



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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City Of Kingston
Information Item To The Arts Advisory Committee

To: Arts Advisory Committee
From: Kristiana Clemens, Chair
Date Of Meeting: April 14, 2016
Subject: 2015 Arts Advisory Committee Report Card

Summary Of The Discussion Item:

The Arts Advisory Committee serves as an avenue of communication and consultation between the arts community and the municipal government, it being understood that the arts involve creative expression in all its forms.

The purpose of this report is to provide the Arts Advisory Committee with a completed copy of the 2015 Arts Advisory Committee Report Card. The Chair would like to thank each Committee member for their hard work on behalf of the artistic community of Kingston, and for their support in creating this document.

Mandate Considerations:

The mandate of the Arts Advisory Committee is to ensure that City of Kingston arts policies and strategies serve the needs of the arts community and, in turn, the residents of Kingston. Through regular communication with staff and Council, the Arts Advisory Committee will foster awareness of City of Kingston's corporate goals pertaining to the arts community. Its mandate includes reporting on the following to the Arts, Recreation and Community Policies Committee:

1. Ensure the continuing implementation of the recommendations contained in the Kingston Culture Plan;
2. Provide input into the development of arts policies and strategies offered by the City of Kingston to ensure relevance, innovation, accessibility, effectiveness and best practices;
3. Making staff and Council aware of changing conditions and opportunities within the arts, and;
4. Advising staff and Council as to the impact, actual and potential, of broader policies, programs and regulations on the Kingston arts sector.

As the Arts Advisory Committee enters its eleventh year, it takes this opportunity to measure municipal progress in fostering cultural vitality through the arts in our city.

Indicators:

The Committee's 2012 report card identified the following indicators for measuring health and vitality in Kingston's arts community. They are organized sequentially by the level of financial investment and resource development required to achieve outcomes that benefit the arts sector and Kingston community.

- 1. Municipal support:** Local government funding for and recognition of the arts as a critical component of a healthy, sustainable community.
- 2. Multi-level funding:** Access to a range of governmental and non-governmental funding opportunities for arts projects, groups and organizations.
- 3. Cultural Mapping:** Comprehensive, accessible information on local arts resources.
- 4. Recognition:** Validation of artists, arts organizations and educators who demonstrate excellence in their fields; opportunities for professional artists to earn a living wage.
- 5. Spaces:** Affordable housing, studio and rehearsal space as well as venues for display and performance; safe, welcoming spaces for youth and the public to engage with the arts.

6. Partnerships: Open communication, information-sharing and teamwork between and among city departments/committees and local organizations, institutions, businesses and community groups on initiatives involving the arts.

7. Networking: Building connections to artists and arts projects in other communities.

8. Education: Programs and projects engaging and mentoring youth and emerging artists; access for all to learning opportunities that foster arts appreciation and empower creativity.

9. Inclusion: Accessible, affordable opportunities to experience and create art that recognize and are inclusive of differences.

10. Diversity: A thriving 'cultural ecosystem' that includes arts organizations, collectives and individuals operating across a spectrum of levels of professionalism and innovation.

11. Engagement: Broad participation and investment in the arts.

12. Growth: The economic benefits of increased arts and cultural activity reflected in tourism, employment opportunities and thriving local businesses.

Milestones, 2013-14

The City Of Kingston Arts Fund (CKAF) Review Working Group recommended updates to the CKAF mandate, Terms of Reference, and administrative plan.

The Public Art Working Group was consulted by City staff regularly in development of the July 2014 Public Art Master Plan approved by the Arts, Recreation and Community Policy Committee and by City Council.

Cultural Mapping (<https://www.cityofkingston.ca/explore/culture-map>) progressed as the Committee identified it as a key priority.

Priority Setting identified six areas of future endeavor: the establishment of a **Visual Art Strategy Working Group** and **Poet Laureate Working Group**; renewed focus on the **Kingston Culture Plan**; Conducting more regular **communication with Council**, including quarterly briefings/delegations to the Arts, Recreation and Community Policy Committee (ARCP) as well as an annual report card; contributing to **discussion on Block 4/North Block and other development**; and furthering work to develop a **Mayor's Arts Awards** program to recognize local artists.

Milestones, 2015:

The Arts Advisory Committee **endorsed the KAC's 'Plan for Administration of the Arts Funding for The Corporation of the City of Kingston Arts Fund.'** The updated plan included recommendations put forward by the CKAF Review Working Group the previous year.

The Committee endorsed three inaugural projects to be developed under the new **Public Art Policy** in 2016.

The Visual Arts Strategy Working Group completed its report, which was presented to the ARCP and endorsed by Council. The Arts Advisory Committee heard several delegations from local visual artists in the process of developing and approving the report. The report's recommendations included:

1. **Support opportunities for learning** in the visual arts at all levels
2. **Promote** the visual arts in Kingston to expand audiences
3. **Strengthen support** for existing visual arts organizations/venues.

The Poet Laureate Working Group nominated Helen Humphreys as Kingston's second Poet Laureate, and she was appointed to serve in this role by the Mayor. The Poet Laureate will be presenting a poem in April at Council for national poetry month. She has been active over the last year with writing workshops and partnering with the County of Frontenac and the Library.

The Committee **communicated to Council on enhancing committee diversity**, and the committee's recommendations were incorporated by the Nominations Advisory Committee in updating the committee recruitment process.

In January, 2016, **the Committee presented a briefing and motion to ARCP on the potential impacts and opportunities of new developments** on arts and cultural amenities in the City's core, in the context of ongoing review of the City's Official Plan. ARCP endorsed the motion to "strengthen language with regards to the inclusion of arts and culture amenities in future developments, particularly in the City's core."

Priority Setting has identified a number of areas of focus for 2016, including:

1. **Establishment of a Local Music Working Group** to provide recommendations on implementation of Council's motion to play local music on City properties and hold lines
2. **Creation of a Mayor's Arts Awards Working Group** to propose a streamlined and cost-effective arts awards program for the City.
3. **Re-establishment of a CKAF Review Working Group** to support the City's assessment of CKAF ahead of the program's 10th anniversary
4. **Enhancing Communication** with Council and the greater community through regular briefings to ARCP and through inviting more community delegations to the committee.

Recommendation:

That the 2015 Arts Advisory Committee Report Card be approved as a summary of the work accomplished by the Arts Advisory Committee; and

That the Report Card be a reflection of the vibrant arts community in Kingston, the efforts of motivated City staff, and the support of elected officials who appreciate the value and impact of arts.