



Date: September 7, 2005

**TO:** Board Members – Vancouver Park Board  
**FROM:** General Manager – Parks and Recreation  
**SUBJECT:** Community Garden Policy Review and Licence Agreement Renewals

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## RECOMMENDATION

- A. THAT the Community Garden Policy be amended as outlined in this staff report;**
- B. THAT the Board provide additional support to community gardens as outlined in this report subject to available resources;**
- C. THAT effective October 1, 2005, the Board grant to the Urban Diggers Society a 5 year licence to operate:**
- 1) Tea Swamp Park Community Garden,**
  - 2) Mount Pleasant Community Garden,**
  - 3) Elizabeth Rogers Community Garden, and**
  - 4) Robson Park Community Garden;**
- D. THAT the Board approve the renewal of the Community Garden Licence for the Strathcona Community Garden Society for Strathcona Community Garden, for a term of ten years effective October 1, 2005, pursuant to the terms of the amended Community Garden Policy, with consideration for a twenty year term;**
- E. THAT the Board approve the renewal of the Community Garden Licences for a term of five years, effective October 1, 2005 for:**
- 1) Kiwassa Neighbourhood Services Association for Cambridge Park Community Garden,**
  - 2) Kitsilano Community Garden Society for Kitsilano Community Garden**
  - 3) Strathcona Community Garden Society for Cottonwood Community Garden;**
- F. THAT the Board approve the renewal of the Community Garden Licence for McSpadden Community Garden for a term of five years, effective October 1, 2005;**
- G. THAT all arrangements be to the satisfaction of the General Manager and the Director of Legal Services and Director of Risk Management of the City of Vancouver.**

## **POLICY**

The Community Gardens Policy (Appendix 1), approved in 1996, provides for community gardens to be operated on park land.

## **BACKGROUND**

The Vancouver Park Board has provided public park space to be used for community gardening since 1985, with the establishment of Strathcona Community Garden. In 1996, the Board approved a Community Garden Policy that defines community gardens, states how the Board will support their development, and outlines conditions for their operation. Altogether, nine community gardens are currently operating on Park Board property. All locations operate as community allotment gardens, with plots assigned to individual members to grow and harvest vegetables, fruit and flowers. Strathcona and Cottonwood gardens are larger and have developed common use areas. (Appendix 2)

At the May 31, 2004 meeting of the Park Board Finance Committee, staff were asked to review the Community Gardens Policy and make recommendations that would allow terms to exceed the current five year maximum.

At the July 6, 2004 meeting of the Planning and Environment Committee, staff presented a report dealing with licence renewals for community gardens on park land. The current Community Garden Policy states that the term of the user agreement will not exceed five years. Staff recommended synchronizing the renewal dates and amending the policy to allow for longer term agreements due to unique and exceptional circumstances.

Two issues were raised at the meeting by delegations – one regarding the upkeep of Mount Pleasant Community Garden, and the other, a request from Strathcona and Cottonwood Community Gardens to extend their licence agreements to 25 years and 10 years, respectively. The ensuing discussion prompted the Board to request that staff review the Community Garden Policy. All community garden licence agreements were extended to September 30, 2005 to allow staff time to review the policy and make recommendations to the Board.

The Board approved a motion at the July 25, 2005 Board Meeting:

**THEREFORE BE IT RESOLVED THAT** staff report back at the regularly scheduled meeting of September 19, 2005 on:

1. the revised policy on community gardens;
2. license agreements with community gardens including a license agreement with the Strathcona Community Gardens Society for the ongoing use of Strathcona Gardens with consideration of a term of no less than 20 years.

## **DISCUSSION**

### **Community Garden Policy Review Meeting**

Park Board staff invited representatives from all community gardens to a meeting to discuss the policy. It was held on May 9, 2005 at Mount Pleasant Community Centre and was attended by representatives from seven community gardens, as well as staff from the City of Vancouver Food Policy Office.

The Community Garden Policy was reviewed. Community garden representatives made suggestions on amendments to the policy, and on how the City of Vancouver and Park Board could provide additional support for community gardening in the city. The main points that were discussed included:

- Recognition that community gardens draw upon multiple resources across departments both in the Park and City systems;
- Community gardeners would like increases in lease renewal timeframes;
- Confirmation that a community garden is a community-driven program and the policy should reflect this element;
- Increased information was requested on how to access resources for current community gardens (compost, water lines, technical advice);
- An information package on how to set up a new garden would be welcomed.

### **Community Garden Licence Agreement – Renewal Period**

The Park Board has agreements with many groups providing recreation and community development activities. Typically these agreements are three to five years in length. There are agreements in the Park Board system with longer terms. These are almost exclusively with other levels of government. In the very few circumstances where we have long term agreements (over ten years) with private or not-for-profit organizations, the term is directly related to major capital investment and is usually for a building or structure where a longer term is required to satisfy financial obligations to repay a loan. These circumstances do not currently exist with any of the community garden sites.

Legal Services has developed a Licence Agreement template that can be used for all community gardens on park land. The recommended term is five years. Security of access to land is an important element in the community garden movement throughout North America and a three to five year term is viewed as an accepted length of time for agreements on public lands. The Licence Agreement template does not have a cancellation provision whereby the Park Board can unilaterally end the agreement, other than in the case of default by the Society. Should an agreement longer than 5 years be considered, a cancellation clause would be added. This would provide both parties more flexibility in ending the agreement within established notice periods. Legal Services does not recommend a Licence term longer than five years.

At one site, the Strathcona Community Garden, staff are recommending a ten year term. This longer term is warranted due to unique circumstances including the extensive outreach programming, the development, care and maintenance of a unique collection of heritage fruit trees, an eco-building, and a recently constructed tool shed. The Strathcona Community Garden Society has completed a previous ten year term. In addition to the allotment gardens, Strathcona Community Gardens also provides significant shared garden areas and features as well as naturalized areas where urban wildlife is supported. In the view of staff, the unique circumstances at this site warrant a longer term. Modifications to the existing approved policy to provide for this are detailed further in this staff report. The template agreement will be required to be modified for the Strathcona agreement to include the unique elements of this program and site and to incorporate the longer term.

Staff have considered the idea of a twenty year term and concluded that the recommended ten year term can satisfy the program requirements and is appropriate in relation to other agreements for uses of park land.

## **COMMUNITY GARDEN POLICY RECOMMENDATIONS**

### **Policy Changes (Appendix 3)**

After consulting with community garden representatives, the City of Vancouver Food Policy staff, and Legal Services, staff recommends the Community Garden Policy be amended as follows:

- Amend Definition to reflect that community gardens are a recreation program, as well as a community development program, and to recognise the range of gardens that exist, while acknowledging organic gardening, biodiversity and food production.
- Amend Clause Two a) to read:
  - “The standard term of the user agreement will be five years. The Board may consider the granting of multiple terms in exceptional circumstances. The issuance of such longer terms is warranted in circumstances where the Society can demonstrate that the standard five year term would significantly restrict the Society’s ability to:*
    - 1. comply with park board policies and direction;*
    - 2. conduct community outreach programming beyond the Society’s members;*
    - 3. implement a long term plan;*
    - 4. execute significant approved site improvements;*
    - 5. such other circumstances that the board deems relevant.*

*For terms longer than five years, a review and formal reporting to the Board will be required at each five year period and the agreement will incorporate a strengthened termination clause to allow both the Society and the Park Board the option to terminate the agreement with adequate notice.”*

- Amend Clause Two c) to recognize that community gardens are neighbourhood initiatives and open to any resident of Vancouver.
- Amend Clause Two d) to clarify pest management.
- Add Clause Two g) to read:  
*“Garden practices must comply with all Park Board and City of Vancouver policies and bylaws”.*

## **INCREASE SUPPORT FOR COMMUNITY GARDENS**

In addition to amending the Community Garden Policy, staff have explored ways to increase support for the development and operation of community gardens. Where resources will allow, staff recommend providing additional support in these areas:

- Develop an information package to guide interested parties on how to set up a garden, including contact information, data on start-up costs, plans for garden sheds and fences, and details about resources that are available (compost, mulch, building materials).
- Provide technical advice to community gardens on trades related issues like plumbing or carpentry, integrated pest management, soil testing, insurance requirements, and operating costs.
- Encourage or facilitate partnerships between gardeners for mentorship purposes.
- Encourage or facilitate matching volunteers/interns from youth, student, and seniors organizations to gardens.
- Develop and provide signs that explain the role of the community garden in the area and information on organic gardening.
- Develop guidelines to ensure all community gardens are maintained at an acceptable standard.
- Make old park board tools and other salvage materials available to community gardens at low or no cost.
- Provide translation of information whenever possible.
- Cooperate with other City of Vancouver departments in policy development and support of community gardening on non-park lands.

## **SUMMARY**

The proposed changes to the Community Garden Policy, and the recommendation to provide additional support to community gardens, demonstrate the Park Board’s commitment to community gardening in the City of Vancouver. The amended Community Garden Policy reaffirms the importance of community gardening as a recreational and community development activity which promotes ecological biodiversity and increased understanding of local food production.

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