



ADVOCACY GUIDE

The Use of Publicly Owned Vacant Land for Community Agriculture: How North Carolina Municipalities Can Provide the Necessary Policy Framework for the Production of Food on Public Land

TIPS

Establish community agriculture ordinances based on community members' and municipal governments' interest. There must be a desire from the community and a willingness from county officials to implement community agriculture policies.

Identify the Demand

Identify issue(s) and prioritize. The first step requires researching, surveying, and gauging your community's interest in community agriculture. This may require educating the community and council on the benefits of community agriculture (*Refer to the Introduction and Background sections in the Policy Brief*). It may be effective to form a coalition of persons willing to advocate for community agriculture. If a city council believes the vacant lots will not be utilized and/or maintained, they will lack the motivation to enact community agriculture ordinances (*Refer to Sample Language*).

Utilize Data

Prior to lobbying your city council to add or amend ordinances for community agriculture on vacant city-owned land, it is essential to present compelling data. Present your city council with your municipality's food security concerns and demographic information about the target population. The USDA provides a food desert database that displays access to food by tracts at a county level.¹ Provide a map and corresponding list of vacant public lots within city limits, where community agriculture would be beneficial. Geographic Information Systems (GIS) software may be utilized to compile these maps and corresponding lists (*Refer to Appendix 6*).

Frame Your Pitch

When framing your pitch, use the community's demand, food insecurity data, maps and demographic information to persuade city council members. Provide information about the vacant properties available within the city. Focus on blighted or crime-ridden properties, areas with low property values, and unoccupied lots in food deserts or in areas where individuals rely on public transit to get to a supermarket. Highlight the benefits of increasing access to local fresh produce and align community agriculture with other solutions to the city's current issues. For example, if the city is concerned with criminal activities on vacant land, emphasize how community agriculture can mitigate crime.

Plan for Long Term Success

Create a strategic advocacy plan to increase the likelihood that your work will have a lasting impact and achieve the desired outcome(s): <https://toolkit.communityfoodstrategies.com/create/>

CONCERNS, RESPONSES & FOOD FOR THOUGHT

Cost and Property Concerns: The upfront costs of establishing community agriculture on vacant lots are costly; they include the water hookup, the infrastructure (raised beds, fencing, sheds), mulch, and seeds. It may become ambiguous as to what is property of the municipality vs. the property of the community agriculture group.

Response: For-profit or nonprofit organizations should negotiate with public agencies and municipal governments based on anticipated water and utility usage, upfront installation costs, and other associated costs (*Refer to Sample Language 1,2*).

Groups should establish leases with clear language stating the policies surrounding growing produce on site, infrastructure, and transferability. The lease should outline solutions to alleviate potential concerns. The group and municipality should agree beforehand as to who will own the structures in the event the site is dissolved (*Refer to model and example leases in Appendices 1,4 & 5*).²

Food for Thought: Creating a more resilient regional food system contributes to the local economy, mitigates the detrimental effects of food deserts, and creates sustainable vibrant spaces all while improving our environment.³ For example, the Rutgers Urban Gardening (RUG) group transformed thirty acres of blighted land in Newark, New Jersey into 1,900 gardens with the participation of 6,500 city residents and grew produce worth over \$915,000. The initiative composted 4,000 tons of city leaves and participants saved \$4 million over the course of five years by growing produce in formerly garbage-filled public lots.⁴ Growing an array of produce makes a more secure food environment, educates our community on healthy eating, and provides access to fresh food in food deserts (*Refer to Appendix 6*). Community agriculture can reduce diet related health issues and save health care costs over the long term.⁵

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Potential Contamination Concern: The land may contain soil contaminants or improper gardening practices may introduce new contaminants to the land. Gardeners and visitors could be exposed to contaminants by inhalation, by consumption or absorption. Soil contaminants can pose serious health and safety concerns.

Response: In order to utilize public property for community agriculture, sites should be contaminate-free or remediated. Community agriculture groups can examine past land uses through land maps and brownfields via NC Department of Environment and Natural Resources Division of Waste Management map (<https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/waste-management-gis-maps/brownfields-sites-and-boundaries>) to determine possible contaminants.

Groups should test the soil and water, then interpret and attach the results to the site agreement. Groups should evaluate the potential for contamination via drift in air or water. If the soil is contaminated, the group can build raised beds. Groups can check state and local laws on allowed pesticides, herbicides and fertilizers on public properties and use organic pesticides, when possible. Groups should be thoughtful about neighborhood characteristics, nearby waterways, and potential visits from children. Community agriculture groups should not contaminate nor grow anything hazardous or illegal on the property to ensure the quality of the land is maintained⁶ (*Refer to Soil Testing Guide Appendix 7*).

Food For Thought: Growing and consuming fresh produce decreases the amount of processed food consumed. Communities with robust community food production have the opportunity to rely less on manufactured food that was transported from elsewhere. Community agriculture also has the capacity to reduce dependence on nonrenewable energy, generate less waste, and lower air pollution. Increasing local food production diminishes the need for transportation, distribution, packaging and marketing.⁷

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Neighborhood Relationships and Liability Concerns: Loud noises, foul smells, and crowded street parking could irritate neighbors. As well, Individuals could become injured working on the site.

Response: The community agriculture group should establish working hours during daylight to minimize nuisances; such as loud music and construction. If construction is necessary for the site's structural components, the group should consider providing the neighborhood with advanced warning several days prior. Community agriculture groups should follow the municipality's regulations concerning street parking and encourage their members to bike, walk and carpool.⁸ The community agriculture group should cover and secure the compost container to avoid unwanted animals and smells.

Community agriculture groups should not hold the municipality liable unless an accident was due to the city's gross negligence. It is advisable the group takes out a general liability insurance naming the municipality as additional insured, affording coverage for personal injury, death liability and property damage.⁹

Food for Thought: Living in neighborhoods with community agriculture builds strong relationships as members connect over food. Areas of community agriculture can brighten neighborhoods and increase property values. For example, RUG brought together individuals from over 30 ethnic groups and resulted in improved diet, socio-economic well-being and quality of life for low-income families.¹⁰

SAMPLE ORDINANCE LANGUAGE

1. Excerpt From Resolution 160023: Community Garden Space Consideration of a resolution authorizing the lease of several parcels of vacant land to Hayden-Harden Community Projects, LLC to be used as community garden spaces: High Point, North Carolina January 19 2016

The City of High Point owns vacant land located within city limits; and finds that those vacant properties may be conducive to growing plants and produce. In order to meet the public purpose of improving the health and quality of life of its citizens, the City would like to offer Hayden-Harman Community Projects, LLC the opportunity for lease of certain parcels of vacant land (which are attached hereto as Exhibit A) to be used for garden space. It would be in the best interest of the City to offer the referenced vacant properties to Hayden-Harman Community Projects, LLC, in exchange for services, which benefit the local community and an agreement to maintain the land, which relieves the City of the burden of maintenance. The lease shall only be for those periods during which the City has no immediate use of the vacant properties and shall not interfere with any other licenses, leases or rental that are concurrently in effect. The resolution states the vacant parcels referenced in Exhibit A attached, owned by the City are surplus to the City's current needs and the City Council delegates the Mayor to sign and otherwise fulfill the requirements of entering into a lease agreement with Hayden-Harman Community Projects, LLC for a period of not more than one year.

2. Excerpt from Budget Amendment 170375: Community Garden Coordinator Position: High Point, North Carolina November 6 2017

The City of High Point will start a Community Garden program, and, in coordination with the City of Greensboro and Guilford County, hire a Community Garden Coordinator position. The 2017 - 2018 Budget Ordinance of the City of High Point, should be amended as follows: That General Fund revenues be amended as follows: Appropriated Fund Balance \$ 37,289.

3. Food Zoning Code Community Gardens Regulations: Portland, Oregon June 2012

Community Gardens are gardens where any kind of plant is grown—including flowers—and several individuals or households garden at a site. The site may be divided into small plots, or

gardeners may work together to cultivate the entire property. The land may be publicly owned, as in the Portland Parks and Recreation Community Gardens Program, or may be privately owned. The garden may be on the site of a religious institution, school, or medical center.

The distinction between market and community gardens is that food is grown for sale on market gardens while food from community gardens is used for personal use or donation.

Regulations: Currently, community gardens are classified as a Parks And Open Areas Use and allowed in all zones. The amendments will not affect this, but will add a definition and regulations that address hours of operation, use of motorized equipment, and allow limited on-site sales.

- i. Temporary uses, which allows “seasonal outdoor sales” twice a year, for up to five weeks each time. The new regulations reduce the opportunities to sell produce, but offers the option of the Market Garden, where more sales are allowed. Owners of these gardens may impose more restrictive rules.
- ii. These regulations encourage creation of Community Gardens (and market gardens) on institutional sites; these sites often have areas that are not otherwise used, and are often already a neighborhood focal point.

RESOURCES

¹ Food Desert Locator. (n.d.). Retrieved September 20, 2017, from Foundation, G. C. Local & Regional Food Systems. Retrieved October 05, 2017, from <http://www.sustainabletable.org/254/local-regional-food-systems><https://www.fns.usda.gov/tags/food-desert-locator>

² ChangeLab Solutions, "Dig, Eat, & Be Healthy," June 2013, <http://www.changelabsolutions.org/publications/dig-eat-be-healthy>.

³ Food and Agriculture Advisory Committee, “FRESH: Food and Urban Agriculture Strategy - Edmonton,” October 2012, https://www.edmonton.ca/city_government/documents/FRESH_October_2012.pdf .

⁴ Patel, I. C, “Rutgers Urban Gardening: A Case Study on Urban Agriculture,” *Journal of Agriculture and Food Information*, 3:3, 35-46, DOI 10.1300/J108V03N03_05, 1996.

⁵ Food and Agriculture Advisory Committee, “FRESH: Food and Urban Agriculture Strategy - Edmonton,” October 2012, https://www.edmonton.ca/city_government/documents/FRESH_October_2012.pdf.

⁶ ChangeLab Solutions, "Dig, Eat, & Be Healthy," June 2013, <http://www.changelabsolutions.org/publications/dig-eat-be-healthy>.

⁷ “Food and Agriculture Advisory Committee, “FRESH: Food and Urban Agriculture Strategy - Edmonton,” October 2012, https://www.edmonton.ca/city_government/documents/FRESH_October_2012.pdf.

⁸ ChangeLab Solutions, "Dig, Eat, & Be Healthy," June 2013, <http://www.changelabsolutions.org/publications/dig-eat-be-healthy>.

⁹ ChangeLab Solutions, “Ground Rules: A Legal Toolkit for Community Gardens,” February 2011, [http://www.changelabsolutions.org/sites/default/files/CommunityGardenToolkit_Final_\(CLS_20120530\)_20110207.pdf](http://www.changelabsolutions.org/sites/default/files/CommunityGardenToolkit_Final_(CLS_20120530)_20110207.pdf)

¹⁰ Patel, I. C, “Rutgers Urban Gardening: A Case Study on Urban Agriculture,” *Journal of Agriculture and Food Information*, 3:3, 35-46, DOI 10.1300/J108V03N03_05, 1996.