

Subject: Urban Homesteading and the Proposed Urban Agriculture Standards

Commissioners,

During the May 2015 Planning Commission study session, a stakeholder imagined a scenario where a property owner maximized the urban agriculture standards being proposed in the draft. It posed the question, what if someone turns their residential property into a small farm? It could include gardening in the front and rear yards, chicken and miniature goat raising with a potential greenhouse and pen and shelter nearby. It is a reasonable question and it is a real situation that exists. In urban agriculture terms this situation is referred to as urban homesteading.

Urban homesteading is sometimes described as bringing the self-sufficient lifestyle of a past rural life to a present urban setting. Below is a YouTube video describing one of the most famous examples of urban homesteading that is occurring in a typical residential neighborhood in Pasadena, California. You can also visit their website, urbanhomestead.org. Below staff has given an informal review of what this family is doing and compared it to the City of Tucson's draft urban agriculture provisions that are in the current July 2015 draft.

To find the video -

Type 'urban homesteading documentary' into YouTube search. It is a 2009 [video](#) noting that it was an award winning short film. There are several other interviews with the property owner that elaborate other zoning issues.

Also view the [website](#) for more information including aerials and street views of the Pasadena, CA property.

<http://www.urbanhomestead.org/>

Lot Size – The family has an 8,700 square foot lot with a single family dwelling of 1,500 square feet. The family state their garden area is about 4,300 square feet. The garden is planted in both the front and rear yards.

Comment – *Their lot would be about a typical R-1 zoned lot with a principal use of a single family dwelling. The proposed draft more clearly states that accessory gardening is allowed and to the degree described, staff believes their garden is also currently allowed in R-1 under the existing UDC both in the front and rear yards as an accessory crop production use.*

Animal Units - Their web site shows pictures of 12 chickens, 7 ducks, two miniature goats, and two rabbits. The family state that after the productive egg-laying period of five years, the family does not kill the non-egg laying hens but allow them to live on their

property. A chicken can live anywhere from eight to ten years (some longer) in a healthy environment. Note if the family did slaughter their chicken flock for non-layers, there is nothing in the City, State or Federal laws that prohibit a person from slaughtering for person consumption. Slaughtering for commercial purposes is controlled by the State.

***Comment** – Based on Sec.6.6.5.F they would be allowed to have a total of 16 animal units to calculate their animal flock. That means up to a total of 16 chickens (1 animal unit each) or a total of 8 ducks (2 animal units each) or a total of two miniature goats (5 animal units each).*

The number of animals they are currently raising when using the draft's animal unit system would come to a total of 36 animal units. Further, the draft allows 36 units for a 16,000 square-foot lot or larger. Reviewing their current animals, they would basically be limited to 12 chickens and two ducks or two goats and either six chickens or three ducks.

However, they would be able to request a modification in the number of animals under, Sec.3.3.4, 50' Notice Procedure. Surrounding property owners would be sent notice that they want more animal units than the lot size allows. The applicant can either bring in signed consent from adjoining property owners or wait about two weeks for both the notice and the director's final decision notice.

Either the property owner or adjoining property owner may appeal the director's decision to the Board of Adjustment. During the urban agriculture public review process, staff has learned that there are stakeholders who would be fine with such a request as the Pasadena property while others believe the City's current standard of 24 fowl enclosed in a pen that is set back 50' from all property lines shall prevail.

Accessory Building Setbacks – There appears to be at least one large pen or accessory building along the property line adjoining a non-residential use. On the opposite property line, there is an adjoining family dwelling and there do not appear to be any accessory buildings located there. On two sides of their lot, the rear and one side yard, there are non-residential uses. The rear is a long building that is part of the adjacent public school and behind that is a major interstate highway; on the side yard is also the public school with a typical front parking lot. It appears that the rear yard is enclosed on both side yards. At their website at urban homesteading.org, one can see an aerial and street view of the Pasadena property.

***Comment** – The accessory buildings are along the side yard adjoining a non-residential use. According to 6.6.5.F.5.c, the pens can be twelve feet in building height and must be set back 2/3rds the height of the building. Assuming the most restrictive setback, it would be eight feet. They are less than eight feet. However, this provision also states that a setback is not required when abutting a non-residential use or right of way. Both yards affected by the accessory building are next to uses that do not require setbacks.*

On-site Sales –The family sells some of their produce to at least one local restaurant and there may be some off-site deliveries that were indirectly referenced. The family says they make about \$20,000 a year from their produce.

Comment – *As best staff can tell, the proposed urban agriculture standards would allow the type of on-site sales described briefly in the video. In the UDC's Residential Use Group category's use specific standards Sec 4.9.7.E.15, on-site sales related to accessory use crop production is permitted in accordance with Sec. 6.6.5.G. This provision mainly calls out outdoor yard sale-like conditions.*

City-wide events can be held four times a year but sales to listserv subscribers and neighborhood events are not regulated. In the video, the chef from the local restaurant who visits their garden is what might be considered a subscriber to their listserv. It is common for local restaurants to buy local produce and eggs. In one Commission study session, a speaker mentioned selling eggs to a Downtown restaurant regularly. The type of local produce sales the Pasadena property does is not considered a zoning nuisance issue in the current draft.

Bees - The family maintains bee hive boxes on their lot and collects honey.

Comment - *Note apiary rules are in the Tucson Code, Chapter 11(Crimes and Offenses) and in Sec.11-3 Apiaries. There are no provisions regarding apiaries in the UDC or Chapter Four (Animals and Fowl). The Tucson Code allows one hive box per every 2,500 square feet of lot area in every zoning district. If the boxes are within 30 feet from a property line there must be a five-foot barrier that could be a vegetative screen.*

The urban agriculture text amendment is not addressing apiaries in that they are longstanding existing provisions of the Tucson Code.