PUBLIC HEALTH POLICY CHANGE

BUILDING EFFECTIVE AND SUSTAINABLE LOCAL GARDENS TO PROMOTE PUBLIC HEALTH – PART I

MARCH 20, 2012

The legal information and assistance provided in this webinar does not constitute legal advice or legal representation.
Public Health Policy Change Webinar Series

• Providing substantive public health policy knowledge, competencies & research in an interactive format
• Covering public health policy topics surrounding Tobacco, Obesity, School and Worksite Wellness, and more
• Two Wednesdays a month from 12:00 p.m. to 1:30 p.m. Central Time

(Please note the April 3 webinar will be held from 2-3:30 p.m. Central Time).

• Visit http://publichealthlawcenter.org/ for more information

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Introductions

Debbie Hornor
Community Obesity Policy Manager
American Heart Association
Introductions

Liz Makins
Manager of Obesity Initiatives
American Heart Association
Introductions

Mary Marrow
Staff Attorney
Public Health Law Center
WEBINAR OBJECTIVES

Part I

- Discuss role of local gardening efforts in promoting public health and reducing obesity.
- Identify policy and legal issues impacting local gardening efforts.

Part II

- Distinguish between different types of local gardening efforts.
- Describe key elements needed to establish local gardens.
OVERVIEW:
WHY GARDENS?

Liz Makins, CHES
Manager, Obesity Initiatives
American Heart Association
Why Gardens?

Community, school and employer-based gardens are useful public health tools for addressing nutrition:

- Access
- Affordability
- Consumption
- Other benefits
Research Overview

There is significant research showing the health benefits of gardening and educational programs. As part of a healthy eating pattern, fruits and vegetables can help lower risk factors for heart disease and stroke.

- A tool to provide nutritional education about fruits and vegetables.
- Positive impact on student attitudes toward fruits and vegetables and consumption.
- Increase preference for vegetables.
- Teach and reinforce responsibility; leadership; group cohesion/team building; environmental awareness and concern; science process; problem-solving skills; math skills; pride; confidence; and self-esteem.
LEGAL AND POLICY ISSUES IMPACTING LOCAL GARDENING EFFORTS

Mary Marrow, Staff Attorney
Public Health Law Center
Policies and Stakeholders Impacting Local Gardening Efforts

What is a policy?

- Any written plan or course of action designed to influence and determine decisions

Stakeholders

- Garden groups and gardeners
- Environmental interests
- Local and state governments
- Neighborhood interests
Legal and Policy Issues Impacting Local Gardening Efforts

- Local Government Considerations
- Land Use Planning and Zoning
- Garden Group Considerations
- Liability
- Special Considerations Impacting School Gardens
Community Garden Policy Reference Guide

Local Government Considerations

Local governments can improve ease of access and functioning of community gardens through a number of measures including promoting community gardens publicly, providing technical and financial support, and developing programs that encourage and preserve community gardens on public and private land. How a local government responds to different considerations, listed below, depends on the specific needs and legal landscape of the impacted community.

<table>
<thead>
<tr>
<th>Policy Considerations</th>
<th>Policy Approaches</th>
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</thead>
<tbody>
<tr>
<td>Sustainability/start-up -</td>
<td>Thoughtful planning and a process that involves key stakeholders when starting a community garden is critical to ensure the long-term success and sustainability of the garden.</td>
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<tr>
<td>Compost - A beneficial and sustainable means of disposing of community garden plant waste is by composting. Composting provides an organic source of nutrients for garden soil, and makes great use of leaf litter, grass clippings, plant debris, and other decomposed organic matter.</td>
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Community Garden Group Considerations

When starting a community garden, gardening groups should be aware of a number of legal and practical considerations that ensure the protection and proper use of the garden and the well-being of gardeners. Each community garden is different so there is no prescribed set of rules or way to run a garden. Instead, work with gardeners, non-profits, and other stakeholders to develop appropriate guidelines for your community garden. The following best practices are provided as examples designed to inspire and provide guidance through each process.

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<tr>
<td>General:</td>
<td>Consulate community gardeners,</td>
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<tr>
<td>Resources:</td>
<td>Learn from others.</td>
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<tr>
<td>America:</td>
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<tr>
<td>Garden:</td>
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Land Use Planning and Zoning

In general, towns, cities, and counties have the power to control and regulate the use of land within their borders. Land use planning means through which this power is exercised. Land use planning is used to manage the development of land including issues of parks, and utilities for the future needs of the community. Local governments implement land use planning through creating comprehensive plans. Zoning is the specific means through which local governments regulate the use of land. A local government issues through zoning (1) what can be built on the land: small homes, apartments, businesses, farms, factories, and airports, and (2) how: height, size, proximity to the street, parking lot location and design of buildings. Land use planning and zoning can help to establish and protect community gardens. At the same time, zoning and land use plans can discourage community gardens if implemented without a careful assessment of their potential impact on community gardens. Additionally, that zoning and land use planning promote community gardens by including gardeners in the review of local ordinances and policy, problem-solving, including community gardens in comprehensive plans, policies and codes in a way that ensures gardeners the specific regulations or requirements placed on community gardens.

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<td>General:</td>
<td>Consider the garden’s zoning code, establish requirements for the use of property under the local government’s jurisdiction. A zoning code can affect gardeners’s use of space.</td>
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<tr>
<td>Resources:</td>
<td>Review and revise local government’s zoning codes to allow community gardens in areas. Appropriate zoning districts may include residential areas, office/recreational districts, and commercial districts. Inappropriate districts may include downtown districts.</td>
</tr>
<tr>
<td>Gardeners:</td>
<td>Recognize community gardens as a valuable recreation activity that can contribute to the development of a community.</td>
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<td>Gardens:</td>
<td></td>
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<tr>
<td>Garden Design and Landscaping -</td>
<td>The design and landscaping of a community garden can lower the risk of water or wind erosion. Include each garden plot in considerations.</td>
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<td>Policymakers:</td>
<td></td>
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<tr>
<td>Garden Policies:</td>
<td></td>
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<td>Garden Rule:</td>
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<tr>
<td>Zoning Code:</td>
<td>A local government’s zoning code establishes requirements for the use of property under the local government’s jurisdiction. A zoning code may restrict gardens in the public interest.</td>
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</tbody>
</table>
LOCAL GOVERNMENT CONSIDERATIONS

- Sustainability/Start-up
- Compost
- Soil Testing
- Water Access
- Technical Assistance
- Funding
- Community Awareness and Promotion
Land Use Planning and Zoning

- Comprehensive Plan
- Land Use Considerations
- Lot/Park Selection
- Green/Open Space
- Density Standards
- Zoning Code
- Fences
- Permanent Structures
- Set Backs
- Signage
- Community Land Trust
- Bee and Farm Animal Ordinance
- Sale/Use of Garden Products
COMMUNITY GARDEN GROUP CONSIDERATIONS

- Garden Design and Landscaping
- Noxious and Invasive Weeds
- Garden Rules
- Lease Agreement
- Equipment
- Soil Conditions
- Native Plants
- Raised Beds
- Garden Fees
- Pest Control
LIABILITY

- Waivers and Releases
- Liability Insurance
- Indemnity Clauses
Special Considerations Impacting School Gardens
Special Considerations Impacting School Gardens

Use of School Garden Produce in Reimbursable Meals

USDA Memo, July 29, 2009 -

Food Safety

Legal Issues Impacting Farm to School and School Garden Programs in Minnesota -

Serving School Garden Produce in the Cafeteria -
http://www.phlpnet.org/childhood-obesity/products/school-garden-produce
Other Resources

School Garden Webinar –
http://www.extension.umn.edu/farm-to-school/school-gardens/


Community Gardens Model Resolution –

Ground Rules: A Legal Toolkit for Community Gardens -
http://www.nplanonline.org/nplan/products/CommunityGardenToolkit