

# COMMUNITY GARDEN POLICY

## I. Purpose And Preamble.

- A. Whereas, access to healthy and affordable food options is a key determinant of public health outcomes across the socio-economic spectrum;
- B. Whereas, community garden projects provide satisfying labor and can be a source of seasonal employment and leadership development for both adults and youth;
- C. Whereas, community garden projects encourage an urban community's food security and increase healthy, affordable food access, allowing residents to grow their own food and make it available to others;
- D. Whereas, community gardens also build community among diverse groups of neighborhood residents and are a productive and beautifying use of vacant and/or abandoned land;
- E. Whereas, communities with gardens experience less crime and vandalism and increase in property values;
- F. Whereas, community gardens connect people to the environment and educate community members about sustainable living practices;

## II. Definitions.

- A. The terms listed below, as included in this ordinance, shall have the following meanings:

- 1. Beds: area of land that has been specifically cultivated for agricultural use; beds may be raised off of the ground level.
- 2. Community garden: land that is gardened by a group of individuals sharing responsibility for the site either independently or under the auspices of a public or nonprofit organization.
- 3. Community gardening: growing food within cities, towns and even village settings; it is not growing food outside of built human environments.
- 4. Cultivated: preparing and using land for crops or gardening; to break up soil in preparation for sowing or planting.
- 5. Environmentally critical area: geologic hazard areas, steep slope areas, flood prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.
- 6. Garden group: see garden entity

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7. Garden entity: a group of people operating a community garden; or a micro enterprise with the purpose of establishing and maintaining a community garden or residential garden.

8. Gardening activity: any activity associated directly with the cultivation, harvesting, or maintenance of a community or residential garden.

9. Point of contact: designated contact person for a garden entity.

### III. Community Gardening Regulations.

A. In all zones, community gardens on all public and private land are subject to compliance with all applicable provisions of the Marion zoning ordinance, and the following provisions:

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1. Gardening activity is allowed from dawn until dusk (provided that activities are not a nuisance to the abutters, (i.e., noise violations, etc.) Every day of the week.

2. Gardeners are permitted to sell excess produce at licensed venues, provided that food is grown in raised beds that are buffered from potentially contaminated soil

3. Gardeners test the toxicity of soil, and results show that the soil is clean, raised beds are not required.

4. Signs: one (1) identification sign required.

A) The sign shall provide information for the responsible entity.

B) The sign shall not be illuminated and shall comply with the size regulations of Marion zoning ordinance and content requirements of the urban agriculture ordinance.

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B. Garden entities will be required to submit an application to the city of Marion Planning Department. All community gardens, on both private and public land will receive guidelines from the city council at the time of application. The application must be completed and reviewed by the city prior to establishment of the community garden. Specifically the application will need to address any probable impacts, including but not limited to:

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1. A proposed site and site plan for a community garden.

2. A disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for.

C. Additional guidelines for gardens:

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1. Water quality and soils. Irrigation run-off cannot adversely affect adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
  2. Traffic and parking. Impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site, cannot adversely affect abutting properties.
  3. Visual impacts and screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of composting activities and planting areas, and any existing or proposed screening must be addressed and not adversely affect abutting properties.
  4. Odor. In all zones, at all times, all garden entities shall be responsible for maintaining their respective community gardens in compliance with the Marion code of ordinance.
  5. Agricultural chemicals. Impacts related to the use of chemicals, including any fertilizer and pesticide cannot adversely affect abutting properties.
  6. Mechanical equipment. Impacts related to the operation of equipment, including noise, odors, and vibration cannot adversely affect abutting properties.
  7. Structures. Structures for gardening (i.e. Greenhouses and hoop houses) will comply with city regulations and setback requirements.
  8. Insurance. All community gardens on city-owned land will be required to sign a "Hold Harmless Agreement" with the city.

#### **IV. Maintenance And Upkeep.**

- A. Trash removal. If necessary, and if resources are available, the city will provide an initial land clearing on city owned property.

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1. Once the garden has been cleared by the city, gardeners are responsible for getting trash moved to a designated area at the garden site for city to collect.
  2. The city will remove bulk items on city owned property, if resources are available, that get illegally dumped after the initial clearing.
  3. Gardeners are responsible for collecting trash from the lot and the adjoining sidewalk and putting it in barrels for trash collection. An annual trash fee will be assessed by the city if municipal trash collection is desired.

- B. Appearance.

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1. Gardeners must maintain the site and tree belt. This includes cutting of the grass and overgrown vegetation, as well as, removal of trash and debris.

2. At the end of the growing season, all garden beds shall be cleared and cultivated, as appropriate.

C. Water.

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1. If there is an existing water main installed near the lots, the marion water department may install a water service and/or tap for a fee to be paid by the community garden entity. Requests for installing a water service and/or tap must be made within six (6) months of anticipated installation.

2. Unless grant funding is found, community gardeners will be responsible for paying water fees, including the turn on/turn off fee and monthly fees even when water main is not in use.

D. Soil/compost.

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1. The city will work with community gardeners to assist with compost delivery. Any community garden who desires compost must call or email and request it from the city. The city will arrange for the delivery of compost to each garden in the late spring, annually, if requested.

2. If gardeners plan to compost on-site, they must take steps to ensure that their respective community gardens are in compliance with marion zoning ordinance. Any complaints about compost must be validated by the city of nuisance abatement officer.

## V. Identifying And Securing City Owned Land.

A. The planning department will be responsible for siting community gardens. The planning department will work with the appropriate city department liaison from parks and recreation, and public service about lots that are available as requests are received.

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1. If the garden entity is looking for available, city-owned land, the planning department will accept applications for community garden lots between the months of january to may.

2. Appropriate lots for community gardening can be made available based on the following criteria:

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A) The lot is unlikely to be developed in the foreseeable future.

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B) There is a water line on or near the property, and/or the buildings on-site have non-toxic roofs so that rain water catchments are safe to practice.

C) The lot receives adequate sunlight between April and October.

D) There is street lighting nearby.

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3. The planning department will serve as the liaison between the garden group and the city.

4. If the community garden is to be located on a publicly owned parcel, the city and the gardeners shall sign a "hold harmless" agreement. Once the "hold harmless" agreement has been signed and the garden entity successfully maintains the site in compliance with this ordinance for one (1) full season, the city shall elect to offer a renewal to the same garden entity.

5. In the event that the city has concerns about the condition, operation, location or maintenance of a community garden, the city shall provide written notice to the community garden contact person, who shall have twenty-one (21) days to provide a written response to the city, addressing the stated concerns. In the event that a written response is not received by the city within the allotted time period set forth above, or the concerns set forth in the city's written notice have not been fully corrected within thirty (30) days of receipt of said notice, the city reserves the right to immediately withdraw from the land tenure agreement.

6. The city reserves the right to withdraw from the land tenure agreement if the following events occur, and shall provide the community garden contact person with a written forty-five (45) day notice of its intent to withdraw:

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A) If the garden entity fails to uphold the terms and conditions identified and set forth in the hold harmless agreement; or

B) If there is significant change in the conditions, neighborhood, marketability, or opportunity for development occurs which calls for a different use of the land. In this circumstance, the city shall work with the gardeners to make best efforts to secure a lot as close as possible to the garden entity by the next growing season.

## **VI. Land Use.**

A. Garden entities are permitted to sell excess produce at licensed venues, provided that food is grown in raised beds that are buffered from potentially contaminated soil, and the sale of such excess produce is authorized by the Marion zoning ordinance.

B. If garden entities test the toxicity of soil and results show that the soil is clean, raised beds are not required.

## **VII. Community**

- A. In order to make the community aware of the gardens and the partnership with the city, a number of outreach methods will be used.
- B. The city will maintain a page on the city website including information about the gardens and a link to a map of the gardens.

## **VIII. Sustainability.**

- A. All existing community gardens that are listed and shown on the map created by the city as of august 1, 2015, will be grandfather as an appropriate use of that current lot as of the date of passage of the ordinance.
- B. Community support for gardening is growing in our city and as funding becomes available to the city departments more resources may be allocated to gardening as appropriate. In the meantime, research and exploration into funding in partnership with the city will be prioritized.