EXTENDING THE GROWING SEASON: SEASON EXTENSION ACTIVITIES IN KANSAS
HOW TO USE WEBEX

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WEBINAR GOALS

• Describe season extension activities that can be used in Kansas and benefits to local communities
• Identify policy and legal issues impacting season extension activities
• Discuss opportunities to work with policymakers to develop and implement successful season extension activities
• Explore the role that season extension activities can play in supporting healthy food initiatives in urban and rural settings in Kansas
TODAY’S PRESENTERS

Tom Buller
Horticulture Agent
K-State Research and Extension
Douglas County
TODAY’S PRESENTERS

Amanda Karls
Staff Attorney
Public Health Law Center
TODAY’S PRESENTERS

Helen Schnoes
Food Systems Coordinator
Douglas County, Kansas
This five-part series outlines policies that affect farmers markets.

It was created to help communities support the growth and vitality of farmers markets throughout Kansas.
Extending the Growing Season: Season Extension Activities in Kansas

6/27/2017
What is Season Extension?

• Modifying production practices to grow crops outside of season they are normally grown

• Techniques span from cultivar selection to heated greenhouse management and everything in between
6/27/2017 Extending the Growing Season: Season Extension Activities in Kansas
Extending the Growing Season: Season Extension Activities in Kansas
Why extend the season?

Early, Late Production

Other Benefits-
Produce Quality
Market Advantage
Why encourage season extension?

Economic Benefits
Why encourage season extension?

Expands Availability of Local Foods

Extending the Growing Season: Season Extension Activities in Kansas
LEGAL & POLICY ISSUES

Image source: http://www.wikihow.com/Check-Zoning-Laws | used under CC BY-NC-SA 3.0 | slight modifications

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

6/29/2017
THE PUBLIC HEALTH LAW CENTER

Extending the Growing Season: Season Extension Activities in Kansas

6/27/2017
POLICY AT THE INTERSECTION OF PLANNING, HEALTH AND EQUITY

Extending the Growing Season: Season Extension Activities in Kansas

PUBLIC HEALTH LAW CENTER

6/27/2017
LEGAL TECHNICAL ASSISTANCE

- Legal Research
- Policy Development
- Publications
- Trainings
- Direct Representation
- Lobby
LEGAL AND POLICY ISSUES IMPACTING SEASON EXTENSION ACTIVITIES (SEAs)

- Zoning regulations and construction codes
- Nuisance claims and anti-nuisance laws
- Utility regulations

Image source: http://www.wikihow.com/Check-Zoning-Laws | used under CC BY-NC-SA 3.0 | slight modifications
ZONING

- Zoning regulations:
  - Control how property can be used
  - Can enable and protect SEAs, but can also hinder them

Image source: http://www.wikihow.com/Check-Zoning-Laws | used under CC BY-NC-SA 3.0 | slight modifications
ZONING IN AGRICULTURAL AREAS IN KANSAS

- Typically no zoning requirements for agricultural uses outside of cities
- Check with local county offices to verify requirements

Image source: http://www.wikihow.com/Become-a-Farmer-Without-Experience | used under CC BY-NC-SA 3.0 | slight modifications
ZONING BASICS

• Land is divided into districts
  – Zoning maps indicate what type of district any given property is located in
  – Particular uses are allowed or prohibited for each type of district
• Sometimes permits are required

Image source: http://www.wikihow.com/Check-Zoning-Laws | used under CC BY-NC-SA 3.0 | slight modifications
ZONING DESIGN, DENSITY & PLACEMENT REGULATIONS

- Different design, density and placement standards apply to structures depending on the zoning district.
CONSTRUCTION REGULATIONS

- Construction codes (building, plumbing, fire, etc.):
  - Often have standards that overlap with zoning codes
  - Set minimum requirements for health and safety issues impacting structural and mechanical issues
  - Check with your local planning office before beginning any SEA construction project to ensure your plan meets construction code and associated building permit requirements

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OTHER LOCAL BUILDING RULES

• Historic preservation council requirements
• Architectural review board standards
• Neighborhood covenants and restrictions

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NUISANCE CLAIMS

• Nuisance Claims
  – Activities can be addressed through legal claims even when there are no laws expressly prohibiting them if they:
    • diminish the rights of others to use and enjoy their property, or
    • cause a harm to the general public health or safety of a community
ANTI-NUISANCE LAWS

Anti-nuisance laws can also address activities that are hazardous or just annoying or unappealing.

Kansas Example – City of Hugoton

In Hugoton, the zoning regulations provide:

No equipment or process shall be used in [home occupation in single family residential districts] which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of a person off the lot if the occupation is conducted in a residence, or outside the individual dwelling unit if conducted in other than a residence.
NUISANCE CONCERNS ON FARMLAND

- Nuisance concerns on farmland vs. other areas:
  - More likely in residential areas than in agricultural or industrial areas
  - Kansas Right to Farm laws establish that most agricultural activity on farmland is presumed to be reasonable and does not constitute a nuisance
UTILITIES
WATER

• Farm and garden water usage is affected by state and local laws and guidelines:
  – Kansas State Water Appropriation Act
  – Kansas State Department of Health standards for “graywater” usage
  – Local government rules/restrictions, including:
    • Water emergency restrictions
    • Graywater usage rules
    • Water service fees
    • Fire hose connection/hydrant access
A FEW OTHER POTENTIAL POLICY ISSUES & OPPORTUNITIES....

- Policies regarding pesticide and herbicide use
- Local government resolutions
- Programs to promote compost accessibility
- Programs for gardening equipment lending libraries
- Grant programs for gardening education
SEASON EXTENSION POLICY OPPORTUNITIES

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THINKING AHEAD

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POLICY AT THE INTERSECTION OF PLANNING, HEALTH AND EQUITY
OPTIONS FOR POLICYMAKERS & PLANNERS

- Ensure comprehensive plans support SEAs
- Audit city and county codes to reduce barriers to SEAs
- Craft policies that allow for metering of SEA water usage and adjusted rates
- Put your money where your mouth is!

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Case Study: Urban Agriculture
Policy Change in Lawrence, KS

Helen Schnoes, Douglas Co. Food Systems Coordinator

June 27, 2017

www.douglascountyks.org/fpc
Douglas County Food Policy Council

✓ Established by the County Commission in 2010
✓ Convened as a joint City-County Council in 2013
✓ Identifies the benefits, challenges, opportunities for a successful food system
✓ Recommends local policies to support food system
✓ Represents a wide range of stakeholders in food system

www.lawrenceks.org/commonground
Benefits of Urban Agriculture & Season Extension

• Access to healthy foods
• Opportunities to launch local food enterprises, expand markets
• Builds skills, self-sufficiency
• Community character
Policy Update Process

- Commences June 2015
- Planning Commission
  - October (feedback)
  - December (feedback)
  - February (vote)
- City of Lawrence
  - April (first hearing)
  - May (vote)
- Communications campaign 2016
Policy Update Process

• Role of FPC
  - Invited city planner to attend regular meetings
  - Community survey
  - Public forum to review draft
  - Reviewed other cities’ urban ag ordinances to share with Planning
  - Voiced concerns about regulations as drafted
Season Extension in the Code

Land Development Code

20-533 GENERAL STANDARDS FOR ACCESSORY STRUCTURES

(4) Building Coverage

(iii) Seasonal Crop Agriculture structures used to extend the growing season, such as cold frames, low tunnels, and hoop houses that are exempt from building permit requirements are exempt from these Building Coverage regulations.

Definition: 20-1776 AGRICULTURE, CROP (Permitted in all zones)

The management and maintenance of an area of land to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale, or donation. Crop Agriculture uses include, but are not limited to, personal gardens, community gardens, market gardens, rooftop gardens, tree farms, and hay meadows. Standard structures used for Crop Agriculture include hoop houses, cold-frames, greenhouses, equipment or planting sheds, composting and waste bins, and rain barrel systems.
Importance of Trust

• Served as liaison between public and staff / policymakers

• Time allowed for policymaker thinking to evolve

• “How much do you want to trust this process?”
Proactive Communications

- Kept stakeholders updated
- Framed the story for the media
- City of Lawrence launched new website, publications
- Continuing the education process
  - Value of community tours for policymakers

http://lawrenceks.org/urban-ag
Recognize local partners

- County Conservation District
  ➢ New urban funding
- National Resource Conservation District
  ➢ EQIP program for season extension structures (see link)
- County Extension

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Douglas Co. Food Policy Council
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Lawrence Urban Ag
https://lawrenceks.org/urban-ag/
Extending the Growing Season: Season Extension Activities in Kansas
FORTHCOMING KANSAS SEASON EXTENSION RESOURCE GUIDE

Extending the Growing Season: Season Extension Activities in Kansas

6/27/2017
THANK YOU!!!

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