



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

13

ZOA11-00006 – Boise City Planning and Development Services

Summary

Boise City Planning and Development Services is proposing an amendment to modify existing standards for temporary produce stands and the keeping of livestock, pets and bees. Also proposed is a new use category (Urban Farm) with a definition and operating standards. Sections of the ordinance to be amended include:

- 11-01-03 (Definitions)
- 11-04 (Use Standards)
- 11-05-01.04 (Temporary Uses)
- 11-09-09 (Keeping of Livestock)
- 11-09-11 (Apiaries; Bees)
- 11-09-12 (Urban Farms)

Prepared By

Cody Riddle-Manager, Current Planning

Recommendation

Staff recommends **approval** of ZOA11-00006.

Reason for the Decision

The amendment is consistent with the standards of *B.C.C. 11-08-04.1* which grants City Council the authority to amend the zoning code whenever deemed necessary for public welfare. It will provide a benefit to City residents by removing some of the current regulatory barriers to local food production. The inclusion of operational standards for the various forms of urban agriculture ensures compatibility of uses and will prevent negative impacts on both surrounding properties and public infrastructure.

The amendment is consistent with Blueprint Boise, specifically, those elements focused on local food production. The amendment is the first step in implementing Goal ES13.2a that reads as follows: *Encourage food production in the city through targeted zoning amendments that address uses, their location, and use conditions to ensure compatibility with surrounding neighborhoods.*



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

13

Planning Division Staff Report

File Number ZOA11-00006
Applicant Boise City Planning and Development Services
Property Address 150 N. Capitol Blvd

Public Hearing Date February 6, 2012
Heard by Planning and Zoning Commission

Analyst Cody Riddle
Checked By Hal Simmons

Public Hearing Notice

Newspaper notification published on: January 21, 2012

Notification to neighborhood associations and other parties: January 21, 2012

*In addition to the public hearing notice, the proposed ordinance was distributed for comment to neighborhood associations, public agencies, and other interested parties on November 9, 2011.

Table of Contents

1. Project Data and Facts	2
2. Zoning Ordinance	2
3. Analysis	2
5. Proposed Ordinance	9

Exhibits

Existing Temporary Use, Livestock & Beekeeping Ordinances

Public & Agency Comments on Proposed Ordinance

Preliminary Recommendations & Corresponding Feedback

1. Project Data and Facts

Project Data	
Applicant	Boise City Planning and Development Services
Representative	Cody Riddle-Manager, Current Planning
Procedure	Planning and Zoning Commission recommendation that is forwarded to City Council.

Description of Applicant's Request
<p>An ordinance amendment to support various forms of urban agriculture. Sections to be amended or added include the following:</p> <p>11-01-03 (Definitions) 11-04 (Use Standards) 11-05-01.04 (Temporary Uses) 11-09-09 (Keeping of Livestock) 11-09-11 (Apiaries; Bees) 11-09-12 (Urban Farms)</p>

2. Zoning Ordinance

Section	Description
11-08-04.01	Amendment and Reclassification: Power to Amend

3. Analysis

Planning and Development Services is requesting approval of an ordinance amendment to introduce new allowances for urban agriculture and clarify regulations already in place. This proposal is geared specifically toward implementation of *Blueprint Boise*, the City's new Comprehensive Plan. A fundamental theme of *Blueprint Boise* is environmental stewardship, and one of the guiding principles is to preserve opportunities for urban agriculture. In anticipation of the new Comprehensive Plan, and in response to growing public interest, Planning Staff formed the Urban Agriculture Committee. The group was originally comprised of individuals who expressed interest in the topic during *Blueprint Boise* outreach or have processed related applications in recent years. It included individuals already involved in community gardening, operating produce stands, maintaining apiaries, or raising livestock and poultry. The Public Works and Parks Departments are also represented. As the project has evolved, additional individuals already involved in urban agriculture joined the group.

The proposed ordinance is the result of months of work with the Committee and members of the public. The group first reviewed the standards of other municipalities and drafted a set of preliminary recommendations.

These recommendations were presented to City Council (June 14, 2011) and the Planning and Zoning Commission (July 11, 2011) prior to seeking public input. The preliminary recommendations were essentially a bullet-point list, intended to provoke thought and feedback on the City's approach to urban agriculture. It was staff's desire to involve the public, neighborhood associations and commenting agencies as much as possible in creating the ordinance, rather than simply circulating a final draft for comment. Staff received a tremendous amount of feedback on the preliminary recommendations. While a few concerns were raised, the comments demonstrated overwhelming support for urban agriculture. It was also a common sentiment that the preliminary recommendations were far too restrictive. This feedback, along with that received from City Council and the Planning and Zoning Commission, was instrumental in drafting the attached ordinance. The [preliminary recommendations and corresponding feedback](#) have been attached to this report.

B.C.C. 11-08-04.01 indicates the zoning ordinance may be amended whenever Council finds it necessary for public convenience or necessity, or for the general welfare of the citizens. Staff believes the proposed amendment is consistent with these criteria. The importance of urban agriculture and local food production is reflected in the City's new Comprehensive Plan. One of the fundamental principles of Blueprint Boise reads as follows:

Preserve Opportunities for Urban Agriculture

As the city continues to grow, opportunities for small-scale urban agriculture will be preserved and residential food production encouraged. Providing opportunities for community gardens, small-scale farms, and other food production within the AOCI will help reduce the community's reliance on outside food sources, support the local economy, promote community interaction, increase access to fresh produce, promote community health, and help Boise City maintain an identity that is distinct from other communities.

Unfortunately, the ordinance does not currently include the mechanisms to support urban agriculture, especially in residential areas. Blueprint Boise acknowledges this fact with the following goal:

ES13.2a: Encourage food production in the city through targeted zoning amendments that address uses, their location, and use conditions to ensure compatibility with surrounding neighborhoods.

The proposed amendment is the first step toward implementing this goal. Listed below is a brief summary of each ordinance section, followed by an analysis of the changes. A complete copy of the [proposed ordinance](#) can be found at the back of this report. For Livestock and Beekeeping, staff is proposing substantial changes to [existing ordinance](#) language, primarily to simplify things for users. This renders a redlined/strike-out version of the existing code almost indiscernible. Staff is proposing to repeal and replace these sections. The Urban Farm section is entirely new ordinance language.

Livestock Ordinance (Repeal and Replace Existing Ordinance)

- No changes to current allowances for the keeping of larger animals
- Increase the number of chickens allowed as pets from three to six.
- Increase the number of ducks allowed as pets from two to four.
- Increase the number of rabbits allowed as pets from two to six.
- Reduce min. parcel size for keeping poultry and rabbits as livestock from one to one-half acre.
- Simplify/clarify existing ordinance language.

There are currently standards in the zoning ordinance for the keeping of livestock (11-09-09). This includes larger animals such as horses and cattle and smaller animals like chickens and rabbits. There has been an increased interest in the keeping of smaller animals in recent years. Of particular interest has been the desire to keep poultry and rabbits at residences. Staff is essentially proposing two changes to accommodate this desire.

First, the number of smaller animals allowed as pets, regardless of parcel size, has been increased. The Committee compared the City’s current standards to those of other municipalities and found that Boise is on the lower end of the spectrum in terms of allowances for smaller animals. This includes a comparison to larger and more urbanized areas as demonstrated in the table below. It is important to note that many of the ordinances treated rabbits and poultry the same in terms of quantity allowed.

Allowances for Poultry

Municipality	Allowance
Salt Lake City, Utah	15
Caldwell, Idaho	10
Seattle, Washington	8
Boise, Idaho (Proposed)	6
Bend, Oregon	4
Beaverton, Oregon	4
Boise, Idaho (Current)	3

The department receives minimal complaints regarding the keeping of small animals. The few that are received often focus on the keeping of roosters. Roosters are currently prohibited and that is not changing. Staff believes the increased allowance for small animals as pets is appropriate. It will allow for local food production with minimal impact on surrounding properties. In fact, the impact of six chickens or rabbits will almost certainly be less than that caused by four dogs, the current ordinance allowance.

The second measurable change to the livestock ordinance relates to the keeping of poultry and rabbits as livestock. The keeping of livestock is currently allowed as an accessory use on residential properties exceeding one acre. The existing ordinance includes a list of animals and a corresponding number that constitutes an “animal unit”. For example, twelve chickens, ducks or rabbits equal one animal unit. No changes are proposed to the animal units. An individual is allowed to have two animal units for every acre dedicated to their care. There is currently no distinction between the keeping of larger and smaller animals as livestock.

The Committee is proposing to make a distinction between smaller and larger animals. Specifically, the recommendation is to reduce the minimum parcel size for keeping poultry and rabbits as livestock from one, to one-half acre. A minimum area of one-quarter acre will be required to be dedicated exclusively to the keeping of the smaller animals.

On a half-acre parcel, with one-quarter acre dedicated to animals, six chickens could be kept. The result of this increase is still a more restrictive standard than those of the Big Sky and Sycamore Overlay Districts, where additional small animals are allowed, and generate few complaints. This amendment will not change the allowances of the overlay districts.

Like the increased allowance for pets, this change should have minimal impact on surrounding properties. Animals are required to be kept within appropriate enclosures and must be kept in a manner that does not cause adverse impacts on neighboring properties. In the event impacts are present, the City can require the use be abated. This has not historically been an issue.

Beekeeping Ordinance (Repeal and Replace Existing Ordinance)

- Removed the 12 colony maximum allowance for individual parcels.
- Defined and created an allowance for nucleus colonies.
- Clarified allowance for beekeeping on vacant parcels in open land and residential zones.
- Created allowance for beekeeping at urban farms.
- Added a requirement that contact information be posted at apiaries on vacant properties.
- Simplified existing standards and ordinance language.
- Removed application requirement

Several changes are proposed to the existing beekeeping ordinance (11-09-11). The first is the removal of the current cap of 12 colonies, regardless of parcel size. Individuals are currently allowed to keep 3 colonies per $\frac{1}{4}$ acre, with a cap of 12. Removal of the cap will allow for larger apiaries when land area allows.

The second change is a new allowance for nucleus colonies, which are defined as follows:

A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half the size of a normal hive.

The Committee is proposing one nucleus colony be allowed for every two full-size colonies. Nucleus colonies are important to the overall health of the bee population. They also allow beekeepers to provide a public service by capturing swarms throughout the valley. The amendment also clarifies that beekeeping is allowed on vacant properties and at urban farms in residential and open land zones. These apiaries will be subject to the same standards as those located on properties with residences. For vacant parcels, a new requirement will be that beekeeper's contact information be posted on the site. This will allow any concerned neighbor to contact the beekeeper directly.

The ordinance has always included a set of basic standards in terms of hive placement and setbacks. Staff worked with the Committee and members of the Treasure Valley Beekeepers to update and simplify these standards. The new language provides the same protections in terms of setbacks, flyway barriers and maintenance, but will be much easier to interpret and enforce. The standards were based on a review of other ordinances and substantial input from local beekeepers.

Finally, the Committee is recommending the application requirement for apiaries be deleted. These applications are currently reviewed as a zoning certificate. This process is a simple check that the apiary is designed in accordance with ordinance standards. There is no public notice of approval issued for zoning certificates. As a result, removing the application requirement will have no impact in terms of public involvement and will simplify the process for applicants. Removing the application requirement will also not change the City's ability to enforce the standards in the event of a compliance issue. A review of Code Enforcement records found only one complaint related to beekeeping in the last three years. In that instance, the apiary was found to be in compliance with ordinance standards.

Produce Stands (A temporary commercial use not associated with an urban farm)

-Increased the term of approval from six-months to one year.

Produce stands are currently permitted as a temporary use under *B.C.C. 11-05-01.4*, with a maximum term of approval being six-months. Since most of the stands operate more than six-months, this requires owners to obtain two approvals each year. The Committee is proposing to increase the term of approval for produce stands to an annual process. This will simplify the process for applicants without negatively impacting surrounding properties. These temporary produce stands have historically operated with minimal complaints.

Urban Farms

- Establishes a definition of urban farms.
- Allows urban farms in all zoning districts.
- Creates a basic set of standards to ensure compatibility and prevent adverse impacts.
- Allows for pick-up and delivery of produce during daylight hours.
- Allows retail sales with administrative approval.
- Establishes additional standards for residential and open space zones
- Allows standards to be exceeded with a conditional use permit.

This is the most significant component of the amendment. The ordinance is currently silent to things like community gardens and urban farms. The Planning Department has historically viewed them similarly to landscaping, which is not regulated. However, some of the gardens have evolved to include the pick-up of produce and even retail sales. These gardens have the potential to provide numerous benefits to the neighborhoods in which they are located, and to further many goals of the Comprehensive Plan. As a result, the Committee felt it was important to recognize gardens/farms as a land use, and create appropriate allowances for their operation.

The Committee initially recommended the introduction of two new use categories, Urban Farms and Community Gardens. In short, urban farms would be more of a commercial venture, whereas community gardens would be a non-profit arrangement where produce would be consumed primarily by those cultivating the land. After circulating the preliminary recommendations, and receiving substantial feedback, it became apparent there would not be an easy way to make a clear distinction between the two categories. Many of the existing gardens in Boise are operated as a non-profit, while others are similar to the Community Supported Agriculture (CSA) model prevalent in other communities.

In this scenario produce is consumed by those cultivating the land, and also by individuals that purchase shares of food, and pick it up during designated times. There are also situations in Boise where produce and meats are brought from other properties to one garden for distribution. Finally, there has been an interest expressed in an allowance for retail sales in the event excess produce is available. Retail sales are currently prohibited in residential, office and open land zones. With the exception of a temporary use, the only current mechanism in the ordinance to allow retail sales in these zones is a special exception. This process takes several months and requires public hearings before both the Planning and Zoning Commission and City Council. A garden on Surprise Way in Southeast Boise received approval of a special exception in March of 2010, and has now operated for two seasons without complaints. Staff and the Committee felt this was a cumbersome process for what could be a very low-impact use with appropriate standards to protect surrounding properties.

Based on a review of other ordinances and discussions with farmers in Boise, the Committee felt the introduction of one new use category was most appropriate. The proposed amendment lists “Urban Farm” as an allowed land use in all zoning districts, defined as follows:

Land used to grow plants and harvest food or ornamental crops for educational purposes, donation, use by those cultivating the land, or for sale locally. Gardens that are accessory to a home are not considered urban farms.

Given the allowance for urban farms in all zoning districts, the Committee felt a basic set of standards was necessary to ensure compatibility and prevent adverse impacts on surrounding properties. The proposed ordinance includes standards that all farms will be subject to. This includes, but is not limited to, the following:

- Dead plant materials and produce shall be removed in a timely manner.
- Chemicals cannot drain off-site, and when not in use, must be kept in a locked structure.
- Mechanical equipment is limited to that typically associated with home gardening.
- Use of mechanical equipment is limited to daylight hours.
- Contact information is required to be posted on vacant sites.

If approved, these standards will apply to properties in all zoning districts. This will ensure parcels used for food production function similarly to those maintained as an ornamental landscape like a park or open space lot. There are typically no limitations on the use, operation or maintenance of these spaces. With the new standards, code enforcement officers will have the ability to issue correction notices or take other action as necessary to prevent adverse impacts on surrounding properties. These protections do not exist under the existing ordinance and are especially important in residential areas. Gardens that are accessory to a home will not be considered urban farms under the proposed ordinance. There have been a growing number of individuals converting portions of their private landscape into garden space. Providing a clear exemption of these gardens will prevent the unnecessary regulation of landscaping where the primary use of the property is a residence.

The most significant change in the new ordinance is the proposal to permit the pick-up of produce from garden sites as well as an allowance for limited retail sales. This includes sales in residential neighborhoods. Under the proposed ordinance, the pick-up of produce that has been purchased ahead of time would simply be an allowed activity. Retail sales would require administrative approval. In addition to the standards discussed above, the following would apply:

1. Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised within the City's Area of Impact may also be sold. These items may not exceed 25% of total product on display.
2. Display areas shall adhere to the setbacks of the zone and be located as close to the front property line as feasible.
3. Installation of new overhead lighting is prohibited.
4. The area dedicated to the sale, display and storage of produce shall not exceed 500 square feet. (Residential and Open Land Zones)
5. Sales are limited to the hours of 8:00 a.m. to 8:00 p.m. (Residential and Open Land Zones)
6. Installation of new on-site parking to support retail sales is prohibited. (Residential and Open Land Zones)

Similar to other administrative reviews, applicants will be required to obtain the signatures of neighbors prior to submitting an application for retail sales. In addition to making neighbors aware of the proposal, this requirement provides an opportunity for the applicant and interested party to work out conflicts prior to formal submittal. It also allows concerned parties to contact city staff with any concerns they might have. Based on these concerns, staff could impose additional conditions to protect adjacent properties from adverse impacts. This could include things like a further restriction on hours of operation or specific setback requirements for placement of the retail display area. In the event retail sales are approved, a notice will be sent to owners and residents within 300' of the site, informing them of the decision and their right to appeal. The combination of standards and the notification process should ensure other properties are not negatively impacted by this very limited allowance for retail sales.

The introduction of a small-scale neighborhood serving commercial use is not a concept that is unique in residential neighborhoods. The ordinance already includes an allowance for home based businesses. Up to 500 square feet of any dwelling can be used for things like offices, salons, or individual instruction. With administrative approval, a contractor's shop or outdoor instruction such as swimming lessons for up to five students, are also allowed. Finally, in-home child care facilities for up to 12 children are also allowed in residential zones. These uses all serve an important function in or near residential neighborhoods. Staff finds the allowance for limited sales of fresh, locally raised produce, to be consistent with the established practice of allowing small-scale neighborhood-serving businesses within residential neighborhoods.

The allowance for agriculture in residential neighborhoods is emphasized in *Blueprint Boise. Goal ES13.1d (Local Food Production)* reads as follows:

Provide incentives for the incorporation of community gardens and urban agriculture in residential development.

In conclusion, staff finds this amendment is consistent with the standards of *B.C.C. 11-08-04.1*. It will provide a benefit to the general welfare of the citizens by allowing small-scale food production and the purchase of fresh goods in close proximity to where people reside. Those elements of *Blueprint Boise* related to urban agriculture cannot be accomplished without first removing the current zoning barriers. This is one of the fundamental purposes of this amendment, and is reflected in the following action steps from the plan:

ES4.2 (Update Definitions): Incorporate modern definitions for renewable energy facilities (solar, wind, etc.) waste, salvage and recycling uses, community gardens and urban agriculture, and other similar uses into the development code.

ES4.3 (Review, Update, and Expand Permitted/Prohibited Uses): Identify appropriate locations for uses that support sustainability policies, such as renewable energy facilities, waste, salvage, and recycling use, and community gardens and urban agriculture. Update permitted/prohibited uses in each zoning district to facilitate these types of uses and incorporate them in new zoning districts, where appropriate.

Staff be recognizes this is the first step of what should be a larger, on-going effort. The Committee discussed the importance of going beyond simply removing the zoning barriers to urban agriculture and working to develop actual incentives as part of the upcoming re-write to the entire ordinance. This will be an important follow-up to this amendment.

5. Proposed Ordinance

Section 11-01-03 DEFINITIONS

URBAN FARM:

Land used to grow plants and harvest food or ornamental crops for educational purposes, donation, use by those cultivating the land, or for sale locally. Gardens that are accessory to a home are not considered urban farms.

Section 11-04-03 RESIDENTIAL DISTRICTS: (R-1A, R-1B, R-1C, R-1M, R-2 & R-3)

Section 11-04-03.05 Use Standards

Table 1 sets forth the requirements for specific uses in each residential district. The "A" designation indicates the use is allowed in that district subject to any overlay district(s) such as the "D" (Design Review) district. The "AA" designation is for that class of uses that are allowed subject to administrative review of approval criteria and the "CC" designation is for those uses that require a commission level conditional use application. A "P" designation means the use is prohibited in that district. The requirements for any use not listed on Table 1 shall be determined by the Planning Director in accordance with Section 11-02-02.1.

TABLE 1 RESIDENTIAL DISTRICTS (R-1A, R-1B, R-1C, R-1M, R-2 & R-3) Allowed, Conditional and Prohibited Uses (Uses not listed are prohibited)						
<u>USE</u>	R-1A	R-1B	R-1C	R-1M	R-2	R-3
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A	A

11-04-05.04 Use Standards

TABLE 2.1 NEIGHBORHOOD OFFICE (N-O), LIMITED OFFICE (L-O) AND RESIDENTIAL-OFFICE (R-O) DISTRICTS Allowed (A), Conditional (CC), Admin. Approval (AA) and Prohibited (P) Uses			
<u>USE</u>	<u>N-O</u>	<u>L-O</u>	<u>R-O</u>
Urban Farm (Subject to Section 11-09-12)	A	A	A

11-04-06.09 Use Standards

TABLE 3 COMMERCIAL (C-1, C-2, C-3, C-4 & C-5) DISTRICTS Allowed, Conditional and Prohibited Uses (Uses not listed are prohibited)					
<u>USE</u>	C-1	C-2	C-3	C-4	C-5
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A

Section 11-04-07.02 Use Standards

TABLE 5 HEALTH SERVICE DISTRICT (H-S) Allowed, Conditional and Prohibited Uses	
<u>USE</u>	<u>DISTRICT</u>
Urban Farm (Subject to Section 11-09-12)	A

Section 11-04-08.06 Industrial Districts Use Standards

TABLE 7 INDUSTRIAL DISTRICTS (M-1, M-2, M-4, T-1 & T-2) Allowed, Conditional and Prohibited Uses					
<u>USE</u>	<u>M-1</u>	<u>M-2</u>	<u>M-4</u>	<u>T-1</u>	<u>T-2</u>
Urban Farm (Subject to Section 11-09-12)	A	A	A	A	A

Section 11-04-09 REGULATIONS FOR OPEN LAND; A-1 AND A-2 DISTRICTS

TABLE 9 OPEN LAND A-1 and A-2 DISTRICTS Allowed, Conditional and Prohibited Uses		
<u>USE</u>	A-1 District	A-2 District
Urban Farm (Subject to Section 11-09-12)	A	A

Section 11-04-11 UNIVERSITY: “U” DISTRICT

All other uses shall be allowed as follows:	
Urban Farm (Subject to Section 11-09-12)	A

Section 11-05-01.4 Temporary Uses

A zoning certificate is required for certain temporary uses, including but not limited to buildings, display and sale of merchandise, model homes, trailers, uses incidental to construction and seasonal uses such as fireworks stands, Christmas tree lots, and produce stands. Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare, including cleaning the property upon termination of the use.

1. With the exception of produce stands, which may be approved annually, the term of the permit shall not exceed 180 days.
2. Setbacks and clear vision triangles shall be observed and the temporary use shall not interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property.
3. The use shall be conducted in compliance with regulations administered and enforced by other city, state, and federal agencies.
4. Seasonal uses require approval from the City Clerk’s office.

Section 11-09-09 KEEPING OF LIVESTOCK ACCESSORY TO RESIDENTIAL USE

Section 11-09-09.01 Purpose

To define livestock and pets and establish standards for their keeping and care; that will maintain neighborhood compatibility and protect the health, safety, and welfare of the general public.

Section 11-09-09.02 Livestock

Livestock are animals kept outside the home in enclosures such as pens, barns or corrals. The term includes cattle, llamas, mules, swine, sheep, goats, rabbits, poultry, domestic birds and any other grazing or foraging animal except those defined as pets.

Section 11-09-09.03 Pet

Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to six chickens (excluding roosters), four ducks, six rabbits or other small animals or poultry as determined by the Planning Director. The keeping of pets must comply with the performance standards in Section 11-09-09.07F.

Section 11-09-09.04 Commercial Livestock Uses

The keeping of livestock for sale or the sale of livestock products (such as milk) requires compliance with the standards in this ordinance and a conditional use permit.

Section 11-09-09.05 Animal Unit

An animal unit is:

One – horse, mule, cow, llama;

Four – sheep, goats, or swine;

Six – geese;

Ten – rabbits;

Twelve – chickens or ducks

The Planning Director may determine a unit number for animals not listed.

Section 11-09-09.06 Livestock as Legal Nonconforming Uses

Nonconforming status shall be in accordance with 11-09-03, except that nonconforming status shall be lost if the livestock are removed from the property for a continuous period of two years.

Section 11-09-09.07 Standards for the Keeping of Livestock

- A. A minimum of one acre is required to keep livestock. For poultry and rabbits the minimum area is one half acre.
- B. With the exception of poultry and rabbits, a minimum contiguous area of one half acre (exclusive of structures) shall be dedicated to the keeping of the livestock. For poultry and rabbits, the minimum area is one quarter acre.
- C. Livestock shall be kept within fences, corrals, barns, pens, etc.
- D. Livestock enclosures must comply with setback requirements.
- E. The maximum density is two animal units per acre of area set aside for the keeping of livestock. For example, if one half of a one acre lot is set aside for the keeping of livestock one animal unit is allowed. (See exceptions listed in 'H' below.) Maximum density shall not apply to offspring under nine months of age, nor shall it apply to pets.

- F. Livestock shall be kept so as to not cause adverse impacts on neighboring properties. This includes, but is not limited to, such impacts as odor, noise, drainage, erosion, and insects. The presence of such impacts can constitute a public nuisance that the City may cause to be abated.
- G. It shall be unlawful to keep any animal listed in 6-07-06 under the auspices of this section.
- H. Exceptions to Minimum Area

The following are exceptions to the minimum area standards.

- 1. Livestock may be kept on less than one acre when allowed by duly adopted overlay districts. If animal density is not addressed therein, the density requirements of this ordinance shall apply.
- 2. Livestock may be kept on less than one acre for educational purposes, such as 4H or FFA, though the maximum animal density shall not be exceeded.
- 3. Horses that are regularly ridden and exercised off-site may exceed the standard animal unit density. One horse is allowed for every 14,500 sq. ft. of contiguous set aside area.

Section 11-09-11 Apiaries; Bees

11-09-11.01 PURPOSE

To ensure sound beekeeping practices and thereby avoid problems that might be associated with the keeping of bees in an urban setting.

11-09-11.02 DEFINITIONS

Apiary:

A place where bee colonies are kept.

Bee:

Any stage of the life cycle of the common domestic honey bee.

Colony:

Bees in any hive including queens, workers and drones.

Hive:

A structure intended for the housing of a bee colony.

Nucleus Colony:

A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half the size of a normal hive.

11-09-11.03 ALLOWED BEEKEEPING

Beekeeping is allowed in the A-1, A-2, R-1A, R-1B and R-1C zones including at urban farms. The keeping of wasps, hornets, Africanized bees (*Apis mellifera scutellata*), and other noxious insects is prohibited.

11-09-11.04 BEEKEEPING STANDARDS

- A. Density of Hives & Colonies: There is no minimum parcel size for beekeeping. However, the maximum density is 3 colonies per 1/4 acre. Higher densities may be permitted by conditional use permit.
- B. Nucleus Colonies: For every two colonies authorized above, one additional nucleus colony is allowed.
- C. Hives: Colonies shall be kept in hives with removable frames.
- D. Flyway Barriers: For colonies located within 25 feet of a property boundary, a flyway barrier at least six feet in height consisting of a solid wall, fence or dense hedge parallel to the property line and extending ten feet beyond the apiary in each direction is required.
- E. Setbacks and Placement: Hives shall be located at least 20 feet from front property lines and 3 feet from other property lines. The back of the hive shall be oriented to adjoining properties.
- F. Water Source: A constant supply of fresh water is required. It shall be readily accessible to the bees and to allow them to access water by landing on a hard surface. A water supply is not required during winter and other inactive months.
- G. Maintenance: Hives not being actively maintained shall be removed. Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.
- H. Queens: Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or re-queened.
- I. Compliance with State Statutes: Beekeeping shall comply with all applicable state laws.

- J. Contact Information: Contact information for a responsible party shall be posted at apiaries on vacant property.

Section 11-09-12 URBAN FARMS

- A. There are no setback requirements for garden plants. Accessory structures, fencing, and other miscellaneous improvements are subject to the dimensional standards of the zone.
- B. Dead plants, produce, and trash not to be used for composting or other garden functions shall be removed from the site in a timely manner.
- C. The use of mechanical equipment is generally limited to that typically associated with home gardening. Larger equipment may be used on a limited basis for seasonal activities such as soil preparation or clean-up in the fall. The use of mechanical equipment is limited to daylight hours.
- D. Plantings shall not obstruct any clear vision triangle as defined by Boise City or the Ada County Highway District (ACHD). Plantings in the public right-of-way require a license agreement from ACHD.
- E. Drip irrigation and other methods to conserve water are encouraged.
- F. Chemicals, fertilizers or other toxic materials may not drain onto adjacent properties, into waterways, or onto public rights of way. Chemicals and other flammable materials must be disposed of in accordance with Federal and State requirements. If stored on site, they must be kept in a locked structure when unattended.
- G. On vacant parcels, a non-illuminated sign displaying the name and contact information for the individual or agency responsible for the garden shall be provided. This sign shall not exceed 6' in height or 32 square feet in background area.
- H. No overhead lighting is allowed.
- I. Urban farms located in a designated Historic Overlay District require a Certificate of Appropriateness.
- J. The pick-up and delivery of produce for the purpose of distribution to gardeners or those who have purchased shares of locally grown produce is allowed during daylight hours. Such activities shall not be considered retail sales.
- K. Retail sales may be allowed at urban farms upon approval of a Zoning Certificate. In addition to the standards listed above, the following criteria apply:

1. Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised within the City's Area of Impact may also be sold. These items may not exceed 25% of total product on display.
2. Display areas shall adhere to the setbacks of the zone and be located as close to the front property line as feasible.
3. Installation of new overhead lighting is prohibited.
4. Applications shall include signatures of residents of adjacent properties, including those across streets and alleys, indicating they have been notified of the intent to conduct retail sales. The list shall include the address of any residents unwilling to sign.
5. In Residential and Open Space zones:
 - a) The area dedicated to the sale, display and storage of produce shall not exceed 500 square feet.
 - b) Sales are limited to the hours of 8:00 a.m. to 8:00 p.m.
 - c) Installation of new on-site parking to support retail sales is prohibited.
6. A decision to approve or deny will be made within 15 days of receipt of a complete application. If approved, notice will be sent informing owners and residents within three-hundred feet of the decision and their right to appeal.
7. Conditions may be imposed to protect adjacent properties from adverse impacts.
8. These standards may be exceeded with approval of a Conditional Use Permit.

EXISTING TEMPORARY USE, LIVESTOCK & BEEKEEPING ORDINANCES

Note: *The amendment includes only a minor change to the Temporary Use Ordinance. It has been highlighted below. Staff is proposing to repeal and replace both the Livestock and Beekeeping Ordinances. While only minimal changes are proposed to the actual allowances, the ordinance language has been simplified and reorganized a great deal.*

Section 11-05-01.4 Temporary Uses

A zoning certificate is required for certain temporary uses, including but not limited to buildings, display and sale of merchandise, model homes, trailers, uses incidental to construction and seasonal uses such as fireworks stands, Christmas tree lots, and ~~fruit and vegetable~~ produce stands. ~~marketing produce~~: Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare, including cleaning the property upon termination of the use.

1. With the exception of produce stands, which may be approved annually, the term of the permit shall not exceed 180 days.
2. Setbacks and clear vision triangles shall be observed and the temporary use shall not interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property.
3. The use shall be conducted in compliance with regulations administered and enforced by other city, state, and federal agencies.
4. Seasonal uses require: approval from the City Clerk's office.

Section 11-09-09 KEEPING OF LIVESTOCK

Section 11-09-09.01 Purpose

The purpose of these regulations is to provide a definition of livestock; to set forth reasonable standards for the keeping and care of livestock; to protect the property rights of citizens annexed into Boise City with livestock or rights to keep livestock; to help maintain neighborhood compatibility; and to protect the health, safety, and welfare of the general public.

Section 11-09-09.02 Livestock Defined

Livestock are those class of animals that are kept and housed outside the home or in enclosures such as pens, barns, corrals or paddock areas. Livestock includes, but is not limited to horses, cattle (beef and dairy), llamas, mules, swine, sheep, goats, rabbits, poultry, and domestic birds. Livestock includes any other grazing or foraging animal except those specifically included as a pet.

Section 11-09-09.03 Pet Defined

Pets generally include those animals that are housed indoors. Pets also include certain animals that may be housed outdoors. Those certain animals are: dogs, cats, up to three (3) chickens, excluding roosters, two (2) ducks, two (2) rabbits or such equivalent small animals or poultry as determined by the Planning Director. Animals deemed to be pets shall comply with the performance standards as set forth in Section 11-09-09.09G.

Section 11-09-09.04 Commercial Livestock Uses

The raising of livestock for the specific purpose of selling the livestock or livestock products (such as milk) represents commercial livestock use. Such use requires compliance with the base standards in this ordinance and approval of a conditional use permit. The raising of an animal for youth development activities involving 4H or Future Farmers of America (FFA) and the sale of such animal shall not be considered a commercial use.

Section 11-09-09.05 Animal Unit Defined

Animal unit is defined to provide a reasonable standard for determining allowed livestock densities. Each horse, mule, cow, llama, or similar size animal shall represent one animal unit. The number of smaller animals representing one animal unit is established based upon the size and characteristics of the animal. The number of smaller animals included within an animal unit includes four (4) sheep, four (4) goats, four (4) swine, twelve (12) chickens, twelve (12) ducks, six (6) geese, ten (10) rabbits, or equivalent combination of such animals. The Planning Director shall determine the equivalent number of animals allowed within an animal unit for animals not listed herein including miniature forms of large animals. The Planning Director determination should take into consideration the purpose of Section 11-09-09.01 and the impacts to adjacent properties as described in Section 11-09-09.09.

Section 11-09-09.06 Allowed Use of Livestock

The keeping of livestock as an accessory use to residential use shall be allowed in the A Open, R-1A, R-1B and R-1C zoning districts of Boise City subject to the standards set forth herein.

Section 11-09-09.07 Grandfather Rights/Legal Nonconforming Use Status

Any property annexed into Boise City with livestock that were placed on the property in accordance with the regulations of Ada County in effect at the time, shall be grandfathered into Boise City. If the livestock and related enclosures comply with all standards of this ordinance the use shall be classified as a legal conforming use. If the livestock and enclosures were in compliance with Ada County requirements but do not comply with these regulations, the use shall be classified as a legal nonconforming use but shall be allowed to continue to exist as it existed upon annexation. Grandfather rights for livestock shall run with the land and are not lost upon sale or conveyance of the property. A person with grandfather rights may retain those rights even if they exchange animal units as long as the number of animal units is in conformance with this ordinance. For example, a grandfathered property with cattle may switch the species of livestock to sheep and would not lose its grandfather rights. However, the number of sheep allowed (i.e., animal unit) would be pursuant to this ordinance.

Section 11-09-09.08 Abandonment/Discontinuance/Removal of Grandfathered Livestock

The legal nonconforming/grandfathered status shall be forfeited if the livestock are removed from the property for a continuous period of two (2) years. After the livestock use has been discontinued for a period of two (2) years, such use may be resumed in compliance with the standards of this ordinance in force at the time.

Section 11-09-09.09 Standards for the Keeping of Livestock

- A. A minimum lot size of one (1) acre is required to qualify for the keeping of livestock within Boise City.
- B. A minimum area of at least one half ($\frac{1}{2}$) acre of the qualifying property, which shall be dedicated to the keeping of livestock, is required for the keeping/raising of livestock. This area shall be configured in a contiguous and usable manner to accommodate the grazing area, feed storage and manure piles. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports.
- C. Livestock shall be kept within enclosures which may include fences, corrals, barns, pens, etc..
- D. Horses, which are commonly ridden and exercised on trails and other places outside people's properties, shall be allowed to exceed the standard animal unit density allowed per this ordinance. One horse per residential lot shall be allowed on every 14,500 sq. ft. of lot area that is configured in a contiguous and usable manner.
- E. Livestock enclosures must meet the setback requirements of the zoning district within which they are located.
- F. The maximum animal density shall be two (2) animal units per acre based upon the area that is designated for the keeping of livestock. That portion of the lot utilized for the dwelling, lawn, parking, etc. shall not be included in the density calculation. For example, if one half ($\frac{1}{2}$) of a one (1) acre lot is set aside for the keeping of livestock, only one (1) animal unit is allowed such as one (1) cow, four (4) sheep, twelve (12) chickens, etc. Horses may be kept in accordance with the density exception set forth in paragraph D above. Maximum animal density does not include offspring until said offspring are nine (9) months of age.
- G. Property owners keeping livestock in accordance with the above standards must maintain such animals in a manner that does not cause adverse impact to neighboring properties. Potential negative impacts on adjacent properties include odors, noise, drainage, erosion and flies. Each person who keeps livestock is responsible for the regular removal and disposal of animal waste, and control of insects, erosion and odor. Non-domesticated animals such as wolves, bob cats, raccoons, etc. must be kept in fully enclosed structures and be in compliance with all State and Federal licensing requirements in addition to the provisions of this ordinance. Failure to maintain the property in accordance with these requirements shall be considered a violation of the ordinance.

H. Exceptions to Minimum Lot Size

Certain situations shall be considered as exceptions to the minimum lots size standard for the keeping of livestock.

1. Properties that are less than one (1) acre in size shall be allowed to keep livestock if the subdivision covenants or overlay district as adopted by the Boise City Council specify that livestock animals are allowed. The animal density allowed in such situations shall be specified in covenants or overlay district. If animal density is not addressed, the density requirements of this ordinance shall apply, provided that the provisions governing animals in the covenants are not voided.
2. Animals may be kept on less than one (1) acre for educational purposes, such as 4H or FFA as long as the performance standards of Section 11-09-09.09 are complied with. The maximum animal density allowed on one (1) acre shall not be exceeded for such educational uses.
3. Properties that have been reduced to below one (1) acre in size as a result of public right-of-way acquisition shall be allowed to keep livestock subject to the animal density restrictions set forth above.

Section 11-09-09.10 Permit Requirements

- A. A variance application and hearing shall be required to vary from or exceed the above standards.
- B. A conditional use permit is required for commercial livestock use as defined above. A conditional use permit shall not be required for the keeping of livestock as an accessory to residential use in accordance with the above standards.

Section 11-09-11 Apiaries; Bees

11-09-11.01 PURPOSE

The purpose of these regulations is to establish requirements for sound beekeeping practices, which are intended to avoid nuisances and other problems that might otherwise be associated with the keeping of bees in an urban setting.

11-09-11.02 DEFINITIONS

Apiary:	A place where bee colonies are kept.
Bee:	Any stage of the life cycle of the common domestic honey bee, <i>apis mellifera</i> , species.

Closed Fence/Closed Hedge: A dense hedge or a fence with no visible gaps between the fencing materials when viewed at a right angle to the fence. The closed fence and hedge shall provide an effective flyway barrier.

Colony: A hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

Hive: A structure intended for the housing of a bee colony. A hive typically consists of a cover, supers, brood chambers, and a bottom board.

11-09-11.03 ALLOWED BEEKEEPING

The keeping of bees as an accessory use to residential use shall be allowed in the Open Land A-1 and A-2, R-1A, R-1B and R-1C zoning districts of Boise City subject to the standards set forth herein, and subject to review and approval of a zoning certificate by the Planning Director. This ordinance shall not be interpreted to allow for keeping of wasps, hornets or other noxious insects.

11-09-11.04 BEEKEEPING STANDARDS

- A. Density of Hives & Colonies: The keeping of bees shall not exceed a density of 3 colonies per 1/4 acre. Any single parcel of land is limited to 12 colonies, regardless of parcel size. Higher colony densities may be permitted by conditional use permit.
- B. Hives: All bee colonies shall be kept in hives with removable frames. Hives shall be kept in usable condition.
- C. Enclosures & Barriers: A minimum 6 foot high closed fence, closed hedge, building, or other solid flyway barrier shall be located between hives and the property line for all hives located within 30 feet of the property line. Any supply of water required for bees shall be located within enclosures and flyway barriers.
- D. Setbacks Required: All hives and related structures that form the apiary shall be located a minimum of 20 feet from the front property line and 5 feet from all other property lines. Hives shall be located a minimum of 50 feet from dwellings, porches, gazebos, decks, swimming pools, and permanently affixed play equipment on any adjoining lots or parcels, unless the owner of the adjoining property has provided written permission for closer hive placement. The property owner maintaining the hive(s) shall make reasonable accommodation for anticipated areas of human activity on adjoining parcels.

- E. Water Source: A supply of fresh water shall be maintained throughout the day to prevent bees from congregating at neighboring swimming pools and other water sources where they may cause human or domestic contact. Said water supply shall be large enough and located to be readily accessible to colonies on the site, and shall be designed to allow bees to access water by landing on a hard surface. A water supply is not required on the site during winter and other inactive months.
- F. Protection of Residents On-Site: Setbacks, barriers and other measures shall be applied as necessary to protect the residents of dwellings on the site.
- G. Maintenance: Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed. Notwithstanding compliance with the requirements of this Section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such dispositions to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.
- H. Queens: In any instance in which a colony exhibits unusually aggressive characteristics, or when the colony consists of Africanized bees (*Apis mellifera scutellata*), it shall be the duty of the beekeeper to destroy or re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
- I. Compliance with State Statutes: The keeping of bees shall be done in compliance with the Idaho State Bee Inspection statute and other applicable state laws.

11-09-11.05 PRESUMPTION OF RESPONSIBILITY

It shall be presumed for the purpose of Section 11-09-11 that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the parcel upon which a hive or hives are situated.

11-09-11.06 VIOLATION AND PENALTY

The keeping of bees and other insects in violation of this ordinance is prohibited. Any violation of this section shall be subject to a criminal misdemeanor pursuant to Boise City Code, Section 11-01-02.

**PUBLIC COMMENTS ON PROPOSED
ORDINANCE**

December 4, 2011

Mr. Cody Riddle
Planning and Zoning Directors,

Hello:

I am writing this letter in response to your request for comment on the proposed Urban Agriculture ordinance amendment.

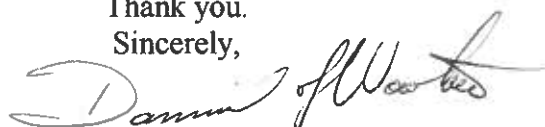
I am pleased that the city of Boise is being pro-active in urban agriculture zoning. There are some items of concern in the proposed amendments that I have reviewed.

Under the Livestock ordinance changes, I am concerned that changing three (3) 'pet' chickens to six (6) 'pet' chickens will put a burden on our R1c non-commercial feel on our neighborhood. By allowing 6 chickens per home on smaller acreages you are saying that, with good feeding and potential egg production, one household could produce 3 and a half dozen eggs per week. If a family cannot consume this amount of eggs, they will undoubtedly try to sell their eggs, allowing commerce into our non-commercial R1c neighborhood. There is also the issue of sanitation if a maximum number of chickens is kept in such an area. In our neighborhood, we have 35 or so lots, and if all homes put 6 chickens in their yards, we will have a potential for over 200 chickens and 116 dozen eggs or so per week, not to mention the smell and potential for disease. I urge the repealing of a 3 chickens-not roosters limit- in this ordinance.

Under the Urban Farm category, allowing for the pick-up and disbursement of produce during "daylight" hours puts an unfair burden on all code enforcement officers as they will be called upon to act as umpires to define "daylight". This could and probably will lead to a discretionary and perhaps arbitrary bias on the part of any officer called upon to mediate disputes between neighbors. I recommend that times for such "pick-ups" of produce be restricted to a real time, and I prefer 8 a.m. to 6 p.m. This time constraint needs to be applied to 11-09-12-c as well. The use of mechanical equipment in an urban farm area should not take too long and with proper time management and neighborhood cooperation, this timeframe should be quite adequate to till or otherwise work a small parcel of urban ground.

In closing, I thank the City for its efforts in this matter. I hope that an intelligent, logical and healthful ordinance can emerge. We do not need increased hostilities between neighbors that can emerge due to vague terms such as 'daylight', 'primarily', and other mushy language. These issues will require the increased need for code enforcement and no doubt police law enforcement officers, all of which will cost more in tax dollars. Please review these potential language and density issues before you pass this ordinance.

Thank you.
Sincerely,

A handwritten signature in black ink, appearing to read "Dan Wooten". The signature is written in a cursive style with a large initial "D".

r. Cody Riddle
Boise City
Planning and Development
December 4, 2011

Hello Cody,

In regards to the upcoming changes that the City of Boise is considering that would address and/or newly establish rules for "urban farms", I would like to comment on several of the proposed inclusions. I live in a neighborhood zoned R-1 C and do not wish to see the non-commercial nature of my neighborhood be altered to what I can anticipate some of these proposed regulation changes.

The definition of "**daylight hours**" is vague and largely impossible to enforce. I would like to see language defining **daylight to be confined to the hours of 8a.m-5p.m.** or something similar so as to aid city code enforcement officers in a concrete fashion. The term "**small animals**" needs to be defined as do the terms "**large animals**" "**pets,**" "**primarily**", and other terms that could lead to arbitrary decisions by the city code enforcement officers and lead to wasted time and money for all in a court of law grievance situation.

I am glad to see that the term 'accessory' will serve to respect urban properties in an **R1c** zone classification...as I understand your words at the recent Collister Neighborhood Association meeting that you spoke at, **families using their yards to grow a surplus of produce will be considered not to be urban farms** and will adhere to the existing yard sale statutes. The watering down of the non-commercial aspects of **R1c** classification concerns me greatly and I see any deviation therein as a dangerous "slippery slope" opening neighborhoods to constant commerce on the street. The home occupation ordinance seems to help define residential operating procedures, while some of the vague language in this urban farm document could open other disputes relating to the open exchange of monies for goods constantly on a residential street. If I misunderstood your intent, this is the distinction that my family would definitely wish to keep in the present code language.

Parking and traffic are big concerns for me in any changes to any city code language. **Dedicated parking spaces** are critical for any commercial endeavor. This is another reason neighborhoods are not conducive or safe for commercial traffic.

I hope to be able to view and comment on an **urban farming business plan** in my neighborhood. Please know that if I were to apply for an urban farming license, I would expect to be **required to file a plan of operations** so as to inform my neighborhood and the city of potential risks and consequences to my setup.

Thank you,

Nancy Bossman
4507 Shirley
R-1C 12/11

From: Lon Stewart <lonrjstewart@yahoo.com>
To: "criddle@cityofboise.org" <criddle@cityofboise.org>
Date: 12/9/2011 4:55 PM
Subject: Urban farming proposed rule comments

Section 11-05-01.4 Temporary uses

This section is not clear who is required to obtain zoning certificates. More specifically, the terms "display and sale of merchandise" and "produce stands" could apply to urban farms or gardens that are an accessory to a home. Additional language should state that accessory home gardens are not included in this section. In addition, item No. 4 should not apply to accessory home garden produce stands.

Section 11-09-09.05 Animal Unit

A llama should not be classified in the same category as horses, mules, and cows but with the sheep, goats and swine category. Llamas are very similar to the sheep and goats in that they have roughly the same food volume and liveable space requirements. They do not take up much room nor do they require much room for exercise. Llamas should be moved from the "one" to "four" animal unit category.

Section 11-09-09.06 Livestock as Legal Nonconforming Uses

Two years is too short a period to consider losing a non-conforming status. It may take a family more than 2 years to realize that they miss having livestock on their property or their family situation changes and it takes several years to get back to raising livestock, in either case or other cases for a homeowner to lose their right to raise livestock on their property for two years of non useage, is too narrow a window. I would recommend at least 5 year before losing non-conforming status.

Section 11-09-09.07 Standards for keeping of livestock.

Part A is not fairly delineated between all types of livestock. In the definition of animal units, there are one, four, six, ten and twelve animals per unit. The minimum acreage should be divided by the number of animals per unit. The four animals per unit category is not represented. Llamas, sheep, goats and swine do not need as much room to roam as cows do and therefore should be designated another size designation such as 0.6 acres or included with the poultry and rabbits category, these are not large animals. This group seems to be conspicuously left out of the equation.

Section 11-09-09.07 H.3

Horses should not be given special consideration for contiguous area. Horses are the largest domestic animal and the proposed rule is making their area even smaller. Horses should have a minimum of 1/2 acre (21780 square feet) not 14500 square feet. Who is to say a horse is "regularly ridden and exercised"? And what happens if it is not? who is to decide when regular turns into sporadic? What if I regularly exercise my cow, can I have it on 14500 sq ft? This item is too nebulus and not fair to the other potential animals and should be stricken from the proposed rules.

Section 11-09-12 Urban Farms

K.5. a. 500 square feet for sale, display, and storage of produce is the size of a 2 car garage. If we are talking predominately 1 acre lots within the city of Boise, 200 to 250 square feet should be sufficient. This should be ancillary not primary place of selling produce, I recommend reducing the size of the display and sale structure to a maximum of 250 square feet in size.

Generally, I thought the rules were well written and fair. Thank you for recognizing the local food movement and being progressive enough to incorporate them into the City Code.

Please include my comments into the package to the City Council.

Respectfully submitted,

Lon Stewart
4610 N Shirley Ave
Boise, 83703

Dear Cody Riddle,

12/06/12

First, thank you for coming to our Collister Neighborhood Meeting and taking questions.

I am concerned about Urban Farms impacting my street, Shirley, which is called the Wattles Subdivision. If subdivision covenants supersede city zoning, then anyone on my street can have 100 chickens (and also no black people can live here, so you can see how outdated, unreasonable the Wattles' covenants are). Therefore, I am *not* in favor of subdivision covenants taking precedence over current city zoning laws regarding this Urban Agricultural Ordinance Amendment.

I think much of the language in the Urban Farm ordinance is too vague, especially regarding what exactly constitutes an urban farm. At the meeting, I believe you stated that if the primary purpose of the land was agricultural, then that property *could* qualify as an urban farm. Therefore, this *could* happen on my little street, Shirley, where we have several large lots, even if the owners of the property live there. Given the language in this ordinance as it's written, the property owners could get a Conditional Use Permit, set up a large 50 by 10 foot retail space, have parking on the street, have many bee hives and colonies, and sell their produce, eggs, honey, and 25 % other products brought in from elsewhere, etc, because that *could* be the whole purpose of their reason to live on that property. Yikes! That would totally destroy our historically quiet, peaceful street.

Further, as the ordinance is written now, urban farms can sell year round from dawn to dusk or 8 am to 8 pm. In either case, this is unreasonable for our small street to endure. Such a retail enterprise would really disrupt the serenity of this small neighborhood street with traffic, all kinds of people, unknown vehicles coming and going, safety issues, etc.

Thus, I would like the language in the ordinance to specifically state that an urban farm ***cannot be in a residential neighborhood that is historically small and quiet.*** Additionally, I would like the ordinance to read that the retail space cannot be larger than 20 by 10 (50 by 10 is HUGE), selling cannot go on from dawn to dusk but would be restricted to noon until to 6 pm or 7 pm, only in the summer, 100 chickens are **not** allowable nor are more bee hives and colonies. Also, usually, chickens are not pets. So, the language in the ordinance really needs to be tightened up. Also, the ordinance should specifically reiterate that roosters are not allowed in residential areas.

In my mind, there are several important questions that need to be answered *before* this ordinance takes effect: How many code enforcement folks will be required in order to enforce the items in Section 11-09-12, A – K, which include effluent into the canal on our street, the use of mechanical equipment after daylight, what is a reasonable removal of compost, etc, in a timely manner? What exactly is a timely manner? What if street parking or traffic is excessive? Where is the Zoning Certificate to be displayed, etc.? What “conditions might be imposed to protect adjacent properties from adverse impacts” (k-6)?? And what would be the cost to taxpayers in order to hire the likely increased number of code enforcement personnel needed to enforce the new ordinance?? (Adding

to zoning laws, ie urban farms, logically seems to add to code enforcement workload.)
These are questions that need answers before any ordinance is adopted.

As the ordinance reads now, interpreting it would be an awful burden on a code enforcement officer to determine on his own, putting him/her in the difficult position of judge and jury. And what if the code enforcement officer isn't very good at his job?? What then happens to the integrity of the neighborhood that has an urban farm in its midst??? It would be very helpful to any code enforcement officer to have the urban farm laws very clearly defined and explained.

I am also concerned about the increase in bee colonies and hives. I certainly have plenty of bees in my garden during the summer. I am highly allergic to bees and do my best to stay away from them. I am also very allergic to mosquitoes, which are currently controlled with spraying because of West Nile Virus, thank goodness. **If more bee colonies and hives are allowed, will that affect mosquito spraying for West Nile?** That is another important question that needs an answer before this ordinance takes effect. Therefore, at this time, I think more bee hives and colonies should *not* be allowed in residential areas. Let's get some research done regarding mosquito spraying, to make sure mosquito spraying would **not be halted because of bees.**

Also, I feel that **everyone** on an affected street be informed of a new urban farm, a new retail business, or of increased bee hives and colonies, not just those living within 300 feet. Such activities impact many more people quite dramatically than just those people living within 300 feet.

I also feel that if an urban farm wants a year round retail space, those proprietors should be required to have a business license and that business license be displayed in a prominent place, just like all businesses are required to do.

I am not against urban farms or bees or chickens. I used to be a small time farmer/rancher off Bogus Basin Road, and I love and appreciate the lifestyle. But there is a place for that, and it's not in a quiet subdivision or street such as mine, where I've lived 28 years and farming and retail sales have ever been an issue or a problem. **This is a residential street fairly close to downtown Boise, certainly not an open space or rural area, and I don't think an urban farm is appropriate in such a location as is ours, a close-in, quiet residential street.** I would like the language in the ordinance to reflect that urban yet quiet, little streets will **not** have urban farms with conditional use permits so that they can have up to 100 chickens, many bee hives and colonies, and a large retail stand open from dawn to dusk year round with increased traffic and unknown vehicles parking up and down the street.

Thank you for your time and effort as you try to be fair to everyone.

Sincerely, 

Karen Knudtsen, Boise, Idaho 83703

Dear Mr. Riddle:

Thank you for your presentation at the Collister Neighborhood Association meeting last month. Below are my comments regarding the proposed Urban Agricultural Ordinance Amendment to Boise City Code.

1. The definition of "urban farm" in Section 11-01-03 is difficult to understand. It would be very helpful if it were re-stated for purposes of clarity. For example:

An urban farm is land used to grow plants for personal use, local sales, educational purposes, or donation. An urban farm can only be established on land where agricultural activity is the primary use of the land. Land which does not have a primary use for agriculture cannot be used to establish an urban farm. Agricultural activity is permitted as a secondary use of land, but does not qualify as an urban farm.

2. Please clarify the ability of subdivision covenants to allow exceptions, for example in Section 11-09-09-07 (H) (1). Only subdivision covenants still actively in effect, and not in violation of state or federal laws, should be permitted to provide exceptions. Some subdivisions no longer have covenants that are in effect or have been superseded by state or federal law. According to my realtor, the Wattles subdivision's covenants have not been in effect for more than 20 years. Implying that any covenants can be used to claim exceptions could lead to confusion among the public as to what their rights are.

3. Section 11-09-12 needs to explicitly address the probable scenario of urban farms being created specifically within established residential neighborhoods. Immediate proximity to residences means the impact of noise, odor, vehicular traffic volume, equipment operation, parking, street safety and visibility, hours of operation, and visitor volume will be much greater to residents and the general public than in a typical commercial zone.

4. While one can hope that anyone wishing to operate an urban farm or keep livestock would be considerate of their neighbors it is best not to assume that it is a given. The statutes need to provide sufficiently stated protections to other residents should those operating urban farms or keeping livestock create detrimental quality of life residential situations. It is preferred that multiple urban farms or large numbers of livestock in close proximity within a small geographic area be prohibited, restricted, or discouraged.

5. Urban areas are high density, close proximity situations. Agriculture is primarily a rural activity for a plethora of logical reasons. A city is not the best place to take up agriculture. But, if it is established within an urban entity, agricultural practices need to conform to the reality of their location. In other words, urban farms and livestock rearing need to adapt to the urban environment. An urban environment is much more limited in its ability to adapt to agricultural activity without causing negative impacts for residents than vice versa.

Thank you,

Janet French
4517 Shirley Avenue
Boise, ID 83703

From: a e <edun99@yahoo.com>
To: <criddle@cityofboise.org>
Date: 11/27/2011 7:52 PM
Subject: draft ordinance beekeeping
Attachments: Boise Agric.doc

Hi Cody,

I have read the draft ordinance so far as it relates to the keeping of bees. I feel that the "Definitions" section should be placed first, followed by the "Purpose" section.

I have also made some minor changes shown in the Memo attached.

Sincerely,
Abbas

Boise Agric. Ord. – Bees:

11-09-11.02 DEFINITIONS

Nucleus Colony:

A nucleus colony comprises significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half the size of a normal hive.

11-09-11.04 BEEKEEPING STANDARDS

A. Density of Hives & Colonies: No minimum area of land is required for the keeping of bees. However, the maximum density is three colonies per quarter acre. Higher densities may be permitted by the issue of a conditional use permit.

D. Flyway Barriers: For colonies located within 25 feet of a property boundary, a flyway barrier at least six feet in height consisting of a solid wall, fence or dense hedge parallel to the property line and extending 10 feet beyond the apiary in each direction must be maintained.

E. Setbacks and Placement: Hives shall be located at least 20 feet from front property lines and three feet from other property lines. The back of the hive shall be oriented to adjoining properties.

F. Water Source: A constant supply of fresh water must be maintained. It shall be readily accessible to the bees and to allow them to access water by landing on a hard surface. A supply of water is not required during the months when it is too cold for bees to fly.

From: "Richard Ripple" <ripplemr@cableone.net>
To: <criddle@cityofboise.org>
Date: 12/10/2011 9:36 AM
Subject: bee ordinance

Dear C. Riddle,

I am writing in support of the proposed changes in the beekeeping ordinance. I normally have only one or two hives, never sell any honey, and have no aspirations to do so. There are occasions where one or both of my hives do very well and need to be split into two hives in order to prevent them from splitting themselves in two with half of the bees flying away as a swarm. Then I immediately have three or four hives. And there are occasions when someone asks me to get a swarm from their yard, and again I have an extra hive unless I happen to know someone who wants a hive. For my purposes, I have never had a problem with your two hive rule, but if my hives needed splitting or a swarm came my way, I do not pay any attention to it and for some period of time will be in non-compliance.

Also, we have a "buildable" size vacant lot a stones throw from our residence on which we have fruit trees and a vegetable garden. Some day I would like to put a couple hives on it. It has a 6' wooden fence on all four sides and a locked gate, and will have a pond. It is impossible to image a more ideal place for a couple of hives - it makes no sense at all that whatever rules apply to the keeping of hives in our backyard should not also apply to vacant lots.

Thank you for your time.

Sincerely,

Richard C. Ripple, Jr., M.D.

1515 Warm Springs Ave

From: Patrick Sullivan <psullivan@designwestid.com>
To: Cody Riddle <CRiddle@cityofboise.org>
Date: 11/9/2011 3:52 PM
Subject: RE: Request for Comment: Draft Urban Agriculture Ordinance Amendment

Thanks Cody, looks good!

Sincerely,

Patrick Sullivan - RA, NCARB
Project Architect

Design West Architects, P.A.
216 S.W. 5th Avenue, Suite 100
Meridian, Idaho 83642

psullivan@designwestid.com

Phone: (208) 888-1768 ext. 111
Fax: (208) 955-6885
Cell Phone: (208) 340-8350

-----Original Message-----

From: Cody Riddle [mailto:CRiddle@cityofboise.org]
Sent: Wednesday, November 09, 2011 3:28 PM
Subject: Request for Comment: Draft Urban Agriculture Ordinance Amendmen

Attached you will find a brief memo and draft ordinance for your review and comment. Should you have any questions or concerns, feel free to contact me directly.

Sincerely,

Cody Riddle
Manager, Current Planning
Planning & Development Services
(208) 384-3830
criddle@cityofboise.org

From: "SUSAN MEDLIN" <ssmedlin@peoplepc.com>
To: "Cody Riddle" <CRiddle@cityofboise.org>
Date: 11/14/2011 1:54 PM
Subject: Re: Request for Comment: Draft Urban Agriculture Ordinance Amendmen

Thank you, Cody. Based on my undersanding of circumstances and issues, the draft looks reasonable and appropriate.

The only questionable section that I see is the retail sales part of the section on Urban Farms. Am I interpreting correctly that it means you cannot put a sign out in front of your house to sell potatoes when the crop comes in and overwhelms your cellar? I'm thinking of several neighbors who regularly sell whatever is currently being harvested by putting little signs in their driveways. VERY low impact, very limited time frames. I would hate to see this become a permitted activity...because I think the effect will be that either those sales become an illegal activity or access to this local produce will simply cease. I hope I misunderstand!

Is there a hearing tomorrow night on the whole Blueprint Boise? I've been gone and someone just called without details.

Regards,
Susan Medlin

----- Original Message -----

From: "Cody Riddle" <CRiddle@cityofboise.org>
Sent: Wednesday, November 09, 2011 3:27 PM
Subject: Request for Comment: Draft Urban Agriculture Ordinance Amendmen

Attached you will find a brief memo and draft ordinance for your review and comment. Should you have any questions or concerns, feel free to contact me directly.

Sincerely,

Cody Riddle
Manager, Current Planning
Planning & Development Services
(208) 384-3830
criddle@cityofboise.org

From: "mldcollege@juno.com" <mldcollege@juno.com>
To: <CRiddle@cityofboise.org>
Date: 11/12/2011 7:29 PM
Subject: Re: Request for Comment: Draft Urban Agriculture Ordinance Amendmen

codythanks for incorporating the suggestions of the community gardeners in the city. I think this is a good step forward in getting Boise behind the urban farming and food production movementMark Drew, KOG Community Garden

Get Free Email with Video Mail & Video Chat!
<http://www.juno.com/freemail?refcd=JUTAGOUT1FREM0210>

From: Walt Sledzieski <wsled@ctcweb.net>
To: Cody Riddle <CRiddle@cityofboise.org>
Date: 11/12/2011 8:54 AM
Subject: Re: Request for Comments-Draft Urban Agriculture Ordinance Amendment

Hey Cody,

I found this really interesting - learned a lot about the considerations of keeping animals, bees, and urban gardens. My initial question was around the density of kept animals and the impact through runoff. Appears that this has been well thought through.

Looks great to me.

Thanks,

Walt

On 11/10/11 3:41 PM, "Cody Riddle" <CRiddle@cityofboise.org> wrote:

> All-
>
> My apologies. I'm having trouble with the email system today. My previous
> message did not include a subject line.
>
> Attached you will find a brief memo and draft ordinance for your review and
> comment. Should you have any questions or concerns, feel free to contact me
> directly.
>
> Sincerely,
>
> Cody Riddle
> Manager, Current Planning
> Planning & Development Services
> (208) 384-3830
> criddle@cityofboise.org
>
>
>

From: Diane Jones <sweethomeidaho@yahoo.com>
To: Cody Riddle <CRiddle@cityofboise.org>
Date: 11/19/2011 8:52 AM
Subject: Re: Request for Comment: Draft Urban Agriculture Ordinance Amendment

This looks good. What will be the process/standards for obtaining a zoning permit for retail sales. Who grants approval?

Thanks for your hard work,

Diane Jones
Draggin' Wing Farm

From: Cody Riddle <CRiddle@cityofboise.org>
To:
Sent: Wednesday, November 9, 2011 3:23 PM
Subject: Request for Comment: Draft Urban Agriculture Ordinance Amendment

Attached you will find a brief memo and draft ordinance for your review and comment. Should you have any questions or concerns, feel free to contact me directly.

Sincerely,

Cody Riddle
Manager, Current Planning
Planning & Development Services
(208) 384-3830
criddle@cityofboise.org

From: "Robert Howarth" <RHowarth@cdhd.idaho.gov>
To: <criddle@cityofboise.org>
Date: 11/21/2011 5:07 PM
Subject: Request for Comment - Urban Agriculture Ordinance Amendment

Dear Cody,

I have reviewed the draft ordinance and hereby provide our support for these amendments and the direction provided in Blueprint Boise.

Please let me know if you need anything further from Central District Health Department.

Sincerely,

Rob Howarth, Director
Environmental Health & Preparedness
Central District Health Department
707 N. Armstrong Place
Boise, Idaho 83704
Phone (208) 327-8520
Fax (208) 327-8553
rhowarth@cdhd.idaho.gov
www.cdhd.idaho.gov

The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you have received this information in error. Also, please delete this email after replying to the sender.

From: Helen Brookman <hbrookmangarden@gmail.com>
To: <criddle@cityofboise.org>
Date: 11/21/2011 10:08 AM
Subject: Urban Farm draft

Keith Mitchell forwarded to me for comment. I only saw a couple things:

1) In 11-09-12 B., addressing dead plants, many have the practice of leaving "dead plants" standing through the winter (providing cover for birds, beneficial insects, soil, etc.), which may not seem like a garden practice to neighbors who prefer the stripped clean look.

2) In K. 1. you address what can be sold at a produce stand. It seems to limit sales to produce only, which would appear to prohibit sales of t-shirts, calendars, etc. (such as folks like the BUGS program rely on for income). Maybe if those items are locally produced??

Otherwise, thank you to you (and Casey?) for your work on this. -Helen Brookman

From: Brent Mathieu <bmathieu@spro.net>
To: <criddle@cityofboise.org>
Date: 11/11/2011 3:06 PM
Subject: Urban Agriculture Ordinance Amendment

Hi Cody,

I was present last night at your presentation at the Muse Townhall. I'm blond with reddish gray beard, age 56, 6'.

I have read the proposed UAOA amendment. To the best of my knowledge, and quick read, it is quite appropriate and has my support. As a backyard chicken farmer and gardener, it has my full support. I am supportive of the increase to 6 chickens.

Now if we can come up with a proposal to tolerate roosters, at least temporarily, such as a week or two, to inseminate hens in the spring that would be helpful.

Thanks,
Brent

From: Barbara Martin-Sparrow <dandilion10@yahoo.com>
To: Cody Riddle <CRiddle@cityofboise.org>
Date: 12/9/2011 5:31 PM
Subject: Re: Proposed Urban Agriculture Ordinance Amendment

Thanks Cody for this information-- I thought I had something to comment about by Dec. 9th but believe your new letter and ordinance with comments due by Dec 29 usurped the original.

This looks much better for composting and dates for gardening.

Still unsure if it covers growing "weeds" such as fill for flower arrangements or my organic dandelion greens-- so many new produce products that were so common everywhere in the past. There might be some inclusion because the fill "weeds" can grow taller than the weed ordinance allows and might be misinterpreted as a problem. And there is a whole movement of people growing and gathering natural plants that are edible.

Thanks as always for your help.

Barbara Martin-Sparrow

From: Cody Riddle <CRiddle@cityofboise.org>
To:
Sent: Thursday, December 1, 2011 4:57 PM
Subject: Proposed Urban Agriculture Ordinance Amendment

Attached you will find a brief memo and proposed ordinance for your review and comment. As outlined in the attached information, the first public hearing has been scheduled on January 9, 2012. You are welcome to attend and provide comment.

Should you have any questions or concerns regarding the attached materials, please contact me directly.

Sincerely,

Cody Riddle
Manager, Current Planning
Planning & Development Services
(208) 384-3830
criddle@cityofboise.org

From: Lorrie Roalstad <lroalstad@hotmail.com>
To: Cody Riddle <criddle@cityofboise.org>
Date: 12/20/2011 7:22 AM
Subject: Comments from Reginald States

Greetings Cody, Updating the existing code (circa 1960's) with relation to urban farming/community gardens seems relevant and necessary. The language and the updated draft is reasonable and appropriate allowances are given to exceptions through the conditional use process. In my business as an independent produce market (16 yrs and counting), annual permits make sense and are less ambiguous to both the owner/operator as well as with your staff. One question: Should exotic pets be allowed/disallowed, restricted or conditional use required? Thank you for your hard work and consideration, Reggie StatesReggie's Veggies LLC



Comments on Beekeeping Standards:

(Based on discussion with Jeff Bergland, Ed Keener and Steve Sweet, Treasure Valley Beekeepers Club, December 14, 2011)

11-09-11.04

D. Flyway Barriers-keep as proposed in amendment. It is important that the flyway barrier is at least 6 feet tall and extends ten feet beyond the apiary on both sides.

E. Setbacks and Placement: Keep most of the language of the current ordinance, with the following underlined changes:

“Setbacks Required: All hives and related structures that form the apiary shall be located a minimum of 20 feet from the front property line and 3 feet from all other property lines. Hives shall be located a minimum of 25 feet from dwellings, porches, gazebos, decks, swimming pools, and permanently affixed play equipment on any adjoining lots or parcels, unless the owner of the adjoining property has provided written permission for closer hive placement. The property owner maintaining the hive(s) shall make reasonable accommodation for anticipated areas of human activity on adjoining parcels.”

We thought it important to keep language that respected neighboring property owners’ rights, while allowing beekeeping on smaller lots. The 25 foot requirement seemed a reasonable compromise based on city lot requirement of 5000 square feet, usually a 50” by 100’ lot, which would allow a hive placed in the middle of the lot. Also, with the back of the hives placed 3 feet from the property line, the front entrance to the hive would be approximately 5 feet from the property line.

“J. Contact information: Contact information for a responsible party shall be posted at apiaries on vacant property or when the apiary is operated by a party other than the property owner.”

The additional language is aimed at circumstances such as a community garden that may be located at a school or a church, or at a rental property or other situation where the property owner is not on site.

PRELIMINARY RECOMMENDATIONS & FEEDBACK



Planning & Development Services

Bruce Chatterton
Director

Boise City Hall
150 N. Capitol Boulevard

Mailing Address
P. O. Box 500
Boise, Idaho 83701-0500

Phone
208/384-3830

Fax
208/384-3814

TDD/TTY
800/377-3529

Web
www.cityofboise.org/pds

Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council Pro Tem
Alan W. Shealy

Elaine Clegg
David Eberle
Lauren McLean
TJ Thomson

July 13, 2011

Re: Preliminary Recommendations of the Urban Agriculture Committee

Dear Neighborhood Association Representatives and Public Agencies:

As you may be aware, the City of Boise has been working on a new Comprehensive Plan, Blueprint Boise. The plan includes several elements focused on sustainability and local food production. In anticipation of Blueprint Boise's adoption, planning staff formed the Urban Agriculture Committee. This group includes a number of individuals already involved in the practice of agriculture in the community. The Committee has analyzed ordinances from other municipalities and drafted a list of preliminary recommendations to accommodate urban agriculture in Boise.

Your input is extremely important in developing allowances for urban agriculture. If you would take the time to review the attached recommendations and share any comments or concerns you might have, it would be greatly appreciated. Your feedback will be used to begin crafting ordinance language to appropriately regulate urban agriculture.

Comments and questions should be directed to Cody Riddle at (208) 384-3830 or criddle@cityofboise.org. Formal comments on the preliminary recommendations should be submitted no later than 5:00 p.m. on July 29, 2011.

Please note that Planning Staff and Committee Members are available to meet with your group to discuss the preliminary recommendations.

Sincerely,

Cody Riddle
Manager, Current Planning
Boise City Planning and Development Services



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

MEMORANDUM

TO: Boise City Neighborhood Associations & Commenting Agencies

FROM: Cody Riddle
Boise City Planning and Development Services

DATE: July 13, 2011

RE: Preliminary Recommendations of the Urban Agriculture Committee

BACKGROUND & INTRODUCTION

Blueprint Boise includes several elements focused on the importance of urban agriculture and local food production. This includes a specific policy stating the need for ordinance amendments to support such uses. In anticipation of the new Comprehensive Plan's adoption, Planning Staff formed the Urban Agriculture Committee. The group is comprised of individuals who expressed interest in the topic during Blueprint Boise outreach or have processed related applications in recent years. It includes individuals already involved in community gardening, operating produce stands, maintaining apiaries, or raising livestock and poultry. The Public Works and Parks Departments are also represented.

The Committee assisted staff in comparing current Boise City standards related to urban agriculture with those of other municipalities. The ultimate purpose of the Committee is to create allowances and standards in support of urban agriculture. In most instances this will be entirely new ordinance language as Boise City Code does not currently even identify things like community gardens or urban farms.

PRELIMINARY RECOMMENDATIONS

Prior to drafting specific regulations, the Committee was asked to create a list of general recommendations to be presented to neighborhood association representatives and public agencies for feedback. The following recommendations have been presented to Boise City Council and the Planning and Zoning Commission.

Community Garden

An area of land managed and maintained by an individual or group to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, donation, or sale. Limited sales and events may also occur on the site.

1. Community gardens are generally appropriate in all zoning districts and should be allowed both as accessory uses, and the primary use of vacant lots.
2. They should be allowed, subject to specific standards, without requiring an application.
3. Retail sales, limited to produce raised on-site, should be allowed.

4. A definition needs to make a clear distinction between community gardens and urban farms.
5. The standards should be simple, and refer to other ordinance sections (signs, noise, setbacks, etc.) when possible.
6. Community gardens should include those operated for educational purposes.
7. There should be no restriction on row crops.
8. Gardens should be allowed within front yards.
9. Fencing and setbacks for crops should not be required.
10. Signage with appropriate contact information for neighbors should be required.
11. Operations should not begin before March 1st, and all gardens should be cleaned up by November 1st. A “clean-up date” at the end of season is of most importance.
12. Operations should be limited to daylight hours. Further restrictions for gas powered equipment may be necessary.
13. Structures should be allowed, subject to the dimensional standards of the underlying zone.
14. Chemicals, tools and equipment stored on site need to be kept within a locked structure.
15. Gardening in planter strips (public right-of-way) should be supported.
16. Livestock and poultry should only be allowed when their owner resides on the premises.
17. A brochure should be created to outline ordinance requirements, and provide resource information for potential gardeners and members of the public.

Urban Farms

A use in which plants, and products derived from them, are grown and sold on the same lot or off site. No other items can be sold onsite. Examples may include flower and vegetable raising, orchards and vineyards.

1. Urban farms should be an allowed use in most districts, but subject to administrative approval in residential zones.
2. For farms requiring administrative approval, applicants should be required to obtain the signature of neighbors prior to submittal.
3. Farms should be issued an initial one year approval, followed by subsequent five year approvals, for those operating in conformance with established standards.
4. A notice of approval should be issued to the neighborhood association and owners and occupants within 300’ of any farm receiving administrative approval. This will allow for an appeal to the Planning and Zoning Commission.
5. Urban farms should be subject to similar operating standards (hours, signage, setbacks, etc.) as community gardens.
6. A requirement for a management plan that addresses water use, chemical application, disposal of waste, etc. should be required.
7. Signage with appropriate contact information for neighbors should be required.
8. A brochure should be created to outline ordinance requirements, and provide resource information for potential gardeners and members of the public.

Produce Stands – *Currently regulated by B.C.C. 11-05-01.4 (temporary uses).*

1. Produce stands should be approved annually, rather than the current practice of six-months.
2. Opportunities to streamline the requirements and permitting process with those of the City Clerk’s Office should be explored.

Livestock – *Currently regulated by B.C.C. 11-09-09*

1. The current allowances for larger livestock (horses, cattle, etc.) are appropriate.
2. Standards should be updated to ensure waste management and disposal is adequately addressed.
3. Information on the keeping of livestock should be included in a new urban agriculture brochure.

Poultry – *Currently regulated by B.C.C. 11-09-09*

1. The number of chickens allowed as pets (currently three) should be increased to as many as six to eight.
2. Additional research into allowances for roosters should occur.
3. Additional chickens should be allowed on parcels smaller than one acre in size. This would be based on performance standards, and subject to administrative approval.
4. The Idaho Humane Society should be consulted regarding any new standards.
5. Information on raising poultry should be included in a new urban agriculture brochure.

Beekeeping – *Currently regulated by B.C.C. 11-09-11*

1. The current allowance of 3 colonies per ¼ acre is appropriate. However, the cap of 12 colonies, regardless of parcel size is too restrictive.
2. The current application process and \$55 fee are cumbersome for those maintaining only a couple hives.
3. There should be an additional allowance for nucleus hives (swarms) from April through June.
4. Beekeeping should be allowed at community gardens, urban farms, and vacant parcels in residential and open space zones.
5. The contact information of the beekeeper should be posted on each apiary.
6. The group felt the Treasure Valley Beekeepers could serve as an educational resource for local beekeepers, and potentially offer certification courses in the future to ensure best management practices are employed.
7. Information on beekeeping should be included in a new urban agriculture brochure.



Rebecca W. Arnold, President
John S. Franden, Vice President
Carol A. McKee, Commissioner
Sara M. Baker, Commissioner
David L. Case, Commissioner

Date: July 28, 2011

To: Cody Riddle – Current Planning Manager
Boise City Planning and Development Services
150 N. Capitol Boulevard
Boise, ID 83701

Sent Via E-mail

Subject: Preliminary Recommendations of the Urban Agriculture Committee

Thank you for the opportunity to provide comments on the Preliminary Recommendations of the Urban Agriculture Committee. ACHD looks forward to working with Boise city as this process moves forward. ACHD has reviewed the preliminary recommendations and has a few comments noted below.

Item 15, under Community Gardens notes that “*Gardening in planter strips (public right-of-way) should be supported.*” ACHD currently allows and would continue to allow community gardens to be planted within the public right-of-way through a license agreement. Provided the following provisions are met:

- Plants and produce do not grow any taller than 3-feet in height;
- Plants and produce do not impede the vision triangle at intersections and/or driveways;
- Plants and produce do not hang over the sidewalk or roadways;
- Fencing and trellis are limited to a height of 3-feet.

Additionally, ACHD has surplus properties located throughout Boise City. These properties could also be used for community gardens with annual license agreements. For more information on ACHD’s surplus properties please contact Lorie Baird at 387-6277.

Staff has some concerns regarding potential runoff from gardens and livestock operations entering the public storm drain system. These concerns could easily be address referencing the Boise City Stormwater Ordinance as part of the recommendations.

Thank you for the opportunity to provide comments on the Preliminary Recommendations of the Urban Agriculture Committee. If you have any questions, please feel free to contact me at (208) 387-6178.

Sincerely,

Mindy Wallace
Planning Review Supervisor
Development Services
Ada County Highway District

From: Mark Beattie <beattie_mark@msn.com>
To: <criddle@cityofboise.org>
Date: 7/15/2011 11:30 AM
Subject: Preliminary Recommendations of the Urban Agriculture Committee

Hi Cody,

I've read through the Preliminary Recommendations of the Urban Agriculture Committee. Looks really good and I'd like to see this implemented in Boise.

My two cents: I'd push the poultry number to 8 and keep the current restriction on no roosters.

Thank you,

Mark Beattie

From: Marty Camberlango <marty.citygardens@gmail.com>
To: "Casey O'Leary" <greenshera@hotmail.com>, <CRiddle@cityofboise.org>
Date: 8/7/2011 10:41 PM
Subject: Re: farmers in Urban Agriculture meeting

Hello Cody,

I have been thinking about this and I think it's simple. We just need a garden clause in the city code:

'It shall hither to be that it is legal to garden in the city of Boise!'

Finished. As simple as possible like computer programing. The whole thing is like regulating lemonade stands. An urban farm (as they are in Boise) is a garden. Current laws already prohibit noise at night and weeds. I don't think anyone on the committee has actually seen an urban farm except Josie Erskine (who farms in the county). Urban farms in Boise are small (tiny) and barely noticed by the twittering public and don't need all this city code and meetings (waste of tax money). Helping us would be to free up some city land for food production. If the City some how helped build a farm big enough to warrant heavy regulation, that would be supporting urban agriculture.

All gardeners know that winter is about talking about gardening. I can have a meeting with the city in the winter and I'm not telling them where my garden is. They will have to climb fences and trespass or you could have asked around. Don't you think before you start writing code you would ask, "What does a Boise urban farm look like? Wouldn't you try to find at least one to get your bearings from?"

Kindest regards,
farmer marty

>

> ----- Original Message -----

> Subject: Urban Agriculture

> From: "Cody Riddle" <CRiddle@cityofboise.org>

> Date: Thu, August 04, 2011 3:30 pm

> To: "Earthly Delights" <digger@earthlydelightsfarm.com>

> Cc: <marty.citygardens@gmail.com <http://gmail.com>>

>

> Casey,

>

> I enjoyed meeting with you the other day, and appreciate your perspective
> on urban farming. I've started receiving some feedback based on the recent
> article in the Weekly. Unfortunately, I think there's a huge misconception
> out there about just what we're trying to accomplish, what the preliminary
> recommendations mean, and the process moving forward.

>

> This is where you come in. I would love the opportunity to meet with you
> and other folks involved in urban farming, perhaps at your garden, and even
> on an evening or weekend. I realize this is your busy season, so I want to
> meet whenever is most convenient for you and others. I'd like to meet on
> your 'turf', and not here in the stuffy office. I know you have contact
> information for others already involved in this sort of thing, so I thought
> you could help organize the meeting. I'm not thinking anything fancy or

> formal, just me and whoever you think might be interested in sitting down
> and talking face to face.

>

> Is this something you're willing to do? It sure would be appreciated.

> Please let me know at your earliest convenience.

>

> I hope to hear from you soon.

>

> Sincerely,

>

>

> Cody Riddle

> Manager, Current Planning

> Planning & Development Services

> (208) 384-3830

> criddle@cityofboise.org

>

>

> Cody Riddle

> Manager, Current Planning

> Planning & Development Services

> (208) 384-3830

> criddle@cityofboise.org

>

>

>

Community Garden

"An area of land managed and maintained by an individual or group to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, donation or sale. Limited sales and events may also occur on the site."

Concern:

- Need to have a better definition of "community garden," that focuses on "community." This proposed definition of "community garden" includes those who have a single tomato plant, grown for their personal use. Is it the intention of the proposed ordinance to regulate all non-food ornamental landscaping or growth of food products, whether for personal consumption or not? If the intention of the proposed ordinance is to allow "gardening" in most places, question whether city code currently prohibits such "gardening" (which would be news to most city residents) and whether such an ordinance is even needed. You need to determine just what the proposed ordinance is intended to regulate, and then draft a clear, specific ordinance that is limited to that purpose.
- Define what would be "limited sales and "events"?

"2. They should be allowed, subject to specific standards, without requiring an application."

Concerns:

- Without a required application, especially on vacant lots, rights-of-way, planter strips or medians, how will one determine who is responsible for providing water and ongoing maintenance? People often underestimate the time and resources needed, lose interest or become unavailable to maintain the garden. What if it becomes an unsightly weed bed?

"3. Retail sales, limited to produce raised on-site, should be allowed."

Concerns:

- Will vendor's permits/sales licenses (sales tax) be required?
- How do you enforce the limit to sell only produce raised on-site?

- Will retail sales be allowed at all times (every day from March to November?)
- Would retail sales of products made from produce raised on site be allowed (e.g. strawberry jam, jars of honey, wine, etc.)? Will they be subject to food inspection or Central District Health requirements?
- Will “produce stands” have requirements? Will “produce stands” be allowed in the neighbor’s front yard from March through November?

“8. Gardens should be allowed within front yards.”

Concerns:

Many subdivisions have covenants regarding landscaping, particularly in front yards. Is it the City’s intent to nullify these covenants?

“9. Fencing and setbacks for crops should not be required.”

Concerns:

- Gardeners should be warned to avoid obstructing clear vision triangles, bike lanes and sidewalks/pedestrian pathways.
- Gardeners should be aware that plantings in public rights-of-way may need to be removed for construction or other governmental projects. Will the City/taxpayers be liable for loss of crops, equipment?
- Is ACHD on board with this?

“11. ...all gardens should be cleaned up by November 1st.”

Concerns:

- What is “cleaned up?”
- What is the reason behind the March 1 to November 1 period of time?
- How/who will enforce this? The City has too few code enforcement officers to handle the current case load.

“12. Operations should be limited to daylight hours. Further restrictions for gas powered equipment may be necessary.”

Concerns:

- May be location specific and goes to the possible need for applications.
- Use of gas powered equipment, tractors, electric equipment, radios, noise from large groups of people, etc. can be a nuisance for adjacent

neighbors, especially in residential zones. It does get hot during summer days, so working early in the morning makes sense if it doesn't bother the neighbors. Suggest limiting "noise hours" to those in the City noise ordinance (like with construction). Good neighbors are considerate of their neighbors.

"13. Structures should be allowed, subject to the dimensional standards of the underlying zone."

Concerns:

- Basic requirements for structures should be spelled out—would a trailer, pick-up topper, plastic storage, or canvas structure be allowed? What about small greenhouses?
- By "dimensional standards," do you mean for the size of the structure or for the size and setback requirements of the underlying zone for the garden lot?

"15. Gardening in planter strips (public right-of way) should be supported."

Concerns:

- Need to ensure that such plantings do not obstruct sidewalks, bike lanes or clear vision triangles.
- Need to have a designated party responsible for on-going maintenance/water/weeding.
- If it's in the public right of way, who "owns" the garden? If work needs to be done in the public right-of-way, who is liable for loss of crops or equipment?
- Is ACHD on board with this for street/highway rights-of-way?

"17. A brochure would be created to outline ordinance requirements, and provide resource information for potential gardeners and members of the public."

Concern:

Information should be included about wise water usage/irrigation.

Urban Farms

"A use in which plants, and the products derived from them, are grown and sold on the same lot or off-site. No other items can be sold on-site. Examples may include flower and vegetable raising, orchards and vineyards."

Concern:

Definition should include size or other appropriate requirements to distinguish a "community garden" from an "urban farm."

"3. Farms should be issued an initial one year approval, followed by subsequent five year approvals, for those operating in conformance with established standards."

Concerns:

- Would like to see "established standards" prior to adoption of any ordinance.
- Who decides whether an urban farm is operating in conformance with established standards? Will additional code enforcement officers be hired, and where will that money come from?
- Will approvals be terminated, suspended, withdrawn if an urban farm is not in conformance with established standards? What process will do that, how much will that cost taxpayers?
- If five year approvals are granted, has the City created a "right" that has legal or monetary value? Can an approval be transferred, sold, or suspended?

"5. Urban farms should be subject to similar operating standards (hours, signage, setbacks, etc.) as community gardens."

Concern:

Would like to see the "operating standards" before adoption of any ordinance.

Produce Stands.

"1. Produce stands should be approved annually, rather than the current practice of six months."

Concerns:

- Why the extended time, especially if the growing season is not year round?
- Will the produce stands be allowed to remain in place, even out of season or when not in use?

Poultry.

"1. The number of chickens allowed as pets (currently three) should be increased to as many as six to eight."

Concerns:

- Please explain the need to increase the allowable number of chickens kept as pets.
- If the allowable number of chickens is increased, does this cross over to commercial use? Will acreage requirements for livestock apply?

"2. Additional research into allowances for roosters."

Concern:

A rooster's crow carries quite a distance, and occurs at all times of day. Allowing roosters should be limited to lots at least an acre in size, kept a minimum distance from adjacent properties and with approval of all neighbors within at least 1000 feet.

"3. Additional chickens should be allowed on parcels smaller than one acre in size. This would be based on performance standards and subject to administrative approval."

Concerns:

- Please explain the need to increase the allowable number of chickens, and is it just "chickens" and not ducks or other poultry?
- What are the "performance standards?"
- If additional chickens are allowed on lots smaller than an acre, how will the required minimum area dedicated to keeping the chickens be configured, distance from structures, property lines, etc.?

- Will setback requirements of applicable zoning districts be enforced?
- As with livestock, will potential negative impacts on adjacent properties be regulated?
- Will prior approval of neighbors be required? If a neighbor that has given approval moves/sells, with approval remain in effect?
- If the allowable number of chickens is increased, when does this cross over to commercial use?

Beekeeping.

"1. ...However, the current cap of 12 colonies, regardless of parcel size, is too restrictive."

Concerns:

- On what basis is this deemed too "restrictive?"
- Would like to see proposed parcel size-colony ratio prior to adoption of ordinance.

"3. There should be an additional allowance for nucleus hives (swarms) from April through June."

Concerns:

- Please explain the need for the proposed additional allowance.
- What happens to the swarms after June?

"4. Beekeeping should be allowed at community gardens, urban farms and vacant parcels in residential and open spaces."

Concerns:

- Allowing beekeeping at community gardens, urban farms and vacant parcels in residential and open spaces should be subject to the same acreage, setback, colony sizes, etc. as required in the current ordinance.
- Prominent signage should be displayed warning the general public and users of the apiary.

From: "Draper, Mary" <mmdraper@uidaho.edu>
To: <criddle@cityofboise.org>
Date: 7/29/2011 9:26 AM
Subject: Urban agriculture

Cody,

As an employee of the University of Idaho Extension office in Ada County the "chicken" issue is close to my heart because of our 4-H youth that raise chickens in their backyards. My neighbor has 3 chickens (I live near Cole and Ustick) as well and they are not a problem. In fact, their clucking reminds me of my Grandfathers farm in Emmett. I would object to any rosters, but chicken, rabbits are much quieter than dogs. Please share this with the Mayor and City Council. Thank you.

Mary Margaret Draper

Office Service Supervisor, Ada County Extension

5880 Glenwood Street, Boise, ID 83714

Phone: 208/ 287-5900 FAX: 208/ 287-5909

mmdraper@uidaho.edu

From: Lynn Lockhart <morrishillna@yahoo.com>
To: Cody Riddle <CRiddle@cityofboise.org>, <Scarolson@cityofboise.org>
Date: 7/14/2011 8:24 AM
Subject: Re: Urban Agriculture Memo-City of Boise

Thanks, Cody. I actually do have two additional comments (please see below)...

1. The number of chickens allowed as pets (currently three) should be increased to as many as six to eight.
 -After talking about these recommendations with a friend who currently has chickens, she suggested a maximum of 3-5 but no more. We shouldn't be encouraging this to be an industry, not within neighborhoods where homes are close and yards may be small.

8. Gardens should be allowed within front yards.
 -Community gardens should be on communal land and not on a homeowner's private property. Having a community garden on a persons front doorstep seems like a potential safety hazard, not to mention crime issue with random people coming and going...

Sincerely,
 Lynn Lockhart
 520 N. Archer St.
 Boise, ID. 83706

--- On Thu, 7/14/11, Cody Riddle <CRiddle@cityofboise.org> wrote:

> From: Cody Riddle <CRiddle@cityofboise.org>
 > Subject: Re: Urban Agriculture Memo-City of Boise
 > To: "Lynn Lockhart" <morrishillna@yahoo.com>
 > Date: Thursday, July 14, 2011, 8:01 AM
 > Lynn,
 >
 > Thank you for providing the comments. You will have
 > additional opportunity to comment as we develop
 > ordinances. Please let me know if you have any
 > questions, or if you have further feedback.
 >
 > Thanks,
 > Cody
 >
 > >>> Lynn Lockhart <morrishillna@yahoo.com>
 > 7/13/2011 8:51 PM >>>
 > Dear Cody,
 > Thank you for requesting public input regarding the Urban
 > Agriculture Memo. I am opposed to items #8 and #9:
 >
 > 8. Gardens should be allowed within front yards.
 > 9. Fencing and setbacks for crops should not be required.
 >
 > I don't believe that gardens should be allowed in front
 > yards. And I also think that fencing and setbacks should
 > definitely be required.
 >
 > Sincerely,
 > Lynn Lockhart

From: Lynn Lockhart <morrishillna@yahoo.com>
To: Stacey Carlson <Scarlson@cityofboise.org>, <criddle@cityofboise.org>
Date: 7/13/2011 8:51 PM
Subject: Re: Urban Agriculture Memo-City of Boise

Dear Cody,

Thank you for requesting public input regarding the Urban Agriculture Memo. I am opposed to items #8 and #9:

- 8. Gardens should be allowed within front yards.
- 9. Fencing and setbacks for crops should not be required.

I don't believe that gardens should be allowed in front yards. And I also think that fencing and setbacks should definitely be required.

Sincerely,
 Lynn Lockhart
 520 N. Archer St.
 Boise, ID. 83706

--- On Wed, 7/13/11, Stacey Carlson <Scarlson@cityofboise.org> wrote:

From: Stacey Carlson <Scarlson@cityofboise.org>
 Subject: Urban Agriculture Memo-City of Boise
 To: "BREANN SHEARER" <bshearer@achdidaho.org>, "KRISTY HELLER" <KHeller@achdidaho.org>, "MINDY WALLACE" <mwallace@achdidaho.org>, boccc1@adaweb.net, "MARK PERFECT" <dsperfma@adaweb.net>, sharonu@adaweb.net, "DAN LOUGHRY" <dloughrey@aol.com>, mike@benchsewer.org, "MARK HEATH" <markh@biimail.com>, "SARAH STOBAUGH" <SARAH.STOBAUGH@BOISESCHOOLS.ORG>, "JODY ORR" <jodyorr@cableone.net>, "MATT CIRANNI" <mattjc@cableone.net>, "SUSAN ABDO" <sabdo@cableone.net>, "TROY RICHMOND" <troyrichmond@cableone.net>, "PRITCHARD WHITE" <whitepete@cableone.net>, "JON CECIL" <jcecil@ccdcboise.com>, "Mike Hall" <mhall@ccdcboise.com>, "Morgan Maiolie" <mmaiolie@ccdcboise.com>, "Derek Christensen" <dcvp@chevron.com>, "Luke Johnson" <lmjo@chevron.com>, "Curt Crum" <CCRUM@cityofboise.org>, "Cheyne Weston" <cweston@cityofboise.org>, "Dennis Matlock" <DMatlock@cityofboise.org>, "KAREN YOKOM" <KYOKOM@cityofboise.org>, "Mary Elizabeth Watson" <MWatson@cityofboise.org>, "Peter McCullough" <PMcCullough@cityofboise.org>, "SUSAN CHURCHMAN" <SCHURCHMAN@cityofboise.org>, "Stuart Prince" <SPPrince@cityofboise.org>, "HAL MAXEY" <halmaxe@clearwire.net>, "JOHN ECKHART" <heckhart@clearwire.net>, "JULIE KLOCKE" <president@collistercna.org>, "CARL MILLER" <cmiller@compassidaho.org>, "BETTY BRIGANTE" <bettyb@ctcweb.net>, "Walt Sledzieski" <wsled@ctcweb.net>, "LINDA CLARK" <linda.clark@deq.idaho.gov>, "Karen Sander" <ksander@downtownboise.org>, "JOHN OLSON" <olson.john@epa.gov>, "MEGAN FULLER" <meganfuller@fullerconsultingllc.com>, "BOB KIBLER" <bob_kibler@fws.gov>, "GARY ALLEN" <garyallen@givenspursley.com>, "HELEN SHERIBON" <borahna@gmail.com>, "SARAH CUNNINGHAM" <centralbenchna@gmail.com>, "MISTY KREISSLER" <CentralRimNA@gmail.com>, glenwoodrim@gmail.com, "Helen Sheribon" <helen.j.sheribon@gmail.com>, "MATT CRYER" <highlandsneighborhood@gmail.com>, "JOAN WOLFE" <historysaver@gmail.com>, "HOLLI HIGH WOODINGS" <holliwoodings@gmail.com>, vpnaboise@gmail.com, "MATT MILLER" <miller_outdoors@hotmail.com>, wbnaboise@hotmail.com, "VICTOR STEELMAN" <vsteelman@idahopower.com>, "RICK WARD" <rward@idfg.idaho.gov>, djohson@idl.idaho.gov, sdouglas@idl.idaho.gov, westerninfo@idwr.idaho.gov, "LARRY STROUGH" <Larry.Strough@itd.idaho.gov>, Mark.Wasdahl@itd.idaho.gov, "JIM SZATKOWSKI" <jamesski@jlsce.com>, "WENDEL BIGHAM" <bigham.wendel@MERIDIANSchools.org>,

Erin McGown - Fwd: Urban Farms and Community Gardens

From: Mayor Bieter
To: Erin McGown
Date: 8/9/2011 8:06 AM
Subject: Fwd: Urban Farms and Community Gardens

And again, to PDS via CIRT.S.

Z

>>> Ruth Merrill <merrillruth@hotmail.com> 8/6/2011 12:58 PM >>>

To Whomsoever It May Concern:

Thank you for looking at supporting urban farms and community gardens. I question the requirement of operating from March to November. I would think there could be extended season growing. I wondered what the reasoning was. Thank you in advance.

Sincerely,
Ruth Merrill

From: Maria Minicucci
To: Cody Riddle
Date: 5/26/2011 5:17 PM
Subject: Re: May 11, 2011 Meeting Summary

Cody,

I know I haven't participated in this group yet, but since you're looking for comments, here are mine:

1. The limit on livestock and poultry to owner-occupied properties leaves out renters. I know that renters can be transient but perhaps there's some way to change to language to make it that the property must be occupied without requiring that it be owner-occupied.
2. Sales make me a bit nervous due to traffic concerns. Automobile parking is one of our main concerns here at P&R as we move forward with our community garden efforts. Neighbors may object to lots of cars coming and going in residential neighborhoods.
3. I don't see anything about disposal of weeds, etc. There are always compost heaps to help, but those can create problems for neighbors as well.
4. Enforcement is not addressed in the comments. I can't imagine that our current zoning enforcement staff can handle the additional work load. Are there any plans or discussion on inspections, response to complaints, dispute resolution? Or is that not a City function?

I hope to make the work session. The devil's in the details, but it would be great if the City can find a way through all the details to get a working program up and running.

I've been out of the office for a while and don't know where we can offer assistance, but please feel free to contact me if you would like to tap P&R expertise on maintenance, plant/weed issues, partnership agreements, or anywhere else you think we can help out.

Maria Minicucci
Property Administrator
City of Boise
Dept. of Parks & Recreation
1104 Royal Blvd
Boise ID 83706 -2898
(208) 608-7614
mminicucci@cityofboise.org

-
>>> Cody Riddle Tuesday, May 17, 2011 2:00 PM >>>
Committee Members,

From: alex neiwirth <alex.neiwirth@gmail.com>
To: <CRiddle@cityofboise.org>
Date: 8/4/2011 2:47 PM
Subject: Urban Agriculture Committee (Progress & Preliminary Recommendations)

Dear Cody and members of the Urban Agriculture Committee,

My name is Alex Neiwirth and I have a hobby garden at my Boise home. I just read the June 14th memo from the Urban Agriculture Committee (http://www.cityofboise.org/city_clerk/061411/urbanagriculture.pdf) and I have a couple concerns I'd like to share.

My first is the proposed definition of Community Gardens: "An area of land managed and maintained by an individual or group to grow and harvest food crops and/or non-food, ornamental crops, such... as flowers, for personal or group use, consumption, donation, or sale. Limited sales and events may also occur on the site." I read it to mean that would also regulate my personal veggie garden, because my little garden is "area of land... maintained by an individual... to grow and harvest food crops... for personal use...." I don't know if it the committee intends to regulate personal gardens as well, but that's how I read that language.

The second concern is the March 1 to November 1 limits on "operations." Frankly, some of my garden is alive year round and this seems to me to be bad policy. If enacted, it seems to mean that I couldn't begin "operations" before March 1, so maybe I couldn't over winter my spinach, chard and garlic? I find I like to plant some plants like spinach in the fall so I can actually eat some in the early spring. I have had good luck (and early spring salads) by planting my snow peas and lettuce in February in mild winters. Not only are these preferred growing methods for some, but I think having a little green in the garden over the winter is much more attractive than having barren brown soil all winter long. Does it mean I couldn't clip my perennial herbs to spice up my meals over the winter? Some root crops are best "stored" in the ground through the winter until one wants to eat them. Some people use winter crops as a way to prevent erosion or increase the soil's nitrogen content without chemicals and petrol-based fertilizers. Winter is the ideal time to transplant plants from one part of the garden to another, as it prevents the plant from going into shock. Though I don't have fruit trees, I believe the best practice to prune them is when the tree is hibernating over the winter, but it appears that would be forbidden. There are other actions, including some for weed control that I like to do during the winter, but I worry I couldn't do those under the proposed language. If the leaves stay on some of the trees until December as they did last winter, would I be prohibited from undertaking "operations" to clean them out of my garden until March? While probably not the intent, that's how I read the proposal.

I assume the intent of that language is to prevent unsightly dead summer veggie vines from laying around the garden all winter, which I have no problem with. However, it seems like as written it would preclude options that keep a garden healthy and attractive all year round. Perhaps clarifying the language regarding the November clean-up to limit it to "the vines and stalks of dead annual plants" would be a more reasonable regulation. I think the March 1 limit on starting operations should be stricken entirely, as keeping a healthy attractive garden is year-round

activity, at least at my house.

Not only do I have a garden for my family's use, I support urban farming because I believe it is beneficial for our local economy, my diet, community livability and attractiveness, and the health of the earth. While I appreciate that some of the proposals would support gardening and urban farming, I am concerned that others would curtail activities that I believe are beneficial to our community. Frankly, they read like they were compiled without enough input from gardeners and farmers. Might I suggest you hold these proposals until you can get more input from some of our urban farmers and community gardeners (and hobby/home gardeners as well since it appears we may be affected too). The urban farmers I know are pretty busy right now with harvesting and weeding and what not, so it would make sense to me to work with them over the winter when they are not AS busy as they are at the peak of the growing season.

If you have any questions or concerns, please feel free to contact me at this email or on my cell, (208) 608 2273. Thank you for your service to our great city!

Respectfully,
Alex Neiwirth

To the Urban Agriculture Committee:

I appreciate the opportunity given to me by Cody Riddle to join the Urban Agriculture Committee on behalf of small farmers in Boise. I have owned and operated a small farm here for 7 years now, and feel I can bring crucial insight to the needs and challenges of urban farmers through this process, in addition to simply having the opportunity to see how city planning and zoning processes work. I have reviewed the initial recommendations of the committee and have tried to include a rough summary of my concerns with several of the items below (my comments are in red). I like several of the items a lot, and chose only to add commentary to those I'd like to see reviewed and/or amended.

Thank you for your consideration.
Casey O'Leary

PROPOSED RECOMMENDATIONS FROM THE URBAN AGRICULTURE COMMITTEE:

Community Garden I am commenting here because of #5 in the Urban Farm section, which states that urban farms would need to follow the same guidelines as community gardens.

An area of land managed and maintained by an individual or group to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, donation, or sale. Limited sales and events may also occur on the site.

1. Community gardens are generally appropriate in all zoning districts and should be allowed both as accessory uses, and the primary use of vacant lots.
2. They should be allowed, subject to specific standards, without requiring an application.
3. Retail sales, limited to produce raised on-site, should be allowed.
4. A definition needs to make a clear distinction between community gardens and urban farms. These might not be the only two categories needed, if many urban farms, like mine, don't fall into the category of "Urban Farm" based on my discussion with Cody Riddle, and don't fall into the category of "Community Garden" either.
5. The standards should be simple, and refer to other ordinance sections (signs, noise, setbacks, etc.) when possible.
6. Community gardens should include those operated for educational purposes.
7. There should be no restriction on row crops.
8. Gardens should be allowed within front yards.
9. Fencing and setbacks for crops should not be required.
10. Signage with appropriate contact information for neighbors should be required. This should be amended to read "should be required on vacant lots but not on lots with residences" or

something like that. My landowners, all of whom live on the properties I farm, don't want my business sign in their yard.

11. Operations should not begin before March 1st, and all gardens should be cleaned up by November 1st. A "clean-up date" at the end of season is of most importance. I have several comments regarding this:

1. I would strongly suggest we do not try to limit our city's attempts at growing as much food as possible. Produce and livestock can both be grown year round here, and we all need to eat between Nov. and March just as we do the rest of the season.
2. Community gardens should be allowed to choose their calendar of operations on an individual basis. Perhaps some gardens want to be done by November 1st, but perhaps some want to continue through the winter, or want to start earlier in the spring. Same with urban farms.
3. "Cleaned up" is a nebulous concept with much room for confusion. Is a compost pile "cleaned up"? What about leaving stubble in your fields to protect from winter erosion? What about leaving biennial crops in the ground for winter harvest and/or seed saving? Cover crops? Straw or leaves on beds? Manure? Many people who don't garden don't know what good gardening practices are, and many good gardening practices don't look "clean" or "tidy" to an untrained eye.

12. Operations should be limited to daylight hours. Further restrictions for gas powered equipment may be necessary. Based on my discussion with Cody, I understand that "operations" here refers to running machinery with a combustible engine. That clarification needs to be made. Many neighborhoods have nighttime irrigation schedules, and in the spring the amount of work to be done often exceeds daylight hours. This is more important for urban farms than it is for community gardens.

13. Structures should be allowed, subject to the dimensional standards of the underlying zone.

14. Chemicals, tools and equipment stored on site need to be kept within a locked structure. If a landowner doesn't want a structure on their property where I am to lock up my tools, that won't work too well. I can also see this being an issue for community gardens, who might have many members coming and going who would like to use tools. What if not all of them have a key? I understand this requirement with chemicals, and would offer that perhaps community gardens be encouraged to abide by non-certified organic methods for the safety of the community members and neighbors who would be using them.

15. Gardening in planter strips (public right-of-way) should be supported.

16. Livestock and poultry should only be allowed when their owner resides on the premises. This is an unnecessary designation, harmful to farmers who can't afford their own land. As much as we would like to live on the land we farm, we don't often get that chance. However, we know what good livestock practices are, and can take good care of animals regardless of where we sleep at night. A good livestock farmer will want to live as close as possible to land where his livestock are, but the city doesn't need to require that. I raised chickens for 3 years on land that was a 5 minute bike ride from my house, and it worked fine. I have several friends who raise

livestock on land they don't live at as well, and they are alerted to possible problems by the landowners of the property their livestock is on.

17. A brochure should be created to outline ordinance requirements, and provide resource information for potential gardeners and members of the public.

Urban Farms

A use in which plants, and products derived from them, are grown and sold on the same lot or off site. No other items can be sold onsite. (Perhaps some discussion of potential collaborative marketing projects is appropriate before making that distinction) Examples may include flower and vegetable raising, orchards and vineyards.

1. Urban farms should be an allowed use in most districts, but subject to administrative approval in residential zones. It seems to me this would be an issue between the property owner and the potential farmer, more than through the administration. As per my discussion with Cody Riddle, I understand that the committee's concept of an "urban farm" is different than mine, but I would like to clarify that not all urban farms sell produce on site, nor have people coming and going all the time on them. Perhaps there needs to be more discussion of the definitions of community gardens, urban farms, and the various versions of each to determine who these regulations really should apply to.

2. For farms requiring administrative approval, applicants should be required to obtain the signature of neighbors prior to submittal. This process would prove incredibly damaging in attempting to grow new farmers. I would appreciate an opportunity to speak on this issue in some depth with the committee, in the hopes that they would understand a bit more about the difficulties new farmers face in our city, and the volatility and lack of security they have based on the fact that they often do not own the land they farm and instead are at the mercy of homeowners letting them use property with no contracts or security for even a single growing season, in many cases. In the 7 years I've operated my farm, I've farmed 6 different pieces of land (I currently farm 3 plots). Having to go through this process for each piece of land would create a lot of problems for me, especially given that I don't have contracts to stay on the land for more than a season at a time. Also, I imagine many neighbors would say no if given the opportunity, due to misconceptions about what a farm is and isn't. We have never had a complaint from a neighbor about our farm, but I am positive several of the more high-maintenance neighbors would have given the farm a no if they had been asked in the beginning.

3. Farms should be issued an initial one year approval, followed by subsequent five year approvals, for those operating in conformance with established standards. I would like to see the city look at a model similar to the one in Portland where city land is leased at an affordable rate to farmers on an extending lease basis (first a 1-year lease, then a 3-year, then 10, then 25) so a farmer can build a reasonably secure future on a piece of land.

4. A notice of approval should be issued to the neighborhood association and owners and occupants within 300' of any farm receiving administrative approval. This will allow for an

appeal to the Planning and Zoning Commission. *See #2 for my comments about this.*

5. Urban farms should be subject to similar operating standards (hours, signage, setbacks, etc.) as community gardens. *See my comments in the community garden section.*

6. A requirement for a management plan that addresses water use, chemical application, disposal of waste, etc. should be required. *What would this look like? Is this regardless of scale/size? What constitutes “waste”? It would be ideal to see homeowners subject to this same policy, as that is where the majority of water waste and pollution occurs in cities, right?*

7. Signage with appropriate contact information for neighbors should be required. *Again, my landowners don’t want a sign advertising my business or contact info in their front yard.*

8. A brochure should be created to outline ordinance requirements, and provide resource information for potential gardeners and members of the public.

In general, I’d like to see more addressing of what the city will do to promote urban farms, not just regulate them. The long leases on city land are one possibility. In Madison, Wisconsin, certain insurance companies who serve city employees offer rebates for people who purchase CSA (community supported agriculture) shares because of the benefits to their health. Numerous proven examples like these abound. I see this as the truly exciting part of what y’all are in the process of doing. I would like to see more of a focus on these things as a way to truly promote more agriculture in the city. The zoning of agricultural/garden/farm as the primary use of vacant land seems like a great step in the right direction.

Produce Stands – *Currently regulated by B.C.C. 11-05-01.4 (temporary uses).*

1. Produce stands should be approved annually, rather than the current practice of six-months.
2. Opportunities to streamline the requirements and permitting process with those of the City Clerk’s Office should be explored.

Page 3

Livestock – *Currently regulated by B.C.C. 11-09-09*

1. The current allowances for larger livestock (horses, cattle, etc.) are appropriate.
2. Standards should be updated to ensure waste management and disposal is adequately addressed.
3. Information on the keeping of livestock should be included in a new urban agriculture brochure.

Poultry – *Currently regulated by B.C.C. 11-09-09*

1. The number of chickens allowed as pets (currently three) should be increased to as many as six to eight.
2. Additional research into allowances for roosters should occur.
3. Additional chickens should be allowed on parcels smaller than one acre in size. This would be based on performance standards, and subject to administrative approval.
4. The Idaho Humane Society should be consulted regarding any new standards.

5. Information on raising poultry should be included in a new urban agriculture brochure.

Beekeeping – *Currently regulated by B.C.C. 11-09-11*

1. The current allowance of 3 colonies per ¼ acre is appropriate. However, the cap of 12 colonies, regardless of parcel size is too restrictive.

2. The current application process and \$55 fee are cumbersome for those maintaining only a couple hives.

3. There should be an additional allowance for nucleus hives (swarms) from April through June.

4. Beekeeping should be allowed at community gardens, urban farms, and vacant parcels in residential and open space zones.

5. The contact information of the beekeeper should be posted on each apiary.

6. The group felt the Treasure Valley Beekeepers could serve as an educational resource for local beekeepers, and potentially offer certification courses in the future to ensure best management practices are employed.

7. Information on beekeeping should be included in a new urban agriculture brochure.

From: Jody Orr <jodyorr@cableone.net>
To: <criddle@cityofboise.org>
Date: 7/13/2011 6:23 PM
Subject: Urban agriculture

Hi Cody: I'm president of the Central Foothills Neighborhood Assn and i'm sending you my two cents on the memo regarding urban agriculture. I love all of the ideas/amendments except for the one about roosters. I have lived in proximity to roosters and do not care to ever again. Otherwise, I think the rest of it is great--the more local agriculture we can put our hands on, the better.

Thanks,
Jody Orr

From: Katie Painter <kpainter@idahorefugees.org>
To: <Criddle@cityofboise.org>
Date: 8/5/2011 10:54 AM
Subject: Re: farmers in Urban Agriculture meeting

Dear Mr. Riddle,

I got the following from Casey O'leary. I am the coordinator for Global Gardens Refugee Agriculture Program. We have 10 sites, mostly in the City of Boise, being used for community gardens and urban farms, serving about 125 refugee families. These regulations would cause us to have to change our operations significantly in order to comply, and would result in an increased workload for our already very limited staff and budget. I just don't see the purpose of the regulations. Aren't there already laws preventing us from disturbing neighbors at night? Why do I need neighbors' permission to garden on private property? While we make every effort to respect our neighbors and to discuss any problems that arise, I'm sure that many would say "no" to a community garden or urban farm if they were the ones getting to decide from the start, making it even harder to find suitable urban farmland in Boise. I have lots of neighbors undertaking different activities on their properties including a daycare center, a massage studio, occasional large parties, etc, and they don't need my permission for this, so why do I need theirs for an urban farm? Why can't I garden in the winter? We grow garlic and cover crops which overwinter, and start our greenhouse operations well before March 1 at one of our sites.

We have tried farming with our refugee groups in Boise and outside the city in Eagle, Star, and Meridian. The urban sites seem to work much better for us because they are easier for farmers to access given limited time and transportation options. Usually we enjoy very good support from the neighbors and the landowners who lend their property.

I'd be interested in meeting with you to find out just who exactly these rules are supposed to be serving, because I don't see how they serve urban farmers or community gardening groups. I often hear news stories on how Boise wants to be considered one of America's most livable cities, most green cities, etc, and I just don't see city policy supporting this. We used to be vendors at the Tuesday evening farmers' market at Edward's Greenhouse, until the city shut it down because of neighbors complaining of noise and dust a few years ago. The requirements the city placed on Edwards to continue the market were cost prohibitive, so that nice community event we used to have no longer exists. I was disappointed in the city then and I am disappointed again now. I don't understand why city policy seems to be on the side of the most vocal, complaining neighbors, and in support of complete silence, manicured lawns, and paved driveways, rather than in support of vibrant, interactive community spaces, the production and sale of healthy local food, and events and activities such as farmers markets and community gardens that encourage outdoor, active lifestyles. These are thing things that lead to a livable, green community.

Several weeks ago I was contacted by the city for a list of our community garden sites. I was told that this was to include on your website, but now I'm wondering if it wasn't so that city officials could find us to regulate us?

Please let me know when the proposed meeting is, I will be happy to attend. You can find more information about my work at

www.idahorefugees.org/globalgardens.

Katie Painter
Global Gardens Coordinator and Boise resident.
208-559-3560

On Fri, Aug 5, 2011 at 7:57 AM, Casey O'Leary <greenshera@hotmail.com>wrote:

>
> Hi,
> Please read this email from Cody Riddle below--apparently the Weekly
> article started some discussions about this, and perhaps many of you have
> submitted your comments too? He'd like to meet with as many of us as
> possible. Is anyone interested in doing this and voicing our concerns to him
> about wanting to remain more or less in our "no man's land"? Let me know
> your availability ASAP if you're interested so I can set something up.
> Casey
> -----
> From: digger@earthlydelightsfarm.com
> To: greenshera@hotmail.com
> Subject: [FWD: Urban Agriculture]
> Date: Fri, 5 Aug 2011 06:19:55 -0700
>
>
>
> ----- Original Message -----
> Subject: Urban Agriculture
> From: "Cody Riddle" <CRiddle@cityofboise.org>
> Date: Thu, August 04, 2011 3:30 pm
> To: "Earthly Delights" <digger@earthlydelightsfarm.com>
> Cc: <marty.citygardens@gmail.com <http://gmail.com>>
>
> Casey,
>
> I enjoyed meeting with you the other day, and appreciate your perspective
> on urban farming. I've started receiving some feedback based on the recent
> article in the Weekly. Unfortunately, I think there's a huge misconception
> out there about just what we're trying to accomplish, what the preliminary
> recommendations mean, and the process moving forward.
>
> This is where you come in. I would love the opportunity to meet with you
> and other folks involved in urban farming, perhaps at your garden, and even
> on an evening or weekend. I realize this is your busy season, so I want to
> meet whenever is most convenient for you and others. I'd like to meet on
> your 'turf', and not here in the stuffy office. I know you have contact
> information for others already involved in this sort of thing, so I thought
> you could help organize the meeting. I'm not thinking anything fancy or
> formal, just me and whoever you think might be interested in sitting down
> and talking face to face.
>
> Is this something you're willing to do? It sure would be appreciated.
> Please let me know at your earliest convenience.
>
> I hope to hear from you soon.
>

> Sincerely,
>
>
> Cody Riddle
> Manager, Current Planning
> Planning & Development Services
> (208) 384-3830
> criddle@cityofboise.org
>
>
> Cody Riddle
> Manager, Current Planning
> Planning & Development Services
> (208) 384-3830
> criddle@cityofboise.org
>
>
>

--
Katie Painter
Refugee Agriculture Coordinator
Idaho Office for Refugees
1607 W Jefferson St
Boise, ID 83702
208-336-4222

www.idahorefugees.org/home/Global_Gardens
castironidaho.com

From: Connie Richardson <appy51@gmail.com>
To: Stacey Carlson <Scarlson@cityofboise.org>, Cody Riddle <CRiddle@cityofbo...>
Date: 7/14/2011 2:38 PM
Subject: Re: Fw: Urban Agriculture Memo-City of Boise

I am not sure of the increase in chickens as pets. Three should be plenty for most families. Unless there is intent to change the code to allow for the sell of eggs (the way I read B.C.C. 11-09-09.04 selling eggs would constitute a commercial operation), the only way a family would need more than 3 chickens would be if they either eat eggs every day or the family is extremely large. I have 2 hens and get 2 eggs each day, and we have a very hard time keeping less than 2 dozen eggs at any one time.

Also, I don't think the normal (0.18 acre or less) should be allowed a rooster. My hens are sometimes loud enough the neighbors complain. And this is not at sunrise, like a rooster would crow.

Regards,

Connie Richardson
405 N Roosevelt St.
Boise, Idaho

On Wed, Jul 13, 2011 at 8:54 PM, Lynn Lockhart <morrishillna@yahoo.com>wrote:

> PLEASE COMMENT TODAY!

>

> --- On *Wed, 7/13/11, Stacey Carlson <Scarlson@cityofboise.org>* wrote:

>

>

> From: Stacey Carlson <Scarlson@cityofboise.org>

> Subject: Urban Agriculture Memo-City of Boise

> Cc: "Cody Riddle" <CRiddle@cityofboise.org>

> Date: Wednesday, July 13, 2011, 9:35 AM

>

> Dear Neighborhood Associations and Public Agencies,

>

> Please find attached a request for comment on the preliminary
> recommendations of the Urban Agriculture Committee. Your feedback on the
> attached document would be greatly appreciated. Contact information for
> providing comment has been included in the attached materials. We look
> forward to your response.

>

>

>

>

> Thank you,

> Stacey S. Carlson

> Program Technician

> City of Boise

> 208-384-3739

>

>

Cody Riddle - Urban Agricultural Committee Feedback

From: Toni Roberts <tonirobe@mindspring.com>
To: <criddle@cityofboise.org>
Date: 7/25/2011 6:49 PM
Subject: Urban Agricultural Committee Feedback

I received the Memorandum regarding the recommendations of the Urban Agricultural Committee from the Veteran's Park Neighborhood Association. I appreciate the thought that went into these preliminary recommendations.

I have comments regarding #9 and #15 for Community Gardens. I would like some wording added that sidewalks remain unobstructed. With no setback for crops it is easy to let foliage interfere with the sidewalks. Planting in planter strips can cause the same problem.

If you want to see an example, look at the hedge encroaching from the yard side and the planter built in the right away on the SW corner of 23rd and State Street. People have to lean away from the hedge and walk on the edge of the planter strip to squeeze by when walking on the sidewalk. It can be easy for gardeners to fall into the trap of planting too close to the sidewalk with oversize plants.

Thank you for the opportunity to provide feedback to the Committee's well planned recommendations.

A gardener and a walker, Toni Roberts

Cody Riddle - Feedback on Urban Agriculture preliminary recommendations

From: Caile Spear <caile@spear.net>
To: <criddle@cityofboise.org>
Date: 7/21/2011 3:50 PM
Subject: Feedback on Urban Agriculture preliminary recommendations

Greetings Cody,

Thank you for sending out your preliminary recommendations to the local neighborhood associations.

Overall I like what you have put together. I do have a few comments/questions.

Under Community Garden item #7 do you need to insert word Legal before Row Crops?

Under Urban Farms item #2, what radius of neighbors will need to be notified? Is it the same 300" as item #4?

Under Poultry, what noise issues need to be included? Also in the Boise city limits, when a neighbor brings in goats to eat weeds who needs to be notified and how long are the animals allowed on the property?

Under Beekeeping, do the neighbors need to be informed or is the keeper required to find out about people with allergies to bee stings? I would hope people would know they are allergic and I don't know how to control bees.

Thank you,
Caile Spear, member
Central Rim Neighborhood Association

From: Patrick Sullivan <psullivan@designwestid.com>
To: Sunset Neighborhood News <news@sunsetneighborhoodboise.org>, "neighbors@...
Date: 7/13/2011 12:16 PM
Subject: RE: Urban Agriculture Memo-City of Boise

Hello,

I live at 2818 Sunset Avenue, Boise. I am impressed with the recommendations found in the City of Boise's, Preliminary Recommendations of the Urban Agriculture Committee, dated July 13, 2011. My comments are as follows:

1. The proposed rules that do not require fencing or setbacks for crops are great.
2. A concern I have regarding the clean up date under section: Community Garden, Item 11: 11. Operations should not begin before March 1st, and all gardens should be cleaned up by November 1st. A "clean-up date" at the end of season is of most importance.
Comment: This date may be too early to accommodate the harvest and subsequent clean up for some late cold season crops.
This date should be pushed out to December 1.
3. The recycled organic yard waste pick up dates should be coordinated with this date to be sure that pick up dates coincide with a clean up window for these gardens.
4. A clear vision triangle should be maintained at roadway intersections so that tall crops planted in right of way do not obstruct the vision of drivers at intersections.

Sincerely,

Patrick Sullivan - RA, NCARB
Project Architect

[cid:image003.png@01CC4156.A301F870]

From: neighbors@sunsetneighborhoodboise.org [mailto:neighbors@sunsetneighborhoodboise.org] On Behalf Of Sunset Neighborhood News
Sent: Wednesday, July 13, 2011 11:05 AM
To: neighbors@sunsetneighborhoodboise.org
Subject: Fw: Urban Agriculture Memo-City of Boise

Hello everyone,

I just received the attached memo regarding Urban Agriculture from the city of Boise. If you would like me to include your comments in a collective neighborhood association response, please provide me with comments via email no later than 5pm, Monday the 18th.

You are welcome to provide your own comments directly to the city as well.

Take Care,

Sherilyn Orr

From: Marten Vonk <vonkorganic@gmail.com>
To: <criddle@cityofboise.org>
CC: <jbergland@firstam.com>, <anthonymarker@boisestate.edu>, <kimballk@slhs...>
Date: 7/29/2011 1:03 PM
Subject: Formal Comment on the Preliminary Recommendations of the Urban Agriculture Committee

Cody Riddle,

Under Beekeeping, the wording of item 3 could better serve the community if it reads as follows:

"There should be an additional allowance for nucleus hives (swarms) from April through July, as well as nucleus hives used seasonally by the beekeeper to produce queens."

First, Jeff Bergland, President of the Treasure Valley Beekeepers Club (TVBC), recommends that the wording "from April to June" be amended to read "April through July". He knows that beekeepers are still collecting swarms in July as a community service to everyone. The change would recognize the value of their work.

Second, item 3 would better serve the community by including a recognition of the use of nucleus hives in queen rearing, by adding the language "as well as nucleus hives used seasonally by the beekeeper to produce queens." The use of nucleus hives is integral to the process of queen rearing, which is an essential part of beekeeping - to the end of maintaining and improving stock best adapted to local conditions. This change was discussed with and agreed to by Jeff Bergland President TVBC, Dick Knapp and Frank Grover Co-Chairs Queen Rearing Committee TVBC, and Kevin Duesman member TVBC and participant on the Urban Agriculture Committee.

Sincerely,
Marten Vonk
Member TVBC and Queen Rearing Committee

From: "Woodbury, Alexis" <woodbury@uidaho.edu>
To: <criddle@cityofboise.org>
Date: 8/1/2011 12:14 PM
Subject: Preliminary Recommendations of the Urban Agriculture Committee

Dear Mr. Riddle:

Thank you so much for taking my call on Friday concerning the Preliminary Recommendations of the Urban Agriculture Committee.

As we discussed, the Ada County Extension has seen a huge interest in urban gardening and farming in the past two years and an increased number of calls and questions from local residents concerning community gardens, community supported agriculture, beekeeping and urban small livestock (poultry and rabbits). The 4-H small animal and gardening projects continue to be very popular with local youth, most of whom will be entering exhibits at the Western Idaho Fair in August.

We'd greatly appreciate it if you would continue to keep us informed of any new updates. If you'd like more feedback, we'd be willing to share the preliminary recommendations and updates with our interested clients.

Please let us know if there is anything we can do to help. Also, if the committee needs another member with experience in raising poultry and rabbits, I'd be happy to volunteer and would be willing to provide references. I can be reached at 287-5906(work), 375-3925 (home) or by email (woodbury@uidaho.edu).

Thank you again for your time and consideration.

Kind regards,

Alexis Woodbury

Ada County Extension-FCS Program Assistant

Nancy Brooman
4507 Shirley Ave
Boise, ID 83703

Questions for 'Urban' farmers operating in the City of Boise

Title and Status of Project:

Is your project to operate within commercial, non-commercial or other Boise City Code descriptions? Do you know the parameters of those Code descriptions?

Description of Project:

- 1) Who is coming into the community to work this farm/garden?
- 2) Where will they park?
- 3) Where will the workers relieve themselves and wash their hands?
- 4) What hours will machinery operate? What days?
- 5) Are there water runoff issues with irrigation that involve or impact county, city or neighborhood drainage engineering laws?
- 6) How will the existing community be involved and/or impacted and how can the farm/garden respond to input from neighbors?
- 7) If there are problems or concerns with a project, who is/are the responsible party to contact? These issues may include:
 - 1) Dogs running loose
 - 2) Music on project property
 - 3) Driveway blockage
 - 4) New wells proposed for project
 - 5) Sanitation
 - 6) Mud mitigation from machinery driving in and out of properties on muddy surfaces
 - 7) Nudity
 - 8) Campers used on properties for temporary housing of workers
 - 9) Language barriers between non-English speaking refugee farmers and neighbors.
 10. Other perceived issues concerning the community population .
 11. livestock / chickens

From: Kathleen Sanders <boscopeco@gmail.com>
To: <criddle@cityofboise.org>
Date: 8/10/2011 2:44 PM
Subject: Urban Agriculture Committee

Dear Committee members:

I read the article on your committee in The Boise Weekly and was pleased to hear that Boise is addressing urban gardens!

I understand the qualms of the urban gardeners, but did not get the feeling that the city wants to restrict them, rather you want to find their place in the community. I felt you wanted to stress the importance of urban gardening while still being aware that the whole community needs to be considered.

I felt that you were excited that we have a growing urban farming community and wanted to acknowledge them. My husband and I have a large private garden - veggie as well as a front yard that is all plants - no grass. Our yard is not fenced and is by a walking path. The feed-back that we get from passerbys shows us that residents of the city love that we use our land to grow food for ourselves and the local fauna - dang deer!

So thank you and good luck in your continuing work. It would be wonderful if we could grow as a city that becomes more and more "local" in providing food for its residents.

Sincerely,

Kathleen Sanders

From: Tom & Susan Soniville <tomnsueid@msn.com>
To: <CRiddle@cityofboise.org>
Date: 8/10/2011 7:45 PM
Subject: Urban Agriculture Recommendations

Mr. Riddle,

Having just read the proposals for regulating urban farms and community gardens, we would like to make a few comments. The restrictions on use during the winter months makes no sense. Avid gardeners work the ground year round in one form or another. Most of that work will not involve machinery or prolonged periods of activity and should pose no nuisance issues to neighbors. There are winter crops that can be grown and/or harvested and winter can be a good time to work on layout changes and general cleaning up from the previous season. Would gardeners be prohibited from having compost piles that over winter? Who determines what is "clean" on November 1st? If an urban gardener does their watering quietly after dusk, is this a violation of the standards?

We understand the need for some sort of guidance given the growth of gardening within the city limits, however, some of this seems to be overreach that will deter people from enjoying the ability to garden and to attempt to become more self sufficient. We would urge the committee to use restraint in attempting to define and regulate what used to be a common and healthful activity for the majority of Americans.

Sincerely,

Tom and Susan Soniville

tomnsueid@msn.com

1112 Harrison Blvd

Boise, ID 83702

From: Tyler Smith <tyler@createcommongood.org>
To: <CRiddle@cityofboise.org>
Date: 8/10/2011 7:13 PM
Subject: New Policies on Urban Agriculture

Hello Mr. Riddle- My name is Tyler Smith and I represent "GROW" which is program area for Create Common Good. We offer training and work opportunities for refugees in the Boise area. GROW, otherwise known as Common Ground Farm, is a farm that trains and employs refugees in agriculture. We believe that we provide a vital service to the area that the farm is located. Katie Painter from Global Gardens sent me an email regarding new city policies with regard to urban agriculture. While some of these policies make urban farming easier, some also make them harder in ways that are not necessary or even plausible. Of particular concern are the following:

1) Point 3 under the "Urban Farms" section- This should be a one time approval process. When we develop a new parcel, we place a significant investment of time, money and resources into that land and it likely will not yield adequate produce to even break even. For us to resubmit to the neighborhood association every five years even provides a significant danger to that investment and the revenue that we gain. Once we grown, it is harder to shrink. I understand the rights of home owners to voice their concerns but I also can see that the ones likely to make noise are a few malcontents who do not represent the majority of those even in the neighborhood. Not only that, there is no process listed to investigate the veracity of those claims and therefore do not take an interest in the voice of the urban farm in question.

2) Point 11 under "Community Gardens"- I share Ms. Painter's concern about the starting times and clean up times. For one thing, this requirement seem rather pointless. Why can we not garden in winter time? As I see it, there is no particular reason that this should be in effect. What harm does it do to have the farm or garden functioning for those 5 months? There are several things that we need to accomplish before March 1. Additionally, some of the time we are still producing well into November and then begin our clean up process. That does not even begin to address greenhouse gardening- something that we only wish to increase in. What this document is proposing represents a significant revenue loss. Does the city want to be responsible for the loss of potentially thousands of dollars to worthy non-profits such as ourselves and global gardens for a silly regulation that does not have much of an obvious purpose?

3) Point 12 under "Community Gardens"- I also share Katie's concern over this one. Our farm operations are generally restricted to day light hours but occasionally we hold an event at night on the site of our farms. I understand the intent of this- it is to regulate noise during the night hours. I would agree with Katie in that, the neighbors are not required to ask me whether or not they can have a party at their homes loud or otherwise. Why should the opposite be true. Again, this is an example of taking into account one point of view and not the other and represents another unnecessary regulation that can't really be enforced anyway.

4) Another concern about the overall tenor of the document: As I

mentioned before, there are some points that make a great deal of sense. Also true, however, is that many of us are operating on small budgets with small staffs and we are already over extended in our workloads and obligations. For my part, I already, take part in farm operations, overseeing of volunteers, training my farm staff both in farming skills and English language, selling the produce, cooperating with our other staff areas, school visits and education, writing grants and many other smaller functions of my job in addition. Since urban agriculture represents a boon to the community both in terms of access to local, healthy produce and educational opportunities both with our school partners and the refugees that we train and employ, the city should be making it only easier to engage in urban agriculture, not more difficult.

Love to hear you thoughts, if you'd like to contact me to discuss email me back or call me at (415)847-4012. Thanks,

Tyler Smith
Director of Farm Sales, Food Culture and Outreach
Create Common Ground Farm
www.createcommongood.org

From: Jenn Siegel <dreamspynner@yahoo.com>
To: "CRiddle@cityofboise.org" <CRiddle@cityofboise.org>
Date: 8/10/2011 11:07 PM
Subject: re: Urban Agriculture Committee

Hi Mr. Riddle,

My name is Jennifer Siegel and I have lived in west Boise (Collister Neighborhood) and/or Garden City for the last five years. I have participated in community gardening, volunteered for City Gardens Farms and have been an intern on Earthly Delights CSA urban farm.

Casey O'leary, Katie Painter, and Marty Camberlango notified me of the memorandum you sent to Boise urban farmers. I highly encourage you to meet with the farmers that you would be regulating and keep a collaborative open conversation going. City policy should be sensible and consider the positives that come from people learning to grow their own food and getting to know their neighbors.

I have only experienced positives in the neighborhood gardens I've been involved with. And this isn't to say that there has been absolutely no conflict. I have just found that any conflict that has occurred was dealt with in a one on one manner and with civility and perspective.

Please consider making the details in the memorandum a kind of living document that takes the organic, creative, human way of life into mind. At any rate I do hope you hold a community meeting and invite any and all who are interested in how any by-laws and enforcement of these regulations develop.

Thanks in advance for your consideration,
Jenn Siegel

3802 West Taft Street
Boise, Idaho, 83703

From: "Sherilyn Orr" <sherilyn@infofuel.com>
To: <CRiddle@cityofboise.org>
Date: 8/10/2011 5:31 PM
Subject: Urban Agriculture feedback

Hello Cody,

I am contacting you as both president of the Sunset Neighborhood Association and also the coordinator for the Sunset Community Garden located on the property of the Christian Retirement Community off 36th street.

First of all, I appreciate how difficult it must be to work out these new codes. I believe the intent behind them would be to foster more urban agriculture. On the other hand, community gardening is a dirty, thankless task and adding any additional regulation or permitting applications or restrictions may cause a few of us to throw in our shovels and give up.

I have managed the Sunset Community Garden for the last 3 years. We are member supported and we do not sell our produce to anyone. It seems to me that the private arrangement we have with the retirement community should not be further moderated by the city, and if we do have restrictions that will scare the retirement center I am afraid that we will lose our arrangement to farm that land altogether.

That is probably on the minds of many community gardeners when they see signage requirements and the requirement that tools etc be locked up - we are not allowed to build any enclosures per our agreement with the retirement community. Our shovels are located in a "tool corral" and we do not use chemicals.

We also have been known to work on mulching, compost, etc in the "off-season" - I do not understand the "cleanup" requirement or the November-February restriction. Sometimes weather permits, and the Boise climate does allow for some crops that may be viable through the winter. I am not sure why that would be a problem for anyone.

In terms of livestock and poultry, I am encouraged that you are supporting more chickens per lot. I am not certain what the additional livestock restrictions are, but it would sure be nice to see the random goat, llama, and turkey in the neighborhood. I am also encouraged by what I read about bees.

But my biggest concern is about neighbor input on non-commercial gardening. I have neighbors that to be surrounded by green grass and I do not have that in my front yard, I have a raspberry patch, native shrubs, and blueberries. I do not know how the Christian Retirement community neighbors feel about our gardening, but since we are off in the very back of their property I do not think we get that much exposure.

The bottom line is, I am hoping that whatever ordinances you present have the desired effect of supporting and promoting urban agriculture. I would like to be involved in any way I can, but the comment periods and deadlines are hitting us all at the very busiest time of the season. If you had planned to minimize the input from gardeners this would have been the best time of the year to keep the comments from us to a minimum. If you could extend comments through October I think all of us who are working the land would feel that we were a little more included.

thanks for your time,

Sherilyn Orr
(208) 871-0112

From: "Matt Scott" <msscott33@cableone.net>
To: <CRiddle@cityofboise.org>
Date: 8/10/2011 7:43 PM
Subject: you people are going to regulate us out of existence

I was disappointed in the city then and I am disappointed again now. I don't understand why city policy seems to be on the side of the most vocal, complaining neighbors, (WHINERS) and in support of complete silence, manicured lawns, and paved driveways, rather than in support of vibrant, interactive community spaces, the production and sale of healthy local food, and events and activities such as farmers markets and community gardens that encourage outdoor, active lifestyles. These are things that lead to a livable, green community.

GET IT TOGETHER BOISE CITY---MAKE AN EXEMPTION FOR ANY ORGANIZATION THAT FEEDS PEOPLE LOCAL HEALTHY FOOD

DO YOU WANT US ALL TO BUY GENETICALLY MODIFIED CRAP FROM SOUTH AMERICA OR CHINA?

From: "mldcollege@juno.com" <mldcollege@juno.com>
To: <CRiddle@cityofboise.org>
Date: 8/10/2011 10:27 PM
Subject: community garden ordinance

I am the manager of the King of Glory Community Garden in Boise. We have about 2 acres, of which 1/2 acre is garden space. We have 22 plots for families. Most of our gardeners are refugee families. We start our garden preparations in March to April with application of manure and working the soil. We usually put the garden to bed for the winter in November with application of manure and tilling. Most of our gardeners work during the day, some work at night. they tend to their plots when they have time, usually in evenings or weekends. As I read your proposed ordinance, the timing of start and stop, and the restriction of power tools/machinery and times of working garden plots would make our efforts out of compliance. But the restrictions would not allow our garden to function to the benefit of both the volunteers or the gardeners.. I would hope that you would encourage the most diverse options possible for community gardens. They benefit community members which is the whole point of the garden. I am not aware that restrictions on dates or times would adversely affect neighbors of gardens if they were aware of what is going on and were asked to help with a community project. Mark Drew

Groupon#8482 Official Site

1 ridiculously huge coupon a day. Get 50-90% off your city's best!
<http://thirdpartyoffers.juno.com/TGL3131/4e4359e56b8035547d1st04vuc>

From: Michael Wallace <michael.wallace@mac.com>
To: <criddle@cityofboise.org>
CC: Erin Guerricabeitia <erin@boiseurbangardenschool.org>
Date: 8/11/2011 8:58 AM
Subject: New Community Garden Ordinance feedback

Cody,

First I want to thank you for allowing me to sit in one of your advisory meetings. It is good to allow the people who are currently working with Community Gardens to assist in the drafting of this ordinance.

Overall, I think you have gotten most of the issues addressed. There were couple of points I would like to comment on.

It was good that you have recognized the difference between Community Gardens and Urban Farms. Community gardens are made up of the neighborhood, so they have a direct impact on it's operations. An Urban farm is a commercial enterprise run for profit. They are generally foreign to the local community, although most urban farmers will reach out to the people surrounding their fields. I feel that some current local operations, like the Global Gardens Refugee Agriculture Program and the Boise Urban Garden School, fall in a gray area of being non-profit. We both would meet the requirements as an urban farm, but we are serving a broader community need of the education of producing one's own food. They money from produce sales go right back into the program to help defer the costs of running the gardens. With this new perspective, we both are not true urban farms. I would ask that an exemption be made for Non-Profit organizations that foster feeding the underprivileged or educating the public on food self sufficiency and the benefits of local food production.

Other issues:

Community Garden - 16) Chickens must be at a residence. We keep chickens onsite at the Boise Urban Garden School for the duration of our children's program (June to August). After the program, the hens go to a foster coop where they winter over. The winter coop is at a residence. It is an educational tool that we would like to keep offering. Could we add an exception for educational programs to temporary keep chickens within a garden that has no residence? A set time period and care plan must be defined by the garden's management for the chicken's occupancy. As always, the community garden should have already contacted the surrounding neighbors about having chickens.

Livestock - The city should define a minimum pasture acreage for each animal, so the area the animal is kept does not turn into an overgrazing feed lot. If you size the field to the number of animals you plan on keeping, the animals will have enough room to move and graze. The pasture would also have time to recover and stay green. This would be a better appearance to the neighbors than a patch of dirt.

Poultry - 3) Lift ban on roosters. I think this would be a bad idea on two fronts. First, hens can get pretty noisy, but nothing like a

rooster. If you allow the increase of flock size to 6 birds, the noise will naturally increase. Adding roosters to the mix and there will be much more noise. Generally, laying hens do not want a rooster around the nest box, so there is more fighting. The second point is with the ban on roosters lifted, you could be inviting people to raise fighting cocks in their back yard. This could lead to an increase of illegal cock fights here in Boise.

Poultry - 4) Consultation with Idaho Humane Society on further ordinances. I feel it would be better to change the consultation services to the University of Idaho Extension program. They have better access to research on agricultural needs and problems.

As always, feel free to contact me at 378-1349 or by email.

Sincerely,

Mike Wallace
Garden Coordinator
Boise Urban Garden School

From: Barbara Nixon <revbabs2000@gmail.com>
To: <CRiddle@cityofboise.org>
CC: Greg Gdonvan <Ketuttle@hotmail.com>, Dave Angell <cdangell@q.com>, Gayle...
Date: 8/11/2011 10:11 AM
Subject: community gardens

Dear Mr. Riddle, I am pastor at Hillview United Methodist Church, one of the refugee garden sites Katie Painter mentioned in her recent correspondence with you. I share her concerns about the adoption of these regulations, and I am wondering whether or not there has been adequate input from the community garden community itself. Please consider the layers of good work and good will extended through these gardens before adopting policies that make it harder to live simply and simply live. I would like to know if there is a public meeting regarding this in the near future.

Thank you,

Reverend Barbara Nixon
Hillview United Methodist Church, Boise

From: Jenny Gill <jennygill2009@gmail.com>
To: <CRiddle@cityofboise.org>
Date: 8/11/2011 11:12 AM
Subject: Community Garden

Mr. Riddle,

My name is Jenny Gill and my husband and I along w/our friends are supporters of the Global Gardens CSA and urban farming. We have been working with them since march, receiving our CSA and a couple of time even working with the refugees in the fields.

I am concerned that the new ordinance being discussed may have a large impact on the current operations of Global Gardens, especially in regards to the abilities of the refugees. This program is a life-giving opportunity for the people involved. Not only are they working the land, they are gaining business skills as they sell their produce and interact with the customers and have a safe environment to learn the culture of Boise. Refugees usually have limited language skills and limited transportation, please consider their constraints when talking over these new ideas.

Sincerely,

Jenny Gill

From: Deanna Hlebechuk <deanna.hlebechuk@gmail.com>
To: <CRiddle@cityofboise.org>
Date: 8/11/2011 1:22 PM
Subject: Community Garden Proposed Regulations

Mr. Ridde:

I am part of a community garden in the North End. Three years ago when we started our garden we had problems with the city over a bean trellis that was constructed as the city inspector called it a "fence."

If the rules are meant to encourage community gardens they should be more accommodating and defined, rather than restrictive. Therefore I have the following comments on the proposed regulations:

7. There should be no restriction on row crops. *See No. 11, row crops can be grown year round.*

11. Operations should not begin before March 1st, and all gardens should be cleaned up by

November 1st. A "clean-up date" at the end of season is of most importance. *We have crops in year round; garlic, cover crops for nutrients in the spring, greens, etc.*

12. Operations should be limited to daylight hours. *I don't understand the purpose of this, and believe "operations" should be further defined. * Further restrictions for gas powered

equipment may be necessary.* **I agreed that all gas powered equipment within the city should be banned, especially leaf blowers due to both the noise and air pollution they create.*

14. Chemicals, tools and equipment stored on site need to be kept within a locked structure. *From a practical perspective, this may not always happen. Will there be inspectors to see if my structure is locked?*

**

Thank you for your time.

Deanna Hlebechuk

From: "rsdittus@juno.com" <rsdittus@juno.com>
To: <CRiddle@cityofboise.org>
Date: 8/11/2011 1:22 PM
Subject: Potential new Community Garden and Urban farming regulations

Dear Cody, I just read the new regulations on urban farms, livestock keeping and community gardens within the Boise City limits. I am pleased to see how much thought went into the regulations and that with new firm guidelines, it will be clear what is and isn't allowed. The increase on the number chickens allowed (I have three currently) is very welcome. On the community gardens and urban farms I have some concerns. Why was it decided that the cultivation has to be between March and November? I understand a clean-up date but I'm turning compost, checking on winter crops and prepping my home garden all winter. Why are community gardens and urban farms required to be deserted all winter? Or is some basic winter maintenance expected? Also, would land already used for urban farming have to be approved under this code. Could one unhappy neighbor who refuses to sign stop a farm from being approved when the majority of the community supports it? It is not clear to me how exactly the neighbor approval would work. I understand that city government has to compromise between the opinions and needs of various stakeholders. Thank you, Susan Dittus

From: "SUSAN MEDLIN" <ssmedlin@peoplepc.com>
To: <CRiddle@cityofboise.org>
Date: 8/11/2011 1:28 PM
Subject: new urban garden regulations
Attachments: Symposium on Food Security Text.docx

Dear Cody,

I am dismayed to read some of the proposed regulations of urban farms and gardens. While city after city across the US is actively working to support and encourage urban farms and gardens, in full knowledge of the criticality of local food, why does Boise keep taking one step forward and two steps back -- and calling itself green and liveable in the process?

"Local" is meaningless without season extension -- which means gardening in the winter, or a good part of it. January, February and March are not called the "starvation months" for no reason. And cover crops are essential to soil building, particularly on small, intensively gardened plots. It is deeply offensive to me that the City would go to bat for people obsessed with the golf-course effect of green grass and manicured bushes, the very landscapes that use tons of water and chemicals and enhance nothing but a (very) few individual's sense of propriety, while curtailing or destroying efforts that are providing both sustenance and jobs.

Food insecurity for ever-increasing numbers of people is rising rapidly, and there is no reason the believe the larger food context will improve. Local food, from every source we can mobilize, will be the best and perhaps the only antidote for huge numbers of hungry people IN THIS COMMUNITY and elsewhere. Some of the regulations being proposed are hostile to local food production for what appears to be the most frivolous of reasons. These should be thoroughly reconsidered and replaced with new policies that encourage and support year-round local food production in every conceivable form.

I am attaching information about a symposium at Boise State on September 2nd. Food security is a pressing matter.

Very truly yours,

Susan Medlin, Ph.D.
Treasure Valley Food Coalition

From: Diane McConnaughey <dmcconnaughey@earthlink.net>
To: <criddle@cityofboise.org>
Date: 8/11/2011 5:46 PM
Subject: Urban agriculture, community gardens

Emphasis should support and encourage both urban agriculture and community gardens- we have some great ones in the area and need to keep them going. Some of the proposals could discourage this.

Restricting operations to daylight hours is a little ambiguous (official sunset? when it is "dark", actual hours (which would vary throughout the year). Gardeners/farmers might only have access to irrigation water at certain hours and need to take advantage of this. I prefer to water as it gets dark or before it gets light, especially in the very hot summers we have here. Community gardeners/farmers may have the same need.

Restricting operations March 1-Nov 1 may be too constricting. I was still harvesting tomatoes in my back yard November last year - what a treat!. I can understand the desire for a "clean-up" date, but hard dates like this may be unreasonable. What would be required of a "cleanup" ? Would putting the garden to bed under a blanket of leaves be acceptable ? That's what I do in my own backyard garden.

Approval / appeal by neighborhood associations and occupants within 300' may also be too restricting. Some people only seem to like lawns. Should they be able to nix a community/urban garden garden ?. Gardens tend to be pretty quiet most of the time - so is this a "visual" concern?

From: elysia ewing maier <elysiaewingmaier@gmail.com>
To: <CRiddle@cityofboise.org>
Date: 8/12/2011 9:21 AM
Subject: Some comments on the Proposed Urban Farm and Gardening regulations

Hello,

My name is Elysia Ewing and I am the Boise home owner of 2015 N 29th St, and my whole back yard is a garden. I am very in favor of urban (using organic practices but not certified) agriculture for the security of our cities, the reduction in fossil fuel use, and the general attitude it adds to our community.. I have read over the proposal and there are some things that I think look very good and some things that worry me quite a lot.

I think in general the *community garden rules* look great. Here are the things that I do not like:

1. *The clean up and start date of November 1st and March 1st.* This will have to be written very carefully because there are many crops that can over winter (kale, brussel sprouts, garlic, carrots...) and it would not make sense that these could not be grown through the winter. It also does not allow for a growing greenhouse.
- 2.* The restriction of power tools.* It seems reasonable that these tools should have to follow the same restrictions as homeowners mowing and maintaining their laws, and no more restrictions than that.

The *Urban Farm Rules* seem much more restrictive and worrisome to me. I am going under the assumption that your definition of an urban farm is something like "a farm in an urban area under 5 acres".

1. Pertaining to #1: An urban farm should not be limited to administrative approval any more than a community garden should. The land use should be determined by the land owner. It should still have to follow city code on livestock, but vegetables should not be restricted.
2. Pertaining to #2: Again, the land owner should decide the use of the land, not the neighbors. What if one neighbor does not like you and wants to say no to the farm just to spite you. This gives too much power to the neighbors and not enough to the land owner.

#5, 6, 7, and 8 all seem reasonable.

Thank you for your attention and time. I would appreciate a response back very much,
Elysia Ewing

From: Tara Russell <tara@createcommongood.org>
To: <CRiddle@cityofboise.org>
CC: Tyler Smith <tyler@createcommongood.org>
Date: 8/11/2011 4:25 PM
Subject: Boise City Community Garden and Urban Farms regulations

Cody,

I represent an organization called Create Common Good. Our primary purpose in the Treasure Valley is training and employing refugees and others in need. We operate a variety of programs, but one of our programs is community gardens / small farms in SE Boise that provide jobs, but also fresh and healthy produce to the surrounding community - both for sale and by donations.

We have a farm stand on site that we received permission for last year after a conditional use permit process, and we've had a very successful integration into our neighboring community. Our surrounding community loves us! We work with more than 1000 volunteers each year - providing opportunities for them to contribute and give back, but also to eat well and feel great. I'm grateful for the city's permitting and allowing us to grow produce, but also to sell the produce to the surrounding community.

I'm a little confused by the proposed new guidelines and what that would mean for us. I'm also concerned that potential annual farm stand permitting would be difficult for our small organization and staff. It seems the community gardens are bringing great things to Boise, and I hope that the city does not pass regulation that makes it difficult for people to conduct such healthy activity.

Sincerely,
Tara Russell

Tara Russell, CEO
tara@createcommongood.org
c.208.954.0641
w.208.991.3799
www.createcommongood.org
twitter: @cre8commongood, @commongroundTMG
twitter: @taravrussell

Train people. Grow confidence. Create opportunity. Stir community.

From: Diane Jones <sweethomeidaho@yahoo.com>
To: "criddle@cityofboise.org" <criddle@cityofboise.org>
Date: 8/12/2011 10:13 AM
Subject: Urban farming

Dear Corey Riddle,

I am the owner of a small (three acre) farm in NW Boise. It has been producing farm products for the local market for several decades. I recently became aware of new recommendations for regulating urban farming, and I have some concerns.

1. The current draft only calls for responses from public agencies and neighborhood associations. Will comments from farm owners like myself be taken into consideration?
2. The proposal is that urban farms would be "subject to administrative approval in residential zones," but the standards or basis for administrative approval is not specified. Believe me, this is extremely unsettling. Is the existence of an urban farm to be left up to the possibly changing whims of city employees or are there standards that we can rely upon? If the city intends to encourage urban farming, farmers need to have solid assurance that their operations have a secure future.
3. I am quite concerned about point 3: "For farms requiring administrative approval, applicants should be required to obtain the signature of neighbors prior to submittal." Does this mean that neighbors have a veto power over the existence of an urban farm? If so, could one disgruntled neighbor put out a business an urban farm for any reason whatsoever? Again, does the city intend to encourage or discourage urban farming?
4. I am also very concerned about the proposed time restrictions, specifically that "operations should not begin before March 1st" and that "operations should be limited to daylight hours." If animals are part of the farming operation they obviously need to be husbanded year round and care may well require work after dark. And if a farmer is using greenhouses for starts, that work needs to be done prior to March 1.
5. I am also very concerned about the provision "Structures should be allowed, subject to the dimensional standards of the underlying zone." What does this mean, specifically? Does this mean farmers will not be allowed to construct tool sheds, barns, greenhouses, as needed? Will existing structures be required to be torn down? This is very troubling.
6. Troubling as well, is the proposal that "Chemicals, tools and equipment stored on site need to be kept within a locked structure." Even on a farm as small as three acres, the number of tools--which in our case includes a small tractor--is large enough that it would be simply impossible to store them all in locked structures without significant construction costs. If safety is the concern here, a more reasonable requirement would be that any toxic chemicals should be stored in a locked structure. But are homeowners required to keep toxic chemicals locked up?
7. Finally, I wonder if you would mind sharing the names of individuals on the Urban Agriculture Committee and their connection to urban farming in the community? Thank you!

I look forward to your response.

Sincerely

Diane M. Jones

From: Carrie <carrielljones@gmail.com>
To: <criddle@cityofboise.org>
CC: "Casey O'Leary" <greenshera@hotmail.com>, Katie Painter <katiepainter5@g...>
Date: 8/12/2011 10:30 AM
Subject: Re: Preliminary Recommendations of the Urban Agriculture Committee

Dear Cody Riddle,

Thank you for hearing my feedback on these recommendations. I appreciate the intention to support urban agriculture in Boise, and I appreciate your willingness to hear from people who are involved in it.

I am concerned that the recommendations I have read would do more to complicate and inhibit urban farming that to support it. In the spirit of encouraging urban agriculture it would make more sense to me to issue a statement saying something like "the city of Boise seeks to promote urban agriculture- we encourage citizens to grow gardens, raise chickens, bees and other livestock, and share food either by giving, trading or selling. We value these enterprises because they are crucial to our city's food security, enhance our local economy, and strengthen the fabric of our community". A strong statement like that would be a solid and positive place to start a conversation about how we want food production to look in our city. I assure you that there would be folks involved in urban food production that would be inspired by such a statement and eager to work with the city to iron out any wrinkles that there could be. By coming forward first with restrictions such as "for farms requiring administrative approval, applicants should be required to obtain the signature of neighbors prior to submittal", the committee is alienating people right off the bat.

Almost to a one urban farms do not use chemicals, and yet our neighbors are not required to obtain our permission to apply chemicals to their lawns along with excessive water that causes run off and could jeopardize organic certification, health of plants and animals and more. The concern about chemical pollution and excessive water use is a very good one- but a closer look will show that Kentucky blue grass (the most common grass for lawns) claims much more of the chemical and water use than do urban farms.

Our neighbors value what we do on our little farm, yet it seems like an extremely weak link to put the future of our livelihood into the hands of people who may or may not understand what we are doing, who may or may not have a grasp of what good land management entails.

Any kind of farming is a daunting proposition. So far it has not been proven possible to make one's living solely on small scale, "sustainable" farming (I put sustainable in quotes because if one cannot make a living it's sustainability is questionable). To do this work you not only have to put in long hours of hard physical labor you also have to be a bookkeeper, a marketer, a salesperson, a delivery driver, a manager, etc. And we are overseen by several agencies- we have records to keep on water usage, noxious weeds, sales numbers and so on. Those who are certified organic have a great deal of paper work to do including farm plans. Adding more restrictions, applications, paperwork, inspections and fees *will* deter people from pursuing this already difficult endeavor. It does not amount to support.

"Operations should not begin before March 1st, and all gardens should be cleaned up by November 1st". This is simply not possible, especially the proposed start date. Any farmer would tell you that, which brings me to my final concern.

My final concern is one of a conflict of interest. It is my understanding that the only farmer on the committee at the time these recommendations were drafted would not be bound by any Boise city code and yet her competitors would. It seems very clear to me that there is a conflict there, and not only should there be city farmers on the committee, I don't believe a farmer unaffected by the potential decisions coming from the committee should be involved. I assure you that the operations of Peaceful Belly begin before March 1st, as do all of ours.

Thank you for hearing my concerns, again I want to express appreciation for the intention to support urban farming. I am sure feedback from those of us involved with urban ag will help the city truly back that intention.

If I can be of further assistance please let me know.

Carrie Jones
208-440-8406
carrielljones@gmail.com

From: ben kline <ben.kline@gmail.com>
To: <CRiddle@cityofboise.org>
Date: 8/12/2011 11:08 AM
Subject: concerns about the proposed regulation of community gardens and urban farms

Hello Mr. Riddle, I recieved your contact info from Katie Painter, Refugee Agriculture Coordinator for the Idaho Office for Refugees. I see the need of some and welcome many of the proposals your commitee lists, but I have some concerns about the proposed regulation of community gardens and urban farms. Below are the recomendations your committe are making to the city council that I have questions and concerns about.

as to community gardens...

11. Operations should not begin before March 1st, and all gardens should be cleaned up by November 1st. A "clean-up date" at the end of season is of most importance.

Winter Gardening is an active and necessary part these activities - why is this a recomendation? Wouldn't existing clean yard regulations already regulate this?

12. Operations should be limited to daylight hours. Further restrictions for gas powered equipment may be necessary.

I understand the need to have regulation on gas powered equipment, but isn't the current noise ordinance sufficient to regulate both of these items? Has night-time gardening been an issue? How would you propose this be regulated - are you proposing that people can't go check on their tomoatoes for frost damage or roosting chickens by flashlight?

as to urban farms...

*

2. For farms requiring administrative approval, applicants should be required to obtain the signature of neighbors prior to submittal.*

This too, seems overly regulative. For a garden to be considered an urban farm by your definition - adequate acreage would be required and thus, create adequate space for neighbors to maintain relationships. I think that your committee's proposed* regulation #4 regarding a notice of approval*would also deal with this concern adequately.

*

*

Thank you for your attention to these important issues - farmers, even urban ones, are a very independant and enterprising group of citizens - any and all outreach you can make to this community is welcome and appreciated; anything that the city can do to support the urban farmer community will be beneficial to the health and vibrance of all our communitites.

Ben Kline,

bk | 208.409.3025

From: Nathaniel Hoffman <nathaniel.hoffman@gmail.com>
To: <criddle@cityofboise.org>
Date: 8/12/2011 12:06 PM
Subject: Urban Ag comments

Hey Cory - Thanks for working on the urban ag recommendations. Overall I like what I see ... I'm submitting my comments in the form of this blog post:
<http://www.paleoedia.org/2011/08/12/boise-responds-to-rise-of-urban-agriculture/> but just to emphasize a few things:

- I'd like some clarification on how the new regs would jive with historical preservation guidelines which discourage creative/edible landscaping
- I don't see the need for limiting hours and seasons in community garden or in urban farms
- I'm not sure that the requirement for getting neighbors to sign off on farms is fair or in line with requirements for other uses of private property

Again, I'm happy that the city is working on this and look forward to the next draft.

Thanks,

Nathaniel Hoffman
Bueno Fields

--

Nathaniel Hoffman
Independent Journalist
Boise, Idaho

<http://paleoedia.org> | @paleoedia <<http://twitter.com/paleoedia>>

<http://amorandexile.com> | <http://facebook.com/amorandexile>

From: Erik Kingston <erik.kingston@gmail.com>
To: <criddle@cityofboise.org>
Date: 8/12/2011 12:52 PM
Subject: Urban Agriculture

Cody:

I'd like to go on record as supporting the proposals to expand opportunities for performance-based urban agriculture, specifically:

1. Expand the number of backyard chickens/hens (or other poultry) to between 6 and 8 for standard Boise residential settings; more on larger lots in areas of lower unit density.
2. Codifying the siting and approval of community gardens throughout the city, particularly in and adjacent to residential areas. As a former Executive Director of Wasatch Community Gardens in SLC, UT (<http://wasatchgardens.org/>), I have first-hand knowledge of the widespread community, neighborhood and household benefits that can accrue from well-managed and productive community gardens. I also appreciate the need to create and enforce reasonable and informed codes to ensure control of noxious weeds.
3. Allowing reasonable numbers of backyard/urban beehives to expand pollination of urban crops and flowers.

I applaud the City of Boise for its recognition of the importance of distributed local food production as a means of increasing food security and public awareness of the dynamics of our food systems.

Thanks for your work on this.

Erik Kingston
1010 E. Jefferson
Boise, ID 83712

208 866 5677

--

www.reservestreetarmory.com
www.fairhousingforum.org
<http://www.boisechickens.com/>

Believe nothing, no matter where you read it, or who said it, no matter if I have said it, unless it agrees with your own reason and your own common sense.

--Buddha

From: Hutchinson Amy <amynhutchinson@yahoo.com>
To: "CRiddle@cityofboise.org" <CRiddle@cityofboise.org>
Date: 8/13/2011 10:35 AM
Subject: Urban Farms

Mr Riddle,

I have read many of the comments sent to you by my neighbors, friends, and farmer colleagues, and I share the majority of concerns they have raised. I will not re-state these concerns here as that would be a waste of time for both you and me. Instead, I would like to say just this: I do believe the City of Boise wants to do the right thing by encouraging urban farming. I do not think, however, that the preliminary guidelines were as well thought through as they could and should have been, nor do I think, unfortunately, that the choice of language used by the City of Boise to frame these preliminary guidelines has successfully convinced anyone within the urban farming and gardening community that the City is their ally, rather than their foe.

Hopefully, by this point in the process, you and others involved understand the deep suspicion that small acreage farmers feel towards government regulation, not because regulation itself is necessarily a bad thing, but because it is increasingly becoming the tool of choice of industrial agriculture (whose lobbies control state and national government) who see one-size fits all regulation as an effective means of crushing their smaller competitors. What has really gotten the ire up of the growing cadre of urban farmers in Boise is the fact that the City's preliminary guidelines suggest they soon will have to go to ridiculous and onerous lengths to grow (mostly chemical free, sustainable) local food. This is EVEN worse than state and federal one-size fits all regulations, as it requires small, sustainable farm operations to go to greater lengths to prove they are not a health, safety, environmental or neighborhood menace than is required of even CAFOs (confined animal feeding operations), which are known to be major sources of state ground water pollution and which are often constructed without the input of neighboring communities whose property values and quality of life suffer as a consequence. It makes no sense that small urban farms are consistently asked both to pay a steeper price than large industrial farms and to comply with a disproportionate number of laws and regulations. This flawed approach is especially befuddling once a person recognizes that most, if not all, small urban farms in Boise exist (and are able to subsist) because of this community's demand for greener and healthier farming practices and farm products.

I encourage the City of Boise to adopt language in its revised ordinance provision that clearly communicates the City's intent to become the champion of urban agriculture that I believe it wishes to be and that this community absolutely needs it to be.

Amy Hutchinson
5205 W. Hill Rd
Boise, ID 83703

From: Tom Kearns <tomkearns2@gmail.com>
To: <CRiddle@cityofboise.org>
Date: 8/17/2011 9:12 PM
Subject: comment

I suggest you exclude personal gardens in residential backyards from your regulations. The requirements you have listed are not appropriate for a garden in someone's backyard.

Regards,

Tom Kearns

From: Katie Painter <kpainter@idahorefugees.org>
To: Cody Riddle <Criddle@cityofboise.org>
Date: 8/15/2011 3:50 PM
Subject: More on Boise Urban Ag Policy

Dear Cody Riddle, Urban Agriculture Committee, and other concerned citizens,

It has been suggested by my boss and several others that I submit to the city a more specific list of recommendations and questions on the proposed urban agriculture policies. These recommendations and questions are based on my four years of experience running multiple community gardens and farms for Global Gardens Refugee Agriculture Program and the Idaho Office for Refugees, as well as conversations and recommendations from others involved in community gardens and urban agriculture.

Global Gardens currently maintains 6 community garden and 5 urban farm sites, many with support from local partners and volunteers. These sites provide more than 175 refugees with a location to garden either for home use or for fresh market sales. In 2010 our urban farmers collectively earned over \$20,000 in gross produce sales, and will probably earn close to \$40,000 this year. We run a 40 member CSA that is accessible to food stamp users, sell at the Capital City Public Market, and supply several restaurants and the Boise Coop. More detailed information about this program is available at www.idahorefugees.org/globalgardens. The majority of our program takes place on privately owned, unused urban lots within Boise City limits and would be affected by these policies. We are currently not in compliance with many of the policies, and our existing programs and activities, as well as future growth, would be restricted.

*On your proposed community garden policies I would like to make the following recommendations and raise the following questions. *

1. The definition of a community garden is very broad and therefore difficult to understand. The document states that a community garden is: *An area of land managed and maintained by an individual or group to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, donation, or sale. *Wouldn't that include any garden? Are backyard gardens operated by the owner or renter of the property also included? Flower beds? That will encompass a LOT of gardens, seems like a fairly costly task for the city to regulate all of these.

2. Recommendation 3 states that retail sales, limited to produce raised on site, should be allowed. We use a community garden as a pickup point for our CSA. This would no longer be allowed under this policy because the

produce for the CSA comes from several locations (up to 5 other urban farms), and it is necessary to establish one central location where customers can pick up their produce. All of the shares are pre-paid, so the only money exchanging hands on-site is that of our EBT (food stamps) customers, who cannot by law be charged ahead of time. So, this regulation would mean that we have to find another pickup point, or, in the case that distribution without the exchange of money is allowed, exclude food stamps customers from our CSA. (We've worked very hard and incurred considerable expense to be able to be the only CSA in Boise that *does *include them, and have about 10 families participating.) Likely our only other alternative for a pickup point would be someone's home, likely mine, which may or may not be legal, though I know other CSAs use private homes. There are a total of about 40 families in our CSA and over \$16,000 in sales, directly benefitting our refugee farmers. We also sometimes sell meat shares produced by another farmer, which supports that farmer's sustainable business and allows our customers to access another local, affordable, sustainably raised product at the same time. This would also not be allowed under the new policy. I would also like to point out that we used to do the distribution at the Edward's Greenhouse Tuesday Farmer's Market, a location legally approved for produce sales, until the city shut this market down due to complaining neighbors. More on that later.

3. Recommendation 11 states that operations should not begin before March 1 and should be cleaned up by Nov. 1. This seems unnecessarily restrictive. There are a number of necessary activities that go on in our gardens between November 1 and March 1. Many of our growers plant a fall crop of cold-hardy vegetables, and actually don't finish harvesting until around November 15, with final cleanup taking place after that time. We overwinter several crops, including garlic and other root crops, berries, and winter cover crops, which are a good land stewardship practice for chemical-free soil management. We often work on infrastructural projects, like building fences, greenhouses, etc, in the winter, when we have more time. We begin our greenhouse operations by February 1 at one of our sites. This is a very normal schedule for any Idaho farm or garden. If gardens are to be supported in the summer, why not support them in the winter, too? What is the reasoning behind this restriction?

4. Recommendation 12 states that operations should be limited to daylight hours, with further restrictions for gas powered equipment as necessary. For the most part, nobody is in the garden at night, but the main problem with this recommendation is that it's impossible for me, the manager, to enforce it. I'm not at the gardens at night, so I can't make sure that no one else is there. Occasionally we have received complaints from the neighbors about people visiting the gardens at night, as a place to hang out, and in most cases I suspect that these visitors are not members of the community garden. But what am I supposed to do to prevent this? What are the consequences for us if our garden experiences unwanted nighttime visitors? Aren't there existing noise ordinances that could apply to these situations?

A second problem with restricting night use is that many for-profit farms, and non-profit community gardens, occasionally hold evening events, such as dinner in the garden, for fundraisers. I know for a fact that Peaceful Belly and the BUGS garden do this. And why shouldn't they, as long as neighborhood noise ordinances are respected?

Finally, we occasionally use the gardens at night when farmers have a lot to harvest and can't begin until they finish work at their regular day jobs, and it ends up being dark by the time they finish harvesting for farmer's market the next day. Also, in the spring, I often visit the garden after dark to turn on the greenhouse heater or cover plants if I expect a particularly cold night.

5. Recommendation 14 states that tools and equipment should be kept in a locked structure. Usually, but not always, we do this. Keep in mind that locked structures like sheds are expensive, for new gardens especially, and sometimes gardeners leave their tools around. This may not always be possible, and is another difficult one for garden managers to enforce, at least for our gardens which have an open-door policy for the gardeners.

6. Recommendation 16 states that livestock and poultry should only be allowed when the owner lives on the premises. We currently only have bees, whose owner does not live on the premises, and we have had goats in the past. I know of several other urban farmers who house livestock on leased land, and it would be impossible otherwise for them to raise livestock if they are not in the financial position to purchase a house with enough land for livestock. This seems a bit discriminatory against people who cannot afford such a purchase.

*On your proposed urban farm policies, I recommend the following and raise the following questions. *

1. The definition of what is a community garden and what is an urban farm needs to be clear, so that people know which set of policies to follow. In our program, we define a community garden as a garden space for personal use, and an urban farm as a space to grow produce for sale as well as personal use, usually a much larger space per grower. In your definitions, either space could include produce sales, so it's not clear to me what differentiates them.

2. Recommendation 1 states that urban farms are subject to administrative approval. What kind of approval and by whom? Does this approval cost money? How much? Urban farmers already earn very little money and do not need an additional administrative cost.

3. Recommendation 2 requires that applicants are required to obtain the approval of neighbors prior to submittal. I can tell you from experience that in many neighborhoods, the majority of the neighbors are supportive of an urban farm or community garden operation, but that there will often be one particularly vocal neighbor who is not in favor. Will the signatures of *all *of the neighbors be required, and would a minority of opposing neighbors prevent a project from beginning? It is already very difficult to find appropriate urban farmland in Boise with irrigation access, and this restriction would make it even more difficult for our project to grow and expand in the future, and might deter people from beginning an urban farm. Some of our landowners are organizations like churches that own one piece of land in one location. If a church wanted to sponsor a garden, for example, and a neighbor refused, they don't really have the option to look elsewhere for land to use. And why should the neighbors be the ones to decide what a private landowner does with his or her lot? My neighbors are not required to and never have asked my permission to engage in activities such as in-home businesses, loud parties at night, barking dogs and loud lawn equipment early in the morning, unmaintained lawns, use of many kinds of lawn chemicals that affect my neighboring gardens, use of our gardens as a pet exercise (and mess) area, etc, etc, etc, so I really have a hard time understanding why neighbors should be the ones to decide whether a garden is permissible or not.

I feel that the entire tone of this document is much more in the interest of protecting my neighbors than it is in the interest of protecting gardens, and I fear that a vocal few will make it difficult to maintain or grow our program. The city has already set a large precedent in this direction with the closing of the Edwards Greenhouse Farmer's Market in 2010, where Global Gardens used to sell produce and distribute CSA shares. A minority of neighbors, who had been residents of the neighborhood for many fewer years than Edwards' greenhouse business, complained about noise and dust, and the city issued restrictions that made it financially unfeasible for Edwards to continue the market. (I wrote a letter to the city in support of Edwards at that time.) Because of this precedent, I have no reason to believe that the same wouldn't happen with relation to community gardens and urban farms in the future.

I can think of one complaining neighbor already, who I'm sure will be the first to complain to the city about our garden if she realizes these policies are in place. I also think that the participants in our program can easily be subject to a certain amount of racism, unfortunately, we have experienced neighbors who simply do not want excessive traffic by a certain kind or color of people, or lots of children, and it is inexcusable for the City of Boise to support this type of attitude.

4. Recommendation 3 states that farms should be granted an initial one year

approval, followed by a subsequent 5 year approvals. Whose approval? The city or the neighbors? Will someone visit farms to determine whether or not they are in compliance? This will be very difficult because starting up an urban farm requires significant up-front investment in the first year to establish an irrigation system, amend the soil, create storage areas, etc, and will be cost prohibitive unless the user is sure that he can use the site for several years. We usually ask for a 3 to 5 year initial commitment from our landowners. As an example, I can tell you that we spent over \$5000 this year to open a new two-acre urban farm site, just on irrigation supplies, soil prep, delivery of some compost, and installation of a storage shed. Suppose that next year I'm told that that site is no longer approved? Or in five years, when I have an established customer base, and I can't find another appropriate site to move to? This policy does not support a person who is earning a significant portion of his income through urban farming.

Livestock/chicken/bees policies.

So far our participants have been only minimally involved in raising livestock. The livestock restrictions seem to be moving from more to less restrictive, which is great. I would suggest eliminating the requirement that livestock owners live on the premises.

*Finally, a few points that I think are missing from this document. *

1. What are the consequences for a community garden or urban farm that is not in compliance with these guidelines? Will the city be enforcing these policies somehow, or will it be up to neighbors to complain? How long will the manager of a garden or farm have to bring their lot under compliance if a complaint is issued? As a manager of a total of 10 Global Gardens sites, I would have to communicate and enforce any policies with more than 175 people, most of whom are recent immigrants with limited English capabilities and often, limited respect for rules, which increases my administrative burden considerably. We have found that rules are only useful if you can actually enforce them. Many of these regulations increase the overhead cost of running a community garden or an urban farm, such as the need for increased signage, storage, and staff or volunteer time enforce regulations, apply for administrative approval, collect signatures from neighbors, write management plans, etc. Most organizations and individuals involved in community gardens and urban farms do have limited budgets and staff time.

2. Do these policies apply equally to a user who owns the land where their urban farm or community garden is located (such as the back or front yard of their home) as to one who rents, leases, or borrows land? These seem like a lot of restrictions to place on privately owned land, and I am concerned that the policies will mainly apply to those not in a financial position to

own land. This is, after all, the entire purpose of a community garden. ALL of our garden AND urban farm users live in apartment buildings where gardening is not possible. We do establish written leases with all of our landowners, and it seems like legally, someone leasing land should have the same rights and responsibilities as someone owning land, be it owning livestock, operating an in-home business, or whatever. (In some cases, we pay the landowner a small rental fee, or pay for water use, and in other cases the use of the land is donated. I would be happy to provide an example of the type of written agreement that we use.)

3. Who was involved in writing these policies, and who was asked to review them? With a community garden network of 6 gardens, including 125 participants, and 5 urban farm sites, with about 50 participants, I am certain that Global Gardens is the largest provider of community garden and urban farm spaces in Boise. Why wasn't I contacted? None of the landowners or volunteers who assist me with the management of these gardens were contacted. There are only 3 or 4 urban farmers operating businesses within Boise City limits, and none of them were contacted. I only found out about these restrictions when I was notified by another urban farmer, who I believe found out from her neighborhood association representative. It would not have been difficult to use Google to locate our program or any of these businesses, and I am concerned that there has been a serious oversight in actually contacting and including the stakeholders who would be most affected by these proposed policies.

4. Will there be any changes to city policies regarding the use of city-owned land for urban agriculture activities? I read your policy about a year ago and at that time it was very restrictive, with use of city-owned land to produce vegetables for sale prohibited. One way for the city to actually support urban agriculture may be to offer some unused, city-owned land for agricultural use, as many other cities do.

Thanks for your attention. I look forward to a meeting in person and am hoping that further information will help me to understand the purpose and intent of some of these policies.

Best regards,

Katie Painter

Coordinator, Global Gardens Refugee Agriculture Program

--

Katie Painter
Refugee Agriculture Coordinator
Idaho Office for Refugees

1607 W Jefferson St
Boise, ID 83702
208-336-4222

www.idahorefugees.org/home/Global_Gardens
castironidaho.com

From: Jennifer Robbins Smith <threehappycampers@hotmail.com>
To: <criddle@cityofboise.org>
Date: 8/16/2011 12:39 PM
Subject: Urban Farming Regulations Comments

Mr. Riddle: My comments may be too late, but since there didn't seem to be much advertisement about the opportunity to respond, I'm hoping you will let these slide in anyway. I'll keep this brief, but I do have concerns about the proposed regulations. I am simply a backyard (primarily) hobby gardener, but I do grow quite a variety of produce for our home use. My primary concern for myself is in regards to the dates imposed. Anyone who even dabbles in gardening can tell you that we plant when the season lets us plant. For many of us, producing anything in this short growing season means we must start plants in green houses or cold frames. We must also take advantage of any late season warmth as well. Additionally, certain crops, such as greens, beets, carrots, etc. are actually tastier after a mild frost. To require that everyone rip (possibly) viable plants out of the ground by November seems wasteful. These plants could be providing perfectly good food after all. We also know that a terrific way to build good soil (without harmful chemicals) is to plant cover crops which must be started in the autumn. These proposed regulation don't seem to have been created by people who have much knowledge of gardening or farming. They also seem rather punitive toward Boiseans who simply want to provide food for themselves and their friends in order to eat food that has not been doused in pesticides or had to travel thousands of miles to reach us. Ultimately, it is about taste. There is nothing better than a homegrown tomato. The city should be encouraging gardening and farming, not making it more difficult. As a teacher, I also know that a number of schools (their budgets for field trips having been cut) are using school gardens as outdoor classrooms. Students can learn a great deal from these hands on, real life lessons, and we shouldn't discourage teachers from this opportunity. I am acquainted with a few of the larger scale farmers in our area, and I realize this impacts them even more than me. I also know they can very eloquently speak for themselves, but I also wanted to add that as a consumer of their products, I would like to continue to be able to buy my food from someone I know and trust and keep my money in the local economy. Thank you, Jennifer Robbins Smith

From: Lachelle Smith <lachellesmith@gmail.com>
To: <CRiddle@cityofboise.org>
Date: 8/12/2011 3:29 PM
Subject: Proposed City Regulations on Community Gardens

Mr. Riddle,

I just reviewed a copy of the Planning and Development Memo dated June 14, 2011. I wanted to pass along a few thoughts:

- I like that gardening in planter strips is protected. Yay!!

- The definition of community garden seems a bit broad:

An area of land managed and maintained by an individual or group to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, donation, or sale. Limited sales and events may also occur on the site.

Does this mean my flower bed is a community garden because it is an ornamental crop maintained by an individual and thus must adhere to the rules and regulations? That seems cumbersome.

- I completely understand the need for a "clean-up date" to prevent unkempt gardens from looking ugly all winter, although it would make more sense to choose a more weather-dependent date such as 2 weeks after the first frost or something. I would hate to run into a warm fall and have to pack up my otherwise productive veggies just because the date rolled around. On the beginning side of things, would this ordinance prevent any greenhouse work or garden prep before March 1st? What is the motivation for the start date?

- Can I not work my garden during dusk? I have a history of skin cancer in my family and prefer to work in my garden when the sun has gone down to both stay out of the sunlight for my health and more practically because it's not so hot! This restriction would be burdensome to me. (ditto for urban farms).

- As for urban farms, I participate in a CSA from global gardens and LOVE it. They occasionally provide meat shares from a local farmer as a convenience to their customers. It is so awesome to be able to get my food all in one place! I am concerned about the ordinance that no other items may be sold on site. I would be sad to lose this convenience (and I'm sure they local supplier would be sad to lose this business).

- Lastly, I have three backyard chickens and would love to have more!!

Thank you for the work you do. I hope that the committee can continue to support and encourage the local production of food and urban agriculture. I think it makes Boise a better place to live.

Lachelle Smith
1520 W Dewey St
Boise, ID 83702

From: Barbara Martin-Sparrow <dandilion10@yahoo.com>
To: Cody Riddle <CRiddle@cityofboise.org>
Date: 8/12/2011 4:47 PM
Subject: Urban Farm comments

Hi Cody-- you might remember me from Boise river ranch hearings over the last 3 ? years. I read tara morgan's article in the boise weekly about the urban farms and had some comments to add. I hope that this is the correct manner to comment. I used to own a floral business and used to grow some of the fill flowers on our old farm land and also sometimes sold the extra produce. With times the way they are I might need to farm and sell again so I was concerned about some of the info in the article and needed to comment.

1st. Growing only from March 1st to Nov 1st: our crop season has extended with global warming and the warmer weather in boise recently-- so we were still picking things in Nov last year.

Also-- there are greens gathering and holly growing that would be done in the Christmas season--which some people could say was beyond the Nov. 1st deadline. I am concerned with deadlines. Gathering grape vines would also be then.

2nd cleaning up the gardens. The old way of gardening cleared off to bare ground-- the best gardeners in this area have always mulched to retain moisture and add nutrients and to cut down noxious weeds. The second bench has clay soil that benefits from mulch.. The River plain has sandy soil that retains water better with mulch. I am hoping that cleaning off the garden by Nov. 1st does not mean down to bare ground-- a method that too many still practice. Mulching needs to be included-- which does not look like cleaned space.

i am concerned about the use of the term weeds-- some peoples' weeds are others' treasures. I have been growing dandelions for a long time and many of the dried fill for florists is a kind of weed or other.

Please be concerned about using the lump term weeds.

Thanks for your time Cody--please include me in any further mailings.

Barbara Martin-Sparrow

mailing: 6945 Holiday Dr. Boise, Id 83709

From: Noel Weber <nollifur@gmail.com>
To: <criddle@cityofboise.org>
CC: Kelley Tagg <vivsmom2003@yahoo.com>
Date: 8/22/2011 9:43 PM
Subject: Urban Farming

Hi Cody,

I was reading the Preliminary Recommendations of the Urban Agriculture Committee that was sent to me via our neighborhood rep. I find the idea of urban gardens/farms super exciting. I was recently visiting west Michigan and when your driving down the small farm roads folks have tables set up with garden goods, typically they would have a jar that you would just put money into. I found this idea charming.

If I were to write up guidelines for something like this I would like to see organic gardening and community involvement encouraged. I think it would be great if the city could hire someone to organize community gardens. I don't think it would be a big expense and I think it would make a lot of people happy.

I like the idea of streamlining stuff, farmers and gardeners don't seem like very good paper pushers.

I have had a large garden in my back yard for the past three years and have helped my folks turn their parkway into a garden, several of my neighbors have gardens as well, We share ideas, tips and veggies. It's really fun.

Growing food is challenging, therapeutic and incredibly rewarding. It promotes good eating habits and awareness as to where our food comes from. I think this is increasingly important now a days.

Thanks
Noel Weber