriately dedicated to housing or commercial space. Incentives could encourage this type of use where it might not otherwise be considered.

How this would work:

- An incentive of additional allowed floor area or housing units would be provided for projects with rooftop gardens or eco-roofs.
- The existing floor area bonuses allowed in the Central City could be allowed in other parts of the city where density is measured by the ratio of development allowed in relation to the site size (called **F**loor **A**rea **R**atio).
- A new density bonus would need to be created to allow increased densities, if this was to apply to neighborhood-scale residential, retail, and office development.

Policy issues: Some areas of the City might not be appropriate for additional FAR or density.

Implementation issues:

- Simple code changes could apply existing FAR bonuses to areas of the city that currently use FAR bonuses.
- Developing code incentives for other areas would be more complex.

E. Water Access

Water access and ongoing costs arose as a major barrier to urban agriculture projects in most of the TAC teams. As stated in the Community Gardens team report, purchasing a water meter alone accounts for 25-30% of the sizable capital costs to start a new community garden project, and ongoing water costs are also a burden. The Portland Multnomah Food Policy Council would like to undertake a conversation with the Water Bureau to discuss water access issues and to see if other arrangements could be reached for projects on City property.

VI. Potential Funding Strategies

Again, thinking long-term, the Urban Agriculture Technical Advisory Committee recommended potential funding strategies to help pay for a larger-scale urban agriculture program in the City of Portland.

Rent: Given that Urban Agriculture uses are likely to be co-located with other City facilities or be located on remnant parcels not well suited to urban development, the FPC suggests the City should forgive market rents on these properties, but should not avoid asking for a "rent" to support staff time and/or project costs so that the urban agriculture program could approach revenue-neutrality. This could be done based on land size, amount of revenue generated on land, or the size of the operation. Funds raised in this way could support other related programs as well, such as the Community Gardens Program.

Opportunities for Additional Fundraising. A sponsorship campaign could be developed to support urban agriculture projects. Focus areas could be:

- Soliciting restaurants to sponsor market gardens or CSAs which could supply some food for the restaurant.
- Working with philanthropic organizations to "adopt" a community garden or small-scale urban agriculture project
- Develop an "adopt a garden" program for the public similar to the "adopt a highway" programs around the country.

Foundation and Grant Support. Private support will be important in the ultimate development and implementation of the "Diggable City." Research of potential local, regional, and national funders will be an important next step. Two examples funding sources include the USDA Community Food Project grants and W.K. Kellogg Foundation.

Partnerships. The OSU Extension Service, for example, could be a partner in implementing this program. Extension has a significant history in building community-based agricultural programs. A partnership with Extension, in liaison with OSD and Portland's Community Gardens program, could lead to a sustainable effort in implementing Portland's Urban Ag program; continued policy work to better address food and agriculture issues; and the evolution of a connected, community-based education/outreach program focused to both food production and public involvement.

Nonprofit Model. Some cities have handed over management of vacant lands in their jurisdiction to a nonprofit organization. The case study of NeighborSpace below demonstrates a successful model in Chicago, IL. Longer-term, transferring management of a Portland urban agriculture program to a nonprofit entity could assist in cost-neutrality given a nonprofit's ability to seek funding from foundation and other sources, as well as reduce staff time spent on the program within the city. Other issues like liability insurance on these lands could also be addressed through a nonprofit entity.

Case Study: NeighborSpace

NeighborSpace's organizational roots can be traced to a city-wide planning initiative during the 90's that sought to expand greenspaces. This governmental effort was undertaken by the Chicago Park District, the City of Chicago and Cook County. The effort culminated in an Open Space Plan for Chicago that was released in the mid-90's.

Recognizing that a non-governmental actor was necessary to secure existing community open spaces and manage others that may be developed, the Chicago Parks District, City of Chicago and Cook County signed a 20 year agreement to provide funding for a non-profit organization that has become known as NeighborSpace. The organization has received a number of awards including an Award for Excellence in Resource Management from the International Council for Local Environmental Initiatives (http://www.iclei.org/) and the James C. Howland Urban Enrichment Gold Award presented by the National League of Cities (http://www.nlc.org/home/).

NeighborSpace serves as a land management intermediary between the City of Chicago and community groups that seek to develop public open space projects on vacant public land. If a community project is approved at the ward (neighborhood) level by successful completion of the required application materials, NeighborSpace will purchase the property from the City or other landowner for $1. The NeighborSpace website further explains:

> Once a property is acquired NeighborSpace will ask the applicant to enter into a long-term management agreement. The applicant agrees to become the "NeighborSpace Site Manager," providing local leadership for the continued effective use of the land. A local nonprofit organization or other group familiar with the community and its needs and committed to the site also signs on as the "NeighborSpace Site Management Entity." At the same time, NeighborSpace begins providing basic liability insurance for those who use the site.

NeighborSpace currently owns and manages 82 parcels in cooperation with community partners. 76 of these 82 parcels have come to be owned by NeighborSpace through land transfers from the City of Chicago. There are various uses on these properties, from passive uses to community gardens to production-intensive urban agricultural uses. As a non-profit, NeighborSpace is able to accept land donations that allow the donor to receive a tax-break the properties they own are tax-exempt.

Regarding urban agricultural uses, NeighborSpace commits to developing onsite water hydrants through a private contractor that cost $16,000-$17,000 to install. The community groups using the sites do the fundraising for this effort. Executive Director Mary Jo Schnell explained that given NeighborSpace's ability to acquire property for $1, the cost of water hydrant installation is not insurmountable and that the established groups that work with NeighborSpace are prepared and able to do the necessary fundraising.

Additional NeighborSpace information can be found at www.neighbor-space.org

VII. Conclusion

The Urban Agriculture Subcommittee recommendations allow the City and the Food Policy Council to evaluate the supply of available land appropriate for urban agriculture and assess community demand. Pilot projects will test management and funding strategies and provide flexibility in determining best practices for the future. No additional costs will be incurred and current staffing is sufficient for the next steps towards increasing the presence of and improving access to a broad range of urban agriculture opportunities within the City of Portland.

Appendix A: Technical Advisory Committee for the Urban Agriculture Subcommittee of the Portland Multnomah Food Policy Council

Richard Bixby, Executive Director, East Portland Neighborhood Office
Steven D. Fedje, District Conservationist, USDA-NRCS
Rick Gustafson, Development and Project Management, Shiels Obletz Johnson
Alan Hipolito, Verde, Inc.
Jenny Holmes, Program Manager, Interfaith Network of Earth Concerns, Ecumenical Ministries of Oregon
Steve Hoyt, Policy and Strategy Coordinator, Southeast Uplift
Marie Johnson, Senior Planner, Bureau of Planning, City of Portland
Steve Johnson, owner, JEAN's Farm
Pam Leitch, Portland Permaculture Institute
Wisteria Loeffler, Executive Director, Zenger Farm
Kari Lyons, Multnomah County
Mike Moran, Food Policy Council Intern, PSU
Mike Paine, Urban Agriculture Subcommittee and Owner, Gaining Ground Farm
Ron Paul, Portland Public Market program, Office of Sustainable Development
Leslie Pohl-Kosbau, Urban Agriculture Subcommittee and Program Manager, Portland Community Garden Program
Amanda Rhoads, Urban Agriculture Subcommittee and Diggable City Project team
Paul Rosenbloom, Urban Agriculture Subcommittee and Diggable City Project team
Marcus Simantel, Co-Chair, Food Policy Council and Urban Agriculture Subcommittee
Mary Stewart, Exec. Director, Agri-Business Council of Oregon
Kathleen Stokes, City Planner, Bureau of Development Services, City of Portland
Reverend Jeanne Walker, Our Garden
Laurie Wulf, Property Management Specialist, Metro

Appendix B: Reports of the Urban Agriculture Technical Advisory Teams

On the following pages are summaries of reports from the six teams of the Urban Agriculture Technical Advisory Committee. They appear in the following order:

- Community-Supported Agriculture
- Immigrant Farming
- Community Gardens
- Other Urban Agricultural Uses
- Public Involvement
- Land Use and Zoning

Team Report: Community-Supported Agriculture

Team Members:

Lead: Mike Paine, Urban Agriculture Subcommittee and Owner, Gaining Ground Farm
Laurie Wulf, Property Management Specialist, Metro
Steven D. Fedje, District Conservationist, USDA-NRCS

Category Description:

Community-Supported Agriculture is a model of commercial farming, usually small scale (under 50 acres) whereby shareholders/members purchase a share of the farm's harvest for the year upfront, then are delivered or pick up the food that is in season each week. CSAs are beneficial to the farmer because members share in the risk of crop failure or other problems. Members gain a stronger connection to the source of their usually organic food and usually have some level of access to a farm through work parties, potlucks, classes or other events. The benefits to farmers of growing on City-owned property include:

- Farmers are given an opportunity to make a viable income by growing food in a responsible manner, directly supported by the consumer, growing in the proximity of their and their consumer's place of residence.
- Reduction of farm resource consumption with local production and market.
- Marginal lands may be nurtured back to fertile, bountiful health.
- The greater community prospers as people are brought together over their food, and an economic boost that comes with local food dollars remaining in the community.
- Support low-income/food insecure members of the community

Description of Proposed Management Model:

In order to use City-owned properties for CSA farmers or other commercial agricultural uses, a request-for-proposal process is recommended with a signed lease which would include the following components:

- Liability falls on the farmer/contractor for workers/volunteers on the leased land
- Utilities are the responsibility of the contractor (installation of water meter should be shared or covered by the City as this is a permanent improvement)
- "Green" or organic farming practices should be used (see current chemical/mechanical restrictions for metro Portland)
- Duration 3-5 years (preferably 5 years with negotiations for a renewal)

Concerns/Potential Barriers:

- *Soil quality*: drainage, texture, topography, contamination. All possible sites will need to be tested prior to making them available for agricultural use.
- *Availability of irrigation water*: Proximity and quantity. This could be a major issue in setting up any commercial ag. operations on these properties.
- *Accessibility to major roadways*: access to markets is important, but risk of contamination also exists if too close to major roadways.
- *Prior stewardship*: soil fertility, water quality and on-site wastes. Past uses of sites will have to be clearly understood.
- *Security*
- *Zoning*: Current policy restricts any type of agriculture in many residential zones. There needs to be a reconsideration of this zoning, perhaps specific to the type and scale of agriculture that this plan hopes to achieve.

Team Report: Immigrant Farming

Team Members:

Lead: Mike Moran, Food Policy Council Intern, PSU
Wisteria Loeffler, Executive Director, Zenger Farm

Category Description:

There are a growing number of vocal immigrants and immigrant groups in the Portland area looking for access to land for gardening and farming, as well as several organizations working to assist these past and future growers. The physical needs for immigrant/refugee (IR) farmers/gardeners are not different than those of other populations (as far as we know). However, because of language and cultural differences, outreach needs to be more proactive, directed at raising awareness of existing opportunities and providing additional training to prepare immigrant/refugee communities to take advantage of urban agricultural opportunities. The long-term benefits within the IR community are increased access to cultural gathering spaces, activities, and culturally appropriate fruits and vegetables as well as increased economic self-sufficiency. Other benefits may include increased cross-cultural exchange and city-wide community integration.

Description of Model:

Three major categories of use:

1. *Supplemental Food/Nutrition*: families/family groups growing food to supplement their household nutrition budget. This is non-income-generating.
2. *Market Gardening*: Individuals or families providing food for personal consumption as well as supplemental income from product sales.
3. *Farmer Incubation Program*: Individuals or families interested in farming primarily as an income source.

	Plot Size	Potential Impacts	Special Needs	Communication
1.	Small or within existing community gardens	Increased food security. Increased participation in Portland CG program. Increased cultural activities for IR families. Increased access to culturally appropriate fruits and vegetables. Increased community engagement/integration. Increased cultural exchange.	Translation/interpretation services. Tailored outreach to IR communities. Scholarship opportunities for annual user fees?	Outreach on existing opportunities.
2.	(New) community garden and small individual plots under 10K square feet	Similar to above but also income generated to support families.	Access to water if not in established garden. Need neighborhood review and approval. Possibly business training and marketing assistance.	Network with IR organizations like IRCO to raise awareness of opportunities
3.	Individual plots 2 acres or larger	Similar to other commercial applications but with educational component.	Commercial zoning, see CSA lists of needs. Waive user fees in exchange for educational programming onsite.	Education in RFP and lease process. Business training. Networking and Outreach Possible mentor program with experienced CSAs

Concerns/Potential Barriers:

These uses are not distinct from other existing and proposed uses except in the need for proactive outreach and additional training. Some additional considerations therefore should include:

- Community gardens defined by opportunity training and development rather than passive response.
- Training program for immigrant entrepreneurs – identify candidates and respond to actual needs.
- Identifying and partnering with key individuals and organizations in diverse communities to address the best strategies for outreach and communication will be key for minimizing costs to the City.
- Improvement costs incurred by the City need to be weighed against long-term benefits, reduced maintenance, and increased value.
- Creation of an Urban Agriculture management agency (either governmental or NGO)
    - Identified and approved properties/leases managed by a single entity for consistency and reduced bureaucracy
    - Overhead incorporated into lease costs
    - Long-term assurance of agricultural uses on identified properties
- Make urban agriculture allowed outright in more zones in the City

Funding needs unique to this group relate to educational and translation services, and scholarship program to encourage additional participation in community garden program (or better marketing of existing scholarship program through The Friends of Portland Community Gardens). Also surveying existing immigrants in CG program to see what their needs are.

Team Report: Community Gardens

Team Members:

Lead: Leslie Pohl-Kosbau, Urban Agriculture Subcommittee and Program Manager, Portland Community Garden Program
Reverend Jeanne Walker, Our Garden
Jenny Holmes, Program Manager, Interfaith Network of Earth Concerns, Ecumenical Ministries of Oregon

Category Description:

Community gardens are social spaces where people come together to raise food, flowers, and other products. Portland's Community Garden Program includes 29 separate sites with approximately 1,000 plots serving up to 3,000 individuals. The Community Garden Program maintains a waiting list that rises to over 400 individuals at some points in the year with little to no outreach to promote the program. Even when sites are identified, the program often does not have the funding to establish gardens, both due to the high costs to install infrastructure (especially a water meter and fencing) on land as well as limited funding from the Bureau of Parks and Recreation.

Gardens are a valuable recreational and food producing activity that fit in the mission of "Healthy Parks, Healthy Portland," supporting the health and well-being of people of all ages. Gardens help address public health needs. Parks and Recreation's 2020 Plan states that "Community Gardens provide more than fresh produce, they build friendships and pocket of green in urban neighborhoods."

Description of Model:

For gardens developed by groups other than the Portland Community Garden Program on City-owned land, a request for proposal process would be undertaken, and a permit or lease would be developed, with fees charged. Criteria for evaluating these proposals would include:

- Evaluation of land use for current and potential uses completed
- Agreement with landowner and local neighborhood association
- Fiscally responsible agency as sponsor (i.e., governmental, nonprofit)
- Development of property in accordance with bureau standards
- Land use lease in place, insurance coverage, "hold harmless" documents, utilities agreements, access by bureau, tenure specified, and payment schedule developed.
- Use for the public good with measurements
- Agreement for educational and non-commercial use only. Abiding by list of acceptable and prohibited activities. Plan of activities and notification to City and neighborhood.

Concerns/Potential Barriers:

Water meter installation costs are 25-30% of the total capital needed to build a 7,500 to 22,500 square foot garden. This does not include irrigation costs, which, when added, may comprise 40-50% of the garden's capital costs. This is an unreasonable expense and deters the current establishment of gardens. Friends of Portland CG has to raise funds outside the operations budget to build gardens, and finds the costs escalating to the point that fundraising is difficult.

Zoning on floodplains should allow community gardens, facilitated by the "willing buyer" BES program. FEMA regulations regarding reducing risk to housing could benefit creation of community gardens on floodplains. . Use of unbuilt street "ends" could also provide more sites, as in Seattle. City policy change could facilitate this use.

Team Report: Other Urban Agricultural Uses

Team Members:

Lead: Amanda Rhoads, Urban Agriculture Subcommittee and Diggable City Project team
Pam Leitch, Portland Permaculture Institute
Alan Hipolito, Verde, Inc.
Rick Gustafson, Development/Project Management, Shiels Obletz Johnsen

Category Description:

Here "other urban agricultural uses" are those uses not covered in the other categories, i.e., projects other than community gardens, community-supported agricultural operations, or immigrant farming programs. These could include but are not limited to educational programs, pocket gardens, herb gardens, floriculture, vertical gardening, permaculture applications, urban orchards, vermiculture, greenhouses, container gardening, nursery operations, native plant nursery, beekeeping, vermiculture, small-scale aquaculture, market gardens, composting, or combinations of the above.

Description of Model:

Given the diversity of potential uses in this catch-all category, this subcommittee conceived of a request-for-proposals system where each project idea could be judged on its merits independently and thus the best projects would gain access to appropriate properties.

- Criteria for judging proposals could include but are not limited to:
  - Diversity of partnerships/stakeholders
  - Need addressed
  - Public benefits created
  - Clear goals/timelines
  - Organizational capacity and experience
  - Level of community partnering
  - Feelings of neighbors towards project (how to gauge?)
  - Qualified advisors to project (necessary technical assistance)
- Project should pay rent to cover some or all of the costs of managing program

Concerns/Potential Barriers:

Issues to be Addressed in a Lease:

- Tractor use, or appropriate times for using
- Use of pesticides, fertilizer, fungicides, etc. (this could be a selection criteria; projects growing organically could rank higher than projects proposing to use these chemicals)
- Expected traffic to the site (number of trips)
- Hours of operation
- Number of people expected on plot at any given time
- Expected decibels of noise pollution created
- Use of animals and restrictions thereof
- Runoff and water pollution

Barriers to Implementing Projects:

- *Payment of Infrastructure Improvements*: Soil testing; water meter (thousands of dollars each); ongoing water costs; fencing/security concerns; irrigation system; shed or other structure for equipment storage, workspace; tools and equipment to work land
- *Leases*: Securing leases to land from bureaus
- *Staff or management of project*: Currently, no staff person to manage projects and streamline process

Team Report: Public Involvement

Team Members:

Lead: Paul Rosenbloom, Urban Agriculture Subcommittee and Diggable City Project team
Richard Bixby, Executive Director, East Portland Neighborhood Office
Ron Paul, Portland Public Market program, Office of Sustainable Development
Kari Lyons, Multnomah County
Steve Hoyt, Policy and Strategy Coordinator, Southeast Uplift

Category Description:

The Urban Agriculture Subcommittee of the Food Policy Council recognizes that there needs to be a process in place to engage the public in conversations about the use of land in their neighborhoods for agricultural use: What the community wants to see on the land, community benefits for use in agriculture, possible negative impacts and how to mitigate, etc. This group examined possible partnership with the Office of Neighborhood Involvement and other models to see how this outreach process might take place.

Description of Model:

ONI's District Coalition Offices serve as organizing hubs for community involvement projects and a community-driven process to develop sites in the inventory represents the highest ideals of the neighborhood offices. These lands present an opportunity for organizing around a specific project. There are other examples of ONI partnering with other City bureaus to conduct outreach to the public, such as the downspout disconnect watershed outreach program. In order to allocate staff time for a project from the district coalition offices, programs must have a demonstrable impact on fostering community involvement and engagement.

One step forward would be to develop a small booklet or manual that summarizes the benefits of urban agriculture and describes criteria for each potential use and the method of engagement for developing different kinds of sites. The booklet would also spell out the process of site development and list key questions that would need to be addressed by groups wishing to use a site.

Concerns/Potential Barriers:

- Required outreach to associated neighborhood association and land owners immediately adjacent to proposed property.
- ONI currently undergoing examination through the Bureau Innovation Project #8. The uncertainty of the Office's future structure makes in-depth planning difficult at this time.
- Need a clear line of communication between interested citizens and program manager. Rather than send interested parties to deal with individual bureaus, those citizens should engage a City staffer who will coordinate communications among relevant parties.
- There currently is no Office of Vacant Lands or other single entity in charge of making these lands available. Without this responsibility clearly under the purview of one bureau or office, there is no clear point of contact for interested citizens. This highlights the need for conversations with bureau heads to get some sort of final okay on a short list of properties.
- Clarity is key as it was noted that distrust of government of any kind is a prevalent sentiment.

Team Report: Land Use and Zoning

Team Members:

Lead: Marcus Simantel, Co-Chair, Food Policy Council and Urban Agriculture Subcommittee
Marie Johnson, Senior Planner, Bureau of Planning, City of Portland
Kathleen Stokes, City Planner, Bureau of Development Services, City of Portland
Steve Johnson, owner, JEAN's Farm

Category Description:

Land use planning is a tool that the City uses to determine policy direction; zoning implements those policies related to land use. This means that developing a land use tool box depends on having a clear understanding of the project goals and desired outcomes. City Council provided initial direction to the project in its resolution to create an inventory of city-owned lands suitable for community gardens and other agricultural uses. These were the objectives they identified:

- Increase gardening and greening opportunities to benefit community and community members
- Provide green gathering places as part of the City's parks and open space system
- Support self-sufficiency and access to healthy, locally-grown food
- Connect Portlanders to the natural environment and Oregon's agricultural heritage

Further guidance from community conversations is important and necessary for developing specific changes in land use policy or zoning urban agriculture.

Description of Model:

Rather than make detailed recommendations, the team has identified several possible approaches for promoting urban agriculture that may merit further discussion and analysis through a public process. Each approach is briefly evaluated regarding the following factors to assist in considering their potential effectiveness in meeting community goals:

- Type of zoning changes that could support the approach
- Types of operations the approaches are intended to address – public/nonprofit or for-profit
- Land ownership that is likely to be affected – publicly or privately owned
- Tools for addressing potential impacts on the community
- Amount of time and project costs needed to develop the approach
- Land use permitting or review time and cost involved for the agricultural user once the approach has been developed
- Applicability to City policy (housing, parks, historic preservation, growth management, education, economic development, etc.)

The four proposed types of approaches include:

- Correct zoning code provisions that create unintended barriers to desired uses
- Add or modify zoning code language to clarify how urban agriculture uses fit within the existing zoning code
- Allow agriculture in more parts of the city, either outright or when approved through a land use review or conditional use process
- Zone appropriate City-owned properties to allow agricultural use

Concerns/Potential Barriers:

Refer to full document from the Land Use and Zoning Team, attached here as an appendix, for more information on policy basis, analysis of four types of approaches, and more.

Appendix C: Land Use Policy and Zoning Analysis

Prepared by Marie Johnson, Senior Planner, Bureau of Planning; and Kathleen Stokes, City Planner, Bureau of Development Services

Land Use Policy and Zoning Analysis
Report to the Urban Agricultural Land Inventory Subcommittee
Portland Multnomah Food Policy Council

November 2005

I. Introduction

A. Purpose of this Report

In January 2005 the Portland City Council passed a resolution calling for an inventory of city-owned lands suitable for community gardens and other agricultural uses. The *Diggable City* report, published in June 2005, provided that inventory. As a follow up to that report, the Urban Agriculture Land Inventory Subcommittee of the Portland Multnomah Food Policy Council formed a number of teams to explore how to remove impediments to community gardens and urban agriculture on city-owned properties.

The Land Use and Zoning Team prepared this report to aid in discussions about how the City of Portland can further support urban agriculture. Team members are Marcus Simantel, co-chair of the Portland Multnomah Food Policy Council and former farmer; Steve Johnson, professor at Portland State University and urban agriculture land owner; Kathleen Stokes, Portland Bureau of Development Services; and Marie Johnson, Portland Bureau of Planning.[1]

[1] This report was drafted by the committee members based on their individual experience, expertise and judgment. Bureau of Development Services and Bureau of Planning provided staff to support this effort. However, the resulting report has not been formally reviewed by bureau leadership and does not represent any official policies or positions.

This report describes the types of land use tools that could support urban agriculture and explores some ramifications of using them. The report leaves to a more public process the task of generating and evaluating specific policy or zoning code changes.

B. Team Assignment

The report is an overview of the information that was gathered and reviewed by the Land Use and Zoning Team to address key areas that were assigned to the team:

- Review the Policy and Zoning Analysis section of the *Diggable City* report.
- Advise on where current policy and zoning regulations might implicate the use of city-owned land for community gardens and other agricultural uses.
- Advise on policy/ordinance changes needed to include agricultural uses in the definition of "appropriate use" within the context of the urban growth boundary.
- Advice on policy work that needs to be done with recommendation on how best to accomplish.
- Advise on the best strategy for allowing access to public lands not currently zoned to allow commercial and/or agricultural applications.
- Advise on suggested new/changed policy recommendations that could lead to sustained success of use of city-owned land for community gardens and other agricultural uses.
- Provide overview of the current bureau definitions of allowed non-bureau uses of bureau land.

Rather than respond directly to each of these assignments, the report addresses them within a framework that provides historic and policy context, a general description of the characteristics of urban agriculture, general and specific approaches that could be considered, and the team's overall recommendations.

C. Identifying Project Goals

Land use planning is a tool that the City uses to determine policy direction; zoning implements those policies related to land use. This means that developing a land use tool box depends on having a clear understanding of the project goals and desired outcomes. City Council provided initial direction to the project in its resolution to create an inventory of city-owned lands suitable for community gardens and other agricultural uses. These were the objectives they identified:

- Increase gardening and greening opportunities to benefit community and community members
- Provide green gathering places as part of the City's parks and open space system
- Support self-sufficiency and access to healthy, locally-grown food
- Connect Portlanders to the natural environment and Oregon's agricultural heritage

Further guidance from community conversations is important and necessary for developing specific changes in land use policy or zoning urban agriculture. The following questions could guide discussions and provide critical information about desired activities and their associated size of operation, types of potential impacts and anticipated benefits:

1. *What benefits would community members want from urban agricultural uses?* For example do they want fresh produce grown in their neighborhoods, additional open areas, nutrition or job training for their children, community gathering spaces, or increased economic opportunities? Does the community want to promote community gardening opportunities, nonprofit programs or small businesses?
2. *What types of uses do community members want to support? What are the best locations for these uses?* Different types of uses are governed by different zoning provisions and may be suitable in different parts of the city. Types of uses to consider include gardening, small-scale commercial farming, produce stands, greenhouses, beekeeping, etc.
3. *What are the potential impacts of urban agriculture and how should they be prevented or reduced?* Land uses, such as residential and industrial uses, are often separated through zoning regulations in order to prevent conflicts over noise, traffic and other activities. Agricultural uses have their own potential impacts like odors, exposure to crop sprays, noise from animals or machinery, and traffic. In addition, land within urban areas may reduce the land supply for housing or commercial development. Before determining which land use tools are most suitable, it is important to know what impacts community members are concerned about, which can be prevented or reduced, and how those impacts should be evaluated.

II. Urban Agriculture Overview

A. Historical context

While the concept of urban agriculture seems new, in fact city-dwellers around the world have long grown food and other farm products on vacant land, balconies, and rooftops. In the United States, the World War I Liberty gardens and the Victory gardens of World War II were signs of patriotism. So called “truck farmers” were once familiar sites in urban neighborhoods selling produce from the back of a truck or cart. During the Great Depression, New York City’s Highland Park Children’s Garden grew food for struggling families. And the community gardening movement initiated in the ‘60s has helped revitalize some of the toughest neighborhoods.

More recently, farmers markets are making a comeback, school gardening programs are flourishing, and memberships in community supported agriculture (CSAs) have grown dramatically. Locally, Zenger Farms, operating on city-owned land, provides micro-enterprise opportunities to immigrant farmers, education programs for youth, wetland protection, and produce to the community through a CSA, all within the Lents Urban Renewal District.

B. Policy context

Statewide land use law requires that each Oregon city adopt and periodically update a comprehensive plan consistent with the statewide planning goals to guide land use decisions including zoning code maps and zoning code provisions. Comprehensive plans must be consistent

with statewide planning goals, which were developed in part to ensure the orderly use of land within urban growth boundaries and to protect agricultural land outside the boundaries from development or speculation. They, along with Metro's 2040 Plan and Regional Urban Growth Goals and Objectives, provide the policy foundation for Portland's Comprehensive Plan's housing capacity, infrastructure planning, and urban development goals. Portland's zoning map and zoning code provisions help implement the comprehensive plan policies.

Community gardens are allowed in all parts of the city. Farming and farming-related uses are allowed in areas zoned for low-density residential development and in certain commercial or employment (industrial) areas. Urban agricultural uses such as farm stands, greenhouses, and nurseries are allowed in a variety of zones under differing conditions. Design, size, likely off-site impacts and other compatibility issues are considered when determining the appropriate match of land uses to specific zones.

Land use policies and zoning change over time based on community values, needs, and expectations, or because new land uses develop, such as cell phone towers. Because the code operates in response to changes, there are times when the code does not provide clear direction on how to handle a particular land use. In Oregon, zoning codes must provide clear and objective standards, which means that it is sometimes difficult to respond to unusual or new land use situations. This can create problems when new ideas emerge about how communities should grow. For example, zoning code provisions do not provide clear or useful direction for where and under what conditions farmers markets should operate.

A note about terminology: Currently there isn't a clear shared vocabulary – an agreed on set of terms and definitions – that describes what is meant by agriculturally-related uses within urban areas. In the report we use the terminology "urban agriculture" as a catchall for many types of uses. Given that the Oregon planning system considers "urban" and "agriculture" as two distinct land uses to be protected by keeping them separate, different terminology may be needed to fit within this policy and planning framework.

C. Why consider changing land use policies or the zoning code?

While community gardens are almost universally supported on public land, there is little policy guidance for small-scale urban agricultural uses. As a result potentially beneficial uses may be prohibited or inhibited. Zoning provisions can appear to be ambiguous, creating uncertainty for the property user, dissuading them from creating a community asset. There may be little direction about how to avoid or mitigate potential impacts. Existing review processes may not provide the community with as much opportunity to influence a project as they desire or may seem to be disproportionately onerous. Alternatively, zoning provisions developed to prevent impacts of industrial or commercial uses may create unanticipated and unnecessary conflicts for community-oriented urban agriculture.

With clear policy guidance and zoning provisions, neighborhoods could include sensitively developed micro-enterprise herb farms, pocket orchards, small CSAs, greenhouses, produce stands, etc. on public, nonprofit, or private land. Provisions to address potential impacts could allow these uses to fit into the fabric of many urban communities – perhaps in a utility right-of-way, on a brownfield site, on church or school

grounds, or in a flood plain. They could provide fresh fruits and vegetables in neighborhoods dominated by convenience stores, job training for youth, extra income for immigrants, and important community gathering places.

D. What makes urban agriculture different than traditional commercial farming?

Agricultural uses can be considered along a continuum from large-scale, single-crop commercial operations of hundreds or thousands of acres to backyard gardens for personal use. State land use policy and regulations provide protections for rural agriculture. In order to set policy and determine appropriate land use tools for agriculture within urban areas it is useful to understand how urban agriculture differs from more traditional farming practices. The following provides a general description of the characteristics commonly associated with urban agriculture. Given the diversity of urban agricultural activities there remains considerable variation from site to site.

- *Scale* – sites can be as small as a few hundred square feet and are rarely over a few acres
- *Location* – sites are often leftover spaces within developed areas; they may be remnants of historic farms, difficult to develop sites, or portions of sites developed in a compatible use, such as a school, a utility right-of-way or water storage facility
- *Intensity of use* – land is used intensely to maximize benefits in a small area
- *Techniques* – the small scale favors hand tools and smaller mechanized equipment
- *Crop diversity* – rather than growing single crops oriented to mass production, these sites often include a variety of crops that change from season to season
- *Products* – fruits, vegetables, herbs, flowers or nursery stock are most common; some sites may have small beehives or a few chickens
- *Consumer base* –local products may be grown for personal use, local subscribers (as in CSAs), nonprofit or student consumption, or those who shop at farmers markets or farm stands
- *Community orientation* – sites are often considered community assets, providing open areas, educational opportunities, or food security
- *Associated activities* – educational activities may include nutrition or farming education to school children, job training programs, demonstration projects, or gardening education for self-sufficiency/food security; related commercial activities may include farm stands, plant sales, or collection by CSA members
- *Land ownership* – nonprofit or government ownership is common; remnant historic farms or CSAs may be in private ownership

III. Analysis of Potential Approaches

A. Overview of Approaches

Rather than make detailed recommendations, the team has identified several possible approaches for promoting urban agriculture that may merit further discussion and analysis through a public process. Each approach is briefly evaluated regarding the following factors to assist in considering their potential effectiveness in meeting community goals:

- Type of zoning changes that could support the approach
- Types of operations the approaches are intended to address – public/nonprofit or for-profit
- Land ownership that is likely to be affected – publicly or privately owned
- Tools for addressing potential impacts on the community
- Amount of time and project costs needed to develop the approach
- Land use permitting or review time and cost involved for the agricultural user once the approach has been developed
- Applicability to City policy (housing, parks, historic preservation, growth management, education, economic development, etc.)

B. Potential Approaches and Ramifications

The approaches described below are not mutually exclusive; a combination of them could be adopted. They differ in the extent to which they ease current restrictions on agricultural uses. Approaches 1 and 2 would clarify the intent of the zoning code and current policies as they are currently written, and could clarify permitting processes for activities such as farmers markets or produce stands. Other approaches would more significantly increase the areas available to farming related activities; however, they would be more complex to develop.

Type of Approach	**Potential code changes**	**Operation – *Not-for-profit or for profit?***	**Land ownership – *Public, nonprofit or private?***	**Tools for addressing potential impacts**	**Time/costs for City to develop the approach**	**Time/costs required to user**	**Applicable City policy**
1) Correct zoning code provisions that create unintended barriers to desired uses	For example, where ag is allowed – • allow outdoor work activities • allow produce stands as accessory uses	Both	Both	Public involvement would help determine if proposed code changes adequately resolve inconsistencies in code	• Relatively simple code change • Potentially could be included in code improvement packages, which happen regularly	Low – permit costs, if applicable	Consistent w/ current policies
2) Add or modify zoning code language to clarify	Add or change zoning definitions and examples – for	Both	Any	Public involvement would help determine whether new code language appropriately	• Drafting proposed language could be time-	Low – permit costs, if applicable	Consistent w/ current policies

Type of Approach	**Potential code changes**	**Operation – *Not-for-profit or for profit?***	**Land ownership – *Public, nonprofit or private?***	**Tools for addressing potential impacts**	**Time/costs for City to develop the approach**	**Time/costs required to user**	**Applicable City policy**
how urban agriculture uses fit within the existing code	example, are farmers' markets best categorized as retail uses?			categories types of uses	consuming • Could potentially be included with other public planning process		
3) Allow agriculture in more parts of the city, either outright or when approved through a land use review	• Allow some types of urban ag as conditional uses or uses with limitations in more zones • Consider allowing ag uses by right in more zones	Both	Private and public land in designated zones	• Public input to consider changes to zoning code language • Conditional use process would allow for public input on land-use related impacts, like transportation and commercial activities • Limited or no public input on specific developments (this should be considered in areas where there are no potentially conflicting uses)	Extensive analysis and public process to determine: • which zones to allow ag • types of ag uses to allow • ways to regulate uses	• Moderate to extensive if conditional use review is required • Low – permit costs, if applicable	Uncertain
4) Zone appropriate city-owned properties to allow agricultural use	• Change zones on specific properties to designations that allow desired agricultural uses by rights or through a land use process • Use contracts with lease holders to address potential impacts	Not-for-profit Could potentially apply to for-profit use of public land	City-owned properties	• Public input in identifying potential sites and appropriate designations • Public comment during contract reviews; could require good neighbor agreements • Could address impacts beyond those handled by code, like pesticide use or time of operations	Extensive analysis and public process to determine: • potential sites • appropriate zoning • potential policy changes • contract considerations	• Dependent on site conditions and proposal • Would require City Council review	Need to consider potential impact on housing capacity

IV. Analysis of Potential Zoning Code Changes

This section more specifically describes the type of zoning code changes that could be considered to further support urban agriculture. This is intended to give a sense of what types of changes may be possible rather than a complete listing of the types of changes that could or should be pursued.

A. Change Zoning Code to allow exterior work activity in those zones that allow agriculture uses, possibly as an exception that is specifically for agriculture.

Problem this is intended to address: This would correct a current conflict in the code that on one hand allows agriculture uses in some zones but then doesn't allow the outside work activities that are associated with agriculture.

How this would work: A code change – perhaps a code error correction – would correct this standard so this issue would no longer come up in land use review or permitting processes.

Policy and implementation issues: No apparent issues.

B. Change Zoning Code to allow small scale retail, such as produce stands, as accessory uses when agriculture is an allowed use or a conditional use.

Problem this is intended to address: Retail sales and service uses are not allowed in many of the zones where agriculture is either an allowed use or can be allowed as a conditional use. This means that marketing the agricultural products on-site is not allowed, even when the impacts of allowing these small scale retail uses have been considered.

How this would work: Some zones, such as OS, allow some small-scale retail uses as accessory uses or when approved as conditional uses. The code would be amended to include farm stands an allowed accessory uses.

Policy issues: The scale of the retail uses would need to be limited in order to limit or avoid impacts.

Implementation issues: There would need to be standards to address potential impacts and to ensure that the retail use remained accessory to the agriculture use and did not become a primary use on the site.

C. Create Zoning Code definitions for various urban agriculture uses, such as CSAs and farmers' markets, and incorporate those uses into appropriate use categories (i.e., Parks and Open Areas, Agriculture, Community Service, Retail Sales and Service, Manufacturing and Production, etc.)

Problem this is intended to address: Currently the code does not identify or recognize many uses related to urban agriculture, which limits the type, function, profitability and visibility of urban agriculture. Without definitions of the various types of urban agriculture, it is impossible to know where to start in determining which activities are allowed and which activities are not allowed under the current zoning code.

How this would work: New definitions and modifications to descriptions of the use categories would be added to the code. These would be used to clarify when the uses are allowed outright, when they are allowed with specific reviews and approvals, and when they are not allowed.

Policy issues: The process for drafting these code definitions would need to determine whether farmers markets, farm stands and other uses are appropriate to the fabric of an urban community and, if so, whether they should be regulated only to the extent that they create impacts that should be mitigated or avoided.

Implementation issues:

- Some uses may be difficult to define

D. Promote urban agriculture as part of eco-roof systems through density or floor area bonuses.

Problem this is intended to address: While community gardens and urban agriculture may be desirable throughout the city, in higher intensity areas the land to support them may not be available or may be more appropriately dedicated to housing or commercial space. Incentives could encourage this type of use where it might not otherwise be considered.

How this would work:

- An incentive of additional allowed floor area or housing units would be provided for projects with rooftop gardens or eco-roofs.
- The existing floor area bonuses allowed in the Central City could be allowed in other parts of the city where density is measured by the ratio of development allowed in relation to the site size (called **F**loor **A**rea **R**atio).
- A new density bonus would need to be created to allow increased densities, if this was to apply to neighborhood-scale residential, retail, and office development.

Policy issues: Some areas of the City might not be appropriate for additional FAR or density.

Implementation issues:

- Simple code changes could apply existing FAR bonuses to areas of the city that currently use FAR bonuses.
- Developing code incentives for other areas would be more complex.

E. Allow agriculture as a Conditional Use in more zones, possibly in all zones. Could create special approval criteria for urban agriculture as a conditional use.

Problem this is intended to address: Currently code does not allow agriculture in most zones. It may be appropriate in some of these zones if the off-site impacts of agricultural uses (noise, pesticide use, etc.) are addressed.

How this would work: In some zones an applicant would have to go through a conditional use approval process to have agricultural uses. It may be advisable to create special criteria for these agricultural uses rather than using generic existing approval criteria that were created for other types of institutional, commercial or industrial uses.

Policy issues:

- Allows potential for conversion of property to urban uses so it does not restrict the City's long-term growth management capacity.
- Does not provide long-term certainty that the land will be preserved as open space.

Implementation issues:

- The conditional use review allows for evaluating and addressing potential on-site impacts
- The time and cost involved in a conditional use review may be an impediment to some projects in using this approach.

F. Expand Parks and Open Areas Use Category (33.920.460) to include more urban agriculture uses than community gardens.

Problem this is intended to address: Agricultural uses are allowed in fewer zones than open area uses, though some of their characteristics are similar. Some of the uses that are included in the umbrella term "urban agriculture" may be able to be included as uses in the use category of Parks and Open Areas, as community gardens are now.

How this would work: This would increase the variety of urban agriculture uses that would be allowed by right, or as Conditional Uses, as Park and Open Area uses.

Policy issues: This could change some people's perceptions about what urban open areas can or should be.

Implementation Issues: When the various types of urban agriculture have been defined, their potential impacts will need to be discussed and it will need to be determined which uses could be allowed outright as Parks and Open Area Uses and which ones would require Conditional Use Review to address those impacts.

V. Recommendations

Any changes to Portland's Zoning Code or Comprehensive Plan require and benefit from public input to consider, revise, refine and adopt. More substantive zoning code changes may need to be accompanied by new policies to explain why the changes are needed and why they will not be a conflict with city, regional, and state growth management and farmland protection policies. The team recommends the following approach to making zoning and policy changes, through a process enriched by public involvement and deliberation.

Near-term

- Focus initial efforts on projects that have obvious community benefits – pursue changes that are best suited to those managed by public or nonprofit entities and of limited size and offsite impacts.
- Work toward a clearer description of the various forms of urban agriculture – what are the desired uses and how do these uses differ from large-scale agricultural production. Emphasize the open area, cultural, community development, community building, economic, educational or other benefits of these uses.
- Correct current inconsistencies in the Zoning Code that create unintended barriers to desired uses.
- Focus initial code changes on those that are clearly consistent with current City policy and are relatively straightforward to implement.
- Explore options outside the land use regulatory process for supporting urban agriculture use on public property, such as negotiated contracts to maximize public benefits and address potential impacts.

Long-term

- Facilitate community conversations about what urban agriculture might mean to them. What types of uses do they want to support? How might these uses benefit their community? How could potential impacts be avoided?
- Use those conversations as the basis for drafting and considering policy and Zoning Code changes that could apply to a broader range of urban agricultural uses.
- Assess the *Diggable City* inventory to determine which sites are most appropriate for urban agricultural uses and which zoning tools are best suited for their development.

Attachment: Zoning Reference Information

The following table is intended as a reference document to show how different types of urban agricultural uses fit within the Portland Zoning Code and give a sense of where specific uses are allowed. Because the different types of urban agriculture have not yet been defined, this is only an estimate of where they would be allowed. The table focuses on types of uses. It does not include information on site development requirements, which may also be limiting factors.

Zoning Use Categories and Zoning Designations Related to Urban Agriculture

Use	Urban Agriculture Related Activities	Zones where allowed outright	Zone where use may be allowed w/ limitations or as a conditional use	Notes
Agriculture	• Community supported agriculture • Truck farming • Farms • Orchards • Wholesale nurseries	OS RF R20 All employment zones	R10 R7 CS CG CX	
Retail Sales and Service	• Farm stands Retail nurseries • Farmers' markets	CS CG CX EX	OS RH RX IR CN1 CO2 CM EG1 EG2 IG1 IG2 IH	• Farmers' markets may be considered retail sales or temporary uses, depending on duration and frequency of operation, but currently they are not adequately defined in the code • OS – only allowed as a conditional use if accessory to the Parks/ Open Areas use • RH – conversion of existing multifamily structures is prohibited • RX – special plan district provisions may apply; size limitations apply • IR – must meet direct needs of people present • CN1, CO2 – size limitations apply • CO2 – must be located within the building • Employment zones – size limitations apply
Manufacturing and Production	Greenhouse or other indoor growing Food processing	All employment zones	IR CN1 CN2 CM CS CG CX	• Commercial zones – size limitations apply • CG – exterior display of industrial equipment is prohibited
Wholesale Sales	Food wholesaling	All employment zones	CM CS CG CX	• Commercial zones – size limitations apply • CG – exterior display of industrial equipment is prohibited

Use	Urban Agriculture Related Activities	Zones where allowed outright	Zone where use may be allowed w/ limitations or as a conditional use	Notes
Community Service	Surplus food distribution Other community related activities		All zones	• Land use reviews for community service uses often consider the impacts of the activity, as well as the community benefit.
Parks and Open Areas	Community gardens	All zones		• Community gardens are allowed in all zones • Some components of open area uses require conditional use review • Demonstration gardens, such as the Oregon Garden, fit in this category
Schools Colleges Religions Institutions	May include programs run by and for a school, college or religious institution, depending on type and size of activity	All commercial zones EG1 EG2 EX	All residential zones OS (schools only)	OS zones do not allow colleges or religious institutions

Zoning Abbreviations (for those zones abbreviated in the table above)

Open space designations	Residential designations	Commercial designations	Employment designations
OS – Open Space	RF – Residential Farm/Forest R20 – Residential 20,000 R10 – Residential 10,000 R7 – Residential 7,000 RH – High Density Residential	CN1 – Neighborhood Commercial 1 CN2 – Neighborhood Commercial 2 CO2 – Office Commercial 2 CM – Mixed Commercial/Residential CS – Storefront Commercial CG – General Commercial CX – Central Commercial	EG1 – General Employment 1 EG2 – General Employment 2 IG1 – General Industrial 1 IG2 – General Industrial 2 IH – Heavy Industrial

Appendix D: Examples of RFPs for similar programs

The examples below provide guidance to how other governmental entities craft requests for proposals for food- or agriculture-related projects. These examples could guide the City of Portland should the City craft its own RFP process for use of available public lands.

http://www.epa.gov/fedrgstr/EPA-IMPACT/2001/March/Day-08/i5592.htm

http://www.agmkt.state.ny.us/rfps/faid/faid_2005.pdf

http://www.adeca.state.al.us/Science%20Technology%20and%20Energy/Document%20Library/Ag%20Energy%20RFP%202005.doc

Appendix E: Metro Agricultural Land Standard Lease

AGRICULTURAL LEASE

Date: _____ ("Effective Date")

Between: Metro Regional Parks and Greenspaces ("Landlord")
600 NE Grand Ave
Portland OR 97232

And: _____ ("Tenant")
_____
_____

1. **Description of Leased Premises.** In consideration of the covenants and agreements hereinafter set forth, Landlord leases to Tenant the premises depicted and/or described in the attached Exhibit 1, consisting of approximately ____ tillable acres (the "Leased Premises").

2. **Term of Lease.** January 1, _____, to December 31, _____.

3. **Rent.** Lessee shall pay rent to Lessor at the rate of $____ per tillable acre per year. Rent due from Lessee for the lease year totals $____. Said amount is due in advance on the Effective Date hereto, and payable on or before the last business day of November.

4. **Security Agreement.** As security for the full payment of the Rent no later than the last working day of November, Lessee hereby grants Lessor a security interest in the crops growing and to be grown on the Leased Premises, and agrees to sign and authorizes Lessor to file the Farm Products Financing Statement (EFS-1) attached hereto as Exhibit 2. If Lessor refers this Lease to an attorney for collection or seeks legal advice following a failure to timely pay rent, or if Tenant or any other person initiates any judicial proceedings in connection with the Tenant's use or occupancy of the leasehold (including but not limited to proceedings under federal bankruptcy law or in connection with any state or federal tax lien), and an attorney is employed by Lessor to appear in any such action, suit, or proceeding and/or seek relief from a judicial or statutory stay, protect, preserve, and enforce Lessor's interests, then in any such event Lessee shall pay the reasonable attorney fees, costs, and expenses incurred by Lessor or its attorney in connection with the above-mentioned events or any appeals related to such events. Such amounts, if not paid upon demand, shall bear interest at the statutory rate.

4. **Manner of Farming and Conservation Laws**. Lessee shall farm, cultivate, maintain and operate the Leased Premises consistent with the standard agricultural practices employed by the farming industry in the area where the Leased Premises is located. Lessee shall use and occupy the Leased Premises solely for cropland. Lessee shall refrain from practices that will cause unusual and excessive (a) erosion and water runoff from the Leased Premises or (b) pollution to the water resources of the surrounding area from the Leased Premises. Lessee shall maintain the Leased Premises in compliance with all federal, state and other governmental laws, regulations and directives.

5. **Compliance With Law And Hazardous Materials/Indemnification**.

(a) Lessee, at Lessee's expense, shall comply with all laws, rules, order, ordinances, directions, regulations, and requirements of federal, state, county and municipal authorities pertaining to Lessee's use of the Leased Premises, and with all recorded covenants, conditions, and restrictions, regardless of when they become effective. These include, without limitation, any required alteration of the Leased Premises because of Lessee's specific use, and all applicable federal, state, local laws, regulations or ordinances pertaining to air and water quality, Hazardous Materials as defined in Section (d) below, waste disposal, air emissions and other environmental matters, and all zoning and other land use matters.

(b) Lessee shall not cause or permit any Hazardous Material to be brought upon, kept, or used in or about the Leased Premises by Lessee, Lessee's agents, employees, contractors, or invitees without the prior written consent of Lessor, which shall not be unreasonably withheld as long as Lessee demonstrates to Lessor's reasonable satisfaction that such Hazardous Material is necessary to Lessee's business and will be used, kept, and stored in a manner that complies with all laws regulating any such Hazardous Materials brought upon or used or kept in or about the Leased Premises. Prior written consent of Lessor for use of petroleum products normally used in farming operations, such as gasoline or diesel fuels, is not required.

(c) Lessee shall indemnify, defend, and hold Lessor harmless from any and all claims, judgments, damages, penalties, fines, costs, liabilities or losses (including without limitation, diminution in value of the Leased Premises, damages for the loss or restriction on use or rent of the Leased Premises, damages arising from any adverse impact on marketing of the Leased Premises, and sums paid in settlement of claims, attorney fees, consultant fees, and expert fees) that arise during or after the lease term due to contamination by Hazardous Materials as a result of Lessee's use or activities or of Lessee's agents or contractors. This indemnification of Lessor by Lessee includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, removal or restoration work required by any federal, state, or local governmental agency or political subdivision because of Hazardous Materials present in the soil or groundwater or under the Leased Premises. Without limiting the foregoing, if the presence of any Hazardous Material on the Leased Premises caused or permitted by Lessee or Lessee's agents or contractor results in any contamination of the Leased Premises, Lessee shall promptly take all actions at Lessee's sole expense as are necessary to return the Leased Premises to the condition existing prior to the release of any such Hazardous Material onto the Leased Premises, provided the Lessor's approval of such action shall first be obtained, and approval shall not be unreasonably withheld, as long as such actions would not potentially have any material adverse long- or short-term effect on the Leased Premises. The foregoing indemnity shall survive the expiration or earlier termination of this Lease.

(d) As used in this Lease, the term *Hazardous Material* means any hazardous or toxic substance, material, or waste, including, but not limited to, those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR §172.101), or by the United States Environmental Protection Agency as hazardous substances (40 CFR pt 302) and amendments thereto; ORS Chapter 465; petroleum products or other such substances, materials and wastes that are or become regulated under any applicable local, state or federal law.

6. Chemicals And Fertilizers. It is understood that chemicals and fertilizers may be necessary to produce the highest financial returns from the Leased Premises. Subject to the limitations in

Section 5 above, chemicals and fertilizers may be applied to the tillable area of the Lease Premises by Lessee, if necessary, so long as their use does not cause significant environmental degradation to the Leased Premises and the waters of the surrounding area, as determined by Lessor in its sole discretion. Lessee shall provide Lessor with a list of all chemicals and fertilizers Lessee anticipates using during the term of the Lease for Lessors' review and approval. Changes in farming practices, including the application of chemicals and fertilizers not on said list and the application of chemicals and fertilizers outside of the tillable area, shall be made only with the approval of the Lessor, such approval not to be unreasonably withheld.

7. **Irrigation**. Lessee shall be responsible for obtaining irrigation water and for paying the irrigation district assessments for irrigation water used by Lessee on the Leased Premises. Lessor assumes no responsibility to Lessee for any water shortage, nor does Lessor warrant the presence or absence of water rights available to the Leased Premises, the quality and quantity of the water available for irrigation, or the existence or availability of pumps, pipe or other irrigation equipment to needed to deliver said irrigation water. Lessee shall be responsible for maintenance and repair of Lessor's irrigation pumps and equipment in the event they are used by Lessee to irrigate the Leased Premises, and shall be responsible to pay for utilities used to power any irrigation system.

8. **Riparian Area.** Currently there are no established riparian buffers on the Leased Premises. Future renewals of this Lease may set aside a riparian buffer area, and adjust the rent and other terms of the Lease to account for any resulting reduction in tillable acreage.

9. **No Liens on the Leased Premises.** Lessee shall pay when due all claims for work done on the Leased Premises, and for services rendered or material furnished to Lessee to farm the Leased Premises, or incurred for Lessee's repair responsibilities for the Leased Premises and improvements, shall keep the Property free of all liens arising out of the failure to pay such claims.

10. **Maintenance of the Leased Premises.** Lessee shall not make any additions or alterations to the Leased Premises and any farm buildings thereon, without Lessor's written consent obtained in each instance, except that Lessee may erect fencing as necessary to protect the cropland and pasturage hereby leased. Any additions or improvements made by Lessee at his expense and fencing must be removed by Lessee at or prior to termination of this lease.

11. **Subleasing**: Lessee will not sublet the premises nor any part thereof, nor transfer or assign this lease without obtaining advance written consent of Lessor in each case, which consent shall be granted or withheld in Lessor's sole discretion. Any use of the leased premises by an assignee or sub-lessee shall be for cropland only. Lessee shall not permit any transfer, by operation of law, of Lessee's interest in the Leased Premises acquired through this Lease. Lessor retains the right to transfer the Leased Premises and shall have the option to assign this lease to the transferee.

12. **Access To Leased Premises.** Lessor may access the Leased Premises as necessary to insure compliance with the lease agreement and where it does not interfere with normal farming operations. Lessor is liable for any damages to the Leased Premises or the Lessee's crops that result from the Lessor's entry into the Leased Premises.

13. **Renewability**. This lease shall be renewable annually for additional one-year terms, subject to all terms of this lease. If Lessee fails to pay rent on or before December 31st of any one year term, than the lease shall not be renewed. If either party gives written notice of non-renewal which

notice must be received by September 1st, then the lease shall not be renewed, and shall expire on the last day of December. If such notice is not given by either party, the lease shall be deemed as renewed for an additional one-year term.

14. Termination and Default.:

(a) Termination. This lease may be terminated by mutual written consent. Where termination of the lease is by mutual consent and not due to violation of covenants and agreements set forth herein, Lessee shall have the right to harvest any crops planted on the date of said mutual consent.

(b) Lessee's Default. The following shall be Events of Default: (i) Failure to pay the rent when due; (ii) Commencement of any proceedings under any bankruptcy or insolvency laws by or against Lessee; (iii) Abandonment by the Lessee of the Leased Premises; (iv) Failure of Lessee to comply with any of the terms, conditions, and covenants set forth in this Lease. Upon the occurrence of an Event of Default, Lessor shall provide Lessee with written Notice of Default specifying the nature of the default with reasonable particularity and directing Lessee to cure said default immediately. Within 10 days of Notice of Default, Lessee must either cure the default or provide Lessor with proof satisfactory to Lessor that Lessee will diligently complete a cure within 30 days of the Notice of Default. If Lessee fails to provide satisfactory proof that a cure will be completed or such default remains uncorrected 30 days from the Notice of Default, Lessor may re-enter the Leased Premises or any part thereof and remove Lessee or anyone claiming under Lessee without liability for damages, and may change the locks on all gates and doors to the Leased Premises, exclude Lessee from the Leased Premises, and take possession of Lessee's crops growing or stored on the Leased Premises, in addition to any other remedies Lessor may have. If Lessor takes possession of Lessee's crops growing or stored on the Leased Premises, Lessor may harvest or contract for harvest of Lessee's growing crops, sell said growing or stored crops, and use the proceeds to pay the unpaid rent with interest, costs of harvest, Lessors' reasonable administrative costs, and Lessors' damages suffered by reason of Lessee's default, if any.

19. Condition Of The Premises: Lessee is fully familiar with the physical condition of the Leased Premises. The Lessor has made no representations of any nature in connection with the condition of the Leased Premises or its suitability for cultivation. Lessee accepts the Leased Premises, in its present condition, AS IS.

20. General Provisions.

(a) Indemnification and Insurance: In addition to the environmental indemnification set forth above, Lessee shall also indemnify, defend and hold Lessor harmless for, from, and against any and all claims, losses, or liabilities arising out of or relating to any activity of Lessee or Lessee's agents, employees or invitees on the Leased Premises. Before going into possession of the Leased Premises, Lessee shall procure, and during the term of this Lease shall continue to carry, public liability and property damage insurance, naming Lessor as an additional insured, with liability limits of not less than $500,000 for injury to persons or property in one occurrence. Such insurance should be provided by an insurance carrier reasonably acceptable to Lessor. Lessee shall deliver to Lessor certificates evidencing such insurance with an endorsement requiring 10 days' notice to Lessor prior to the cancellation of such insurance coverage.

(b) General Cooperation: Lessor will cooperate with Lessee in providing information to the appropriate agencies managing cost-share and other farm management programs that may benefit the Lessee in conducting farming operations on the Leased Premises.

(c) Notices: Notices required under this Lease shall be in writing and shall be deemed given and received upon deposit in the United States mail, certified or registered mail, postage prepaid, return receipt requested, addressed to the parties at their respective addresses appearing in this Lease.

(d) Severability: If any provision of this lease or portion of such provision or the application thereof to any person or circumstance is held invalid, the remainder of the lease (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.

(e) Entire Agreement: This Lease (including any exhibits attached to it) is the final expression of, and contains the entire agreement between, the parties with respect to the subject matter of the Lease and supersedes all prior understandings with respect to it. This Lease may not be modified or terminated, nor may any obligations under it be waived, except by written instrument signed by the party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted here.

(f) Time Of Essence: The Lessee and Lessor hereby acknowledge and agree that time is strictly of the essence with respect to every term, condition, obligation, and provision.

(g) Waiver: The waiver of one breach of any term, condition, covenant, obligation or agreement of this lease shall not be considered to be a waiver of that or any other term, condition, covenant, obligation or agreement or of any subsequent breach thereof.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above mentioned.

METRO

_____ Date:_____

Chief Operating Officer

LESSEE

_____ Date:_____