



City of Kingston
Report to Arts, Recreation and Community Policies Committee
Report Number ARCP-16-006

To:	Chair, Arts, Recreation and Community Polices Committee
From:	Lanie Hurdle, Commissioner, Community Services
Resource Staff:	Luke Follwell, Director, Recreation & Leisure Services
Date of Meeting:	April 28, 2016
Subject:	Community Gardens Development and Operations Policy

Executive Summary:

This policy update provides revisions to the framework and guidelines for the development and operation of community gardens on municipal lands. The City of Kingston continues to support and recognize community gardening as a means of providing active and social opportunities to enhance health and well-being, connecting people to nature, providing protection and use of public open spaces, environmental education and reducing food insecurity. The City's community gardens program is an important initiative contributing to the food security strategic priority established by Council in 2015.

The first community garden agreement was established in 2010 and the City has since entered into agreements with a total of eight Community Garden groups for the operation of community gardens throughout the City on municipally owned lands. The City has also been providing some minor financial support for the development and maintenance of gardens since 2010. Financial contributions are typically applied to the capital cost of establishing the garden or enhancements to existing gardens such as the creation of raised beds, rain barrels, tools, storage and signage. The total of grants to new gardens has ranged from \$2,500 to \$3,000 annually. Access to municipal water service in some instances has also been provided.

The new policy addresses updates to location considerations, garden and growing requirements, accessibility and streamlining of the application and granting process. The policy will act as a guiding document and framework that will be administered and coordinated by the City and any associated designates.

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Recommendation:

That the Arts, Recreation and Community Policies Committee recommend to Council the approval of the Community Gardens Development and Operations Policy attached to Report Number ARCP-16-006 as Exhibit A; and

That Council approve the delegation of authority to the Director and/or Commissioner to enter into a License Agreement with various community gardens for the purpose of granting permission to use site specific municipally owned lands for the purpose of a community garden in a form satisfactory to the Director of Legal Services.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Corporate & Strategic Initiatives

Denis Leger, Transportation, Facilities & Emergency Services Not required

Jim Keech, President and CEO, Utilities Kingston

Desiree Kennedy, Chief Financial Officer & City Treasurer Not required

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Options/Discussion:

In 2010, City staff drafted the 'Community Garden – Development and Operations Policy'. The intention of the policy was to provide framework and guidelines for the development and operation of community gardens on municipal land. Since that time, the City has entered into agreements with a total of eight Community Garden groups for the operation of community gardens throughout the City on municipally owned lands and one through an agreement for use of lands with Correctional Services Canada. The existing community gardens are as follows:

- MacLean Park Community Garden
- MacLean Park Trail Community Garden
- Headway Park Community Garden
- Oak Street Community Garden
- Pollinator Garden
- Shannon Park Community Garden
- Elmwood Community Garden
- Sunnyside Community Garden
- Lakeside Community Garden

In 2015, the Recreation & Leisure Service Department initiated a process to update the existing policy. This process was inclusive of researching other existing municipal policies across Ontario and in some cases, in other provinces where best practices have been observed. During this time, staff consulted with members of other departments including Environment and Sustainable Initiatives, Public Works and Legal Services, and a draft policy was circulated for input.

Further to staff input, and throughout the process, staff engaged the Community Garden Network (CGN) and Loving Spoonful organization staff for their input which included the policy being presented and provided in two public consultation meetings with the CGN. The Network has worked to promote community gardening throughout the City since the inception of the initial policy. Feedback was provided and incorporated where applicable following both meetings. Following this, the revised draft policy was posted on the City's website for public comment for a three week period, which generated additional comments. The policy was also presented and provided to the Food Policy Council along with being provided to members of the Municipal Accessibility Advisory Committee, and time was allotted to provide feedback which was also incorporated into the revisions where practical to update any accessibility requirements.

The new policy addresses updates to location considerations, garden and growing requirements and streamlining of the application and granting process. The policy will act as a guiding document and framework that will be administered and coordinated by City staff and designate, Loving Spoonful, by way of a Council approved partnership agreement. This will enable more

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community outreach, promotion of community gardening and education opportunities. City staff will maintain the review, testing and approval of designated sites in the process.

This policy is consistent with recommendations contained in the Parks and Recreation Master Plan and addresses Council's priorities to Green the City and Plan a Livable City, responding proactively to food security needs in the City. The attached Community Gardens Policy was drafted incorporating information received through consultations with staff, community stakeholders and members of the public.

Existing Policy/By-Law:

Community Gardens Development and Operations Policy

Notice Provisions:

Not applicable

Accessibility Considerations:

Accessibility requirements have been considered in this policy and members of the Municipal Accessibility Advisory Committee were consulted in the process.

Financial Considerations:

There is currently \$3,000 in the 2016 Recreation & Leisure Services Department capital budget which has been allocated for granting to community gardens for new gardens or enhancements to existing gardens through the application process addressed in the policy. Access to municipal water service will be provided where possible, or considered for future upgrade as addressed in the policy.

Contacts:

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Other City of Kingston Staff Consulted:

Jaclyn Grimmon, Manager, Recreation Programs, Recreation & Leisure Services

Neal Unsworth, Manager, Parks Development, Recreation & Leisure Services

Lynda Breen, Supervisor, Recreation Programs, Recreation & Leisure Services

Troy Stubinski, Operations Manager, Public Works

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Brodie Richmond, Manager, Environmental Projects, Environment and Sustainable Initiatives

Alan McLeod, Seniors Legal Counsel, Legal Services

Cheryl Hitchen, Social Policy and Strategic Community Development Manager

Julie Salter-Keane, Community Project Manager, Accessibility Compliance

Exhibits Attached:

Exhibit A Community Gardens Development and Operations Policy



Policy Name: Community Gardens Development and Operations Policy

Administrator:

Approval Date:

Effective Date:

Next Review Date

Approval Authority: Council

1. Policy Statement

The City of Kingston recognizes community gardening as a means of providing active and social opportunities to enhance health and well-being, connecting people to nature, providing protection and use of public open spaces, environmental education and reducing food insecurity. The City's community gardens program is an important initiative contributing to the food security strategic priority established by Council in 2015 and contributes to the goals of the Sustainable Kingston Plan.

2. Purpose

The purpose of this policy is to establish guidelines for the development and operation of Community Gardens on municipally owned lands. This policy establishes the City and its designates role as a facilitator and provides a framework to ensure equal access for all residents.

NB: This policy is in addition to the By-Law to Provide for the Regulation Use of Parks and Recreation Facilities of the Corporation of the City of Kingston (By-Law Number 2009-76), the Province of Ontario's Pesticide Act 63/09 and Environmental Protection Act 153/04.

3. Definitions

Accessibility: a product or service with features that are intended to remove barriers for people with disabilities.

Accessible Garden Bed: a plot or garden space raised 18 inches above the ground surface with a width of 36-48 inches if accessible from both sides, 12-24 inches if

accessible only from one side, and located on an accessible path of travel in compliance with the Design of Public Spaces Standards.

Active Gardening Space: the approved area within the Community Garden Footprint that is being used for a Community Garden.

Allotment Plot: the garden space for cultivating vegetables, fruits, herbs, native plants and/or ornamentals that is available to individual garden members.

City: the Corporation of the City of Kingston, or its representatives.

Clean Soil: imported soil that is free of contaminants, refuse and putrescible wastes. Topsoil, sand, black earth, etc. purchased from gardening suppliers would meet this definition.

Communal Plot: a shared garden space for cultivating vegetables, fruits, herbs, native plants and/or ornamentals that is available to all garden members.

Community Garden: a site operated by community members and/or a community organization where municipally owned lands are used for the growing of produce, flowers and native plants for non-profit use through individual or shared plots located on municipally owned lands.

Community Garden Agreement: the written terms and conditions that the City and garden members agree to abide by.

Community Garden Enhancement: an improvement or augmentation to an existing garden (i.e. rain barrels, compost, picnic tables).

Community Garden Footprint: the approved maximum area a Community Garden can occupy.

Community Garden Group: a minimum of ten individuals who participate together in a Community Garden in the function of member, Garden Coordinator or Executive.

Community Gardens Program Coordinator: a City representative or designate who acts as the first point of contact and as a resource for all community gardening inquiries.

Donation Plot or Garden: a plot where food is planted and harvested by a group of garden members and donated to a local food distribution organization such as a food pantry, food bank, meal program or other such related organization.

Drainage Swale: a low tract of land, especially one that is moist or marshy for the purpose of capturing surface runoff.

Floodplain: lands subject to flooding as regulated by the Cataraqui Region Conservation Authority.

Garden Coordinator or Executive: an individual or group that has been selected and/or elected to be the point of contact with the City or its designate for a specific community garden.

Geo-textile membrane: a synthetic membrane or barrier similar to landscape fabric but constructed to higher standards which are impermeable. Common uses include pond liners and landfill liners. For this application, the requirement is to ensure no deep root penetration and as such a variety of products would be acceptable.

Liability Insurance: coverage that provides protection from claims arising from injuries to other people or damage to other people's property.

Membership: the privilege conferred upon garden members to access the community garden for gardening or non-gardening purposes in exchange for certain responsibilities fulfilled by each member.

New Community Garden: a community garden or an approved community garden expansion in the first 12 months of operation.

Raised Garden Bed: a plot or garden space that is raised above ground level, underlined completely by a geo-membrane layer, filled with only clean soil and which provides area required for the growth of the plants including all root structures.

Stormwater Management Facility: a pond and surrounding lands, channel, ditch, overland flow route or any element of the municipal drainage system used to control flooding.

4. Responsibilities

City staff will work with its designate to review requests from residents for community gardens on municipal lands. Staff will work to designate sites for approved applicants for the purpose of community gardening as per the terms of the policy.

5. Policy Application

a. Community Garden Features

A community garden may have the following features:

- Allotment plots, Communal plots, Donation plots or gardens and amenities such as a water supply and shared tools, usually in exchange for a fee or voluntary labour; and
- Accessible compost bins, a tool storage shed, signage and other provisions necessary for the operation of the community garden, subject to City approval;

A community garden may:

- Promote the production of local, healthy and fresh food;

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- Enhance local food security;
- Provide gardening and other environmental education activities to encourage the involvement of schools, youth groups and senior citizens in gardening activities;
- Host harvest festivals and other family-oriented activities that encourage positive social interactions among all community members;
- Encourage partnerships with other community organizations; and
- Donate surplus food to local food distribution organizations, food pantries, food banks and meal programs.

b. Site Selection

Community garden members, organizations, neighbourhood associations and groups interested in developing a community garden must submit a written proposal to the Community Gardens Program Coordinator.

The City, or its designate, and the Community Garden group will work together to assess potential community garden locations and determine the maximum Community Garden Footprint and Active Gardening Space for proposed sites.

In identifying new community garden locations, consideration will be given to the following:

- Supportive community members;
- Availability of the proposed site;
- Sites that do not require site clearing (if required, the Community Garden group is responsible for site clearing);
- Satisfactory underlying soil quality and drainage;
- Adequate sun exposure for plant growth;
- Close proximity to urban neighbourhoods and areas of population density;
- Site accessibility during the gardening season;
- Availability and accessibility of parking;
- Access to existing municipally treated water infrastructure;
- Site complies with any regulations or development controls (Deeds), including the site's zoning, classification and management plans (Future Development) where applicable; and
- Site is not in the presence or proximity of significant natural, cultural or heritage sites.

In accordance with Ontario Regulation 153/04 (as amended) pertaining to prohibited changes of land use, only municipal lands where the current or last known use was residential, parkland, or agricultural will be considered.

The City, or its designate, and the Community Garden group will work together to prepare a site plan. The community garden site plans must:

- Identify the location and size of the Community Garden Footprint. The Community Garden Footprint is determined in consultation with the City and garden group based on the property size and existing/proposed amenities;
- Indicate the location of the Active Gardening Space;
- Include plot layouts, dimensions and construction materials. Any wood or timber material used must be free of and not treated with toxic chemicals;
- Demonstrate a commitment to sustainable construction and operating practices such as methods of water conservation, composting and waste diversion;
- Demonstrate a willingness of volunteers to develop, operate, manage and maintain the community garden;
- Not include structures or barriers preventing access to the general public, unless there are specific security concerns;
- Comply with applicable legislation and municipal by-laws; and
- Include an eighteen foot set back from the edge of plots to allow for movement and regular maintenance around the perimeter of the garden, where possible. The designated space between garden plots will be site specific.

All applications will be subject to confirmation of availability of funding for related costs associated with the proposed Community Garden.

The community garden group will be responsible for the development and facilitation of a neighbourhood consultation process in consultation with the City, or its designate, to determine support from community members, at large, and neighbours of the proposed Community Garden site. A consensus of support must be demonstrated and significant opposition or concern must not exist to the development of the proposed Community Garden, as deemed by the City, or its designate.

The City, or its designate, may deny any proposed garden site for any reason at its sole discretion.

c. Construction

Prior to the construction of a community garden, the City requires that the Community Garden Group enter into a Community Garden Agreement.

Raised garden beds, separated from the existing ground by a geotextile membrane, are required for new community gardens unless otherwise authorized by the City. The raised garden beds and clean soil are to be provided by the Community Garden group. The City may assist with the cost of the geo-membrane layer, subject to available funding.

New community gardens must consist of 10% of the area of the plant beds but not less than one shall be an accessible bed; and located on an accessible route to be provided by the City. For existing gardens, the pathways will be incorporated during redevelopment or expansion to the surrounding municipally-owned land. All new walkways must meet the requirement of the Design of Public Spaces (Sec. 80.21,

80.22 and 80.23) including consultation with the public on the design and placement of rest area along the exterior path of travel. Sec. 80.29 IASR.

Community gardens proposed within 30 metres of a storm water management facility, drainage swales or floodplain shall be subject to the following conditions:

- No fill material of any kind shall be placed within 6 metres from the edge of the flood risk area;
- The use of City water to irrigate the community garden may be restricted or require discharge control measures that reduce the chlorine so as not to harm aquatic plants and animals;
- Soil conditioners such as compost are prohibited; and
- Only native species may be planted in floodplains in an Environmental Protection Area.

The Director of the Recreation & Leisure Services Department reserves the right to waive conditions relating to the construction of new community gardens for site specific applications.

d. Operations

The City will maintain an annual fund to support the development of new community gardens and the enhancement/maintenance of existing Community Gardens. The City, or its designate, will provide information to garden members, organizations and groups on other sources of funding.

The City, or its designate, will provide information on how to develop and maintain community gardens.

The City, or its designate, will work with the Community Garden Network to support and encourage community gardening with the common goals of sharing knowledge and skills, enhancing interaction between garden members and increasing awareness of and access to the City's community gardens.

The City, or its designate, will provide support to garden members regarding advertising and promoting opportunities for community garden events.

The City will dispose of non-organic waste from the community garden site from existing City garbage containers located within designated City parks.

The City will provide grass maintenance around the perimeter of the community garden located in designated City parks. Community garden members are responsible for grass cutting within the garden itself.

The community garden group is responsible for obtaining the required Comprehensive General Liability Insurance.

Vehicle access is not permitted without written City approval, and confirmation of the required Comprehensive Automobile Liability Insurance.

The installation of Community Garden Enhancements is not permitted without the City's written approval. The Garden Coordinator or Executive must send a written request to the Community Garden Program Coordinator a minimum of 30 days in advance of the proposed installation. Possible installations include permanent and temporary structures, rain barrels, compost systems signage, picnic tables and other fixtures. The installation must:

- Be within the Community Garden Footprint;
- Meet health and safety, Design of Public Spaces Standard regulations and Facility Accessibility Design Standards; and
- Be suitable for the site.

The use of sustainable gardening practices must be followed in all community gardens and all garden members must agree to abide by the Province of Ontario's Pesticide Act 63/09. Chemical insecticides, herbicides, fungicides and fertilizers are prohibited in all community gardens. Insecticidal soaps may be used in the control of pests and compost and composting manures may be used in soil conditioning and fertilization.

Environmental innovation and demonstration is encouraged.

The sustainability of Community Gardens is contingent on reasonable access to a water source.

The City will allow a maximum of one rain barrel for every two plots, or 12 square metres (130 square feet) of Active Garden Space or whichever is less to new community gardens where there is no access to municipal water, up to a total maximum of twelve barrels.

The City may assist with the cost of optimizing or supplementing rain barrel water collection to enhance sustainability of community gardens without a dedicated water service, subject to available funding.

Consideration will be given for the installation of an accessible, dedicated municipal water service to new community gardens on or after the third year of operation, subject to available funding.

Where water access is provided, the Community Garden group will be responsible for all costs associated with water usage.

Any proposed expansion of the Active Gardening Space will:

- Be subject to the same application processes and conditions of approval as indicated under Site Selection;

- Only be considered after a minimum of three years of a new community garden being established or previous expansion of an existing garden;
- Not exceed the original approved Community Garden Footprint;
- Demonstrate the following criteria at the time of application:
 - All available Communal Plots and Allotment Plots were in use over the previous three years and;
 - Current waitlist has a minimum of ten people or the equivalent of 25% of the current membership, whichever is greater.

The City, or its designate, will provide written notice to the community garden when they enter the last year of their Community Garden Agreement term. The Community Garden group must submit a written request for renewal.

The Community Garden group must submit an annual report that details its activities, amenities and current membership, subject to the requirements laid out by the Community Garden Program Coordinator.

A fee structure may be developed by Community Garden Groups in consideration of the expected operating costs of the community garden as well as the ability of garden members to pay. In order to ensure equal access and opportunity to all community members, the fee structure must provide a fee waiver or sliding scale fee for those that indicate they are unable to pay the garden plot fee (if applicable). Fee structuring and collection will be the responsibility of each individual garden group.

Conditions of Use

The Community Garden Group must agree to develop, operate, manage and maintain the gardens according to the Community Garden Agreement, the terms and conditions of use shall include, but are not limited to:

- The standard term of the Community Garden Agreement will be five years; with an option to renew.
- Residents of the City of Kingston will be given priority for membership and the opportunity to participate in the community garden program.

The Community Garden Group must provide proof of comprehensive general liability insurance in the amount specified by the City and shall agree to indemnify, defend and hold harmless the City from and against any damage or injury to any person or any real property.

The Community Garden Group and/or individuals must provide proof of automobile comprehensive general liability insurance in the amount of \$2 million dollars if vehicles are required to access the garden and where a vehicle access permit has been issued by the City, or through its designate.

A Garden Coordinator or Executive must be selected and/or elected through an open and transparent process.

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The Community Garden Group is responsible for developing and administering their own Community Garden members Agreement, which must be signed by all individuals using the land for the purpose of a community garden at the beginning of each season.

Produce grown in Allotment Plots within the community garden will be for the personal use and consumption by the individuals involved in the community garden or for donation. Produce may only be sold by garden members for the purpose of fundraising for garden projects and programs provided that all applicable permits and licenses are in place.

Membership and use of the site can be revoked for non-compliance with any conditions related to the Community Garden Agreement, City by-laws and/or Provincial regulations or if the property is required for any other purpose. The City may remove the community garden at any time if not actively utilized and/or maintained by the Community Garden Group, to the satisfaction of the City, or its designate.

6. Related Procedures and Forms

Community Garden Partnership Agreement

7. Related Policies, Legislation & By-laws

Parks and Recreation Facilities By-Law, By-Law Number 2009-76

8. Revision Schedule

This policy and its associated procedures shall be reviewed in three (3) year(s). Records of revision will be noted below.

Date	Revision Details	Section Heading
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