

# Urban Agriculture in Seattle: Policy & Barriers



## **Prepared for**

City of Seattle  
Department of Neighborhoods  
P-Patch Program &  
Department of Planning and Development

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## **Executive Summary**

Through collaboration with the City of Seattle P-Patch program, the Department of Planning and Development, the Acting Food Policy Council and many other dedicated advocates we have developed this assessment to identify policy that promotes and restricts urban agriculture in Seattle. Additionally we have analyzed systems and policy that have supported urban agriculture in other comparable cities. This document is intended to serve the policy makers of Seattle and supporting organizations in clarifying many of the current regulations that govern urban agriculture and comparing the policies of other cities that have demonstrated successful programs. This document sets out to accomplish the following objectives:

- Provide a brief history of urban agriculture in Seattle
- Assess the current programs and regulatory systems for urban agriculture in Seattle
- Identify barriers to urban agriculture in local policy
- Compare the regulatory systems and incentive based programs for urban agriculture in comparable cities
- Recommendations for policy action to provide greater support for urban agriculture in Seattle

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## Introduction & Methodology

Seattle has seen an incredible groundswell of energy in the urban agricultural movement in the past five years, as concerns about the environment have combined with increased interest in health and community building issues, giving rise to support for food systems as an integral part of sustainable development. The energy of a diverse group of stakeholders will continue to give momentum to this issue, but the support and interest of policy advisers and law-makers will be crucial to lay a solid foundation on which to develop the infrastructure for successful urban agricultural programs in Seattle. The following report is the culmination of several months of research by of a group of students from the University of Washington certificate program in Environmental Law and Regulation. We sought to identify an area within the developing infrastructure that would benefit from targeted research, and with the support of the Department of Neighborhoods and the Department of Planning and Development, devoted our efforts to researching the policies and regulations that currently apply to urban agricultural activities, and where appropriate, include recommendations to facilitate these activities moving forward.

To best address the needs of the stakeholders involved in this issue, we employed the following methodology.

- Researched the programs that currently support agricultural activities in Seattle, including ways in which agricultural activities currently take place within the city.
- Attended meetings and explored networks to identify the many varied stakeholders
- Identified common issues among community gardeners
- Researched existing literature outlining priorities and recommendations
  - Sound Food Report
  - Local Food Action Initiative
  - Recent academic research, including University of Washington Master's Thesis "Growing Green" by Megan Horst
  - Neighbor Space Example – which became a strong example of leveraging resources to work around codes or restrictions
- Researched codes and laws that may be hindering the progress of priorities identified in visioning documents

The three basic issues identified by stakeholders throughout the series of meetings can be summarized as: access to land, access to and clarity of laws and regulations, ability to sell produce. After assessing the codes and policy documents that influence urban agriculture in our region, we then outlined two categories of barriers and recommendations: Address municipal and state governance improvements and improve access to information and interdepartmental communication.

## **Urban Agriculture and its Benefits**

Urban agriculture is a localized food system wherein the production, processing, distribution, access/consumption and disposal/recycling of food occur in and around the city. The following is a short list of benefits.

- Health:
  - Nutrition - diverse and abundant supply and fresh produce with readily available vitamins
  - Exercise, recreation
- Social:
  - Community gardens build reliance and accountability in neighborhoods
  - Relationships between producer and consumer
- Environment:
  - Green space - habitat, storm water mitigation
  - Transportation - reduced carbon use
- Economic:
  - Locally directed buying and selling of food and food system materials
  - Risk management - food security

## **Urban Agriculture in Seattle**

Few would dispute that Seattle is a leader in urban agriculture and particularly in community gardening. This is the result of a tremendous amount of work from dedicated individuals acting on behalf of their communities, and associated with the public sector, academia, private businesses and non-profits.

A long history of progressive action in the state of Washington such as farmland preservation and the designation of Agricultural Production Districts have helped shape an environment that supports agriculture in Seattle. Additionally, King County has helped build this environment with actions such as the 1995 creation of an Agricultural Commission and the development of the Farm & Forest report, which led to the creation of Puget Sound Fresh and FarmLink.

Activists and organizations have collaborated for decades, incorporating the public departments, businesses and universities to develop plans and policies such as the 2000 Food Security Task Force and Community Food Security Coalition Conferences in Seattle as well as the 2004 "Growing a Regional Food Economy" forum which led to the development of the Seattle/King County Acting Food Policy Council (AFPC). The AFPC comprises experts from a diverse spectrum of food system backgrounds seeking to become an officially sanctioned food policy council recognized by local government. Many governments seek advising from a Food Policy Council because of the complexities of food systems, which include equitable access, nutrition, production, distribution, environmental concerns and much more.

The City of Seattle and the University of Washington through a project grant from the Henry Luce Foundation spent a year creating the Sound Food Report, released in June of 2006. The Sound Food Report recommended ways for the city to enhance the functions of the food system, particularly with regard to environmental sustainability and social justice. The report was stakeholder based and identified key issues in the local food system. In 2007, Seattle City Council President Richard Conlin identified the Report as an important tool in looking at the state of local food policy and used it as a catalyst for the Local Food Action Initiative, resolution 31019. He created an interdepartmental team working within the community to create a framework for food policy. A multitude of stakeholders were involved including the AFPC, the Board of Health and King County Council. Efforts were made to create partnerships as far as Eastern Washington, understanding that many of the goods at the local farmers markets travel over the mountains.

There were many concepts addressed by both the Sound Food Report and the Local Food Action Initiative that have and will shape agriculture in Seattle. The Sound Food Report was designed to

improve the functionality of the Seattle food system, with a focus on low-income residents, while reducing the negative side effects that our consumption has on the natural environment. The top priorities were:

1. Increase neighborhood food access
2. Increase the sale and availability of locally/regionally grown foods
3. Increase urban food production
4. Recover or recycle food from the waste stream
5. Organize and enhance internal and external City response to food issues

The Report laid out 31 issue evaluations assessing environmental, social and economic effects, implementation measures and estimated costs. It covered a tremendous amount of information from transportation routes and greenhouse gas tracking to the Seattle charitable food system network.

The Local Food Action Initiative began by borrowing heavily from the Sound Food Report. Through extensive discussion and the inclusion of public and expert input the initiative lays out a series of goals summarized as follows. The Local Food Action Initiative creates a framework for actions that the City intends to develop and implement, requests the Office of Economic Development to identify permanent locations for existing farmer's markets as well as identify policy and procedure changes that would strengthen local buying and selling, requests the Department of Neighborhoods to partner with the Seattle School District, Public Utilities, Parks and Recreation and City Light to identify additional locations for gardens and community kitchens as well as the creation of a new P-Patch Strategic Plan. It includes several more requests of the Seattle Department of Transportation (SDOT), Office of Emergency Management, Office of Sustainability and Environment and Human Services. Additionally, the Initiative calls for the formation of a Food Policy Council as well as partnership with King County, universities, the State Department of Agriculture and federal lobbyists to support a new Farm Bill in meeting the goals and working within the framework that is laid out.

The Local Food Action Initiative is a resolution, it holds departments accountable to create reports to inform a Food Policy Action Plan, but does not hold any one accountable to legal or regulatory action. By fostering collaboration and creating a framework for organizations and departments to follow it will pave the way for other enforceable government actions. Conlin has noted that the Initiative created political support for policy changes, such as the 20-cent tax on grocery bags and the ban on foam food packaging. Additionally, Conlin suggested that the initiative would support companion resolutions from the County Council creating a broader plan for food security and development in the region.

Highlighted by disruptions in the global food situation in late 2007 and early 2008, creating higher prices for regional food, the initiative gained momentum and developed a broader consensus. Conlin held several meetings through out this period of review to increase input and support, while creating a framework that could be effective and lasting. As food prices increased and global warming continued to make headlines, concepts of local food appealed to the public on multiple levels.

Additional support derives from a breadth of community members that strive to create greater community in Seattle. The atmospheres of a farmers market and community garden are conducive to building community assets, greater social reliance and a broader network of support in the community as a whole.

There are many environmental benefits to urban agriculture such as habitat creation and storm water mitigation, but the central environmental concern that helps create exposure for this issue is the transportation of food. In Seattle, supporting local food for reduced carbon emissions is a popular cause. Mayor Gregory Nickels is working to reduce carbon emissions through Seattle's Climate Protection Initiative, the EPA chose Seattle to hold one of two public hearings on global warming as a

public danger, all while congress is developing the American Clean Energy and Security Act. The Climate Protection Initiative put forward a commonly quoted statistic, "food transportation makes 17% of Seattle's carbon emissions". Mayor Nickels' support has helped to further the growing coalition for food security and as more information becomes available on the risks of carbon emissions, greater support will arise for localized food systems.

In May of 2009 in accordance with the Local Food Action Initiative the participating Departments submitted Statements of Legislative Intent and other reports to a consulting group from Portland tasked with developing a Food System Policy Plan that will inform a Seattle Food Action Plan. The consultant's scope of work as reported by DON to the City Council, includes reviewing the City's current roles and issue areas, identify successes, duplications, gaps opportunities and conflicts and develop a policy action plan that uses existing City resources and programs to strengthen food system opportunities.

## **Urban Agriculture Stakeholders in Seattle**

When discussing the promotion of urban agriculture, it's difficult to identify a group that *isn't* a stakeholder. The environmental benefits of preserving open space and increasing local greenery affect everyone in the area, whether they are directly involved with the garden or not. The primary stakeholders we will address are those that wish to grow (and possibly sell) produce, those that own the land resources, and those that govern and broker the arrangements between the former and the latter. We will also touch briefly on other important, though more peripheral, stakeholders.

### **Those that use the land**

Some community members may have access to private land on which to practice agricultural activities. If your own property is not an option, Urban Garden Share is a Seattle-based website that connects willing gardeners with available land. Many individuals still look to Seattle's nationally renowned P-Patch Program for an opportunity to start their own garden while participating in their community. More than 4,500 residents of Seattle garden in one of P-Patch's 68 gardens. Those individuals who have secured a lot in the neighborhood P-Patch are some of the more obvious stakeholders in urban agriculture, but those on P-Patch waiting lists across the city (more than 1200 individuals) have even more to gain by the continued expansion of community gardening in Seattle.

Seattle Market Gardens, a collaboration between P-Patch Trust and DON's P-Patch Community Gardening Program, goes a step further in community development through agriculture by providing farming opportunities for low-income residents of Seattle. Most of the farmers are immigrants, who through the program receive both supplemental income and food for their families and friends.

### **Those that own the land**

If a community member is interested in starting a community garden and has identified a potentially suitable piece of land, communication with DON's P-Patch program can begin the process of coordinating a community group, seeking matching funds and acquiring the parcel. P-Patch staff maintain relationships and communications with municipal departments that own land in order to obtain information about possible property for developing new P-Patches. Those departments are as follows: the Seattle Parks Department ("Parks"), Seattle City Light (SCL), Seattle Public Utilities (SPU), Fleets and Facilities Department (FFD), and Seattle Department of Transportation (SDOT), all of which except SPU own one or more of the potentially suitable unused and vacant lots identified in Megan Horst's Thesis "Grown Green."

These municipal departments do not benefit from lands' vacancy and disuse, and are aided by the development and oversight of the property that DON provides once the land becomes under its management. The FFD oversees the official disposition of all unused city land, a lengthy and complicated process. DON has some direct agreements with the other departments. As you will see in greater detail in the Policy section of this paper, the processes and restrictions for developing a P-Patch

on land owned by different city agencies vary from agency to agency.

### **Those that broker the arrangements and govern land use**

While community members yearn to garden and property becomes available, the two would not come together with such success without DON's P-Patch Program. Essentially the matchmaker and facilitator of almost all community gardens in Seattle, P-Patch focuses on neighborhood development by securing land for community gardening. At their side supporting them is the P-Patch Trust, a nonprofit organization that owns six properties and seeks to acquire additional properties that will serve as community gardens. The gardens are leased back to the city at nominal cost and managed by the P-Patch Program.

The Department of Planning and Development (DPD) manages growth and development in Seattle. They are the agency that enforces policy regarding land use, so while DON will enable the establishment a P-Patch in a particular location, it is the DPD that administers where and how urban agriculture (including P-Patches) can occur. The DPD has been assigned the task of reviewing municipal codes that may hinder the ways in which agencies regulate agricultural activities on lands throughout the city. This is discussed in greater detail in the policy section of this report.

The Seattle Department of Transportation (SDOT) is responsible for activity in the public right-of-way. Large areas of land under the jurisdiction of SDOT are sometimes permitted to be used for community gardening through P-Patch, but SDOT also directly regulates the activities of community members who wish to use active streets, sidewalks, or adjacent planting strips. Community interest in the use of planting strips for growing food has been strong, particularly in light of the long waiting list for plots in P-Patch gardens. Until recently, this use was limited by SDOT's permitting structure. A policy change approved in May 2009 allows growing food in parking strips, and eliminates or reduces fees for the addition of "hardscape structures" that are frequently associated with gardening (See Appendix A). While the DPD makes decisions about land use on a large scale, the specificity of SDOT's role in permitting at the individual level gives them a more direct impact on small-scale gardening activities. The recent policy change can be seen as evidence of a productive interaction of stakeholders in this issue.

### **Others**

In addition to those listed above, there are less obvious stakeholders in urban agriculture. Enhancements to the city code may also provide additional opportunities and incentives for developers, city planners, and architects to include green building and open space design elements into new construction and neighborhood development.

In a program similar to Market Gardens, Solid Ground's Lettuce Link helps provide low-income families in Seattle with access to organic produce, seeds, and gardening information. Lettuce Link uses urban agriculture to fulfill this mission in a number of ways: distributing seeds in order to encourage families to grow their own food, encouraging existing P-Patch gardeners to plant an extra row of produce to donate to food banks, harvesting excess fruit from neighborhood trees to donate to food banks, and managing a garden at Marra Farm whose harvest goes to food banks. These excellent programs focus on sustainability and food security, all while providing resources to communities that are typically poor, and often have less access to fresh organic produce.

The implementers of change are the policymakers, who utilize various experts and organizations. It is in groups such as the Acting Food Policy Council in which representatives from many different interested parties come together to create recommendations and advise on plans. The AFPC represent interests of organizations such as: Northwest Harvest, Cascade Harvest Coalition, Good Food Strategies, University of Washington departments of Urban Planning and the Center for Public Health and Nutrition, Food Lifeline, and Seattle Tilth.

Additionally, there are many more organizations that work to develop urban agriculture through education, advocacy, environmental conservation or recreation. Seattle also has farms, ranches,

community supported agriculture distributors, residential garden developers and farmers that operate under varied business models.

## **Policy: the context for regulating urban agriculture in Seattle**

### **Structure of Rules and Regulations**

While the interests and contributions of the diverse group of stakeholders discussed above will be crucial in negotiating positive developments in urban agriculture, it is essential to clarify the structure of policies and regulations that govern the many elements of this issue in Seattle. Identifying specific elements of municipal code as well as laws and regulations that may inhibit the managed growth of urban agriculture in our region will support the creation of new policies or amendments to existing regulations. It is also important to contextualize these laws and regulations in the visioning documents that give policy priority to urban agriculture issues. As we will see below, there are specific sections of state constitutional law, county health regulations and municipal code that govern many activities associated with food production in Seattle. Many of these policies were developed with the guidance of the following visioning documents, the State of Washington Growth Management Act, City of Seattle Comprehensive Plan, and the subsequent individual Neighborhood Plans. The context for policy priorities given in these three categories of documents, in addition to the goals and directives of the Local Food Action Initiative are intended to guide policy makers in future planning as well as in the revision of existing codes.

For the purpose of this paper we have chosen to focus on local policy, and refer to State and Federal laws that are directly related to that policy. The overarching State and Federal regulations that relate to urban agriculture are vast and beyond the scope of this project. However, the United States Department of Agriculture and the Washington State Department of Agriculture maintain websites that provide links to the laws and rules related to animal husbandry, inspections, licenses, permits, marketing, organics, pesticides, fertilizers, production, processing, distribution and much more.

### **State of Washington Growth Management Act**

The state of Washington has experienced significant growth and development pressures in recent years. These pressures led to the passing of the Growth Management Act (GMA) by the Washington State Legislature in 1990. The Act required local governments in the more densely populated and fastest growing counties and specific cities such as Seattle to develop and adopt comprehensive plans for future growth. Although the GMA required the development of such plans it did not require that the plans be approved by the Legislature, only reviewed. The GMA is a working document and has been amended many times over the years to clarify and define specific requirements and to establish a framework for coordination among the local governments that were required to develop a comprehensive plan. The GMA is also known as RCW 36.70A. The following is a selection of specific requirements from the GMA that could be related to urban agriculture and/or community gardening.

#### **RCW 36.70A.010 Legislative Findings**

*The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.*

## **RCW 36.70A.020 Planning Goals**

*The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW [36.70A.040](#). The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:*

*(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.*

*(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.*

## **RCW 36.70A.150 Identification of lands useful for public purposes.**

*Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW [36.70A.040](#) shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses.*

## **RCW 36.70A.160 Identification of open space corridors - Purchase authorized.**

*Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW [36.70A.040](#) shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW [36.70A.030](#).*

## **RCW 36.70A.177 Agricultural Lands - Innovative zoning techniques - Accessory uses.**

*(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW [36.70A.170](#). The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.*

## **Seattle Comprehensive Plan**

The Seattle Comprehensive Plan (SCP) was developed due to the requirement of Washington State Legislature's Growth Management Act (GMA), which required cities such as Seattle to prepare plans on how they would manage their population growth. The SCP was adopted by the city in 1994 and like the GMA has been updated over the years. The City of Seattle concentrated on using public input while developing the plan and through that process four core values emerged: community, economic opportunity, social equity and environmental stewardship. Eleven comprehensive plan elements make up the body of the SCP and include: Urban Village Element, Land Use Element, Transportation, Housing, Capital Facilities, Utilities, Economic Development, Neighborhood Planning, Human Development, Cultural Resources, and Environment. Although the SCP does not use the term urban agriculture, it does refer to community gardens throughout the report. The most prominent use of the term community gardening is found in the Neighborhood Planning Element, but it is also present in the Urban Village Element as well as the Cultural Resources Element.

## **Resolution 28610**

Adopted by the City Council in 1992, declared the City of Seattle's support for the maintenance and long-term expansion of the P-Patch Community Gardening Program.

*I. The City of Seattle will promote inter-agency and intergovernmental cooperation among agencies such as the Parks Department, the Engineering Department, the Housing Authority, the School District,*

*II. The City of Seattle recommends that P-Patch Gardens be a part of the Comprehensive Plan and that any ordinances be strengthened to encourage, preserve and protect community gardening particularly in medium and high density residential areas;*

*III. The City of Seattle will include the P-Patch Program in the evaluation of priority use of city surplus property;*

*IV. The City of Seattle recognizes the economic, environmental and social value of the gardens and will attempt to provide budgetary support for the management of the P-Patch Program; and*

*V. The City of Seattle encourages that expansion of the P-Patch program and outreach should give special emphasis to low income families and individuals, youth, the elderly, physically challenged, and other special populations.*

## **Resolution 30194**

Adopted by the City Council and signed by the mayor in 2000, as a five-year strategic plan for the expansion of Seattle's community gardening program and adopting policies and procedures necessary for the implementation of the plan.

## **Resolution 29799**

Adopted by the City Council in 1998, and amended in 2006 by resolution 30862, developed procedures for the reuse and disposal of excess city property. According to the resolution, recommendation for use must consider Neighborhood Plans, parks or open space, and other such priorities reflected in city policies. In addition to other city departments, members of the general public must also be considered as possible buyers.

The City of Seattle Comprehensive Plan sets a policy strategy to manage Seattle's growth while preserving our regional culture, values, and resources. It also creates the opportunity for individual neighborhoods to outline their interests and priorities in comparably designed neighborhood master plans. These planning documents are considered "visioning" documents; they are not legally binding but guide policy makers by clarifying their constituents' priorities and directing City Council to take action based on those recommendations. The following section from the Aurora-Licton Neighborhood Plan prefaces their recommendations by outlining how the process came about:

*"After adopting the Comprehensive Plan, the City set up the Neighborhood Planning Office to oversee the creation of citizen-based, City-funded neighborhood plans for each proposed urban village. Through these plans, the residents, business people, property owners, and other stakeholders of each proposed urban village could accept or reject the City's proposed urban village designation, accept or modify the proposed village, and make additional recommendations for actions the City, Metro, the State, or the community itself could take to*

*help accommodate the anticipated growth The City Council will review each neighborhood plan and take appropriate actions to implement those neighborhood plan recommendations with which it agrees.” [Aurora Licton Neighborhood Plan, p. 12 (file), p. 8 (document)]*

The reference to City Council's role is important, as it alludes to the means by which these visioning documents interact--while stakeholders can identify their priorities for land uses and development practices, these priorities are filtered through the established political structure of state and municipal codes. The following summary of codes and other regulations that pertain to urban agriculture demonstrate the rubric which informs both rule making and enforcement, and the elements which would need to be addressed to better accommodate urban agriculture in Seattle.

**Municipal Code**

Zoning categories

Land Use provisions are in Title 23, Subtitle 3, Division II of the Seattle Municipal code and are intended to: “protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land which are consistent with and implement the City's Comprehensive Plan.” (SMC 23.02.020)

Zoning designations guide permissions and restrictions for land use in Seattle. By categorizing geographical areas into use-based zones, conflicting or incompatible land uses are separated. This means of regulating commercial, residential, and industrial development by height limit, lot size, setbacks contrasts to the “Form-based Code,” which relies on ideals of cohesive urban design to inform development activities. Our land use code addresses this issue by prioritizing the design review process as the primary goal of early project implementation, although this requirement currently only applies to large development projects.

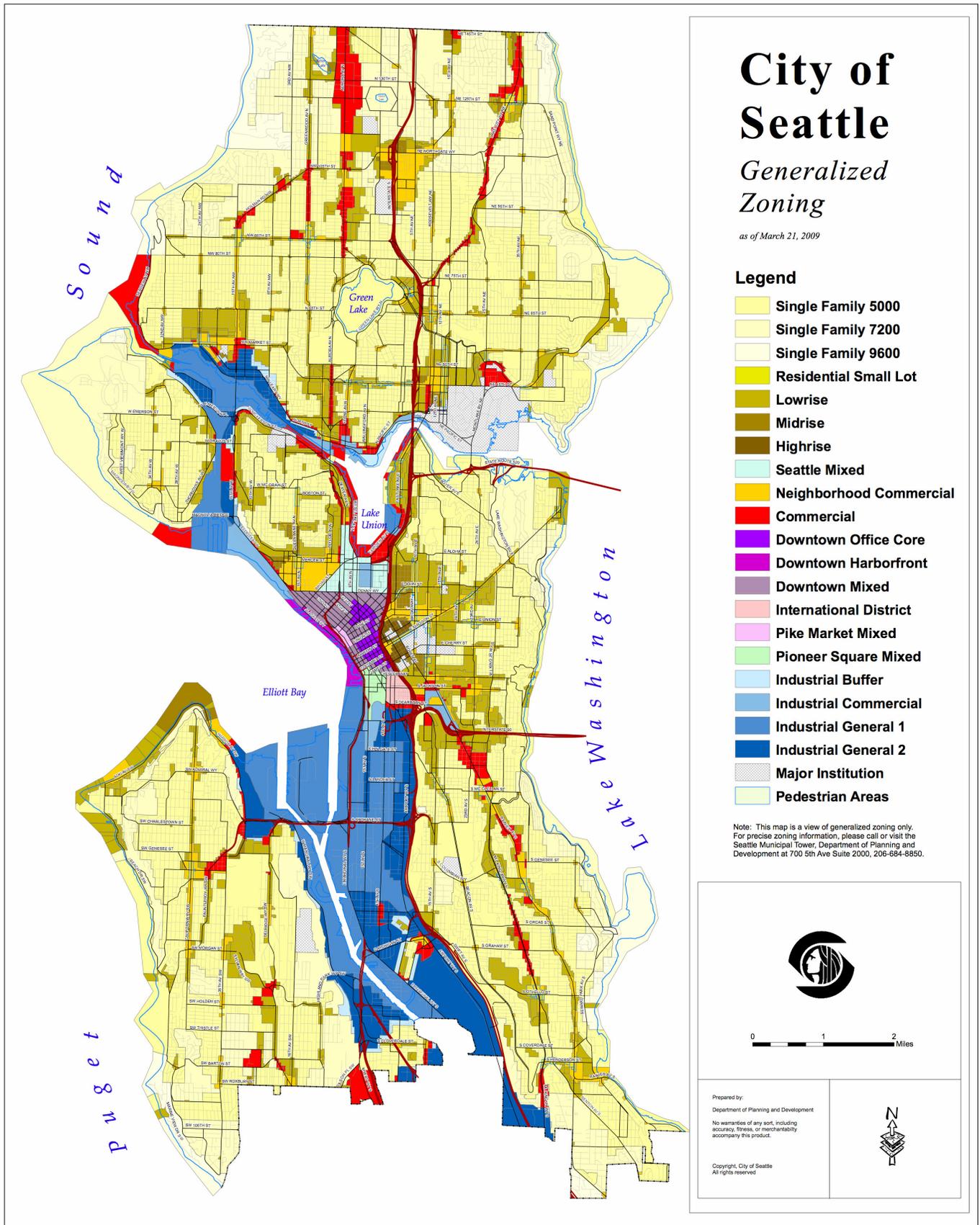
Each plat of land within the Seattle City limits is categorized into a single zoning designation, which at its most basic level can be seen as having four distinct categories: Residential, Commercial, Downtown, and Industrial. Within these categories there are several subdivisions that allow city planners to appropriately regulate development while catering to the many subtleties of Seattle's distinctive neighborhoods. In order to accommodate the priorities of Seattle's Comprehensive Plan Urban Villages strategy, certain areas may be rezoned so that development is compatible with the proposed density and land uses of those zones. Outside of Urban Villages and Urban Centers, lands may be rezoned if doing so fulfills criteria (matching characteristic-uses of comparable lands and if there is precedence for similar uses), and if doing so fits within the overarching visions and goals of the Comprehensive Plan and the Neighborhood Plan for the area.

The matrix below identifies the zoning designations in the City of Seattle.

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise Duplex/Triplex	LDT
Residential, Multifamily, Lowrise 1	L1
Residential, Multifamily, Lowrise 2	L2
Residential, Multifamily, Lowrise 3	L3

Residential, Multifamily, Lowrise 4	L4
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Seattle Mixed	SM
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

The following map illustrates the zoning divisions throughout the City of Seattle



## Overlay Districts and Urban Use Designations

Each plot of land must fit into a single category, although these categories can also be governed by "overlay districts", which further distinguish land uses by their proximity to historical districts, shorelines, or other highly use-specific development areas. The complete list of these overlay districts is reproduced below with links to their subsections within title 23 of the Seattle Municipal Code. Overlay districts impose further restrictions on land uses within their boundaries; when regulations between the general zoning designation and the overlay district are in conflict, the overlay district takes precedence. (SMC 23.59.010.B)

[23.60](#) Shoreline District

[23.61](#) Station Area Overlay District

[23.64](#) Airport Height Overlay District

[23.66](#) Special Review Districts

[23.67](#) Southeast Seattle Reinvestment Area

[23.69](#) Major Institution Overlay District

[23.71](#) Northgate Overlay District

[23.72](#) Sand Point Overlay District

[23.73](#) Pike/Pine Overlay District

[23.74](#) Stadium Transition Area Overlay District

## Definitions

Within the municipal code, there are extensive lists of definitions to help land use planners interpret permit proposals consistently. While a general discussion of land use codes is sufficient to illustrate the regulatory context for this subject, it will be useful to look at certain definitions called out within the code that relate to the production of agricultural products. The definitions below are copied directly from the City of Seattle Municipal Code to avoid any confusion in subsequent discussion.

"Agricultural use" means a business establishment in which crops are raised or animals are reared or kept, but not including animal shelters and kennels. Agricultural uses include animal husbandry uses such as poultry farms and rabbitries, aquaculture uses such as fish farms and shellfish beds, and horticulture uses such as nurseries and orchards.

"Animal husbandry" means an agricultural use in which animals are reared or kept in order to sell the products they produce, such as meat, fur or eggs.

"Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or animals are cultured or grown in fresh or salt waters.

"Horticulture" means an agricultural use in which plants are raised outdoors or in greenhouses for sale either as food or for use in landscaping. Examples include but are not limited to nurseries, flower raising, orchards, vineyards, and truck farms.

"Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or "aquaculture" as defined in RCW 15.85.020; plantation Christmas trees; turf; or any animal including but not limited to an animal that is a "private sector cultured aquatic product" as defined in RCW 15.85.020, or a bird, or insect, or the substances obtained from such an animal. "Agricultural product" does not include animals intended to be pets.

"Farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. "Farmer" does not include a person selling any animal or substance obtained there from

in connection with the person's business of operating a stockyard or a slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating or raising timber.

### *Summary of permitted and prohibited uses in each zone*

Division 2 of the Land Use section of the Seattle Municipal Code deals with Authorized Uses and Development Standards. Land uses are categorized into principal, accessory, conditional, intermittent, or temporary uses, which can be seen as having a decreasing level of permanence when listed in that order. For each of the four major categories of zones--residential, commercial, downtown, and industrial--there is a slightly different way of delineating the permitted activities and developments, whether activities are expressly permitted or expressly forbidden. While each means of applying regulations to land uses is extensive and well measured, they do not currently deal explicitly with urban agriculture. Chapter 23.42 outlines the general use provisions for the land use codes, indicating that if a principal use is not contained within the list for a particular zone it is expressly prohibited, but may be approved with special consideration if it is "substantially similar" to a permitted use. Accessory uses, if listed, are not likely to be permitted as principal use. Temporary or intermittent uses that are not otherwise permitted within the zoning classification can be permitted when they are not detrimental to public welfare, do not result in damage to adjacent properties, and do not contradict the spirit and purpose of the land use code (SMC 23.42.040). The following sections summarize the distinct ways in which uses are permitted or prohibited per zoning category.

### Residential Zones

Residential zones are guided by the strictest set of use-guidelines in our municipal land use code. There is a short, specific list of uses that are permitted outright; uses not conforming to this list are prohibited. Residential Zones have several subdivisions, but the list of uses permitted outright is, for our purposes here, similar enough to be considered as a single category. The complete list of principal uses permitted outright can be seen below. "Parks and open space" is listed as a use permitted outright, and DPD broadly interprets this use to include community gardening, thus P-patch gardens are permitted within Residential zones.

#### **SMC 23.44.006 Principal uses permitted outright, single-family residential zones.**

*The following principal uses are permitted outright in single-family zones:*

- A. Single-family Dwelling Unit. One (1) single-family dwelling unit per lot, except that an accessory dwelling unit may also be approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under Section 25.09.260;*
- B. Floating Homes. Floating homes, subject to the requirements of Chapter 23.60;*
- C. Parks and open space, including customary buildings and activities, provided that garages and service or storage areas accessory to parks are located one hundred (100) feet or more from any other lot in a residential zone and are obscured from view from each such lot;*
- D. Existing railroad right-of-way;*
- E. Public Schools Meeting Development Standards. In all single-family zones, new public schools or additions to existing public schools, and accessory uses including child care centers, subject to the special development standards and departures from standards contained in Section 23.44.017, except that departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools;*
- F. Uses in existing or former public schools:*
  - 1. Child care centers, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly or similar uses, in each case in existing or former public schools.*
  - 2. Other non-school uses in existing or former public schools, if permitted pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.*

3. Additions to existing public schools only when the proposed use of the addition is a public school;
- G. Nursing Homes. Nursing homes meeting the development standards of this chapter, and limited to eight (8) or fewer residents;
- H. Adult Family Homes. Adult family homes, as defined and licensed by the state of Washington.

### Home Occupation

Home occupations are strictly regulated because they are implicitly linked to residential zones, which are subject to the highest level of limitations in the land use code. Discussion of home occupations is included here because it adds important context to the regulation of agricultural uses in residentially zoned lands. Further discussion of the relationship of urban agriculture to home occupation regulations is included in the barriers and recommendations section. The text of this code section is copied below for reference. Individuals are not allowed to publish advertisements with their address, no outbuildings or outdoor storage are permitted, and commercial deliveries are only permitted to occur once a week. See the full Client Access Memo regarding this topic in Appendix B.

#### **SMC 23.42.050 Home occupations.**

*A home occupation of a person residing in a dwelling unit is permitted outright in that dwelling unit in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, in each case subject to the standards of this Section.*

*A. The occupation shall be clearly incidental to the use of the dwelling unit as a dwelling.*

*B. Commercial deliveries and pickups to the dwelling unit shall be limited to one (1) per day Monday through Friday. No commercial deliveries or pickups shall be permitted on Saturday, Sunday or federal holidays.*

*C. To discourage drop-in traffic, the address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, signs, flyers, radio, television or other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.*

*D. The occupation shall be conducted only within the principal structure or in an accessory dwelling unit. Parking of vehicles associated with the home occupation shall be permitted anywhere that parking is permitted on the lot.*

*E. To preserve the residential appearance of the dwelling unit, there shall be no evidence of the occupation from the exterior of the structure; provided that outdoor play areas for child care programs and outdoor activities customarily incidental to the residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.*

*F. To preserve the residential character and use of the dwelling unit, only internal alterations customary to residential use shall be permitted, and no external alterations shall be permitted to accommodate a home occupation, except as required by licensing or construction codes for child care programs.*

*G. Except for child care programs, not more than one (1) person, whether full-time or part-time, who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working off-site who come to the site for business purposes at any time as well as persons working on site.*

*H. The home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through residential areas.*

I. A maximum of two (2) passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of ten thousand (10,000) pounds shall be permitted to operate in connection with the home occupation.

J. The home occupation shall be conducted so that odor, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

K. Signs shall be regulated by Section 23.55.020.

L. Child care programs in the home of the operator shall be limited to twelve (12) children per day including the children of the operator.

### Commercial Zones

Uses within commercial zones are regulated based on a "use chart" --see Chart A below--this chart indicates a much broader range of permitted uses than are allowed in residential zones but is very specific as to whether uses are permitted as principal, accessory, conditional, or limited to certain sub-categories of commercial zones. If a use is not listed within the extensive use table, it is not likely to be permitted. Agricultural uses are divided into Animal Husbandry, Aquaculture, and Horticulture, and are permitted in both Neighborhood Commercial and Commercial zones to varying degrees, with the primary limitation on the size of the establishment. As will be discussed at greater lengths in the barriers and recommendations section, these definitions do not fully address the activities associated with urban agriculture, but on a basic zoning level, there is demonstrated precedence for permitting the growth of fruits and vegetables in these zone designations.

The introductory sections give context for the subsequent use chart. There are subsections further than the two copied below, but these two sections are key to understanding the way in which the use chart is interpreted for permitting activities within commercial zones.

#### **23.47A.004 Permitted and prohibited uses.**

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Chart A and this section, except as may be otherwise provided pursuant to Division 3 of this subtitle.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in Chart A.

The first section of the use chart addresses Agricultural uses, where A indicates accessory uses, P indicates a principal activity, and numbered entries indicate the maximum size lot for the activity in thousands of square feet:

The entire chart is included in Appendix C.

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Chart A  
for Section 23.47A.004  
Uses in Commercial Zones

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#### PERMITTED AND PROHIBITED USES BY ZONE(1)

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USES	NC1	NC2	NC3	C1	C2
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A. AGRICULTURAL USES

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A.1. Animal Husbandry	A	A	A	A	P
A.2. Aquaculture	10	25	P	P	P
A.3. Horticulture	10	25	P	P	P

Industrial Zones

Similarly to commercial zones, industrial zones are governed by a use chart. Aquaculture is the only agricultural use permitted within Industrial zones. The full chart of permitted uses is included in Appendix D.

Chart A  
For Section 23.50.012  
Uses in Industrial Zones

PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
<b>A. AGRICULTURAL USES</b>					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Horticulture	X	X	X	X	X

Downtown Zones

There are recreation areas required to be included for residential developments within areas zoned Downtown, however the language does not imply the same parks and open space use as in the residential zones. There are no use charts for Downtown zones, instead there is a list of *required* uses for street level activities in addition to a chart that indicates bonuses for development floor area if certain amenities (such as plazas and green-scaping) are included. A section of this chart follows the list of street-level activities; note that the verbiage is specific to parks but not the more abstract "open space" terminology.

**23.49.009 Street-level use requirements.**

*One (1) or more of the uses listed in subsection A are required at street-level on all lots abutting streets designated on Map 1G. Required street-level uses shall meet the standards of this section.*

*A. Types of Uses. The following uses qualify as required street-level uses:*

- 1. General sales and services;*
- 2. Human service uses and childcare facilities;*
- 3. Retail sales, major durables;*
- 4. Entertainment uses;*
- 5. Museums, and administrative offices within a museum expansion space meeting the requirement of subsection 23.49.011B1h;*
- 6. Libraries;*
- 7. Elementary and secondary schools;*

8. Public atriums;
9. Eating and drinking establishments;
10. Sales and services, automotive;
11. Sales and services, marine; and
12. Animal shelters and kennels.

**Chart 23.49.013A Downtown Amenities**

TABLE INSET:

Amenity	Zone Location of Lots Eligible to Use Bonus						Bonus Ratio	Maximum square feet (SF) of floor area eligible for a bonus
	DOC1	DOC2	DMC 340/290-400	DMC 125, DMC 160, and DMC 240/290-400	DRC	DMR		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49						5:1	6,000 SF
Urban Plaza	X	X	X				5:1	15,000 SF
Commercial Parcel Park	X	X	X	X			5:1	7,000 SF
Residential Parcel Park			X	X		X	5:1	12,000 SF
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street						5:1	7,000 SF
Public Atrium	X	X	X				5:1	5,500 SF
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street						5:1	No limit
Green Street Setback	Lots abutting designated green street not subject to property line street wall requirement						1:1	10 times the length of lot's green street frontage

**Public Health Seattle King County**

To protect the public from food borne illness, in accordance with the Revised Code of Washington 36.71.090 (see bold in full section below), Public Health Seattle King County regulates food products presented for sale.

**RCW 36.71.090**

*Farmers, gardeners, etc., peddling own produce exempt from license requirements — Exception — Valid direct retail endorsement.*

*(1) It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as defined in this section. However, nothing in this section authorizes any person to sell, deliver, or peddle, without license, in any city or town, any dairy product, meat, poultry, eel, fish, mollusk, or shellfish where a license is required to engage legally in such*

activity in such city or town.

(2) It is lawful for an individual in possession of a valid direct retail endorsement, as established in RCW [77.65.510](#), to sell, deliver, or peddle any legally harvested retail-eligible species, as that term is defined in RCW [77.08.010](#), that is caught, harvested, or collected under rule of the department of fish and wildlife by such a person at a temporary food service establishment, as that term is defined in RCW [69.06.045](#), and no city, town, or county may pass or enforce an ordinance prohibiting the sale by or requiring additional licenses or permits from the holder of the valid direct retail endorsement. However, this subsection does not prohibit a city, town, or county from inspecting an individual displaying a direct retail endorsement to verify that the person is in compliance with state board of health and local rules for food service operations.

Potentially hazardous foods are ranked low, med and high risk in accordance with the Washington State Department of Health's Retail Food Code (WAC 246-215).

Public Health Seattle King County regulation of food products occurs through permits and licensing to assure that food products are being received in a healthy way. The relevant regulations can be found on the "How to Start a Food Business" website.

<<http://www.kingcounty.gov/healthservices/health/ehs/foodsafety/FoodBusiness.aspx>>

Food businesses are regulated at the point of sale by administering permits for permanent, temporary, mobile, catering/home-based and farmers market food business establishments. Types of establishments, food classifications, food worker classifications, pesticides, zoonotic disease prevention and other pertinent resources for food service establishments are defined in the Code of the King County Board of Health. This code also defines exemptions listed in the "Exempt foods and low cost plan only foods" section of the food business website. The following is the summary of exemptions listed in the subsection:

*"Foods exempt from the food code and not considered as a food service establishment"*

*An establishment that offers only nonpotentially hazardous, non ready-to-eat, minimally cut, unprocessed fruits and vegetables*

*A food processing plant or other establishment for activities regulated by the Washington State Department of Agriculture or the U.S. Department of Agriculture*

*An establishment that offers only nonpotentially hazardous, ready-to-eat foods produced in a licensed food establishment or food processing plant (such as premixed soda pop, powdered creamer, pretzels, cookies, doughnuts, cake, or meat jerky) that are served without direct hand contact, with limited portioning, directly onto or into sanitary single-use articles or single-service articles from the original package*

*An establishment that offers only nonpotentially hazardous hot beverages (such as coffee, hot tea, or hot apple cider) served directly into sanitary single-service articles*

*An establishment that offers only dry, nonpotentially hazardous, non ready-to-eat foods (such as dry beans, dry grains, in-shell nuts, coffee beans, tea leaves, or herbs for tea)*

*An establishment that offers only prepackaged frozen confections produced in a licensed food establishment or food processing plant*

*A residential kitchen in a private home or other location, if only foods that are nonpotentially hazardous baked goods are prepared and wrapped in a sanitary manner for sale or service by a nonprofit organization for religious, charitable, or educational purposes, and if the consumer is informed by a clearly visible placard at the sales or service location that the foods are prepared in a kitchen that is not inspected by a regulatory authority*

*A location where foods are prepared in a residential kitchen as noted above and are sold or offered for human consumption*

*A kitchen in a private home operated as a family day care provider as defined in RCW 74.15.020(1)(f) or an adult family home as defined in RCW 70.128.010, used only to prepare food for residents and other people whom the operation is licensed to provide care*

*A private home that receives catered or home-delivered food*

*A private home or other location used for a private event*

*A donor kitchen or a location used for a potluck*

Produce is exempted from permitting because it is expected that it will be washed for consumption after purchase. If, for example, a vendor is offering produce samples they must attain a permit because the consumer is not able to wash the sample so the distributor is liable for the transmission of any food borne illness.

Most food related regulations that pertain to public health such as the certification of meat or the use of bio-pesticides are regulated by State and Federal agencies.

# Identified Barriers and Recommendation for Urban Agriculture in Seattle

## A. Address municipal and state governance improvements

### 1. Definitions of land uses that relate to Urban Agriculture

The definitions that currently inform the application of Municipal Code imply agricultural activities at a scale beyond the level of community gardening currently undertaken in Seattle's P-patch gardens, thus limiting the inclusion of small scale gardening and farming activities in residentially zoned areas of Seattle. *Urban Agriculture* is a broad term that can be associated with a range of activities, but clarification on the definitions included in Seattle Municipal Code could add gradations to the types of desired activities and facilitate the permitting of gardens or small farms in a wider variety of locations throughout the city.

Based on the range of stakeholder interests we can summarize the following activities: growth of food crops for personal consumption, growth of food crops for donation, growth of food crops for sales/profits. In a concise document prepared in March 2009 by Public Health Law and Policy titled "Establishing Land Use Protections for Community Gardens," support is given for distinguishing between *urban farms* and *community gardens* in contrast to using the umbrella term of *urban agriculture*:

"Other communities distinguish agricultural production (*urban farms*) from community gardens. These communities view urban farms primarily as commercial or entrepreneurial enterprise and community gardens as recreation or leisure activity for gardeners to grow food for themselves or to share with neighbors. As a result communities may create separate definitions for urban farms and community gardens and regulate them separately."

This distinction could facilitate the creation of additional community gardens and create agricultural economic opportunities, but three elements should be considered with this recommendation.

- The lack of distinction between community gardening and urban agriculture could limit the use of lands in certain zones in the city, but cementing a differentiation between the two could also result in P-Patch (and Department of Neighborhoods) finding their scope of oversight does not match the goals or activities in newly distinguished categories of agriculture.
- Stakeholders in community meetings indicated a strong interest in improving their ability to sell produce within the city. Policies that would potentially indicate preference for community gardens vs. small scale farms-for-profit may not appropriately address the concerns and desires of stakeholders in this issue.

Increasing the number of community gardens in under-served neighborhoods may not necessarily equate to greater food security and equitable access for those residents. According to a 2007 P-Patch Survey: "Economically, P-Patchers are as diverse as their community. 55% of P-patch gardeners are low income (defined as earning 80% of median income for Seattle Bellevue area which was \$75,600 in 2007). More than 75% of gardeners earn less than median income". For those that garden, it is a significant source of food. In addition, P-Patches donate to local food banks, which helps in local food security. However, permitting for small-scale urban farms for the sale of food ensures that those community members with the ability and interest to devote resources to food production would have the means to sell their produce within their community.

### 2. Land use zoning policies

Though technically the City of Seattle zoning ordinance allows for growing food on any parcel in the city except along the waterfront (SMC Chapter 23.60), Seattle doesn't have unique zoning classifications for urban agriculture. Such an approach could help give tax benefits to land owners for permitting and encouraging these activities on their land. Planning for Healthy Places, a program of

the Public Health Law & Policy Public Health Institute of California, has published a document providing guidance on establishing land use protections for community gardens. They give two types of model zoning ordinances that communities could consider adopting: 1) Open Space Protections for Community Gardens and 2) Use Zone Protections for Community Gardens.

They are defined as follows:

**Open Space Protections for Community Gardens.** *The model zoning code language provides that a community garden can be zoned as a sub-district or sub-use within an open space zoning district. By enacting this policy, a community can protect and preserve community gardens as an open space use.*

**Use Zone Protections for Community Gardens.** *The model zoning code language provides that community gardens are an approved use of land in residential, multifamily, industrial, and other districts added by the community where appropriate. This designation allows citizens to develop and maintain community gardens in the enumerated districts without requiring the sponsor to obtain a permit, finding, variance, or other government approval.*

As urban agriculture and community gardens do not have unique use classifications, land use planners usually interpret them as an "open space" use. However, community gardens are also not specifically called out in the definition of "open space" in Seattle's Land Use Code definitions (SMC Chapter 23.84).

*"Open space" means land and/or water area with its surface predominately open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable natural resources, and structuring urban development and form.*

As for approved use of land in other zoning districts, agricultural uses and horticultural uses (as defined in SMC 23.84) are not currently permitted in Residential Zoning Districts. While this does not permit the homeowner from gardening in his or her yard, it would prohibit larger scale gardening that would be needed for community food production. The Local Food Action Initiative ("LFAI", detailed in Resolution 31019) establishes goals for DPD to identify codes that "support or conflict with the goal of potential future development of urban agriculture and market gardening," with the intent of eventually allowing urban farming in residential zones. Andrea Petzl from DPD is evaluating language for urban agriculture as a potential accessory use ("*Accessory use" means a use that is incidental to the principal use.* SMC 23.84.002), which may be easier to legislate than if they were trying to make food growing the principal use of lands within the city.

Although the addition of agricultural uses permitted as primary or accessory within Seattle's zoning system may facilitate the outright permitting of small food-production sites, it should be noted that any potential re-zoning of lands that fall within Urban Villages or Urban Centers is currently not permitted to result in density any *less than* 125% of growth targets set forth in the Comprehensive Plan (23.34.008, §A.2). In order to accommodate continued access to fresh produce within increasingly densified neighborhoods, it will be important to encourage and facilitate roof top gardens and access to farmers markets. Attention should be given to this code section in addition to related policy or incentive programs such that developers are given provisions to incorporate these features in their projects.

Several cities across the US have already adopted land use policies on urban agriculture. Boston, MA, Portland, OR, and Cleveland, OH all have code that specifically calls out community (or "urban") gardens for protection, in the definition of open space, or as a designated district or subdistrict.

- **Boston, MA**

Article 33 of the Boston Zoning Code created an Open Space designation, encouraging the preservation of such lands. Section 33-8 established a subdistrict specifically for Community Gardens.

**SECTION 33-8. Community Garden Open Space Subdistricts.**

*Section 33-8- Community Garden Open Space Subdistricts. Community garden open space (OS-G) subdistricts shall consist of land appropriate for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity; such land may include Vacant Public Land.*

- **Portland, OR**

Portland's definition of a Parks and Open Areas zone includes Community Gardens. Other places in the code state a purpose to preserve and enhance Open Space zones.

**33.920.460 Parks And Open Areas**

*A. Characteristics. Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, **community gardens**, or public squares. Lands tend to have few structures.*

- **Cleveland, OH**

As mentioned specifically in the language of the code, Cleveland has created a unique district for Urban Gardens to ensure their protection.

**336.01 Urban Garden District**

*The "Urban Garden District" is hereby established as part of the Zoning Code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.*

### 3. Developer incentives

There are two categories of government incentives for urban agriculture in planning and development that we have looked at: 1) those that include urban agriculture in landscaping plans for new developments, and 2) those that preserve or create space for urban agriculture in a site unrelated to the proposed development site. Seattle's Green Factor program, through DPD, though not an incentive program in and of itself, contains a bonus for urban agriculture, while there is still opportunity for developing a program, such as Transfer of Development Rights, that provides the incentives of the second.

#### 1) *Green Factor*

The Green Factor program, landscape requirements developed by DPD, guides developers and designers in improving and increasing planted areas in new developments. A scoring system encourages green features, while allowing the flexibility to experiment with various combinations of elements to meet the minimum Green Factor score.

The Green Factor was first adopted as part of the Neighborhood Business District Strategy, in an effort to spruce up neighborhood centers, with the intention of promoting the growth management

strategy of Seattle's Comprehensive Plan.

Based on community and developer feedback, the Green Factor standards were updated in early 2009 (Ordinance 122935, and codified in SMC 23.86.019). One improvement created a bonus credit for food cultivation — any landscaped area gets 10% more credit in their score sheet if it produces food. According to DPD, this is construed broadly, and could mean P-patches, fruit trees, culinary herbs on a green roof, etc.

In addition to Green Factor, DPD also recently started the Priority Green Permitting (PGP) program, which helps "innovative projects that will serve as visible models of high performance and sustainability," through the adoption of green building practices. One of the listed priorities in the PGP matrix that can count towards a project's total "points" is the capacity to "[p]roduce food on site, physically covering an area equivalent to 10% of site area."

Green Factor and PGP are great steps in the right direction, and further monetary and other incentives should be explored to specifically encourage green roofs and food production in private and public developments. However, the current programs focus only on new developments - what about existing buildings? Though not all commercial or residential developments have usable roof access - this is a concern shared by DPD - perhaps tax credits, expedited permitting, or other financial incentives for retrofitting for green roofs could be explored.

For instance, while not urban agriculture specific, Portland offers comprehensive policies to encourage green roofs, including a density bonus based on eco-roof coverage, up to \$5 per square foot to help reduce stormwater infrastructure, a stormwater fee offset, and a rule that mandates a minimum of 70 percent eco-roof coverage for all city-owned facilities. The Fairmont Waterfront Hotel in Vancouver, British Columbia, saves its restaurant \$30,000 in food costs per year by growing herbs, flowers and vegetables on its accessible roof.

## *2) Transfer of Development Rights (TDR)*

In Seattle and King County, TDR programs work to preserve land (sending sites) by offering incentives to relocate development to urban, high density areas (receiving sites). Typically, the owner of a sending site will receive money in exchange for an agreement to disallow further development, whereas a developer will pay for the right to further develop in a receiving site. Developers and sellers (owners of certified TDR) can negotiate sales of these rights directly, or the City can purchase TDR and hold it in its "TDR Bank" for later resale. The type of land preserved in these arrangements depends on its location. In King County, the TDR program designates rural property or farmlands as sending sites, whereas the sending sites in Seattle's TDR program are typically lots with affordable housing, landmark buildings or "major" open space ("Open Space TDR"). In the future, could TDRs provide incentives for urban agriculture by using the same model to protect smaller open spaces (in this case, community gardens) in exchange for smaller development projects in existing high density areas?

Rash and unprecedented development led to the establishment of the TDR program in Seattle in 1985. An effort to prevent one dimensional construction, the TDR program encouraged the retention of affordable housing. Subsequent significant changes to Seattle's downtown land use code in 2001 focused heavily on TDRs, and at which point Open Space TDR Eligibility was established (Ordinance 120443, later codified as SMC 23.49.017). Certification as an Open Space TDR site is overseen by the Department of Planning and Development. Unfortunately, sites eligible for Open Space TDR must have an area of at least 15,000 square feet. This and other requirements make community gardens and TDR sending sites a less than ideal fit, but it doesn't seem like a far stretch to imagine expanding and refining the requirements for an Open Space TDR to include urban agriculture, or pursue the addition of a distinct type of TDR, whose eligibility was determined by future or current accommodation of a community garden.

Local food production is not completely off the government's TDR radar. King County is in the early stages of working on an initiative to protect currently unprotected farmland in rural King County on which produce is grown that is ultimately sold at farmer's markets. The initiative would identify the

unprotected property, and the county would protect them, by linking up the development rights of the property with developers who want to buy those rights. Additionally, a TDR Bank would buy some of the development rights to be sold to developers later, too. The King County TDR program staff is in talks with Seattle (as well as Sammamish and Bellevue) and plan to present the proposal to the Seattle City Council in March. However, as of yet, there is nothing in Seattle that designates sites used for community gardens eligible as a sending site. The Sound Food Report recommends the institution of "a program for transfer of development rights for agricultural land protection and purchase," but still does not specify agricultural land in urban settings.

The ideas behind this kind of proposed program are far from unheard of, and the notion of protecting urban community spaces from development aligns with the mission statements of urban land trusts such as Chicago's NeighborSpace and New York's Trust for Public Land. In fact, on a smaller scale, Seattle's P-Patch Trust works to preserve open space by acquiring lands for urban gardens. However, whereas most land trusts rely on grants, donations or government funding, the creation in the Seattle Municipal Code of a Urban Agriculture TDR would create a market-based land preservation tool, tapping into the drive and resources of developers.

#### 4. Regulation of food production

To create clarification for future policy development the municipality could codify the regulations for food production. Policies such as use agreements or programs that promote urban agriculture could refer to this code for consistency and best practices in food production. Further clarification could be made within a food production section by referencing current rules relating to animal husbandry, bee keeping and other practices.

The P-Patch program administers a set of comprehensive rules for community garden participants (See Appendix E), which address key issues such as maximizing land use, fostering cooperation and maintaining productive and healthy gardening practices. Food production code could call for organic food production within the parameters of the Revised Code of Washington, Organic Food Products Chapter 15.86. Alternatively, municipal code could expand upon the rules P-Patch has set forth, such as prohibiting synthetic chemical insecticides and herbicides to still insure safe practices without inhibiting production through the extent of USDA organic certification procedure. Additional language could be included that would address soil building and composting methodologies such as prohibiting the composting of meat products.

An Urban Planning graduate from the University of Michigan drafted language that would codify urban agriculture as a land use for an Urban Agriculture District for the Detroit Zoning Ordinance (See Appendix F). Although this language was developed for zoning it could also serve as a starting point for developing definitions for food production.

#### 5. Sale of agricultural products

##### *1) Sale of Agricultural Products Produced on Public Land:*

Permitting the sale of agricultural products produced on public land could potentially develop the local food system, generate income for growers, and create incentives for the development and stewardship of under-utilized property. There are however many foreseeable problems with for-profit urban agriculture on public land, such as labor receiving a livable wage or long term lease conflicts on properties developed for agriculture. Regardless of potential problems, the foremost issue is that the Washington state constitution prohibits for-profit gain from gifted public property or resources. Legal issues of this provision are discussed in an in-depth memo prepared by The Public Health Law and Policy project of the nonprofit Public Health Institute. (See appendix G)

Article 8: State, County, and Municipal Indebtedness, Section 7: Credit Not to be Loaned, states:

"No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation."

The Seattle Market Gardens program is an excellent example of utilizing public resources to generate agricultural revenues for low income populations. The program operates gardens within Seattle Housing Authority developments that create produce subscriptions available to the general public in a Community Supported Agriculture (CSA) enterprise. The Department of Neighborhoods supplies staff to support the 12 gardens and the non-profit P-Patch Trust does marketing for the subscriptions and provides financial support.

Seattle could further develop CSA enterprises for low-income populations or for education purposes by utilizing public land, seeking partnerships and managing additional programs. Such programs could provide work force training in agricultural production systems for at-risk youth, or other marginalized populations, while providing agricultural products for the local food system. An example program could utilize Seattle Public Utilities surplus land underneath power lines to create an animal husbandry training center. Partnership could be sought with an animal husbandry non-profit that could act as the fiscal agent in a private-public partnership. The center could offer to train community members in safe animal production and work with the department of public health to offer licensing for animal slaughter and permits for sale. A percentage of food produced could be offered to food banks or the program could be tailored to seek participation from immigrant communities who may have an interest in raising animals at home under the current code provisions. Many Islamic immigrants may be moved to participate, as a common tradition in Muslim cultures is to house and feed a Ram in preparation for slaughter during the religious holiday Eid-ul Adha. As a result, cultural exchange could occur in the exposure of Halal practices to others involved in animal husbandry. Additionally, the current policies that allow agricultural practices in Seattle would be disseminated to broader populations.

## *2) Sale of Agricultural Products Produced on Private Land*

To expand the possibilities for the production of food by individuals from their homes, land use codes would need to be revised to permit this activity in residential areas, as is discussed in the land use zoning policies section of this report, but DPD would also need to address regulations governing the use of ones' home as a business, called Home Occupation. Andrea Petzl in DPD identified this issue. She is currently reviewing potential revisions to facilitate outdated home business regulations, which could benefit urban agriculture and other home businesses.

## ***B. Improve access to information and interdepartmental communication***

This is a problem that faces both community members and government staff. Community members interested in the laws and policies governing urban agriculture and land use must contact several agencies (DON, DPD, Parks, possibly FFD), or trawl through unfamiliar city code and ordinances. A municipal department, or committee (such as a Food Policy Council) that had dedicated resources and knowledge base for urban agriculture in Seattle would be a great boon to community members, as well as government staff. As explored above, it would appear that standardized forms and procedures could improve communication and agreements between departments.

### **1. Unintentional conflicts and consequences of code changes**

All of the suggestions for code changes in this report are designed to benefit urban agriculture and or community gardening. Sometimes however code changes can have negative side effects of otherwise good intentions. Recently in Seattle, Council Bill #115096 amended SMC 5.48.050 that changed the yearly drainage tax code for residential lots from a flat fee to an area based fee. Most residents

either did not notice a difference or had a negligible decrease in their fees. However, a minor oversight by the city council has had a major impact on one family in Seattle. The Sferra's, who own the last working private farm in Seattle, felt the change as their tax went up 835% and are now being asked to pay more than \$8000 for the tax. The tax was raised by the Seattle Public Utilities (SPU) and admits it was unaware of the farm when they made the change. One possible consequence is that the Sferra's will likely have to sell portions of their property to developers to reduce the tax, which reduces urban agriculture in Seattle. An information officer for SPU said that the farm was receiving a much reduced rate over the years and that a change would have to come from the City Council. Fortunately, the City Council did just that with ordinance #122821 that updated definitions and provided a reduced rate for open space properties. The major changes that ultimately will save the Sferra's farms were:

*N. "Open space properties or parcels" means any General Service or Large Residential properties, parcels, or portions thereof classified for current use taxation under King County Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.*

*5. Effective on the effective date of this ordinance, open space properties or parcels shall be charged only for the area of impervious surface and at the rate under which the parcel is classified using the total parcel acreage.*

All told 68 parcels in Seattle are benefiting by this proactive corrective change with as much as a 90% reduction in drainage taxes to those properties.

## 2. Metadata and indexing of codes and resolutions

The information compiled to complete this project was extensive, but by no means exhaustive, as became apparent during our research phase. As has been discussed above, there are multiple city and county agencies that have a stake in, or otherwise govern activities related to urban agriculture, and they interact with City Council and the Mayor to respond to directives or amend rules. Systems are set in place to provide the public access to all governmental documentation via the City Clerk's Office, which includes a searchable database of legislative testimony, council bills and ordinances, municipal codes, and a host of other documents filed as comptroller (or clerk) files. Ordinances and Resolutions are often discussed or written about in the public sphere, but the more complex underpinnings of our regulatory structure are in the Municipal Code, and are dense and designed to be interpreted and applied by professional land use planners. While the database system is a beneficial public service, research was complicated by inconsistencies in metadata, also called "indexing", which adds categorical identification to each code or document, allowing it to be searched by keyword.

The need to have a clear understanding of the laws that shape this issue is key. During meetings in March and April of 2009 organized by University of Washington Master's Student Amelia Wren Conlen to address issues in urban agriculture, many stakeholders cited difficulty accessing and understanding the many layers of rules and policies that impact agricultural activities. While behind the scenes work is being undertaken throughout city departments to assess policies and work towards improvements, the public's ability to access the information pertaining to these decisions is paramount. This barrier is particularly relevant in light of a recent City Council decision to not index records; Kent Kammerer wrote in a May 13 article on Crosscut.com: "At its April 27 meeting, the Seattle City Council unanimously voted to exempt itself from a longtime (1972) Public Records Act requirement, with the declaration that indexing of public records would be 'unduly burdensome.'" Kammerer notes that this may open the city up to lawsuits in the future, but will certainly impede community member's ability to make sense of the complex rules and requirements that permit them to perform agricultural activities within the City of Seattle.

City departments are certainly making efforts to help clarify information for public use via a series of documents called Client Assistance Memos (CAMs), although these explanatory documents are not

part of the City Clerk database system. They appear, categorized by subject on DPD's website but are not searchable by keyword so one would need to pore through each one to see if its contents affect urban agricultural activities. (Two important examples for our purposes are CAM 236 describing Home Occupation rules, and CAM 2305 describing changes to rules governing gardening in parking strips. Both are included in Appendices B & C of this report.)

### 3. Interdepartmental land agreements

While vacant city land potentially suitable for urban agriculture was identified in Growing Green, most of the departments do not have processes in place to directly respond to community groups who would like to use the land for community gardens. DON has created through its P-Patch program the infrastructure within which community gardens are both created and managed, and therefore, along with help from P-Patch Trust, acts as the broker between landowners and potential gardeners. When securing land for a new P-Patch, DON or the P-Patch Trust negotiate the use of land with private owners or directly with other city departments. DON will usually try to negotiate a five-year lease with the landowner. If leasing is not an option, DON will explore ways to raise funds for the purchase of a particular piece of land. Vacant or unused city land is sold through the Fleets and Facilities Department. Since leases and agreements are between the landowner and DON's P-Patch program, the department and program oversee the land and its community gardening use. As the number of DON-leased gardens grows, the need to increase capacity for P-Patch program staff for garden oversight also grows.

There are several potential issues that we believe could be addressed to strengthen the agreements between DON and other municipal landowners that are acting as the seller or leaser in a real estate transaction. First, while DON already has agreements with most of the relevant city departments in place, the agreements are not standardized, nor are they necessarily streamlined. Second, city agencies use Memoranda of Understanding or permits to facilitate these land transactions, but they are unrestricted in terms. Third, if it is Utility property (SPU or City Light), then it was acquired with rate payer funds and must be purchased, even by a fellow city agency. Property that is acquired through City general fund acquisition has more freedom in disposition. Thus P-Patch was recommended for the Hawkins garden as a result of FFD's disposition process.

#### *1) Agreement Variation*

If a piece of city land is identified as both suitable and available for development of a P-Patch (as well as approved by the community, possibly through public meetings), DON will pursue a land use agreement with the department that owns the land. However, the types of agreements vary department to department: some are informal, some are Memoranda of Understanding, and some agencies, such as the FFD, do not have a direct agreement with DON.



Below is the documentation of such current agreements, as presented by DON to City Council.

**Process for Developing P-Patch on City Land**

<i>Agency</i>	<i>Overarching agreement</i>	<i>Process</i>	<i>Restrictions</i>
Parks and Recreation	Policy Allowing P-Patches via Memorandum of Understanding	<ul style="list-style-type: none"> <li>New Parks - community design process includes P-Patch</li> <li>Existing Park -- P-Patch</li> </ul>	<ul style="list-style-type: none"> <li>Plan requires review by staff</li> <li>Plan must meet applicable Parks standards (e.g. for water systems or formal play equipment).</li> </ul>
City Light	Special Use Permit	<ul style="list-style-type: none"> <li>P-Patch staff contact real estate unit to assess potential site.</li> <li>There is no fee charged to P-Patch</li> </ul>	<ul style="list-style-type: none"> <li>Certain limitations apply, including no buildings restrictions on size of structures and</li> </ul>
SDOT - Right of Ways	P-Patch Permit via Memorandum of Understanding	<ul style="list-style-type: none"> <li>Apply for permit, plan and construction review.</li> <li>Fees for review time are charged to P-Patch.</li> </ul>	<ul style="list-style-type: none"> <li>List of accepted elements is okay, anything else requires additional review</li> </ul>
SPU	No agreement at this time	<ul style="list-style-type: none"> <li>We have started discussions with the real property services about sites and process.</li> <li>There may be potential fees.</li> </ul>	No gardens are allowed on capped reservoirs.
FFD	No agreement at this time	Informal	None

As shown in the chart above, the processes and the agreements are not standardized across departments. Although one can understand the unique requirements of different agencies necessitating different types of clauses, it may be beneficial for the various departments involved to explore a common agreement that would work for all municipal agencies that enter into land use agreements with DON.

Because giving DON management duties over a parcel of land truly benefit the landowner (while promoting city goals of usable open space), those agencies that require fees for permitting and review time may want to consider waiving them for DON.

The last issue identified in this agreement matrix is the strength of the agreements. Some agencies do not have any agreements with DON at this time, while others have Memoranda of Understanding or other, more "informal" agreements (in the past Parks has used "handshake agreements"), which could leave the land and gardens vulnerable. A clause in the MOU between DON and Parks states that the use as a P-Patch of Parks property may be terminated whenever Parks "determines the property is needed for a different use".

While DON has not identified land use agreements as a specific barrier at this time, it may make sense to standardize, streamline, and secure these types of land use agreements and processes with other departments.

If this land use agreement structure were expanded to apply to organizations (or individuals) outside of P-Patch, the agencies involved would also need to address concerns of liability.

## 2) Lease Length

When a new neighborhood P-Patch is approved for a piece of property on city land, DON must make an agreement with the appropriate agency. SMC 3.35.080 gives DON the authority to pursue a lease agreement on behalf of the City. However, this same section caps the length of such a lease at five years initially:

### **SMC 3.35.080 Leases and agreements authorized.**

*The Director of Neighborhoods (Director) is authorized, for and on behalf of The City of Seattle as lessee, to enter into, renew, modify and administer leases and agreements to lease any property within The City of Seattle for use as P-Patch community gardens or for similar open space use. Such leases shall be on such terms and for such periods, **not to exceed five (5) years** (exclusive of renewals at the City's option), as the Director may find prudent or as may be required by fund sources, provided that unless otherwise authorized by ordinance the combination of all such leases and agreements shall not commit the City to aggregate payments in any year in excess of Two Thousand Dollars (\$2,000). The Director is further authorized to negotiate, accept, execute, record, administer, and enforce, for and on behalf of the City, easements, covenants, or other agreements from property owners and lessees, committing the use of land for P-Patch purposes for specified periods or in perpetuity, provided that without express City Council approval such agreements shall not impose material obligations on the City with respect to the property beyond those for which funds shall have been appropriated at the time of such acceptance.*

Policymakers should consider extending the initial lease period to allow for continuity in community gardens. Other cities have adopted much longer terms for community garden leases. For instance, NeighborSpace is a Chicago, IL organization that brokers land agreements between community members and the city. Their land agreements allow for a 99-year lease of city land for community gardening - for one dollar!

## 3) Land Purchase

Though purchasing land outright seems to be a last resort for DON, when able, they provide support to community groups interested in locating and acquiring funds, through private foundations, or public money available for open space. The Fleets and Facilities department, in addition to acting as both landlord and tenant representative in some leasing transactions, also oversees the sale or disposition of excess city property. As discussed earlier, City Council adopted a resolution that established procedures that govern how the city deals with unused and/or vacant property.

When a parcel of land becomes excess, such as those identified in *Growing Green*, the jurisdictional department must prepare several documents, including a Notice that is distributed to city departments and relevant public agencies describing the property and alerting on its availability. Along with the Notice, the department also distributes forms that agencies can use

to declare their both their interest in the property and proposed uses. At this time, notice is also provided to neighboring community members and community groups soliciting public comment. The jurisdictional department is responsible for reviewing the proposed uses and public input before sending their recommendation to FFD's Real Estate Services. A similar notice and comment period follow the preliminary report describing the recommendation of RES before approval from the Real Estate Oversight Committee, and finally the City Council, can be given. Public hearings may precede City Council action.

Only property that is in excess of 2,000 square feet will trigger the public notification requirements. This is also this minimum area considered in Growing Green, a guideline originally developed by DON as suitable for P-Patches. When the jurisdictional department initially files its Excess Property Notice, RES will provide assistance identifying which groups to notify and the geographic location of the potentially interested groups. The disposition policies specify that community associations and environmental groups should be considered. At this point the public has 30 days to submit its comments, suggestions, and recommendations. As mentioned above, as the process continues there will be additional periods of comment as the jurisdictional department and RES solidify their plan for the property. Those who comment initially will be more likely to be kept in the loop. This is one of community members' best shot at working with DON to help secure a piece of public property.

So while the process for disposition of city property allows for community involvement to the extent which enough support for a community garden could eventually result in a P-Patch, P-Patches are not specially called out as a priority use in the disposition procedures, nor does the FFD have any overarching agreement with DON for developing a P-Patch on its property. With such a lengthy and complicated disposition process, and as all the information on city property is aggregated by FFD, it would seem like a good centralized place to implement procedures that addressed priority for P-Patch development.

#### *4) Model Program*

As mentioned above, NeighborSpace is a Chicago-based nonprofit organization that helps community members both secure and acquire land for managed parks and gardens. Though not a city department, NeighborSpace effectively acts as the sole broker of land arrangements with the city. A similar program in Seattle could streamline the process for urban agriculture land use arrangements.

In an effort to create more community open green space in the city, an intergovernmental agreement between City of Chicago, Chicago Park District, and the Forest Preserve District of Cook County established NeighborSpace. NeighborSpace was charged with the mission to acquire and preserve small community developed gardens, and in return, the three governmental agencies provide leadership and financial support. One driving force was the 40,000 vacant lots across the city, coupled with the public's demand for open space.

NeighborSpace community managed spaces are secured against potential development, provide basic liability insurance for those using the land, and may have additional garden- or park-related materials provided when available. Additionally, NeighborSpace is tapped into a large group of partner organizations that may be able to supply materials, funding, and technical assistance and training.

NeighborSpace sites are open to the public and typically focus on conservation, recreation, preservation, community food production, and beautification. They also provide opportunities for socialization and educational activities. In order to have a site considered for acquisition by NeighborSpace, community members (led by an appointed "Garden Leader") must fill out a NeighborSpace application, sign a memorandum of understanding, show the support of a proposed partner organization, and propose a design for the layout of the site. Applications are reviewed for feasibility of acquisition (largely determined by the owner's willingness to sell), long-term viability (considering the needs, resources, and leadership of community members), and the environmental integrity of the property.

If the application and site qualifies, NeighborSpace pursues acquisition of the property. Generally, NeighborSpace will cover necessary costs for the acquisition, but in special circumstances may need additional funds for extensive testing or soil remediation. 77% of acquisitions have been public property that were purchased for as little as \$1.

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 Garden Leader," 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 also signs on as the "NeighborSpace Community Organizational Partner." At the same time, NeighborSpace begins providing basic liability insurance for those who use the site.

They have 69 gardens protected through ownership or lease and more in the works. They initially did not focus on stewardship, monitoring or education but incorporated these things through their progression. At first most clients sought to protect their non-legally acquired or occupied spaces from development but now support for land identification as well as acquisition is requested more frequently.

#### 4. Interdepartmental communication

As has already been discussed, food policy is a multi-faceted issue that can be found in the scope of work of most city departments. During our research and in attending various meetings, the conflict of communicating and collaborating across departments continued to arise. This could be attributed to the responsibilities of departments being specifically outlined and often disconnected despite their interdependence. According to several municipal employees, informal interdepartmental communications are common and it is important to draw on the expertise of various individuals throughout the city.

The Local Food Action Initiative acknowledges the benefits to greater collaboration and includes the following two goals in Section 1.

*g. Develop and enhance partnerships within the City, as well as regionally, to research and promote local solutions to food issues.*

*h. Establish a strong interdepartmental focus among City departments on programs and policies affecting food system sustainability and security.*

The re-establishment of an inter-departmental team to address the many diverse laws and codes that are involved in urban agriculture could increase collaboration. This team should be re-created with a clear set of objectives from policy makers and elected officials to formalize their responsibilities.

The Sound Food Report identifies the Office of Economic Development as an influential and capable source for progressing food policy by "connecting private business and other city departments". A case-worker position for inquiries regarding urban agriculture could be created within the Office of Economic Development or the Department of Planning and Development.

#### 5. Departmental collaboration with outside organizations

As we have mentioned partnerships with outside organizations such as the AFPC are greatly beneficial in offering resources and expertise. The Sound Food Report promotes collaboration with outside organizations such as the P-Patch Trust, described as follows, "*P-Patch Trust is often not as involved in the planning process for parks as other organizations. Participation at a greater level would increase their chances for park land conversion to P-patches*". Any increased involvement in the Parks department planning process by the P-Patch Trust would increase the viability of community gardens and agriculture in Seattle. Since the release of the Sound Food Report, the P-

Patch Trust has increased their involvement by getting a member on the Seattle Board of Park Commissioners and the Parks and Green Spaces Levy Oversight Committee. The volunteer board consults with and makes recommendations to City Council, the Mayor, and the Parks Superintendent regarding policies for the planning and development of Seattle's Parks.

## 6. Lack of dedicated department for urban agriculture

Currently, the primary government department that regulates and maintains city gardens in Seattle is P-Patch, a program run by the Department of Neighborhoods. The management of P-Patch by DON has obvious benefits - DON has maintained an amazing, thriving program that attracts a large number of community members, all while fostering community involvement and providing excellent resources for existing P-Patches. However, there are three foreseeable issues that would lend credence to the idea of having a dedicated City of Seattle department for urban agriculture. First, under the umbrella of DON's intended scope, the P-Patch program cannot expand to include urban agriculture outside of community gardens. Second, because of that restriction, we lack a dedicated department that serves as the knowledge base for the wide variety of policies that support, hinder and affect urban agriculture - not just those that pertain to community gardens. Last of all, DON and P-Patch's resources are limited. Hopefully, a dedicated department could secure funds specifically for urban agriculture.

### 1) *Purview*

Creating community gardens since the seventies, the P-Patch program didn't come under the Department of Neighborhoods until the 1990s. While DON has provided a lot of support and money through the Neighborhood Match Fund for community gardens, it is the community building focus of DON that prevents it from expanding to manage a broader range of urban agricultural activities.

DON's mission statement is as follows:

*The Department of Neighborhoods works to bring government closer to the residents of Seattle by engaging them in civic participation; helping them become empowered to make positive contributions to their communities; and by involving more of Seattle's underrepresented residents, including communities of color and immigrants, in civic discourse, processes, and opportunities.*

Their mission aligns perfectly with that of P-Patch. However, while the focus of P-Patch has always been community building (and we are not suggesting that change!), we have viewed community gardening as a subset of urban agriculture. Urban agriculture encompasses much more than community gardens: It includes vegetable gardens on green roofs, it includes workers collectives starting a CSA, it includes the home gardener who would like to grow (and possibly sell) agricultural products from their backyard, and much more. Because of DON's aim of serving communities, it is unable to support individual or private urban agriculture projects, or gardens in which the gardeners wish to sell their produce. Ideally, a dedicated urban agriculture organization could support *both* P-Patches and other types of urban agriculture as well, all while drawing from the experience and infrastructure of the P-Patch program.

### 2) *Knowledge Base*

Currently the rules and regulations that govern urban agriculture are spread out over several agencies, and it is difficult to find a single source for information. Department of Neighborhoods knows the ways and means in which a community garden can be started, but general land use regulations are addressed by municipal code developed by the DPD, and it was SDOT that recently published a Client Assistance Memo which regulates the necessary fees and permits for growing vegetables in the planting strip in front of your house. A department that handled all urban agriculture issues could cull all relevant code, provide interpretation, and help fill gaps where regulation was needed. They could also help recommend and interpret policy strictly from an urban agricultural point of view.

### 3) Resources

With sustainability and local food currently at the forefront of the public's interest, DON currently cannot match the demand to build and manage City-supported P-Patches. As mentioned earlier, the waiting list for a P-Patch plot is more than 1000 names long. It appears that it will require a larger staff and budget to narrow the gap between the number of interested community members and available P-Patches. A department of urban agriculture could exclusively dedicate all its funds and staff to managing both community gardening programs as well as more private food production avenues. If we take the model of P-Patch and P-Patch trust, it could also be recommended that a new urban agriculture department have a public-private partnership with a nonprofit that could focus on grants, fundraising, and advocacy.

Is creating a new department or organization necessary, or even feasible? Though a first step might be to increase communication between departments (*see Interdepartmental communication*), if Seattle wants to cater to the public's demand for urban agriculture resources, a dedicated department might be a better long-term solution. One possibility would be to expand the duties of P-Patch Trust to include all aspects of urban agriculture, or see what we can achieve once the government sanctions the Acting Food Policy Council. In fact, AFPC identifies the most important function of an FPC as serving "as a bridge between all of the local governments – city, county and state and all of the topic areas for a more comprehensive and coordinated approach to food policy." In the same vein, a report to the City Council's office by Max Morange calls for the creation of a "regional container for the Local Food Initiative Action," a organization for overseeing Seattle's food systems goals and plans. Ultimately, it seems we would benefit from a dedicated government department for urban agriculture that could cull resources and information.

## Conclusion

Seattle has a strong tradition of community gardening, it manages the P-Patch program that is admired across the country, and has a comprehensive plan that sets out municipal goals for increasing open space and agricultural activities. There are many parties currently involved in the development of urban agriculture in Seattle. The municipality has acknowledged its many benefits and is acting to progress the goals laid out in the Local Food Action Initiative. However, as more people become involved with P-Patches, or as they turn to options outside the system for growing their own food, it becomes more difficult for the infrastructure to accommodate the demand. As the benefits of a localized food system become more apparent and interest continues to grow, forethought and anticipatory actions will lead to a more effective and sustainable system. The Department of Neighborhoods and the Department of Planning and Development have the expertise to address many of these policy barriers, further served by the advising of the Acting Food Policy Council. The city has potential to foster more agricultural production and distribution through education, incentives, cooperation and dedicating resources. With the intention of both increasing and protecting the in-city opportunities for agriculture, we have highlighted some areas of municipal regulation that we think could be examined to help urban agriculture further flourish in Seattle.

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Personal Communication (via Email, Phone, and Meetings) with the following:

SuJ'n Chon - Seattle Department of Neighborhoods  
Richard Conlin - Seattle City Council President  
Chris Curtis - Farmers Market Alliance  
Darren Greve - King County TDR Program Manager  
Donald Harris - Seattle Parks and Recreation Department  
Jess Harris - Seattle Department of Planning and Development  
Ben Helphand - Neighbor Space  
Gary Kickbusch - Public Health Seattle & King County  
Andrea Petzl - Seattle Department of Planning and Development  
Mark Rowe - Public Health Seattle & King County  
Ray Schutte - P-Patch Trust  
Phyllis Shulman - Legislative Assistant to City Council President Richard Conlin

## Appendix A

### SDOT Client Assistance Memo 2305: Gardening in Planting Strips

*Last Revised 5/07/09*

Many Seattle residents are interested in planting vegetables and other edible foods in the planting strip immediately abutting their properties. Plants in planting strips vary greatly in their potential to provide optimum pedestrian and environmental benefits. SDOT encourages the installation of low (24-32 inches) shrubs, perennial or groundcover plantings that provide a superior degree of separation between the sidewalk and street at reduced maintenance costs. Under some conditions, a combination of the plantings and grass or plantings and pavers may be appropriate depending on the street classification and need to accommodate parking in the curb lane and allow appropriate sight clearances.

#### **Can I plant food in my planting strip?**

Yes. SDOT allows the growing of food in planting strips as long as setback and height guidelines are met. Please note that SDOT prohibits certain trees, including fruiting cherry, apple, and pear species that can pose a safety risk to pedestrians when fruit falls on the walkway.

#### **Do I need a permit to plant in the planting strip in front of my house?**

No, a Street Use permit is not required for gardening activities in the planting strip. However, a Street Use permit is required when planting a tree or installing hardscape elements, like raised planting boxes or pavers, in the planting strip. Street Use permits for these activities are **FREE**.

#### **How do I apply for a Street Use permit?**

You can apply for a Street Use permit online at:

[http://www.seattle.gov/transportation/stuse\\_permits\\_online.htm](http://www.seattle.gov/transportation/stuse_permits_online.htm)

You may also apply in person on the 23<sup>rd</sup> floor of the Seattle Municipal Building at 700 5th Avenue.

Be advised that when you submit your Street Use application, you are agreeing that you have followed all the setback and height requirements for your proposed installation in the planting strip.

#### **What are the setback and height requirements for installations in the planting strip?**

Maintaining appropriate clear distances between certain elements in the right-of-way and on private property is necessary for a variety of reasons. Safety is a key consideration—for the traveling public, the property owner and for operations and maintenance crews who must access elements in the right-of-way for routine maintenance or repair. Appropriate clearances also enable the proper growth and development of trees and landscaping, and help protect and maintain both overhead and underground utilities. The Seattle Right-of-Way Improvements Manual (ROWIM) provides information on the required clearances for planting strip treatments. The ROWIM can be found online at:

<http://www.seattle.gov/transportation/rowmanual/>

Planting height:

- Intersections. Plantings in planting strips shall be maintained to not exceed two feet (2') in height within thirty feet (30') of the intersection.
- Driveways. Plantings in planting strips within ten feet (10') of driveways shall be clear of sight obstructions between thirty-two inches (32") and eighty-two inches (82") in height from the ground.

Setbacks:

- Curb face. Closest part of any fixed object- three feet (3').
- Edge of sidewalk. Closest part of any fixed object- one foot (1').
- Utility pole/fire hydrant. Closest part of any fixed object-five feet (5').

Raised Planting Boxes:

- Size: Recommend six inches (6") to eighteen inches (18") in height, no more than forty feet (40') in length; and constructed to provide a minimum of three feet (3') unimpeded clearance at each end to provide pedestrian access between the sidewalk and curbside vehicles, in addition to applicable setbacks.
- Restrictions. Raised planting boxes may not be installed in planting strips less than three feet (3') in width.
- Planting heights in raised planting boxes shall be measured from the surrounding ground level rather than the ground level within the planting boxes.
- Planting boxes should not be made with creosote coated timbers. SDOT discourages other types of treated lumber for use as planting boxes.

#### **What happens in the winter when my food is not growing?**

The Seattle Municipal Code (SMC)10.52.030 requires the adjacent property owner or tenant to maintain the vegetation that impacts the sidewalk and planting strip area immediately adjacent to their property. You are also responsible for not allowing material to run-off into the storm drainage system or sidewalk area. For this reason, a cover crop should be planted for the winter months to hold the soil in place.

### **What kinds of food can I plant in my planting strip?**

SDOT does not regulate the type of vegetables that can be planted. However, the planting strip must be wide enough to allow enough room for the following:

- Vehicle clearance. There should be enough room for easy access from car doors.

- Pedestrian travel. There should be a 1' setback from the sidewalk to allow for pedestrian travel.
- Utility clearance. There should be enough room for setback and access to utility poles, vaults, meters and other utility installations.
- Visibility. Plantings should be low enough to allow for clear visibility from the street; generally, plantings must be below 3' to allow for visibility.
- Hardscaping. Pavers shall not exceed 40% of planting strip area. All planting or installations must be in compliance with the applicable regulations of the Seattle Municipal Code and ROWIM.

### **What if I wanted to create a P-Patch in my neighborhood?**

The Department of Neighborhoods manages the City's P-Patch program. Please refer to their website for information: <http://www.seattle.gov/neighborhoods/ppatch/>

### **Is the food I grow in the planting strip safe to eat?**

It is important to wash all produce before consuming. Please note that the City of Seattle and SDOT are not responsible for the quality of food that is produced. Also, if you have any concerns about the quality of the soil, you may want to have your soil tested prior to planting edible foods.

## **Appendix B**

### **DPD Client Assistance Memo 236: Businesses in Your Home: Home Occupations Allowed in Residential Zones**

*Updated June 13, 2008*

Home occupations are allowed as accessory uses in residential zones in Seattle, subject to certain conditions. In both **single family and multifamily zones** the following regulations apply:

- The home occupation must be conducted by one whose principal residence is the home or unit.
- The home occupation must be clearly incidental to the use of the property as a dwelling.
- The address of the home occupation may not be given in any advertisement or other media. Addresses may be given on business cards, as long as the card also states that business is by appointment only.
- Except for child care programs, only one person not a resident of the dwelling unit may work for the home occupation.\* This includes persons working off-site who come to the site for business purposes at any time.
- Home occupations must be conducted only within the principal structure or legal backyard cottages, (detached accessory dwelling units that are established by permit (see *Seattle Municipal Code* 23.44.041 and Client Assistance Memo (CAM) 116B, *Establishing a Backyard Cottage (Detached Accessory Dwelling Unit)*)).
- A legal backyard cottage is considered the home of the resident of the cottage. The same rules for home occupations apply to backyard cottages as to the primary structure.
- Child care and bed and breakfast occupations (see more on bed and breakfasts below) may be conducted only in the principal structure.
- No outdoor storage is permitted in conjunction with the occupation, and the only allowable exterior evidence of the occupation may be child care\* play areas or other outdoor features normally associated with residential use, such as normally allowed parking.
- A maximum of two passenger vehicles, vans or similar vehicles (less than 10,000 pounds gross vehicle weight) are permitted to operate in conjunction with the occupation.
- The occupation is limited to one commercial delivery daily Monday through Friday, and no commercial delivery is permitted on Saturday, Sunday or federal holidays.
- A home occupation may not cause or add to onstreet parking congestion or cause a substantial increase in traffic through residential areas.
- The occupation must not produce odor, dust, light and glare, electrical interference or other similar

impacts extending beyond the property line of the lot where the occupation is located.

For single family and duplex structures, home occupations within a dwelling unit may not take up more than 500 square feet of the dwelling unit, under the provisions of the *Seattle Residential Code* (section R202).

\* *NOTE: Anyone planning to operate a child care other than a Family Daycare Home, by Department of Social and Health Services definition, see CAM108, Regulations Governing Child Care Centers.*

### **Signs**

Externally illuminated or non-illuminated signs that do not exceed 64 square inches in area are allowed.

### **Alterations to Structures for Home Occupations**

If a home occupation requires physical alterations to the home, a building permit may be required depending upon how extensive the changes will be. See *Seattle Residential Code* section R105; *Seattle Building Code* section 106. To preserve the residential character and use of the dwelling unit, only interior and exterior alterations customary to residential use are allowed. In nonresidential zones, interior or exterior alterations may require a permit to change the use from residential to a use more appropriate to the nature of your business, such as live-work unit or light manufacturing.

### **Bed and Breakfast Establishments**

Bed and breakfast establishments are governed by rules different from other home occupations and there are additional permit requirements (see *Seattle Municipal Code* section 23.44.051 (Single Family zones); section 23.45.160 (Multifamily zones)). In a **single family zone**, any lot line of property containing any proposed new bed and breakfast use must be located 600 feet or more from any lot line of any other bed and breakfast use. In **single family zones**, neighborhood mitigation provisions are required:

1. The owner will make public transit information available to patrons, and the owner's operating plan must describe how the transit information will be made available to patrons.
2. The design of the structure in which the use is located and the orientation of the access will minimize impacts, such as noise, light and parking, to neighboring structures.
3. The owner's operating plan includes quiet hours, limits on programmed on-site outdoor activities, and parking policies to minimize impacts on residential neighbors.
4. The delivery of goods and services associated with the bed and breakfast use are accommodated at a time and in a manner that will limit, to the extent feasible, impacts on surrounding properties.
5. The operator of the bed and breakfast shall distribute the operating plan to all residents and property owners within 300 feet of the proposed bed and breakfast use. The distributed plan shall reference the Land Use Code provisions that require notice to neighbors; and provide contact information for DPD's Review and Inspection Center and contact information for the operator of the bed and breakfast. Applicants are required to provide proof of their good faith effort to distribute the operating plan before a permit establishing the bed and breakfast use will be issued.

The following conditions apply in both **single and multifamily zones**:

- Interior and exterior alterations consistent with the development standards of the underlying zones are permitted.
- New bed and breakfast establishments are permitted in single family homes and multifamily units that are at least five years old.
- A license for the bed and breakfast must be secured from the Seattle Department of Finance.
- There shall be no evidence of the bed and breakfast from the exterior of the structure, except that a modest sign, externally illuminated or non-illuminated of less than 64 square inches in area, is allowed.
- Bed and breakfast establishments must provide parking — one space for the dwelling unit and one space for each two guest rooms.
- The bed and breakfast may operate only within a single dwelling unit.
- The bed and breakfast may only be operated within the principal structure, not in an accessory structure.
- No more than two persons not residing in the dwelling unit may be employed in the bed and breakfast establishment.

In **single family zones** the following additional conditions apply:

- The bed and breakfast must be operated by the owner of a fifty percent or greater interest in the dwelling in which the bed and breakfast is located and that fifty percent or more owner must reside in the structure.
- The bed and breakfast may have no more than five guest rooms. (This limitation does not apply to bed and breakfasts which were established on or before April 1, 1987, and have been in continuous operation since that date.)

## Access to Information

### Animals

Businesses involving the keeping of animals have special rules outlined in the Seattle Land Use Code (Seattle Municipal Code, Section 23.44.048).

### Getting More Information

If you anticipate operating a business out of your home and are unsure whether the Land Use Code allows it, you may either: (1) Check the language in the Land Use Code, Section 23.42.050; or (2) Visit the DPD Applicant Services Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., to discuss your plans with a land use planner, available M/W/F, 7:30 a.m.-5:30 p.m., and Tu/Th, 10:30 a.m.-5:30 p.m.

NOTE: Due to the complexity of Seattle's Land Use Code, and the importance of providing you with the most accurate information that specifically addresses your situation, DPD staff does not answer questions on this topic by phone.

## Appendix C

Chart A  
for Section 23.47A.004  
Uses in Commercial Zones

USES	PERMITTED AND PROHIBITED USES BY ZONE(1)				
	NC1	NC2	NC3	C1	C2
<b>A. AGRICULTURAL USES</b>					
A.1. Animal Husbandry	A	A	A	A	P
A.2. Aquaculture	10	25	P	P	P
A.3. Horticulture	10	25	P	P	P
<b>B. CEMETERIES</b>					
	X	X	X	X	X
<b>C. COMMERCIAL USES</b>					
C.1. Animal Shelters and Kennels	X	X	X	X	P
<b>C.2. Eating and drinking establishments</b>					
C.2.a. Drinking establishments	CU-10	CU-25	P	P	P
C.2.b. Restaurants	10	25	P	P	P
<b>C.3. Entertainment Uses</b>					
C.3.a. Cabarets, adult (14)	X	P	P	P	P
C.3.b. Motion picture theaters, adult	X	25	P	P	P
C.3.c. Panorams, adult	X	X	X	X	X
C.3.d. Sports and recreation, indoor	10	25	P	P	P
C.3.e. Sports and recreation, outdoor	X	X	X(2)	P	P
C.3.f. Theaters and spectator sports facilities	X	25	P	P	P
C.4. Food processing and craft work	10	25	25	P	P
C.5. Laboratories, Research and development	10	25	P	P	P

C.6. Lodging uses	X(3)	CU- 25(3)	P	P	P
C.7. Medical services (4)	10	25	P	P	P
C.8. Offices	10	25	P	35(5)	35(5)
C.9. Sales and services, automotive					
C.9.a. Retail sales and services, automotive	10(6)	25(6)	P(6)	P	P
C.9.b. Sales and rental of motorized vehicles	X	25	P	P	P
C.9.c. Vehicle repair, major automotive	X	25	P	P	P
C.10. Sales and services, general					
C.10.a. Retail sales and services, general	10	25	P	P	P
C.10.b. Retail sales, multipurpose	10(7)	50	P	P	P
C.11. Sales and Services, heavy					
C.11.a. Commercial sales, heavy	X	X	25	P	P
C.11.b. Commercial services, heavy	X	X	X	P	P
C.11.c. Retail sales, major durables	10	25	P	P	P
C.11.d. Retail sales and services, non-household	10	25	P	P	P
C.11.e. Wholesale showrooms	X	X	25	25	P
C.12. Sales and services, marine					
C.12.a. Marine service stations	10	25	P	P	P
C.12.b. Sales and rental of large boats	X	25	P	P	P
C.12.c. Sales and rental of small boats, boat parts and accessories	10	25	P	P	P
C.12.d. Vessel repair, major	X	X	X	S	S
C.12.3. Vessel repair, minor	10	25	P	P	P
D. HIGH-IMPACT USES	X	X	X	X	X
E. INSTITUTIONS					
E.1. Institutions not listed below	10	25	P	P	P
E.2. Major institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
E.3. Religious Facilities	P	P	P	P	P
E.4. Schools, Elementary or Secondary	P	P	P	P	P
F. LIVE-WORK UNITS(8)	P	P	P	P	P
G. MANUFACTURING USES					
G.1. Manufacturing, light	X	10	25	P	P
G.2. Manufacturing, general	X	X	X	P	P

G.3. Manufacturing, heavy	X	X	X	X	X
H. PARKS AND OPEN SPACE	P	P	P	P	P
I. PUBLIC FACILITIES					
I.1. Jails	X	X	X	X	X
I.2. Work-release centers	CCU-10	CCU-25	CCU	CCU	CCU
J. RESIDENTIAL USES(9)					
J.1. Residential uses not listed below	P	P	P	P	CU(10)
J.2. Caretaker's quarters	P	P	P	P	P
K. STORAGE USES					
K.1. Mini-warehouses	X	X	25	40	P
K.2. Storage, outdoor	X	X	X(11)	P	P
K.3. Warehouses	X	X	25	25	P
L. TRANSPORTATION FACILITIES					
L.1. Cargo terminals	X	X	X	S	P
L.2. Parking and moorage					
L.2.a. Boat moorage	S	S	S	S	S
L.2.b. Dry boat storage	X	25	P	P	P
L.2.c. Parking, principal use, except as listed below	X	25	P	P	P
L.2.c.i. Park and Pool Lots	P(12)	P	P	P	P
L.2.c.ii. Park and Ride Lots	X	X	CU	CU	CU
L.2.d. Towing services	X	X	X	P	P
L.3. Passenger terminals	X	X	25	P	P
L.4. Rail Transit Facilities	P	P	P	P	P
L.5. Transportation facilities, air					
L.5.a. Airports (land-based)	X	X	X	X	X
L.5.b. Airports (water-based)	X	X	X	X	S
L.5.c. Heliports	X	X	X	X	X
L.5.d. Helistops	X	X	CCU	CCU	CU
L.6. Vehicle storage and maintenance					
L.6.a. Bus bases	X	X	X	CCU	CCU
L.6.b. Railroad switchyards	X	X	X	X	X
L.6.c. Railroad switchyards with a mechanized hump	X	X	X	X	X
L.6.d. Transportation services, personal	X	X	P	P	P
M. UTILITY USES					

M.1. Communication Utilities, major (13)	X	X	X	CCU	CCU
M.2. Communication Utilities, minor (13)	P	P	P	P	P
M.3. Power Plants	X	X	X	X	X
M.4. Recycling	X	X	X	P	P
M.5. Sewage Treatment Plants	X	X	X	X	X
M.6. Solid waste management	X	X	X	X	X
M.7. Utility Services Uses	10	25	P	P	P

#### KEY

A = Permitted as an accessory use only

CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)

CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)

P = Permitted

S = Permitted in shoreline areas only

X = Prohibited

10 = Permitted, business establishments limited to 10,000 sq. ft., according to 23.47A.010

20 = Permitted, business establishments limited to 20,000 sq. ft., according to 23.47A.010

25 = Permitted, business establishments limited to 25,000 sq. ft., according to 23.47A.010

35 = Permitted, business establishments limited to 35,000 sq. ft., according to 23.47A.010

50 = Permitted, business establishments limited to 50,000 sq. ft., according to 23.47A.010

#### NOTES

(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in section 23.47A.005E. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

(2) Permitted at Seattle Center.

(3) Bed and Breakfasts in existing structures are permitted outright with no maximum size limit.

(4) Medical services over 10,000 sq. ft. within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.

(5) Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010 D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010 D.

(6) Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.

(7) Grocery stores meeting the conditions of subsection 23.47A.010 E are permitted up to 23,000 sq. ft. in size.

(8) Subject to subsection 23.47A.004 G.

(9) Residential uses may be limited to 20% of a street-level street-facing facade according to subsection 23.47A.005 D.

(10) Residential uses are conditional uses in C2 zones under Section 23.47A.006 B3, except as otherwise provided above in Chart A or in that section.

(11) Permitted at Seattle Center, see Section 23.47A.011.

(12) Permitted only on parking lots existing at least 5 years prior to the establishment of the park and pool lot.

(13) See Chapter 23.57 for regulation of communication utilities.

(14) Subject to subsection 23.47A.004.H.

## Appendix D

Chart A  
For Section 23.50.012  
Uses in Industrial Zones

PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
<b>A. AGRICULTURAL USES</b>					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Horticulture	X	X	X	X	X
<b>B. CEMETERIES</b>					
	X	X	X	X	X
<b>C. COMMERCIAL USES</b>					
C.1. Animal Shelters and Kennels	X(1)	P	P	P	P
C.2. Eating and drinking establishments	P	P	P	P	P
<b>C.3. Entertainment Uses</b>					
C.3.a. Cabarets, adult	P(12)	P(12)	X	X	X
C.3.b. Motion picture theaters, adult	X	X	X	X	X
C.3.c. Panorams, adult	X	X	X	X	X
C.3.d. Sports and recreation, indoor	P	P	P	X	P
C.3.e. Sports and recreation, outdoor	P	P	P	X	P
<b>C.3.f. Theaters and spectator sports facilities</b>					
C.3.f.i. Lecture and meeting halls	P	P	P	P	P
C.3.f.ii. Motion picture theaters	P	P	P	X	X
C.3.f.iii. Performing arts theaters	P	P	P	X	X
C.3.f.iv. Spectator sports facilities	P	P	P	X(2)	X(2)
C.4. Food processing and craft work	P	P	P	P	P

C.5. Laboratories, Research and development	P	P	P	P	P
C.6. Lodging uses	CU	CU	CU	X	X
C.7. Medical services (3)	P	P	P	P	P
C.8. Offices	P	P	P	P	P
C.9. Sales and services, automotive	P	P	P	P	P
C.10. Sales and services, general	P	P	P	P	P
C.11. Sales and services, heavy	P	P	P	P	P
C.12. Sales and services, marine	P	P	P	P	P
D. HIGH-IMPACT USES	X	X or CU(4)	X or CU(5)	X or CU(5)	X or CU(5)
E. INSTITUTIONS					
E.1. Adult care centers	X	X	X	X	X
E.2. Child care centers	P	P	P	P	P
E.3. Colleges	EB	EB	EB	X(6)	X(6)
E.4. Community centers and Family support centers	EB	EB	EB	P	P
E.5. Community clubs	EB	EB	EB	X	P
E.6. Hospitals	EB	EB	CU(7)	P	P
E.7. Institutes for advanced study	P	P	P	X	X
E.8. Libraries	X	X	X	X	X
E.9. Major institutions subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB
E.10. Museums	EB	EB	EB	X(8)	X(8)
E.11. Private Clubs	EB	EB	EB	X	X
E.12. Religious facilities	P	P	P	P	P
E.13. Schools, elementary or secondary	P	P	P	P	P
E.14. Vocational or fine arts schools	P	P	P	P	P
F. LIVE-WORK UNITS	X	X	X	X	X
G. MANUFACTURING USES					
G.1. Manufacturing, light	P	P	P	P	P
G.2. Manufacturing, general	P	P	P	P	P

G.3. Manufacturing, heavy	CU	X or CU(9)	P or CU(10)	P	P
<b>H. PARKS AND OPEN SPACE</b>					
	P	P	P	P	P
<b>I. PUBLIC FACILITIES</b>					
I.1. Jails	X	X	X	X	X
I.2. Work-release centers	X	X	X	X	X
I.3. Other public facilities	CCU	CCU	CCU	CCU	CCU
<b>J. RESIDENTIAL USES</b>					
J.1. Residential uses not listed below	X	X	X	X	X
J.2. Artist's studio/dwellings	EB/C U	EB/CU	EB/CU	EB/CU	EB/CU
J.3. Caretaker's quarters	P	P	P	P	P
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	CU	CU	CU	CU
<b>K. STORAGE USES</b>					
K.1. Mini-warehouses	P	P	P	X	P
K.2. Storage, outdoor	P	P	P	P	P
K.3. Warehouses	P	P	P	P	P
<b>L. TRANSPORTATION FACILITIES</b>					
L.1. Cargo terminals	P	P	P	P	P
<b>L.2. Parking and moorage</b>					
L.2.a. Boat moorage	P	P	P	P	P
L.2.b. Dry boat storage	P	P	P	P	P
L.2.c. Parking, principal use, except as listed below	P	P	P	X(2)	X(2)
L.2.c.i. Park and Pool Lots	P(11)	P(11)	P(11)	CU	CU
L.2.c.ii. Park and Ride Lots	CU	CU	CU	CU	CU
L.2.d. Towing services	P	P	P	P	P
L.3. Passenger terminals	P	P	P	P	P
L.4. Rail Transit Facilities	P	P	P	P	P

L.5. Transportation facilities, air					
L.5.a. Airports (land-based)	X	CCU	CCU	CCU	CCU
L.5.b. Airports (water-based)	X	CCU	CCU	CCU	CCU
L.5.c. Heliports	X	CCU	CCU	CCU	CCU
L.5.d. Helistops	CCU	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance					
L.6.a. Bus bases	CU	CU	CU	CU	CU
L.6.b. Railroad switchyards	P	P	P	P	P
L.6.c. Railroad switchyards with a mechanized hump	X	X	CU	CU	CU
L.6.d. Transportation services, personal	P	P	P	P	P
M. UTILITY USES					
M.1. Communication Utilities, major	CU	C	CU	CU	CU
M.2. Communication Utilities, minor	P	P	P	P	P
M.3. Power Plants	X	CCU	P	P	P
M.4. Recycling	P	P	P	P	P
M.5. Sewage Treatment Plants	X	X	X	X	X
M.6. Solid waste management					
M.6.a. Salvage yards	X	X	P	P	P
M.6.b. Solid waste transfer stations	X	CU	CU	CU	CU
M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU	CCU
M.6.d. Solid waste landfills	X	X	X	X	X
M.7. Utility Services Uses	P	P	P	P	P

KEY

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 5, 1987

EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.

P = Permitted

X = Prohibited

(1) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal

of lost, stray, unwanted, dead or injured animals are permitted.

- (2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one (1) space per six hundred fifty (650) square feet ratio under the following circumstances:
  - (a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and
  - (b) The parking is reserved for events in the spectator sports facility or exhibition hall, and
  - (c) The reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.
- (3) Medical service uses over ten thousand (10,000) square feet, within two thousand five hundred (2,500) feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.
- (4) The high-impact uses listed at subsection B10 of Section 23.50.014 may be permitted as conditional uses.
- (5) High-impact uses may be permitted as conditional uses as provided at subsection B5 of Section 23.50.014.
- (6) A college or university offering a primarily vocational curriculum within the zone is permitted.
- (7) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014 B14.
- (8) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.
- (9) The heavy manufacturing uses listed in subsection B9 of Section 23.50.014 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.
- (10) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.
- (11) Park and pool lots are not permitted within three thousand (3,000) feet of the Downtown Urban Center.
- (12) Subject to subsection 23.50.012 E.

## **Appendix E**

### ***Department of Neighborhoods (DON) P-Patch Program***

#### **Rules for P-Patch Participants (See also P-Patch Office [Gardening](#))**

##### **Plot Use and Maintenance of Adjacent Paths**

- Your plot will be reassigned if it is not worked by April 1, or in short season gardens, within two weeks of rototilling. Exceptions, however, will be made for weather.
- Maintaining your garden is your responsibility: If this year will be difficult for you, let us reassign your plot and you will stay at the top of the waitlist to come in when you're ready. If you need help watering or harvesting, please notify your site coordinator or neighboring gardener.
- Do not expand your P-Patch beyond its designated area. Keep invasive, vining and spreading crops confined to your own plot. In short-season plots, comfrey and jerusalem artichokes are not permitted.
- Please be careful that sunflowers or tall trellised plants do not shade your neighbor. You must call the office before building any structure taller than four feet. Trees and permanent structures are generally not allowed in plots.
- For safety, do not dig into main paths; keep paths level, rock free, and wide for walking. Keep your own access paths fully within your own plot unless you agree to share them with your neighbor. You must keep the common paths around your garden weeded and/or mulched.

##### **Unattended Plots - Reassignment of Your Plot**

During the gardening season, P-Patch staff work with site coordinators to monitor plot usage. When plots are untended (overgrown, weedy, unharvested) for more than two weeks, gardeners will be contacted by phone or a postcard and asked to take care of the plot by a certain date. Failure to comply can result in reassignment of the plot; fees will not be refunded.

### **No Insecticides or Herbicides May be Used**

The P-Patch Program is for organic gardening only. The use of insecticides made from synthetic chemical materials is strictly prohibited. Rotenone, pyrethrin, and Safer Soap are allowed only when used according to label directions. Herbicides, or weed killers, are prohibited as well. Slug bait is permitted only in enclosed containers which must be removed from the site after use. Beer and sugar/yeast/water solution serve as organic slug bait. If you have questions, please contact your site coordinator or P-Patch staff.

### **P-Patch Community Hours — Eight Required**

- At least four hours must be completed at your P-Patch or by helping your P-Patch in some way (working your own plot or adjacent paths does not count). Call your site coordinator for a task or see the Site Maintenance section of the enclosed job list.
- Completing your hours is your responsibility, as is recording your hours on the log sheet in your tool shed/tool box.
- Hours are due by October 31. If you're having problems, call the Program office, and we'll find work for you. Gardeners who fail to complete their hours may lose their plots.

### **Miscellaneous**

- Smoking is prohibited in the gardens. Tobacco can transmit a lethal virus to tomatoes.
- Loud radios are prohibited. Please consider headphones for your neighbor's peace and quiet.
- Tires are not allowed at the sites. They can release cadmium or lead into the garden.
- Produce from your plot may not be sold.
- Please treat hoses carefully and return them when finished watering. If others are waiting to use the hoses, limit your time to 15 minutes. Sprinklers must be attended. Be careful not to water others' plots without their permission.
- Water service is off between 11/1 and 3/15.
- Well-mannered, leashed dogs are allowed within your own plot, unless complaints are received. Please remove scooped poop. Dogs are not allowed at Good Shepherd and Capitol Hill.
- Closely supervise your children.
- Do not block paths while visiting your garden.
- There is no garbage service. Please pick up trash and take it home for disposal.

Other rules: At the P-Patch Program office, copies of the flyer, *Being a Considerate Gardener*, are available.

## **Appendix F**

### **Supporting Urban Agriculture: A Proposed Supplement to the City of Detroit Master Plan of Policies.**

Jonathan D. Lachance

#### **UA - Urban Agriculture District.**

XX.0000. This district is designed to allow the small-scale production of natural products, such as fruits, vegetables, flowers, honey, cheese, and meat on open land in the City of Detroit, in particular on vacant city lots that are currently zoned for residential use in areas where there is little pressure for housing development. The regulations for this district are designed to encourage the productive use of vacant land for community and educational uses focused around gardening and other agricultural activities.

XX.0100. Uses permitted as a matter of right.

XX.0101. Cultivation of vegetables, flowers, fruits and other plants in the ground, in raised beds, and in greenhouses.

XX.0102. Raising of small numbers of livestock for meat and milk products. (The precise number could be determined on an animal per area basis)

XX.0103. Production of bee honey.

XX.0104. Production of eggs.

XX.0200. Certain activities prohibited.

XX.0201. Use of insecticides made from synthetic chemical materials is forbidden. Acceptable alternatives that may be applied in accordance with established safe handling instructions such as those found on product labels include: rotenone, pyrethrin, and Safer Soap. (This could also be changed to prohibit the use of certain pesticides. Best practices established by Master Gardener organizations or MSU Extension could be used as guidelines in establishing the correct amounts and methods of application.)

XX.0202. The use of herbicides and weed killers is prohibited.

XX.0203. Composting of animal flesh is prohibited. (Composting meat can attract rats. Again, existing best practices should dictate whether this remains.)

XX.0204. Production of intoxicating or poisonous plants is forbidden.

XX.0205. Tires may not be stored on garden sites. (Tires can transmit the toxic heavy metals lead and cadmium into soils.)

XX.0300. Procurement of water.

XX.0301. Procurement of water from public supplies should be negotiated between the Department of Public Works and the individual or organization conducting agricultural activities on the site.

XX.0302. Use of private sources of water, such as water delivered through a hose from a spigot attached to a participant's house, is permitted.

XX.0400. Structures and barriers.

XX.0401. Structures necessary for the proper pursuit of gardening and the storage of gardening equipment, including storage sheds, tool sheds, greenhouses, and like structures will be permitted as long as they meet existing standards for safety as mentioned elsewhere in the Code of Ordinances.

XX.0402. Individuals and organizations using lots for urban agriculture are permitted to erect chain-link or picket fences, gates, or other similar barriers around the lots under cultivation.

XX.0500. Animals - refer to Chapter 6 of the City of Detroit Code of Ordinances for rules regarding treatment, handling, and keeping of animals.

XX.0600. Toxic or flammable chemicals.

XX.0601. Gasoline used for the operation of lawnmowers or other combustion engine- driven gardening machinery must be kept in sealed containers in locked, ventilated structures.

XX.0602. Chemicals such as rodenticides must be handled according to either Chapter 24, Article VI (Rodent and Pest Control) of the City of Detroit Code. These chemicals shall not be stored on the gardening site, and shall be kept in closed containers that will prevent them from coming into contact with food. (This should be determined by examining established best practices for rodenticide application – rat traps and rat deterrence techniques are probably safer methods of controlling rodents.)

XX.0603. Pesticides and herbicides. See sections XX.0201 and XX.0202 of this ordinance

XX.0605. No flammable materials or other chemicals except the permitted chemicals mentioned above may be used or stored in an Urban Agriculture Zone.

XX.0700. Machinery.

XX.0701. Tractors, lawnmowers, and other farm-related machinery may be used and stored in Urban Agriculture zones as long as they are in good working order and do not create a nuisance as defined elsewhere in the City of Detroit Code of Ordinances.

XX.0800. Prevention of growth of poisonous or injurious weeds.

XX.0801. Parties using or otherwise occupying urban agriculture zones are responsible for preventing the growth of those weeds defined as “poisonous or injurious” in Section 57-5-1 of the City of Detroit Code of Ordinances.

XX.0900. Handling and preparation of food for sale – refer to Chapter 21 of the City of Detroit Code of Ordinances for rules regarding food and food establishments. These rules are to apply to Urban Agriculture zones where parties involved in agriculture activities seek to sell food within the zone.

XX.1000. Soil dangers and toxicity.

XX.1001. Before any food products may be grown in topsoil in an Urban Agriculture zone, such soil must be tested for contaminants that would render it unsuitable for this use, including, but not limited to: lead and other toxic heavy metals; industrial solvents; gasoline; percloroethylene; and other chemicals that can be transmitted to people via soil contact or consumption of foods grown in such soil.

XX.1002. Areas of dry, loose soil that may be moved by wind should be covered by mulch or plastic or otherwise confined.

## **Appendix G**

Pending approval from PHL