GET READY FOR SPRING!!!

SUPPORTING THE SUCCESS OF LOCAL COMMUNITY GARDENS THROUGH LOCAL LAWS AND POLICIES

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

3/13/2017
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GET READY FOR SPRING!!!

SUPPORTING THE SUCCESS OF LOCAL COMMUNITY GARDENS THROUGH LOCAL LAWS AND POLICIES
INTRODUCTION

Moderator:
Leoma Van Dort
Policy Analyst
Public Health Law Center
Supporting the Success of Local Community Gardens through Local Laws and Policies
LEGAL TECHNICAL ASSISTANCE

- Legal Research
- Policy Development, Implementation, Defense
- Publications
- Trainings

- Direct Representation
- Lobby

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PRESENTATION GOALS

- Understand the benefits of community gardens.

- Identify how local policies can support successful gardening efforts.

- Highlight how local community gardens have worked with local laws and policies to create vibrant community gardens in Minnesota.
INTRODUCTION

Mary Marrow
Senior Staff Attorney
Public Health Law Center
INTRODUCTION

Erica Idso
Founder and co-coordinator
Heart & Soil Community Gardens,
Mankato, MN
WHAT IS A COMMUNITY GARDEN?

Any piece of land where plants are grown and maintained by a group of community members.
BENEFITS OF COMMUNITY GARDENS

- Increase access to healthy food
- Support food security
- Improve physical and mental well-being
- Build community relations
- Provide opportunities for supplemental income, skills development, and workforce training
- Encourage healthier food environments
- Benefit the environment
- Increase property values of surrounding communities
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Food Gardening Social Ecological Model

Public Policy
Local, state or federal policies and laws that support and increase food gardening practices.

Community
Social networks or norms that establish coordinated efforts of all members of a community (e.g., organizations, community leaders, citizens) to support and engage in food gardening.

Organizational
Rules, policies, practices and built environment of an organization (e.g., school, childcare center, worksite, hospital, faith organization) to promote food gardening practices.

Household
Interpersonal and social supports such as family and friends that provide food gardening support.

Individual
Motivating change in individual behavior by increasing knowledge or influencing attitudes or beliefs of food gardening.

Adapted from Angela M. Tagtow & Elizabeth J. Danforth Richey, Iowa Food Systems Council, Growing Solutions: Cultivating Health and Food Security through Food Gardening in Iowa S (2012).
HISTORICAL CONTEXT OF COMMUNITY GARDENING

Pre-WW I: Before 1914

Post WW I: 1918-1929

World War I: 1914-1918

Great Depression: 1929-1939

WW II: 1939-1945

Post-WW II: 1945-1960

1960-1980

1980-Present

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COMMUNITY

- Community needs assessments
  - Assessing opportunities and gaps

- Public engagement
  - Equitable gardening
  - Building community support
COMING SOON!!!

http://www.publichealthlawcenter.org/topics/healthy-eating/gardens
COMMUNITY GARDEN POLICY REFERENCE GUIDE

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Gardening Tips
Policy Opportunities
TEAM EFFORT!!!!

Anna Larson
Former Policy Analyst
Public Health Law Center

Darrell Hill
Research Assistant

Frances Yanke
Research Assistant

Sophia Long
Research Assistant

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WHY A POLICY FOCUS?

Local and state laws and policies can impact the success of local community gardens throughout the life of a garden.

- Developing, maintaining, and sustaining a community garden
- Finding land
- Evaluating potential garden sites
- Designing a community garden
- Preparing the garden site
- Gardening activities and garden rules
- Garden liability issues
- Growing, harvesting, and selling produce
DEVELOPING, MAINTAINING & SUSTAINING A COMMUNITY GARDEN

- Local Government Support for Community Gardens
- Funding and In-Kind Donations
- Garden Skills Training
Public support for local gardens

- Local Government Resolutions
- Resource Lists/Technical Assistance

Garden Skills Training

- Public/Private Partnerships
- Garden information in multiple languages on municipal websites
POLICY OPPORTUNITIES: Developing, Maintaining, Sustaining

Funding for Gardens

- Public/Private Partnerships
- Neighborhood Revitalization Program
- Participatory Budgeting
- Neighborhood matching grants, public housing funds, other public funds
FINDING LAND FOR GARDENS

- Local Plans
- Zoning Ordinances
- Public Park Land Access
- Public and Low-Income Housing Sites
- Private Land
- Community Organizations
POLICY OPPORTUNITIES: FINDING LAND

Local Land-Use Plans

- Recognize the value of local gardening in supporting health of community, economic vitality of neighborhoods, and environmental benefits.

- Incorporate language to encourage and preserve community gardens in local land use plans.
POLICY OPPORTUNITIES: FINDING LAND

Local Zoning

- Conduct a municipal code audit to identify barriers to community gardens and develop policies to encourage community gardening.
- Utilize zoning techniques such as residential cluster developments to minimize development impacts and preserve open space.
- Revise local zoning codes to allow community gardens on public land and in other zoning districts.
- Designate established community gardens on public and private property as open space to protect from commercial development.
- Develop zoning designation or district for community gardens and/or urban agriculture.
Supporting the Success of Local Community Gardens through Local Laws and Policies
POLICY OPPORTUNITIES: FINDING LAND

Public Land

- Make public parkland available for use as community garden space, and develop an inventory and open application process.
- Support longer leases (three to five years) for community gardens on public property.
- Allow use of public property, such as vacant lots and tax-forfeited property, for community gardens.
- Create an inventory of land - private lots, tax-forfeited properties, and public parks - available for community gardens.
POLICY OPPORTUNITIES: FINDING LAND

Low-Income Housing Sites

- Collaborate with public housing agencies, local health departments, and local non-profits to start community gardens at public housing or low-income residential sites.

Private Property - Tax Incentives

- Create tax incentives for community gardens by waiving or reducing property taxes for community gardens owned or operated by non-profit or community garden groups.
POLICY OPPORTUNITIES: FINDING LAND

Community Organizations

- Work with community organizations, such as land banks, land trusts, and urban agriculture organizations, to identify open space available for community gardens.
- Partner with churches to allow community gardens on church property.
EVALUATING POTENTIAL GARDEN SITES

- Soil conditions
- Water access
- Sunlight
POLICY OPPORTUNITIES: EVALUATING POTENTIAL SITES

Soil Conditions
- Make information regarding historical land uses available to the public.
- Provide low-cost soil testing services to community gardens.

Water Access
- Work with the local municipality to make water available to community gardens.
- Create a fund for gardens to support on-site water access and water infrastructure.
- Install meters to determine water usage and fair price.
POLICY OPPORTUNITIES: EVALUATING POTENTIAL SITES

Sunlight

- Assess potential community garden sites for impact of tree canopy on sunlight and which trees may be part of public forestry program.
- Work with local officials to identify local ordinances or initiatives for community trees to determine potential impact on community garden sites.
DESIGNING A COMMUNITY GARDEN

- Garden Accessibility
- Garden Structures
- Setbacks
- Garden Signs
POLICY OPPORTUNITIES: Designing Community Gardens

Garden Accessibility

- Work with the local government or a non-profit organization to develop accessibility guidelines for community gardens.
- Ensure that some community garden plots are accessible to individuals using assistive devices.
POLICY OPPORTUNITIES: Designing Community Gardens

Gardening Structures

- Ensure local zoning codes allow semi-permanent and permanent gardening structures, including raised beds, tool sheds, fences, and other structures, in community gardens.
- Assess local fence requirements and needs of community gardens.

Garden Signs

- Encourage local government to permit but not require signs for community gardens.
POLICY OPPORTUNITIES: Designing Community Gardens

Setback Requirements

- Work with community gardeners and policymakers to ensure that setback requirements are not overly burdensome for community gardens, especially small urban plots.

- Amend local zoning codes to eliminate or standardize setback requirements for public and private community gardens.
PREPARING THE GARDEN SITE

- Call Before You Dig!
- Building Healthy Soil
- Equipment Use
POLICY OPPORTUNITIES: PREPARING THE GARDEN SITE

Building Healthy Soil

- Provide low- or no-cost compost for community gardens through municipal waste management services.
- Assess any state or local restrictions on movement or use of composted manure or other soil augmentation for gardens.

Equipment Use in Garden

- Provide access to local government tilling equipment and services for gardens on public property.
- Assess local ordinances on noise restrictions impacting use of equipment during certain hours.
GARDENING ACTIVITIES & RULES

- Tobacco Use
- Use of Chemicals
- Beneficial Plants
- Noxious & Invasive Weeds
- Beekeeping
POLICY OPPORTUNITIES: GARDEN ACTIVITIES AND RULES

Heart & Soil Community Garden Agreement


**Vision** Heart & Soil is a grassroots community-driven effort to encourage locally-sourced and accessible healthy food, sustainable gardening education and connections between community members in neighborhoods across Mankato.

**Rules, Terms, and Conditions for Participation**

*If accepted as a gardener(s), I/we will abide by the following rules, terms, and conditions:*

1. I/we use this garden at the sole discretion of Heart & Soil Community Gardens. I/we agree to abide by its policies and practices.

2. The fee for the use of the garden is ($25.00) per plot, per year (May 16 – October 31), due on or before (May 1). There are no refunds. I/we will plant at least half of any my/our plot by June 15 and keep at least half of any my/our plot growing plants during the growing season. I/my/our fee includes the use of the plot(s), dirt and compost, some seedlings and seeds and water usage. Plants, stakes and cages are my/our responsibility. The fee also entitles you to membership of the Heart & Soil Community Gardens. Please see the By-laws document for more information.

3. My/My/Our plot is (4x12 or 4x8 (table top garden)) feet. I will not expand my plot beyond this measurement or into paths or other plots. I will keep all my plants within the limits of my garden plot and will not allow any plants to grow more than six feet high. I must keep my plots free of weeds, pests and diseases. I will only use organic materials and I will not apply any chemicals or unapproved pesticides in the garden. I agree to adhere to all state and federal regulations regarding noxious and invasive weeds, and related quarantines.

4. I will keep my plot, paths, and surrounding areas clean and neat. Anything I will bring from home will be taken back home. I will not bring household trash and leave it in the Heart & Soil Community Gardens. I will use the garbage and compost receptacles provided.

5. I will have no more than two plots in the Heart & Soil Community Gardens. If I adopt an abandoned plot during the season, I will be happy to relinquish the following year for another gardener to have an opportunity to participate in the Heart & Soil Community Gardens.

6. I will not plant and/or grow any illegal plant. I will not smoke, use any tobacco or e-cigarettes (electronic delivery devices), drink any alcoholic beverages or use any illegal drugs in the garden. I will not come to the garden while under the influence of alcohol, illegal drugs. I will not bring any weapons or any pets or other animals (except service animals) to the garden.

7. Water-wise guidelines: Water-wise Guidelines: Please do not bring additional hoses into the garden. Be garden, recognizing that water is precious and we want to use it wisely. Locks at the door or give my/our key or lock.

8. Other gardeners' plots. Gardeners are certainly putting in the “Little Free Market.”

9. I/we will not use abusive or profane language or act to keep the garden a happy, secure, and enjoyable place to socialize peacefully in a neighborly manner.

10. This means that my/our plots will be cleared of tomato cages, radishes, etc. I/we will place any damage provided.

11. My minor children/children to be photographed (in the garden) can/Can/Children to use the photo(s) for publication.

12. Soil Community Gardens during the hours of 8 am to 7 pm.

13. Items to control odor on the premises, including best fan materials.

14. State laws, including Mankato’s nuisance laws. For mankato-wm.org/neighborhoods/Park.aspx please, I/we agree to waive all claims against Heart & Soil Community Gardens.

15. The highest governing authority of the Heart & Soil Community Gardens is for exclusion from the garden and loss of your use on the garden coordinator/council side, you will receive written notice two weeks later. You will have been made aware, you will receive written our gardening privileges and plot.

16. Heart plot only after one year, and only at the discretion/Heart & Soil Advisory Council.

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POLICY OPPORTUNITIES: GARDEN ACTIVITIES AND RULES

Tobacco Use

- Restrict the use of tobacco and electronic cigarettes in gardens.

Use of Chemicals

- Work with local government to develop restrictions on the use of pesticides in and around community gardens.
- Restrict use of herbicides in gardens.
POLICY OPPORTUNITIES: GARDEN ACTIVITIES AND RULES

Beneficial Plants

- Work with the local government to support native plantings in or around community gardens.

Noxious Weeds and Invasive Plants

- Prohibit plants classified as noxious weeds in community gardens.
POLICY OPPORTUNITIES:
GARDEN ACTIVITIES AND RULES

Beekeeping

- Allow community gardens to keep bees in a manner that prevents nuisances and/or unsanitary conditions.
GARDEN LIABILITY ISSUES

- Liability Waivers & Releases
- Liability Insurance
- Lease Agreements
POLICY OPPORTUNITIES: LIABILITY ISSUES

Waivers and Releases
- Have gardeners sign a waiver of liability to participate in the garden.

Lease Agreements
- Develop multi-year leases for community gardens.
- Specify responsibilities of land owner and gardeners in lease agreement to minimize misunderstandings regarding land use.

Liability Insurance
- Work with the local municipality, community partners and non-profits to cover community gardens as part of their insurance coverage.
POLICY OPPORTUNITIES: Liability Issues

Waiver and Release

In consideration of the acceptance of my application and contract for Heart & Soil community gardening, I, the undersigned, for myself, my heirs, executors, administrators and assigns, hereby waive and release any and all claims for damages, for death, personal injury, loss of property or property damage I may have, or that I may have in the future to me, or my heirs, executors, administrators and assigns, as a result of my participation in the Heart & Soil Community Garden.

I, the undersigned, discharge and release in advance Heart & Soil, the City of Mankato, Blue Earth County State Health Improvement Program (SHIP) and The School Sisters of Notre Dame: Center for Earth Spirituality and Rural Ministry, their agents and employees, and other representatives of the foregoing without limitation.

I voluntarily assume the risks of loss, damage, or injury that may be sustained while participating in gardening or being on the property where the Heart & Soil Community Garden is located.

I agree to accept and abide by the rules and regulations of the Heart & Soil Community Gardens Project.

I have read and understand everything written above, and I voluntarily sign this waiver and release.

Signature: ____________________________ Date: ____________________________
GROWING, HARVESTING & SELLING

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POLICY OPPORTUNITIES: GROWING, HARVESTING, SELLING

Donating Garden Produce

- Encourage donation of produce from community gardens to local hunger relief and social service agencies.

Sale of Garden Produce

- Evaluate the possibility of allowing the sale of produce from community gardens or creating a market garden designation.

Seed Sharing

- Assess state law restrictions on seed sharing and develop policies allowing seed sharing for home, educational, charitable, or personal noncommercial use.
What is Heart & Soil?

- **Heart & Soil** is a grassroots community-driven garden effort to encourage locally-sourced and accessible healthy food, sustainable gardening education and connections between community members in neighborhoods throughout Mankato.
Heart & Soil’s Vision: Seeds of Significance

• To strengthen connection between community members
• To embrace community gardening as a vital part of a diverse, community-based food system
• To care for and improve our already beautiful world
• To enhance community resiliency
• To advocate for supportive polices for community gardens, while fostering relationships with public and private sectors
• To connect gardeners with resources, education, and networking opportunities
• To improve local and sustainable food access
• To learn and have fun while growing together!
How Did the Seed Get Planted?

• Transition Mankato
• Mankato is the 149\textsuperscript{th} Transition Town in the U.S.!!!
• Heart & Soul Movement-Focuses on the psychological impact of climate change on human well-being and relationships
• Interest in project identified at Transition Mankato hosted Visioning Event held on May 2013
• Sustainability Expo hosted April 2014
• City Planner involvement and City Council Meeting
Who is Helping Us Grow?

- School Sisters of Notre Dame: Center for Earth Spirituality and Rural Ministry (CESRM)
- Lincoln Park Neighborhood Association
  - Heart & Soil Advisory Council
  - Boy Scouts & Girl Scouts
- City of Mankato
- Blue Earth County: State Health Improvement Partnership (SHIP)
  - Heart & Soil Group Members
  - Mankato Bike Polo Club-Blue Skunks
Heart & Soil’s Dream

- 20 Gardens in 20 neighborhoods in Mankato by 2020!
- Community connections & relationship-building
- Build sustainable, local food access
- Community resiliency and increased knowledge & skills
Why Community Gardens?

• Local Food Access
• Exercise & Wellness
• Crime Prevention and Youth Engagement
• The Urban Ecosystem
• Cultural & Connection Opportunities
How to Get Growing

• Identify land, public or private
• Sunlight, seeds, woodchips and water needs
• Materials and labor
• Soil testing
• Compost and dirt source
• Storage-Shed
• Gather gardeners
Heart & Soil Garden Pilot
Successes

• Community support!!

• **Partnerships:** Shed building, seed and compost donations, help with building beds and signage

• Wide variety of gardeners involved: Daycare, Girl Scouts, Group home for developmental disabilities, refugee and immigrant families, across the lifespan
Challenges

- Sustainability
- Changes in roles at City level
- Reliance on weather
- Animals
- Plant and produce disappearances
- Neighborhood Association Plans for Green Spaces
Future Plotting...

• Transition Mankato’s Re-Skilling Festival-March 18th! Seed Swap & Indoor Seed Starting How-To
• Little Free Markets-Build
• Prepare for 2017 Season-Gardener Interest
• Grant writing & research for next sites
Getting Involved!

Contact Erica and Ryan Idso-Weisz, Heart & Soil Coordinators
E-mail: heartsoilmankato@gmail.com
Facebook: https://www.facebook.com/groups/HeartSoilMankato/

Let’s grow together!

To plant a garden is believe in tomorrow.
~Audrey Hepburn
Supporting the Success of Local Community Gardens through Local Laws and Policies

Gardens

Community, school and employer-sponsored gardens play an important role in improving health and reducing obesity. Gardens increase access to fresh vegetables, provide opportunities for physical activity, teach both adults and children about the origins of their food, and promote healthier eating behaviors. As gardening opportunities increase, advocates must often address legal and policy issues that affect the development and maintenance of gardens. These issues include access to water, composting efforts, land use planning and zoning considerations, liability issues, and the organizational structure of the gardens.

Featured resources are below. Other relevant resources in right sidebar (desktop/tablet), or end of page (mobile).


This resource provides local governments, community garden groups, individual gardeners, and others a practical tool to navigate the various policy and legal issues impacting local community garden efforts. Includes information on land use planning and zoning; creating and implementing new gardens; the availability of resources and land; and liability concerns impacting landowners opening land for community gardens.

http://www.publichealthlawcenter.org/topics/healthy-eating/gardens

http://www.publichealthlawcenter.org/sites/default/files/resources/Liability%20Protection%20Food%20Donation.pdf
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Source: www.realfoods.co.uk/article/the-real-food-diet
THANK YOU!!!

CONTACT INFORMATION

Mary Marrow, Public Health Law Center

📞 651.695.7605
✉️ mary.marrow@mitchellhamline.edu

Erica Idso, Heart & Soil Community Gardens

✉️ heartsoilmankato@gmail.com