



# Fargo-Moorhead Metropolitan Council of Governments

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**To:** Cass-Clay Food Systems Advisory Commission  
**From:** Cass-Clay Food Systems Initiative (CCFSI)  
Fargo-Moorhead Metropolitan Council of Governments (Metro COG)  
**Date:** July 6, 2015  
**RE:** Cass-Clay Food Systems Advisory Commission Agenda and Correspondence

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**3<sup>rd</sup> Meeting of the  
Cass-Clay Food Systems Advisory Commission**

July 8, 2015 10:30am-12:00pm

Location: Fargo City Commission Chambers

1. Welcome & Introductions
2. Approve Order & Contents of the Overall Agenda
3. Review & Action on Minutes from May 13, 2015 (**Attachment 1**)
4. Results of Urban Agriculture Prioritization Surveys (Commission and Online)  
**(Attachment 2)** – Megan Myrdal
5. Community Garden Education (**Attachment 3**) – Megan Myrdal
6. Fargo-Moorhead Metropolitan Area Community Garden Map (**Attachment 4**) –  
Adam Altenburg
7. Review Draft Blueprint – Community Gardens (**Attachment 5**) – Whitney Oxendahl
8. Community Garden Discussion and Recommended Actions – Chair Durand
9. Online Community Input (**Attachment 6**) – Kim Lipetzky
10. Public Comment Opportunity (**Attachment 7**) – Chair Durand
11. Commission Roundtable
12. Commission Action Steps
13. Adjournment

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Questions, comments, or concerns prior to the meeting can be directed to Adam Altenburg (701.232.3242 x34; [altenburg@fmmetrocog.org](mailto:altenburg@fmmetrocog.org)).

*People with disabilities who plan to attend this meeting and need special arrangements should contact Joan Geyer at Metro COG (701.232.3242 Ext. 31), at least two days before the meeting to make arrangements.*

# Attachment 1

**2<sup>nd</sup> Meeting of the  
Cass-Clay Food Systems Advisory Commission  
May 13<sup>th</sup>, 2015  
Fargo Commission Chambers**

**Members Present:**

Heidi Durand, Moorhead City Council, Chair  
Mike Thorstad, West Fargo City Commission  
Jim Aasness, Dilworth City Council  
Mike Williams, Fargo City Commission  
Andrea Baumgardner, At-Large Member  
Janet Paul, At-Large Member  
Jessica Arneson, At-Large Member  
Dana Rieth, At-Large Member  
Jon Evert, At-Large Member

**Members Absent:**

Arland Rasmussen, Cass County Commission  
Jenny Mongeau, Clay County Commission

**Others Present:**

Megan Myrdal, Project Coordinator  
Kim Lipetzky, Fargo Cass Public Health  
Rita Ussatis, North Dakota State University Extension  
Noelle Harden, University of Minnesota Extension  
Aby Gold, Cass-Clay Food Systems Initiative  
Deb Haugen, Cass-Clay Food Systems Initiative  
Whitney Oxendahl, Cass-Clay Food Systems Initiative  
Adam Altenburg, Fargo-Moorhead Metropolitan Council of Governments

Chair Durand called the meeting to order at 10:30 AM.

**2. Approve Order and Contents of the Overall Agenda**

A motion to approve the order and contents of the overall agenda was made by Ms. Baumgardner and seconded by Mr. Aasness. The motion was voted on unanimously approved.

**3. Review and Action on Minutes from March 25, 2015**

A motion to approve the minutes was made by Mr. Evert and seconded by Ms. Paul. The motion was voted on and unanimously approved.

**4. Process Framework for Opening a Session**

Ms. Gold asked both Commission and Steering Committee members to pair up in small groups to take part in a process framework discussion. Ms. Gold explained that the purpose of the discussion was to better understand how the Commission may be able to bring about effective change regarding food systems issues in the Fargo-Moorhead Metropolitan Area and how the Commission may better achieve its purpose of assuring that residents have access to safe, nutritious, and affordable foods. Ms. Gold stated that that groups would be asked to consider two questions: "What words would you use to describe this group and its purpose?" and "What is one area of agreement that this Commission

could use to build a foundation for moving food systems work forward?” Chair Durand asked that groups spend several minutes discussing these questions before sharing their thoughts with the group.

Words that group members shared to describe the Commission and its purpose included: energetic, passionate, cross-functional, metro-wide representation, coordination and collaboration, guiding, informed, inclusive, solution-focused, diverse, balance between government and private entities, innovative, proactive, and community-minded. Group members stated that there were still unclear aspirations for the Commission, whether it is meant to be an advisory as the name suggests or whether it should be an advocate for promoting various food systems issues. Areas of agreement that group members shared included giving focus to local growers, viewing community education as a top priority, removing barriers to local food access, and improving economic development opportunities for local food entrepreneurs.

## **5. Proposed Issue Identification Process and Discussion**

Mr. Altenburg shared with the Commission the proposed four-step issue identification process for assessing the food system in the Fargo-Moorhead Metropolitan Area. Mr. Altenburg explained that this process had been developed in response to the first Commission meeting and subsequent meetings with the Steering Committee. Mr. Altenburg stated that this process would assist in how recommendations are proposed and ultimately adopted by area jurisdictions.

Mr. Altenburg explained that the first step would be for the Steering Committee to identify issues to be considered by the Commission based on criteria including the Metropolitan Food Systems Plan, task force input, public and online community input, and Commission or additional input by area jurisdictions. Mr. Altenburg explained that the second step would be that the Steering Committee would develop a draft blueprint on a proposed issue that would include background information, current zoning or policy information, a framework evaluation of potential benefits, and other areas as recommended. Mr. Altenburg stated that the third step would be to issue and review the draft blueprint with the Commission and post it to the Let’s Eat Local website for community discussion. Mr. Altenburg concluded that the fourth step would be asked for Commission discussion and a recommended action or actions as to how an issue should move forward in respective jurisdictions.

## **6. Urban Agriculture Education and Discussion**

Ms. Gold stated that urban agriculture includes, but is not limited to, urban growing, farming practices, urban animals, sales, and food safety and processing. Ms. Gold stated that urban growing includes many types of gardening activities including but not limited to community gardens, residential gardens, apartment gardens, rooftop gardens, and gardens in parklands. Ms. Gold went into depth about different gardening models and examples, including The Food Project in Boston which produces a quarter-million pounds of food a year with over half being donated to local area shelters. Ms. Gold stated that there are seven community gardens in the Fargo-Moorhead Metropolitan area and that several different models exist. Ms. Gold also explained the concept of pop-up gardens seen in different neighborhoods in Chicago which utilize empty lots until they are developed. Ms. Gold stated that backyard gardens are restricted in some areas of the community and that there is potential to promote apartment gardens, especially to New Americans who may be accustomed to growing much of their own food. Ms. Gold stated that several examples of rooftop gardens exist in downtown Fargo, including the Hotel Donaldson, and that numerous examples can be seen in larger cities in the United States.

Ms. Gold informed the Commission on urban animal keeping and described how the Steering Committee has already taken a look at two potential areas: urban chickens and bees. Ms. Gold stated that in addition to the chickens and bees, urban animals may include other smaller animals such as rabbits, ducks, pigs, goats, and lamb. Ms. Gold described how the Red River Valley could potentially provide food for the entire state of Minnesota if it focused on the cultivation of smaller animals and

plant foods. Ms. Gold stated that North Dakota is the largest honey producer in the United States. Ms. Gold told the Commission that a book entitled “Farm City” by Novella Carpenter includes stories on urban animal keeping in Oakland, California.

Ms. Gold informed the Commission of examples of farming practices including high tunnels which are greenhouses that are placed on the ground that extend growing seasons. Ms. Gold stated that the Red River Valley is a perfect area for high tunnels and that both NDSU and U of M are currently conducting more research in this area. Ms. Gold also spoke of rainwater harvesting techniques and stated that River Keepers has been involved in promoting practices in the Fargo-Moorhead Metropolitan Area.

Ms. Gold explained briefly what soil safety is, including keeping dogs and cats away from gardens so that soil is safe to work in. Ms. Gold spoke about composting and food waste programs and explained that over 90 communities in the United States had municipal food scrap recycling programs, many with nominal costs to municipalities.

Ms. Gold stated that an area of urban agriculture that is expanding rapidly is aquaponics and hydroponics. Ms. Gold provided an example of hydroponic growers in St. Paul who utilize abandoned or unused buildings for extensive operations.

Ms. Gold explained that farmers markets may be an area that the Commission would want to pursue and if it is something that the Fargo-Moorhead Metropolitan Area is interested in expanding. Ms. Gold stated that, with regard to sales and farmers markets, people in the Cass-Clay area will travel to the farmers market in Grand Forks since they know they will sell out. Ms. Gold also spoke of farm stands, for growers that prefer to go it alone, and direct out-of-garden sales.

Ms. Gold stated that were two main issues related to food safety, individual household safety and education to vendors to sell and market their food safely.

Mr. Williams asked what the Commission might do to facilitate farmers markets, including a larger central market in the area and whether it may be beneficial to look at the example in Grand Forks. Ms. Gold stated that the Steering Committee is currently looking at different options to address farmers markets and that it may be included in a draft blueprint. Ms. Arneson stated that she really enjoys the farmers market in Grand Forks and that it includes entertainment, artists, and diverse products. Mr. Williams reiterated that inclusiveness needs to be a priority.

Chair Durand asked if fees are a determinant to inclusivity and if it is an area that is being considered. Ms. Gold stated that the Steering Committee is aware of the issue.

Mr. Thorstad asked how outreach with the park boards or areas with restrictive covenants in the Fargo-Moorhead Metropolitan Area would be handled. Ms. Gold stated that the Commission would provide recommendations on best practices on how municipalities could approach those issues. Mr. Williams stated that the program Growing Together started 11 years ago as a faith-based program that has now begun working with area parks. Chair Durand stated that the City of Moorhead was close to establishing a neighborhood garden at Romkey Park but was unable to find an organization to help as a facilitator.

## **7. Review Organizational Structure of Draft Blueprint – Urban Bees**

Ms. Oxendahl explained that the Steering Committee and the Commission would be developing blueprints to address current gaps and needs with regard to food system issues in the Fargo-Moorhead Metropolitan Area. Ms. Oxendahl shared a draft blueprint on urban bees and describes its format which included background information, an evaluation framework that looked at health, environmental, economic, and social domains, concerns and possible solutions, and an appendix of

example ordinances. Ms. Oxendahl explained that the Commission was only considering the format and layout of the blueprint and whether the information was what the Commission would like to see in future blueprint.

Mr. Thorstad asked if it would be possible to compare blueprints to areas of comparable size in addition to larger metropolitan areas. Mr. Thorstad stated that access to urban agricultural practices may not be as limited in the Fargo-Moorhead Metropolitan Area compared to more urbanized areas. Ms. Oxendahl explained the reason she included some larger metropolitan areas is that those she included had recently updated their policies and that their information was more up-to-date. Mr. Williams stated that it would be good to have a range since good ideas may come from both smaller and larger communities. Ms. Baumgardner iterated that she liked the example ordinances included as they were much more detailed and gave a good amount of needed information.

Chair Durand asked the Commission what other metropolitan areas should be considered. Ms. Lipetzky stated that the City of Fargo has currently begun looking more at Sioux Falls, SD and Lincoln, NE.

Ms. Paul stated that it would be good to include potential examples of why an urban agriculture issue may have been rejected by a community, especially for people who may not know as much about a particular issue. Chair Durand gave support to this comment in that it would help elected officials to better understand both sides of an issue, including potential legal issues.

#### **8. Urban Agriculture Prioritization**

Ms. Myrdal stated that, based on the proposed issue identification process discussed earlier in the meeting, one of the issues that has aligned with the five criteria identified by the Steering Committee in bringing issues forward to the Commission is related to urban agriculture. Ms. Myrdal asked the Commission members rank the five different urban agriculture areas discussed earlier, as well as each of the categories included under each issue.

Chair Durand asked if Commission should rank each individual item under the five categories or simply pick their top three. Ms. Myrdal asked that Commission members rank each individual item based on how many were listed. Ms. Gold clarified that number one would be Commission members' highest priority and so forth.

Chair Durand asked that the Commission take several minutes to finish the urban agriculture prioritization.

#### **9. Online Community Input**

Ms. Lipetzky informed the Commission that over the past months, Fargo Cass Public Health had received numerous emails and phone calls on urban agriculture issues, most of which were related to community gardening, urban chicken keeping, and farmers markets. Ms. Lipetzky explained that the Steering Committee would be sharing comments with the Commission on a continuing basis and that a comment form is now available on the Let's Eat Local website.

#### **10. Public Comment Opportunity**

Chair Durand informed the Commission that 15 minutes would be allotted for public comments.

Mindy Grant, citizen from West Fargo, asked that the Commission address specific needs or problems in the community rather than looking at other communities and what they are doing.

Mara Solberg of Solberg Farms and Prairie Roots Co-op described the food chain she sees raising small animals on her farm and asked that the Commission to be a strong supporter of local growers and a

proponent of a robust farmers market. Ms. Solberg also said she would be interested to see a garden and farmers market in downtown Fargo.

#### **11. Commission Roundtable**

Chair Durand asked for the Commission to share updates from their jurisdictions.

#### **12. Commission Action Steps**

Ms. Myrdal asked that Commission members share information about the online community input opportunity through the Let's Eat Local website. Ms. Myrdal also asked the Commission hand in their prioritization of urban agriculture practices to be discussed at the next meeting. Ms. Myrdal stated that the next meeting would be July 8<sup>th</sup> in the Fargo City Commission Chambers.

Chair Durand adjourned the meeting at 11:55 AM.

## Attachment 2

**To:** Cass-Clay Food Systems Advisory Commission  
**From:** Megan Myrdal, Project Coordinator  
**Date:** July 1, 2015  
**Re:** *Results of Urban Agriculture Prioritization Surveys*

At the last meeting of the Food Systems Advisory Commission in May 2015, the Commission was asked by the Cass-Clay Food Systems Initiative (CCFSI) Steering Committee to prioritize research of different urban agriculture practices. It was discussed that these recommendations would be used in the development of blueprints which would address gaps and needs regarding food systems issues in the area. In addition, an online community survey was developed in collaboration with University of Minnesota Extension in which the public was given the opportunity to rank what they felt were the most beneficial urban agriculture areas to study. Urban agriculture was been divided into five broad categories which included:

- Urban growing;
- Urban animals;
- Farming practices;
- Sales; and
- Food safety/processing.

Attachment 2a and Attachment 2b include the results of the Commission's and the community's potential priorities to research in the coming months.

## Urban Agriculture – Commissioner Survey Results

The below report is the results of the survey the Cass Clay Food System Advisory Commissioners completed on May 13, 2015. The Commissioners were asked to provide their thoughts on the most important areas to address within urban agriculture in the two communities, including a prioritization of the specific aspects within each topic. The follow report provides the ranking each item received, the mean score in parenthesis (a lower score indicates more importance), and the weighted score of each item in a bar chart.

### Urban Agriculture:

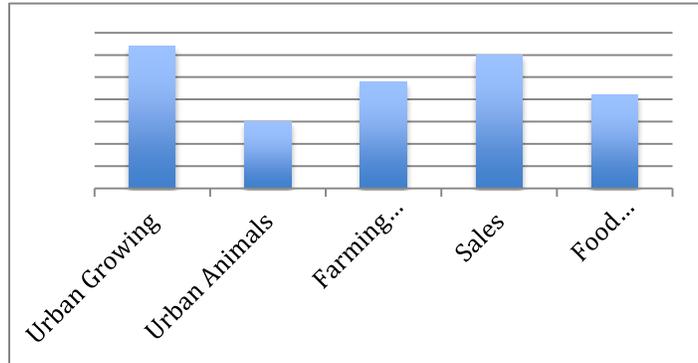
#1 - Urban Growing (2)

#2 – Sales (2.25)

#3 – Farming Practices (3)

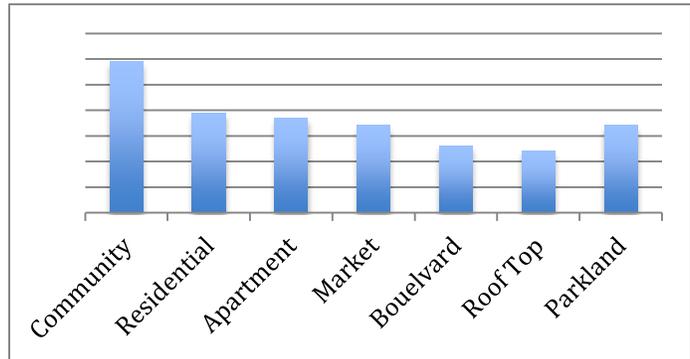
#4 – Food Safety/Processing (3.625)

#5 – Urban Animals (4)



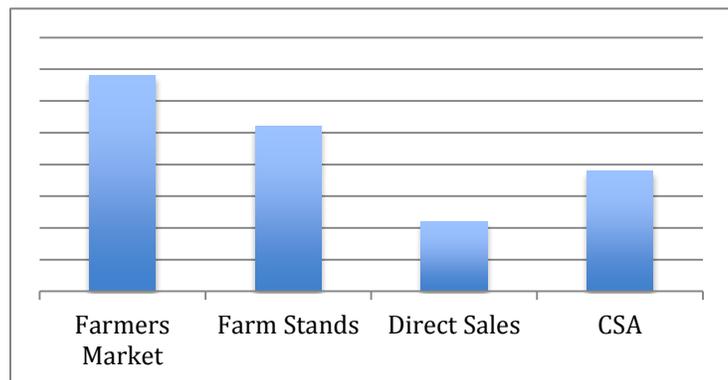
### #1 - Urban Growing

- #1 - Community/neighborhood community (1.33)
- #2 – Residential (3.67)
- #3 – Apartment (3.89)
- #4 – Parkland (4.22)
- #4 – Market (4.22)
- #5 – Boulevard (5.11)
- #6 – Roof Top (5.33)



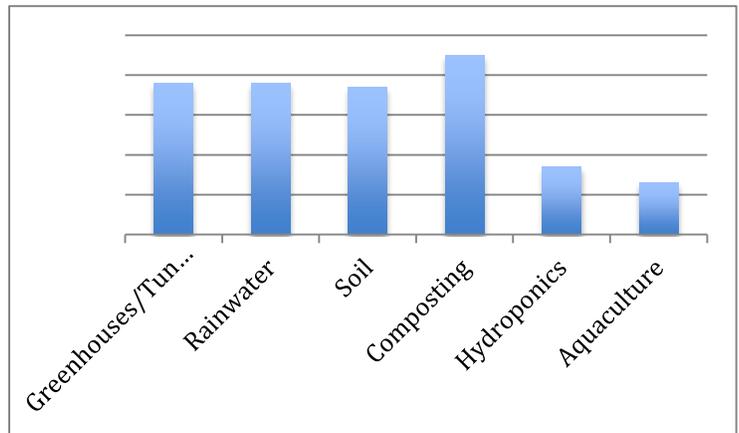
### #2 - Sales

- #1 – Farmers Market (1.22)
- #2 – Farm Stands (2.11)
- #3 – CSA (2.89)
- #4 – Direct Sales (3.78)



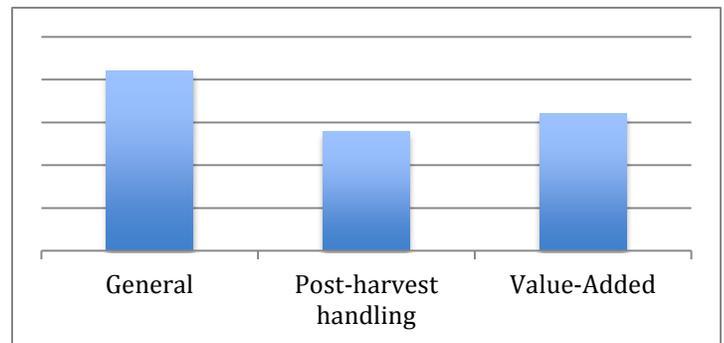
## #3 - Farming Practices

- #1 - Composting/Curbside recycling (2)
- #2 - Rainwater harvesting/rain barrels/rain barrels on public buildings/rain gardens/ water reclamation (2.25)
- #3 - Greenhouses/hoop houses/structures/high tunnels (2.78)
- #4 - Soil safety (2.89)
- #5 – Hydroponics (5.11)
- #6 - Aquaculture & aquaponics/urban hydroponic operations (5.56)



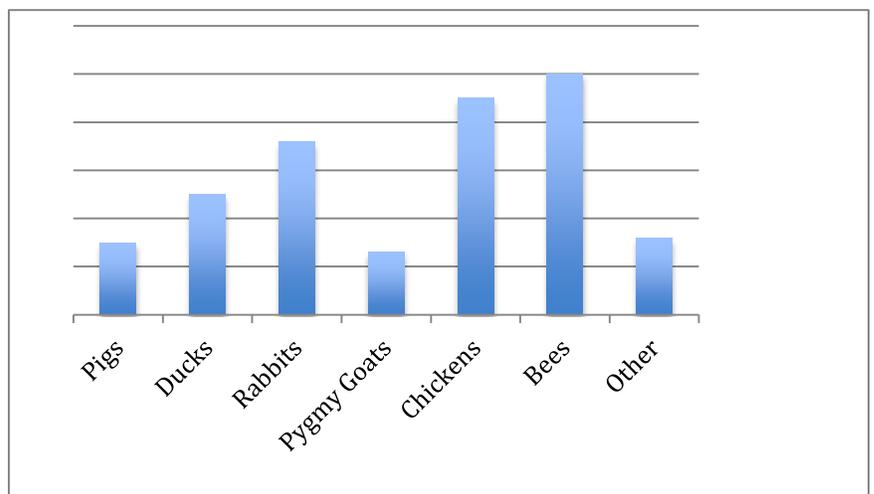
## #4 - Food Safety/Processing

- #1 - General food safety (1.38)
- #2 - Value Added Products and Cottage Food Law (2.22)
- #3 - Post-harvest handling (2.25)



## #5 - Urban Animals

- #1 – Bees (1.44)
- #2 – Chickens (2)
- #3 – Rabbits (3)
- #4 – Ducks (3.88)
- #5 – Pigs (5.13)
- #6 – Pygmy Goats (5.38)

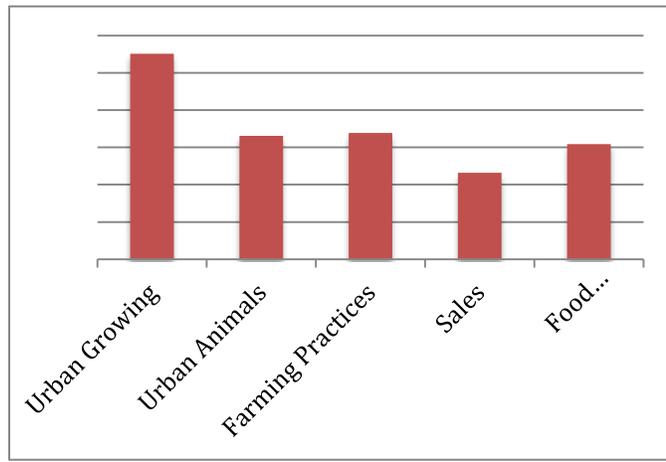


## Urban Agriculture – Community Survey Results

This report is the results of the survey completed by members of Cass and Clay Counties. Community members were asked to provide their thoughts on the most important areas to address within urban agriculture in the two communities, including a prioritization of the specific aspects within each topic. One hundred seventeen (117) responses were recorded. The follow report provides the ranking each item received, the mean score in parenthesis (a lower score indicates more importance), and the weighted score of each item in a bar chart.

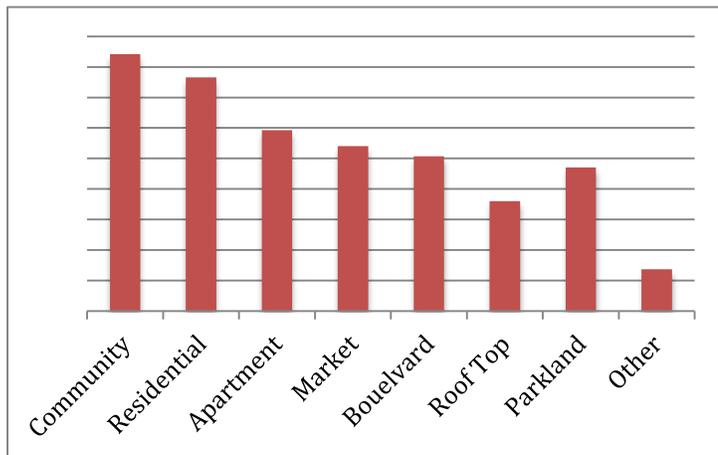
### Urban Agriculture:

- #1 - Urban Growing (1.35)
- #2 – Farming Practices (3.10)
- #3 – Urban Animals (3.17)
- #4 – Food Safety/Processing (3.36)
- #5 – Sales (4.02)



### #1 - Urban Growing

- #1 - Community/neighborhood community (1.81)
- #2 – Residential (2.46)
- #3 – Apartment (3.94)
- #4 – Market (4.38)
- #5 – Boulevard (4.67)
- #6 – Parkland (4.98)
- #7 – Roof Top (5.92)
- #8 – Other (7.83)

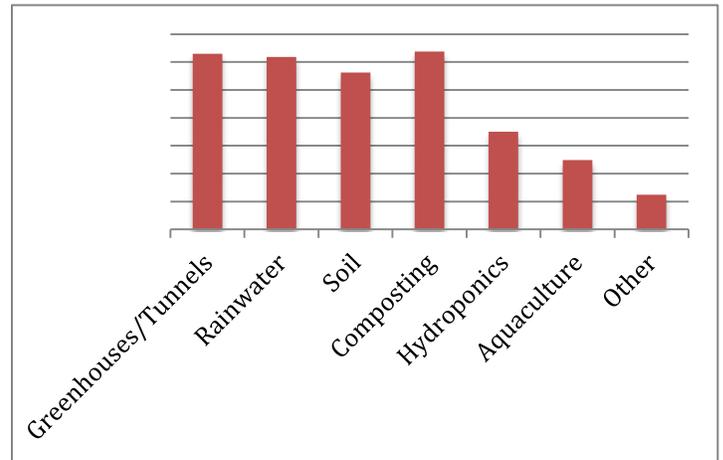


*Other Responses: Corporate Gardens; School Ground Gardens; Campus Garden; None of the Rest!; Raising poultry and animals; Edible landscapes – e.g. fruit trees and shrubs in park and on boulevards; All gardens. So many choices, all should be ranked #1.*

# Attachment 2b

## #2 - Farming Practices

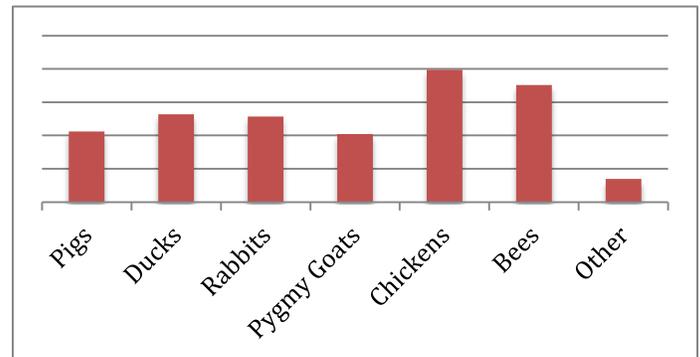
- #1 – Composting/Curbside recycling (2.4)
- #2 - Greenhouses/hoop houses/structures/high tunnels (2.47)
- #3 - Rainwater harvesting/rain barrels/rain barrels on public buildings/rain gardens/ water reclamation (2.57)
- #4 - Soil safety/quality (3.06)
- #5 – Hydroponics (4.92)
- #6 - Aquaculture & aquaponics/urban hydroponic operations (5.66)
- #7 – Other (6.91)



Other Responses: All four are equally important; NONE OF THE REST; Permaculture

## #3 - Urban Animals

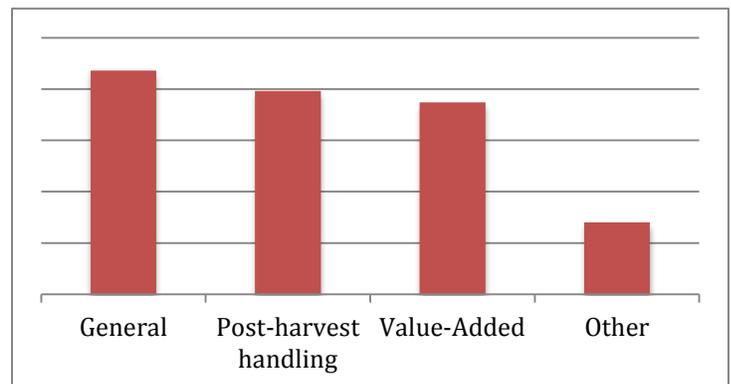
- #1 – Chickens (1.65)
- #2 - Bees (2.38)
- #3 – Ducks (3.78)
- #4 – Rabbits (3.89)
- #5 – Pigs (4.66)
- #6 – Pygmy Goats (4.74)
- #7 – Other (6.90)



Other Responses: Cows; NONE!!!; Only dog or cat – exclude others listed; No snake should be allowed in city limits.

## #4 - Food Safety/Processing

- #1 - General food safety (1.79)
- #2 - Post-harvest handling (2.04)
- #3 - Value Added Products and Cottage Food Law (2.21)

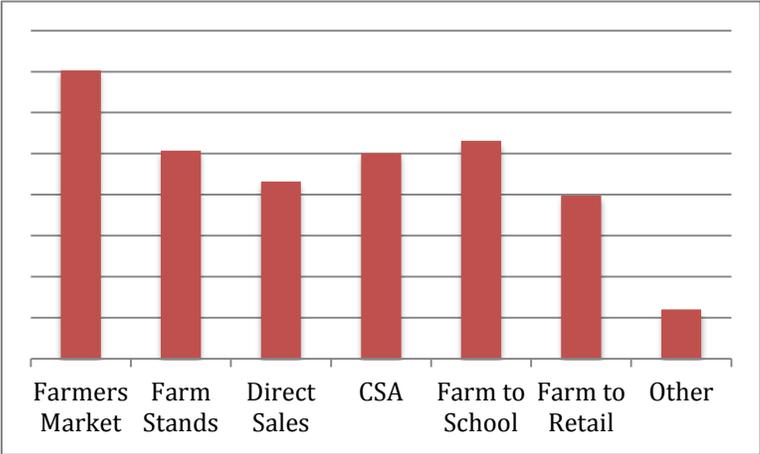


Other Responses: Listing the process and handling; Pesticide use.

# Attachment 2b

## #5 - Sales

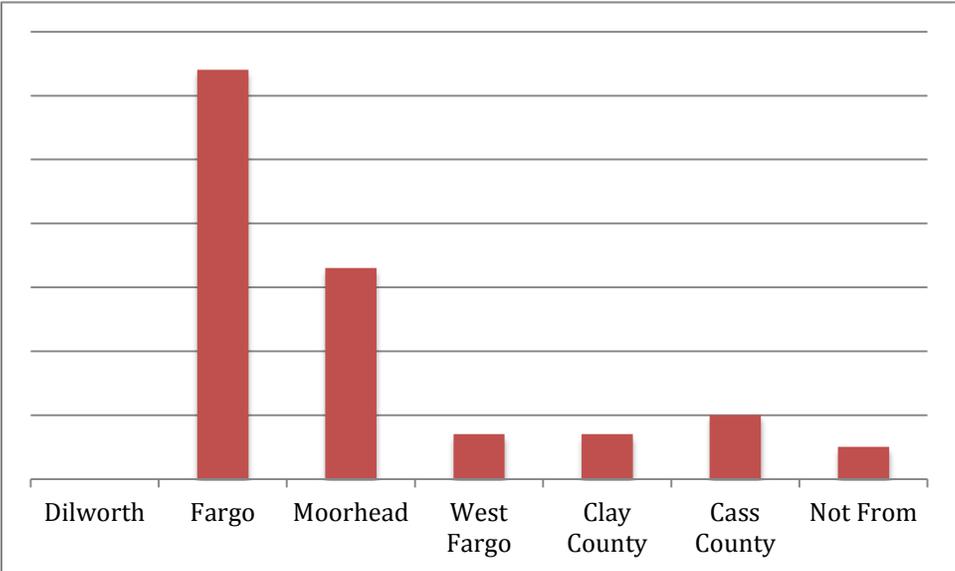
- #1 – Farmers Market (1.83)
- #2 – Farm to School (3.34)
- #3 - Farm Stands (3.55)
- #4 – CSA (3.61)
- #5 – Direct Sales (4.21)
- #6 - Farm to Retail (4.51)
- #7 - Other – (6.95)



*Other Responses: Gift Economy; Food Co-op; Educating the kids. I see at my school, Hawthorne, there are tiny vegetable gardens built by the kids.; More of this!!! This is our next generation.*

## Please indicate which jurisdiction you are from:

Jurisdiction	Response	%
Dilworth	0	0%
Fargo	64	51%
Moorhead	33	26%
West Fargo	7	6%
Clay County	7	6%
Cass County	10	8%
I'm not from any of the jurisdictions listed	5	4%





# Community Gardens

*“Growing Community is as Important as  
Growing Vegetables”*

Cass Clay Food Systems Advisory  
Commission

July 8, 2015

# Community Gardens



Copyright Jon Peterson



# Community Gardens - Purpose



**Solving  
Hunger**



# Types of Community Gardens

- **Donation and shelter gardens** provide nourishment to people who need the help.
- **School and youth gardens** concentrate on educating and encouraging youth to have a healthy lifestyle.
- **Communal gardens** gather a group of people together and they share the crop.
- **Allotment gardens** allow the public to individually rent a plot, and independently garden the land.
- **Market gardens** facilitate earning money from the sales of the produce.



# Three Examples of Community Garden Programs in the U.S.

- Community Crops – Lincoln Nebraska
  - [www.communitycrops.org](http://www.communitycrops.org)
- P-Patch Community Gardening – Seattle, WA
  - <http://www.seattle.gov/neighborhoods/p-patch-community-gardening>
- Garden Rental – Milwaukee County, Wisconsin
  - <http://milwaukee.uwex.edu/agriculture/garden-rental/>

# Lincoln, Nebraska

**408**  
donors

**900**  
community  
gardeners

**5,000** SEED PACKETS

given to low-income  
community gardeners

**2014 Year in Review**

**2400** volunteer  
HOURS

\$116,987

\$72,561

\$17,474

**\$429,322**



**nine**

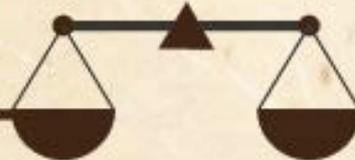
new farm businesses  
started through our

**Growing Farmers**

compost collected  
from the Children's Zoo

**30,000**  
POUNDS OF

produce grown by our  
community gardeners



# P-Patch Community Gardens

## Seattle, Washington



SEATTLE DEPARTMENT OF NEIGHBORHOODS

## Parks & Green Space Levy

Building Gardens, Growing Community  
P-Patch Community Gardens expanded with Parks and Green Spaces Levy.

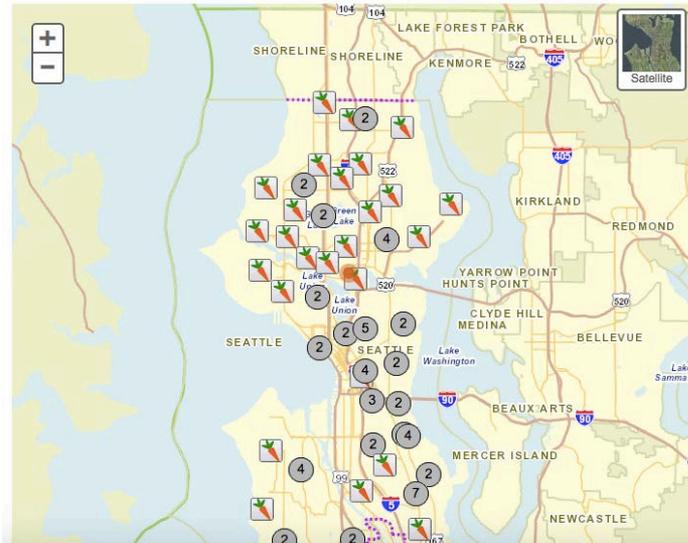
### P-Patch Map

Find a P-Patch by Location

Go to Address

Go

Select a Neighborhood



I have lived in this neighborhood for over 30 years.  
This is the first time I have had the feeling that I know  
who the people are. Our commonality is we are  
drawn to the green spaces where people can gather.

— Kate Farley from *Barton Street P-Patch*



# Garden Rental

Milwaukee County, Wisconsin

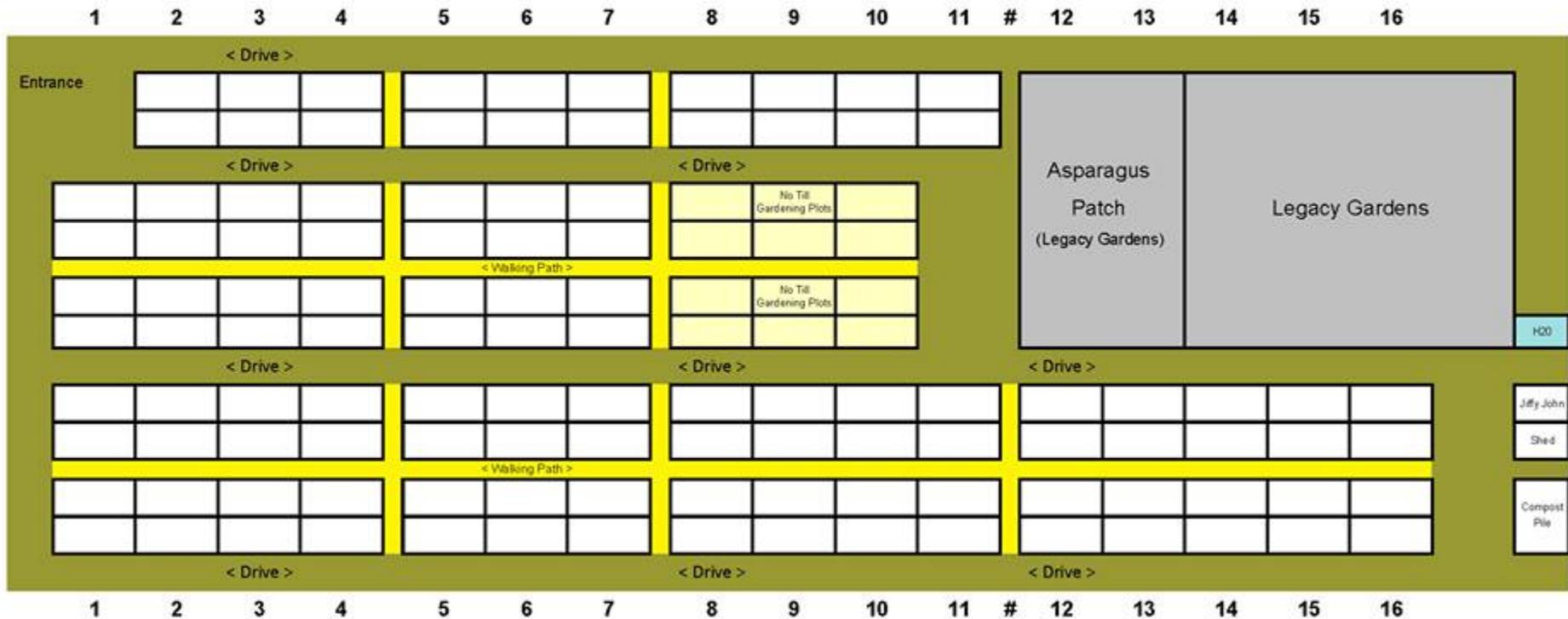


# Growing Together – A Community Gardening Ministry





11<sup>th</sup> St. N / Oakport St. N



## Attachment 4

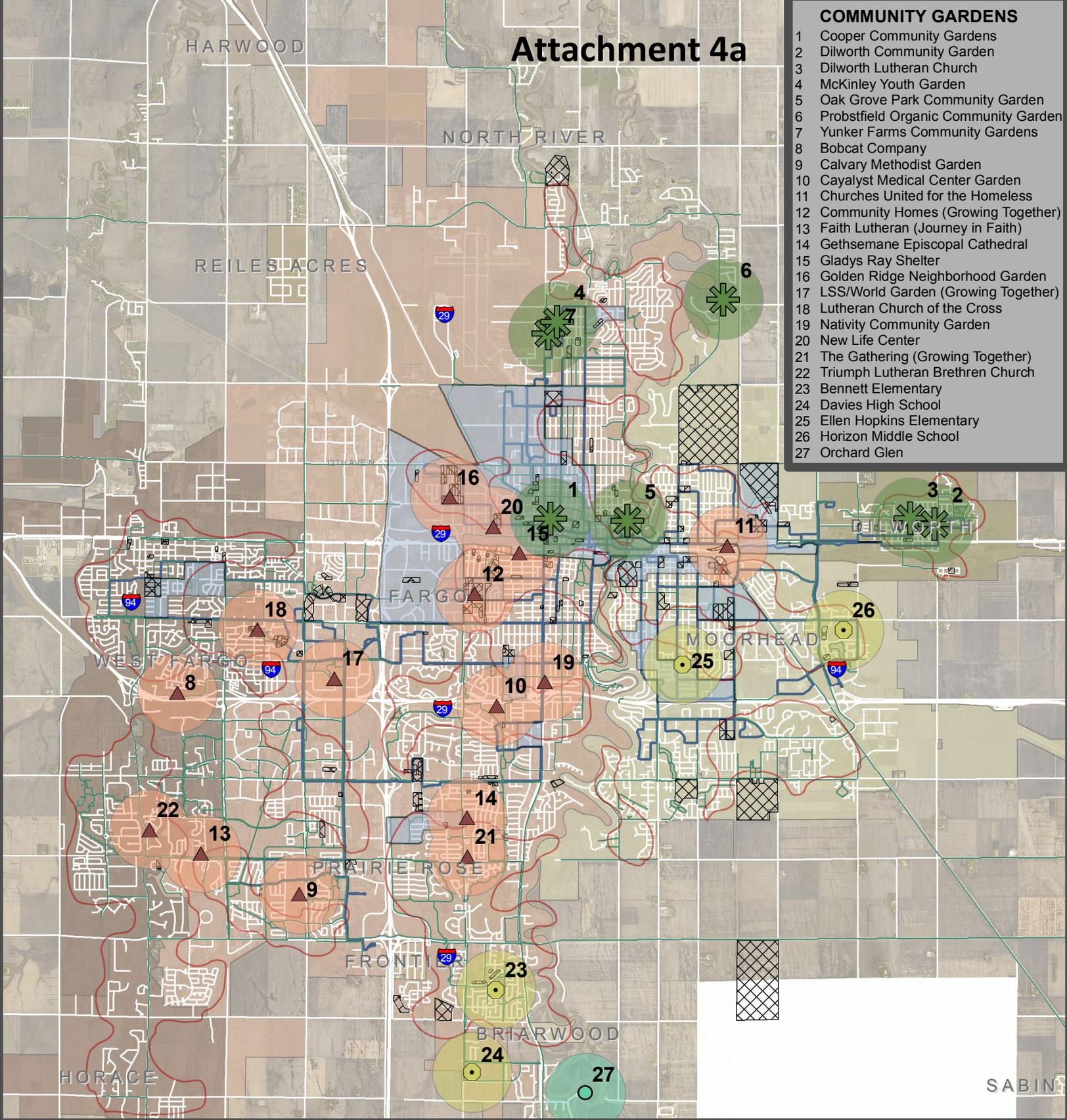
**To:** Cass-Clay Food Systems Advisory Commission  
**From:** Adam, Altenburg, Metro COG  
**Date:** July 1, 2015  
**Re:** *Fargo-Moorhead Metropolitan Area Community Garden Map*

To assist with the draft blueprint developed for community gardens, Metro COG has developed a map documenting existing gardens in the Fargo-Moorhead Metropolitan Area. Gardens have been categorized according to whether they are considered allotments – which are available to the general public as plots; or communal – which are available only to specific groups such as New Americans or religious groups. School gardens are included in this map as well.

# Attachment 4a

## COMMUNITY GARDENS

- 1 Cooper Community Gardens
- 2 Dilworth Community Garden
- 3 Dilworth Lutheran Church
- 4 McKinley Youth Garden
- 5 Oak Grove Park Community Garden
- 6 Probstfield Organic Community Garden
- 7 Yunker Farms Community Gardens
- 8 Bobcat Company
- 9 Calvary Methodist Garden
- 10 Cayalyst Medical Center Garden
- 11 Churches United for the Homeless
- 12 Community Homes (Growing Together)
- 13 Faith Lutheran (Journey in Faith)
- 14 Gethsemane Episcopal Cathedral
- 15 Gladys Ray Shelter
- 16 Golden Ridge Neighborhood Garden
- 17 LSS/World Garden (Growing Together)
- 18 Lutheran Church of the Cross
- 19 Nativity Community Garden
- 20 New Life Center
- 21 The Gathering (Growing Together)
- 22 Triumph Lutheran Brethren Church
- 23 Bennett Elementary
- 24 Davies High School
- 25 Ellen Hopkins Elementary
- 26 Horizon Middle School
- 27 Orchard Glen



## Existing Community Gardens in the Fargo-Moorhead Metropolitan Area

### Local Community Gardens

- Public Allotment
- Communal/Limited Access
- School Garden
- Other
- Radius - 1/2 Mile

### Bicycle & Pedestrian Facilities

- Bicycle Facilities
- Transit Facilities

### Environmental Justice Areas

- Minority Areas
- Low Income Areas
- Emerging Food Deserts



## Attachment 5

**To:** Cass-Clay Food Systems Advisory Commission  
**From:** Whitney Oxendahl, Cass-Clay Food Systems Initiative (CCFSI) Steering Committee  
**Date:** July 1, 2015  
**Re:** *Review Draft Blueprint – Community Gardens*

As part of the initial efforts by the Cass-Clay Food Systems Initiative (CCFSI) Steering Committee, a series of blueprints will be created that address current possible gaps and needs with regard to food system issues in the Fargo-Moorhead Metropolitan Area. Moving forward, these documents are intended to provide much of the information and guidance on key food system issues relevant to the area.

Based on input received at the previous meeting regarding prioritization of urban agriculture practices, Attachment 5a is a draft blueprint on community gardens. The draft blueprint highlights background information, benefits and concerns as they relate to the evaluation framework (health, environment, economic and social perspectives), common concerns, and examples of policies and ordinances in other jurisdictions in the United States.

## Community Gardens

This issue brief will provide background information related to community gardens and address the common concerns and benefits from a health, environmental, social, and economic standpoint. The brief will also address how local governments can promote, reduce barriers to, and strengthen the community garden system. An appendix has been provided to share how regional jurisdictions are managing their community garden networks as well as example policy language from other jurisdictions.

### Background

A community garden is a plot of land that a group of people garden together. The land can be publicly or privately owned and can be gardened by either the owners of the land or members of the public that join the garden, or both. True community gardens are open to the general public and provide an area to grow fruits and vegetables. These community gardens provide significant benefits to those who do not have access to their own piece of food-producing land.

An issue within the Fargo-Moorhead Metro Area community gardens system is that of the existing community gardens in the area, only seven are available to the general public as plots, also called **allotment gardens**. The other gardens are available only to specific groups, such as New Americans, religious groups, or schools, and are **communal gardens**.

To understand the community garden landscape in the F-M area, it is important to note the differences between these two types of community gardens:

Table 1. Differences between allotment and communal gardens

Allotment	Communal
Fee to rent plot	Typically no charge
Individual works a small area and gets to keep any produce from that plot	One piece of land gardened by everyone and the produce divided amongst participants. Or, if it is a donation garden, the produce is donated to an organization/group.
Typically, one must travel outside of one's neighborhood to reach plot	More likely located in or near one's neighborhood
Individual can garden at his/her own convenience	Many in F-M have specific times set aside for gardening; one may not be able to participate if unavailable during that time
Individual makes decisions about what to grow	Decide as a group what to grow

Another challenge is that the seven allotment gardens are not well dispersed. The following are those gardens:

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Table 2. Allotment gardens open to the public in the FM metro area

Garden Name	Address	Notes
Cooper Community Gardens	1101 4th Ave N, Fargo	Five plots for non-profit donation and the remaining open to the public. \$25 each.
Dilworth Community Garden	7th Street and 3rd Ave NE, Dilworth	Available to Dilworth residents. No charge.
Dilworth Lutheran Church	406 NE 3rd St, Dilworth	Plots open to anyone in the community. Free of charge, but they ask that individuals donate 10% of the produce.
McKinley Youth Garden	30th Ave N and 10th St N, Fargo	\$10 per plot. Garden intended for youth. Must have a youth to purchase plot.
Oak Grove Park Community Garden	Wildflower Grove Park, Fargo	\$35 full plot / \$20 half plot.
Probstfield Organic Community Garden	11th St N/Oakport St and 43rd Ave N, Moorhead	\$40 per plot.
Yunker Farms Community Garden	1201 28th Ave N, Fargo	\$20 per plot. Does not provide water. On Fargo Parks and Rec land.

Table 3. Summary of community garden approval in local jurisdictions

Moorhead	Dilworth	Clay County	Fargo	West Fargo	Cass County
Not addressed	Not addressed*	Not addressed	Permitted**	Permitted in select zones***	Permitted in select zones****

\*Since it is not specifically permitted within a zone district, it would be considered prohibited unless otherwise approved via the conditional use process. It allows for some discretionary powers with the City Administrator to review for compliance/compatibility with zoning districts and/or applicability of conditional use regulations.

\*\* Community gardens are permitted within all zoning districts with the exception of the General Industrial (GI) zoning district. In the Public and Institutional (P/I) zoning district, community gardens are permitted with conditions.

\*\*\*Residential non-commercial gardening is permitted use in the A district. This use is not addressed in any of the other districts.

\*\*\*\*Community gardens fall under parks and open spaces and are generally permitted by right within most zoning districts. Dimensional standards (minimum lot size, setbacks, etc.) would vary depending on the zoning district and individual township.

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Table 3. Framework for evaluating community gardens

DOMAIN	BENEFIT	CONCERN
Health	<p>Stress-relief by lowering cortisol levels<sup>1</sup></p> <p>Exercise; moderately-intense exercise cuts stroke and heart attack risk in seniors<sup>2</sup></p> <p>May reduce dementia/Alzheimer's risk<sup>3</sup></p> <p>Boosts mental health; may improve depression symptoms<sup>4</sup></p> <p>Increases vitamin D exposure from sun exposure</p> <p>Increases food security for residents</p> <p>Access to fresh, healthy food</p> <p>Promotes healthy eating</p> <p>Increases outdoor activities</p>	
Environment	<p>Restores oxygen to the air</p> <p>Increases recycling of compost and yard trimmings</p> <p>Filters rainwater</p> <p>Provides a diversity of urban plants for pollinators</p>	
Social	<p>Promotes positive social interactions</p> <p>Increases a sense of community ownership and stewardship</p> <p>Promotes intergenerational and cross-cultural connections</p> <p>Provides opportunities to meet neighbors</p> <p>Increases awareness of the food cycle and connection to agriculture</p> <p>Provides a positive family activity</p> <p>Beautifies the neighborhood</p> <p>May increase the amount of fresh produce donated to local food pantries</p> <p>Reduces crime and vandalism in parks and communities</p>	<p>Aesthetically unpleasing for some residents</p> <p>Possible neighborhood or group tension if people disagree on how to run the garden</p>

<sup>1</sup> Van Den Berg AE, Custers, M. 2011. Gardening Promotes Neuroendocrine and Affective Restoration from Stress. *Journal of Health Psychology*. 16(1): 3-11. doi: 10.1177/1359105310365577

<sup>2</sup> Topping, A. 2013. Gardening as good exercise in cutting hear attack risk, study shows. *The Guardian* [online]. [accessed 09 April 2015]. <http://www.theguardian.com/society/2013/oct/28/gardening-exercise-cutting-heart-attack-risk-diy-60-plus>

<sup>3</sup> Simons LA, Simons J, McCallum J, Friedlander Y. 2006. Lifestyle factors and risk of dementia: Dubbo Study of the elderly. *Medical Journal of Australia*. 184(2):68-70.

<sup>4</sup> Harding A. 2011. Why gardening is good for your health. *CNN* [online]. [accessed 09 April 2015]. <http://www.cnn.com/2011/HEALTH/07/08/why.gardening.good/>

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Economic	Provides inexpensive produce for area residents  May increase property values near community gardens (In Milwaukee, property values increased when located within 250 feet of gardens. <sup>5</sup> )	Jurisdiction cost of administering the community garden system or monitoring and addressing issues
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*A concern that does not fit into our four-part framework regards the sustainability of community garden management. A common concern is how a garden will function after a leader/volunteer's life cycle has ended if there is no central body administering the community garden program.*

The following are examples from other communities regarding how their local governments have promoted and strengthened the local community garden system:

1. Create a municipal garden program<sup>6</sup>
  - a. Seattle's P-Patch Community Garden Program, which resides in the city's parks and rec department, acquires land with open space funds to increase community garden availability. There are currently more than 54 operating community gardens throughout Seattle. The accompanying P-Patch Trust works to acquire, build, and preserve the gardens along with providing advocacy, educational, and outreach programs.
2. Create a municipally funded not-for-profit organization
  - a. Chicago's Neighbor Space, funded and operated through the City, Parks District, and Forest Preserve District, acquires property to preserve land for community gardens. The programs acts as a land trust for community gardens and accept liability for each site.
3. Allow zoning for community gardens
  - a. Boston established a specific community garden zoning category as a sub-district within an open space<sup>7</sup> zoning district. (See Appendix B for policy)
4. Create a community garden committee
  - a. San Francisco has a community gardens policy committee to implement community garden objectives from the city's general plan.
5. Provide an accessible inventory of all vacant public and private lots and open space
  - a. New York City's Open Accessible Space Information System Cooperative is a collaboration of federal, state, city nonprofit and private organizations that provide online maps of open space in NYC. Local and state departments provide data and information services, and the USDA Forest Service and Natural Resources Conservation services were founders and funders.
6. Utilize grant funding for community gardens, such as the Federal Government's Community Development Block Grant (CDBG)
  - a. CDBG was created to help cities and states meet the needs of low and moderate-income residents by providing better housing, a suitable living environment, and expanding economic opportunities.
  - b. Madison, WI uses some of its CDBG funds to support its community garden network. [https://www.cityofmadison.com/cdbg/docs/brochure\\_G.pdf](https://www.cityofmadison.com/cdbg/docs/brochure_G.pdf)
7. Provide tax breaks for property owners who are willing to turn their uninhabited land into farms

<sup>5</sup> Bremer, A., Jenkins, K. & Kanter, D. (2003). Community Gardens in Milwaukee: Procedures for their long-term stability & their import to the city.– Milwaukee: University of Wisconsin, Department of Urban Planning.

<sup>6</sup> Local Government Commission. Cultivating Community Gardens: The Role of Local Government in Creating Healthy, Liveable Neighborhoods. [accessed online 11 June 2015]. <http://nccommunitygarden.ncsu.edu/RoleLocalGov.pdf>

<sup>7</sup> Open space: property zoned for public recreational uses or an area to be left in a generally natural state; consult local ordinances for specific jurisdictional definition and requirements.

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- a. In San Francisco, the property owner's land is assessed at the current tax rate for the state's irrigated farmland (about \$12,500 per acre in 2013<sup>8</sup>). (See Appendix B for policy)
8. Other
  - a. Cities, including Boston, Philadelphia, Providence (RI), and New York City have begun using land trusts to acquire and preserve community gardens.
  - b. Des Moines, IA has a community garden program that allows the establishment of community gardens on city right-of-ways and city real property. (See Appendix B for policy)

## Resource

If you have questions, please contact Kim Lipetzky with the Fargo Cass Public Health Office at 701-241-8195 or [klipetzky@cityoffargo.com](mailto:klipetzky@cityoffargo.com).

## Appendix A: Garden Management in Regional Jurisdictions

### **Bismarck, ND**

The Parks and Rec Department provides land use, water, and spring tilling for two community garden locations. They have a volunteer garden coordinator for the gardens and have not had any issues with having the gardens on parks land.

[http://bisparcs.org/facilities/community-gardens/?doing\\_wp\\_cron=1434257656.0033879280090332031250](http://bisparcs.org/facilities/community-gardens/?doing_wp_cron=1434257656.0033879280090332031250)

### **Duluth, MN**

Duluth Community Garden Program (DCGP) is a non-profit that administers 17 community garden sites. They rent the plots on a sliding fee scale where gardeners pay based on their income.

<http://www.duluthcommunitygarden.org/index.html>

### **Grand Forks, ND**

The Parks District has a 36-plot community garden coordinated by a horticulturalist on staff. The Parks District provides the maintenance by tilling in the spring and fall and landscaping the garden's perimeter. Another option for local gardeners is renting one of the 100 plots in a garden run by a local business, All Seasons Garden Center.

<http://www.grandforksherald.com/content/community-garden-concept-catches-grand-forks>

### **Lincoln, NE**

Community Crops is a non-profit organizations that administers 12 community garden sites. They have five full-time staff, three AmeriCorps members, and community volunteers. They are funded by local and national sources such as foundations, the Community Development Block Grant (mentioned above), USDA programs, individuals and businesses. Plot fees are assessed on a sliding scale and funding assistance is available.

<http://www.communitycrops.org/>

### **Mankato, MN**

Heart & Soil Community Gardens, a grassroots community-driven group, has a single pilot garden starting this year (2015). The City is providing park property and the garden is funded by a mini-grant. The organizers' goal is to have 20 community gardens by the year 2020.

### **Minneapolis, MN**

Gardening Matters, an independent non-profit serving the Twin Cities and Minnesota, manages a database of community gardens to easily connect gardeners with their local garden networks. The organization provides online

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<sup>8</sup> Bland, A. 2014. NPR [online] Tax Breaks May Turn San Francisco's Vacant Lots Into Urban Farms. Accessed 2015 May 26. <http://www.npr.org/sections/thesalt/2014/09/09/347141038/tax-breaks-may-turn-san-franciscos-vacant-lots-into-urban-farms>

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resources, holds community events, advocates for supportive public policy, and remains a central hub for supporting and strengthening neighborhood garden networks. They also provide training and resources for those who would like to start a new community garden and are funded by individuals and foundations.

<http://www.gardeningmatters.org/>

## **Rochester, MN**

The City has two community garden sites administered by the Parks and Rec Department.

<http://www.rochestermn.gov/departments/parks-and-recreation/rentals-reservations/garden-plots>

## **Sioux Falls, SD**

The community garden network is a cooperative effort involving the Minnehaha County Master Gardeners, SDSU Extension, the City of Sioux Falls (Parks Department), and community volunteers. The Master Gardeners Club and Extension run the program and the Parks Department donates the land.

<https://www.siouxfalls.org/parks/parks/community-gardens.aspx>

## Appendix B: Example Ordinances

### **Boston, MA**

#### ARTICLE 33

#### OPEN SPACE SUBDISTRICTS

(;Article inserted on March 8, 1988)

SECTION 33-1. Preamble. This article supplements the creation of an open space district (OS) designation, which under Text Amendment No. 101 can be given to public lands or, with the written consent of the owner, to private property. The open space district and nine open space subdistricts, taken together, present a comprehensive means for protecting and conserving open spaces through land use regulations. The open space (OS) designation and an open space subdistrict designation can be used in conjunction with each other, thus establishing for the land so designated the particular restrictions of one of the subdistricts: community garden, parkland, recreation, shoreland, urban wild, waterfront access area, cemetery, urban plaza, or air-right. Land can be given the OS designation, however, without the simultaneous designation of a particular subdistrict, such as "park" or "garden," where the desired subdistrict designation is yet to be determined. This system instills flexibility into the regulation of open space.

SECTION 33-8. Community Garden Open Space Subdistricts. Community Garden open space (OS-G) subdistricts shall consist of land appropriate for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity; such land may include Vacant Public Land.

<http://www.bostonredevelopmentauthority.org/getattachment/cf439d3c-76ed-42ea-89d0-eaf0917468c3>

### **Cleveland, OH**

#### § 336.01 Urban Garden District

The "Urban Garden District" is hereby established as part of the Zoning Code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.

(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

#### § 336.02 Definitions

(a) "Community garden" means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(b) "Market garden" means an area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.

(c) "Greenhouse" means a building made of glass, plastic, or fiberglass in which plants are cultivated.

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(d) "Hoophouse" means a structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape.

(e) "Coldframe" means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

## § 336.03 Permitted Main Uses

Only the following main uses shall be permitted in an Urban Garden District:

- (a) Community gardens which may have occasional sales of items grown at the site;
- (b) Market gardens, including the sale of crops produced on the site.

(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

## § 336.04 Permitted Accessory Uses

Only the following accessory uses and structures shall be permitted in an Urban Garden District:

- (a) Greenhouses, hoophouses, cold-frames, and similar structures used to extend the growing season;
- (b) Open space associated with and intended for use as garden areas;
- (c) Signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign, in conformance with the regulations of Section 336.05;
- (d) Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas;
- (e) Buildings, limited to tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, in conformance with the regulations of Section 336.05;
- (f) Off-street parking and walkways, in conformance with the regulations of Section 336.05.

(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

## § 336.05 Supplemental Regulations

Uses and structures in an Urban Garden District shall be developed and maintained in accordance with the following regulations.

- (a) Location. Buildings shall be set back from property lines of a Residential District a minimum distance of five (5) feet.
- (b) Height. No building or other structure shall be greater than twenty-five (25) feet in height.
- (c) Building Coverage. The combined area of all buildings, excluding greenhouses and hoophouses, shall not exceed fifteen percent (15%) of the garden site lot area.
- (d) Parking and Walkways. Off-street parking shall be permitted only for those garden sites exceeding fifteen thousand (15,000) square feet in lot area. Such parking shall be limited in size to ten percent (10%) of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be paved with pervious paving material. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.
- (e) Signs. Signs shall not exceed four (4) square feet in area per side and shall not exceed six (6) feet in height.
- (f) Seasonal Farm Stands. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
- (g) Fences. Fences shall not exceed six (6) feet in height, shall be at least fifty percent (50%) open if they are taller than four (4) feet, and shall be constructed of wood, chain link, or ornamental metal. For any garden that is fifteen thousand (15,000) square feet in area or greater and is in a location that is subject to design review and approval by the City Planning Commission or Landmarks Commission, no fence shall be installed without review by the City Planning Director, on behalf of the Commission, who may confer with a neighborhood design review committee, if one exists, so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties.

(Ord. No. 208-07. Passed 3-5-07, eff. 3-9-07)

## Des Moines, IA

### ARTICLE VII. - GARDENS AND PLANTS ON CITY-OWNED RIGHT-OF-WAY AND CITY PROPERTY

#### Sec. 74-201. - Garden leases.

- (a) Persons or entities desiring to plant or place flowers, plants, or shrubs in a permanent structure on any city right-of-way or city real property shall execute a garden lease which identifies all areas of the proposed planting or placement, and shall abide by the terms of such lease, including insurance and indemnification responsibilities, if any,

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established by the city risk manager. Persons or entities executing a garden lease shall be exempt from the permit requirements of section 102-660 of this Code.

(b) The garden lease shall be denied if such plantings or placement is likely to create a public danger or nuisance or would be harmful to existing trees, shrubs, flowers, plants or facilities, as determined by the city engineer.

(c) For purposes of this article, city right-of-way means the surface and space above and below any public street, boulevard or sidewalk, but does not include the border area as defined in section 102-1 of this Code and governed by section 102-2 of this Code.

(d) Persons or entities desiring to maintain city property that abuts their property or is located on neighboring property shall execute a lease which shall set forth the duties associated with the use of the property.

(O.14,314, 14,366)

Sec. 74-202. - Administration.

The park and recreation director shall be responsible for the administration of the garden leases. The director of the park and recreation department, or his or her designee, is authorized to execute garden leases on city right-of-way and other city real property on behalf of the city and may delegate any or all of his or her duties under this article.

## **Kansas City, MO**

### **88-312-02-B. Community Garden**

An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. The Community Garden must comply with the lot and building standards for its zoning district. All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended. Community garden group members may or may not reside on the subject property. Sales and donation of only whole, uncut, fresh food and/or horticultural products grown in the community garden may occur on-site on otherwise vacant property, but may not occur on residentially zoned and occupied property, except property zoned R-80. Row crops are not permitted in the front yard of a residentially zoned and occupied property, except property zoned R-80, if whole, uncut fresh food and/or horticultural products grown in the community garden are donated or sold onsite. "Row crops" shall be defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height. "Row crops" shall not mean cultivated or attended trees, bushes, or shrubbery less than 6 feet in height, or trees in excess of 6 feet in height, and shall not include grain, fruit or vegetable plants that are part of the front yard's borders, that extend no more than 5 feet from the side property lines or from the front of the principal building. A community garden may be a principal or accessory use. Any area of land that is managed and maintained in a manner that fits within the description of Community Supported Agriculture in 88-312-02-C cannot be considered to be a Community Garden.

<http://www.cityfarmer.info/2010/06/10/local-groups-pleased-with-new-kansas-city-urban-agriculture-codes/>

## **San Francisco, CA**

### **Assembly Bill No. 551, Chapter 406**

An act to add Chapter 6.3 (commencing with Section 51040) to Part 1 of Division 1 of Title 5 of the Government Code, and to amend Section 402.1 of, and to add Section 422.7 to, the Revenue and Taxation Code, relating to local government.

[ Approved by Governor September 28, 2013. Filed with Secretary of State September 28, 2013. ]

### **LEGISLATIVE COUNSEL'S DIGEST**

AB 551, Ting. Local government: urban agriculture incentive zones.

(1) Existing law, the Williamson Act, authorizes a city or county to enter into 10-year contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Existing law authorizes the parties to a Williamson Act contract to mutually agree to rescind a contract under the act in order to simultaneously enter into an open-space easement for a certain period of years.

This bill would enact the Urban Agriculture Incentive Zones Act and would authorize, under specified conditions and until January 1, 2019, a city, county, or city and county and a landowner to enter into a contract to enforceably restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry. The bill would require a contract entered into pursuant to these provisions to, among other things, be for a term of no less than 5 years and to enforceably restrict property that is at least 0.10 acres in size.

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(2) Existing law requires the county assessor to consider, when valuing real property for property taxation purposes, the effect of any enforceable restrictions to which the use of the land may be subjected. Under existing law these restrictions include, but are not limited to, zoning, recorded contracts with governmental agencies, and various other restrictions imposed by governments.

This bill would require the county assessor to value property that is enforceably restricted by a contract entered into pursuant to the Urban Agriculture Incentive Zones Act at the rate based on the average per-acre value of irrigated cropland in California, adjusted proportionally to reflect the acreage of the property under contract, as most recently published by the National Agricultural Statistics Service of the United States Department of Agriculture. The bill would also require the State Board of Equalization to post the per-acre land value as published by the National Agricultural Statistics Service of the United States Department of Agriculture on its Internet Web site within 30 days of publication, and to provide the rate to county assessors no later than January 1 of each assessment year.

## DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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## BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### SECTION 1.

Chapter 6.3 (commencing with Section 51040) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

#### CHAPTER 6.3. Urban Agriculture Incentive Zones 51040.

This chapter shall be known, and may be cited, as the Urban Agriculture Incentive Zones Act.  
51040.1.

The Legislature finds and declares that it is in the public interest to promote sustainable urban farm enterprise sectors in urban centers.

The Legislature further finds and declares the small-scale, active production of marketable crops and animal husbandry, including, but not limited to, foods, flowers, and seedlings, in urban centers is consistent with, and furthers, the purposes of this act.

#### 51040.3.

For purposes of this chapter, the following terms have the following meanings:

(a) "Urban" means an area within the boundaries of an urbanized area, as that term is used by the United States Census Bureau, that includes at least 250,000 people.

(b) "Urban Agriculture Incentive Zone" means an area within a county or a city and county that is comprised of individual properties designated as urban agriculture preserves by the county or the city and county for farming purposes.

(c) "Agricultural use" means farming in all its branches including, but not limited to, the cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of any agricultural or horticultural products, the raising of livestock, bees, fur-bearing animals, dairy-producing animals, and poultry, agricultural education, the sale of produce through field retail stands or farms stands as defined by Article 5 (commencing with Section 47030) of Chapter 10.5 of Division 17 of the Food and Agricultural Code, and any practices performed by a farmer or on a farm as an incident to or in conjunction with farming operations. For purposes of this chapter, the term "agricultural use" does not include timber production.

#### 51042.

(a) (1) (A) A county or city and county may, after a public hearing, establish by ordinance an Urban Agriculture Incentive Zone within its boundaries for the purpose of entering into enforceable contracts with landowners, on a voluntary basis, for the use of vacant, unimproved, or blighted lands for small-scale agricultural use.

(B) A city may, after a public hearing and approval from the board of supervisors of the county in which the city is located, establish by ordinance an Urban Agriculture Incentive Zone within its boundaries for the purpose of entering into enforceable contracts with landowners, on a voluntary basis, for the use of vacant, unimproved, or blighted lands for small-scale agricultural use.

(2) Following the adoption of the ordinance pursuant to paragraph (1), a city, county, or city and county that has established an Urban Agriculture Incentive Zone within its boundaries may adopt rules and regulations consistent

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with the city, county, or city and county's zoning and other ordinances, for the implementation and administration of the Urban Agriculture Incentive Zone and of contracts related to that Urban Agriculture Incentive Zone.

(A) The city, county, or city and county may impose a fee upon contracting landowners for the reasonable costs of implementing and administering contracts.

(B) The city, county, or city and county shall impose a fee equal to the cumulative value of the tax benefit received during the duration of the contract upon landowners for cancellation of any contract prior to the expiration of the contract, unless the city, county, or city and county makes a determination that the cancellation was caused by extenuating circumstances despite the good faith effort by the landowner.

(b) Following the adoption of the ordinance as required by subdivision (a), a city, county, or a city and county may enter into a contract with a landowner to enforceably restrict the use of the land subject to the contract to uses consistent with urban agriculture. Any contract entered into pursuant to this chapter shall include, but is not limited to, all of the following provisions:

(1) An initial term of not less than five years.

(2) A restriction on property that is at least 0.10 acres, and not more than three acres.

(3) A requirement that the entire property subject to the contract shall be dedicated toward commercial or noncommercial agricultural use.

(4) A prohibition against any dwellings on the property while under contract.

(5) A notification that if a landowner cancels a contract, a city, county, or city and county is required to assess a cancellation fee, pursuant to subparagraph (B) of paragraph (2) of subdivision (a).

(c) A contract entered into pursuant to this chapter shall not prohibit the use of structures that support agricultural activity, including, but not limited to, toolsheds, greenhouses, produce stands, and instructional space.

(d) A contract entered into pursuant to this chapter that includes a prohibition on the use of pesticide or fertilizers on properties under contract shall permit those pesticides or fertilizers allowed by the United States Department of Agriculture's National Organic Program.

(e) A city, county, or city and county shall not enter into a new contract, or renew an existing contract pursuant to this chapter after January 1, 2019. Any contract entered into pursuant to this chapter on or before January 1, 2019, shall be valid and enforceable for the duration of the contract.

(f) Property subject to a contract entered into pursuant to this chapter shall be assessed pursuant to Section 422.7 of the Revenue and Taxation Code during the term of the contract.

(g) A county or a city and county shall not establish an Urban Agriculture Incentive Zone within any portion of the spheres of influence of a city unless the legislative body of the city has consented to the establishment of the Urban Agriculture Incentive Zone.

(h) A city, county, or city and county shall not establish an Urban Agriculture Incentive Zone in any area that is currently subject to, or has been subject to within the previous three years, a contract pursuant to the Williamson Act (Article 1 (commencing with Section 51200) of Chapter 7 of Part 1 of Division 1 of Title 5).

## SEC. 2.

Section 402.1 of the Revenue and Taxation Code is amended to read:

### 402.1.

(a) In the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. These restrictions shall include, but are not limited to, all of the following:

(1) Zoning.

(2) Recorded contracts with governmental agencies other than those provided in Sections 422, 422.5, and 422.7.

(3) Permit authority of, and permits issued by, governmental agencies exercising land use powers concurrently with local governments, including the California Coastal Commission and regional coastal commissions, the San Francisco Bay Conservation and Development Commission, and the Tahoe Regional Planning Agency.

(4) Development controls of a local government in accordance with any local coastal program certified pursuant to Division 20 (commencing with Section 30000) of the Public Resources Code.

(5) Development controls of a local government in accordance with a local protection program, or any component thereof, certified pursuant to Division 19 (commencing with Section 29000) of the Public Resources Code.

(6) Environmental constraints applied to the use of land pursuant to provisions of statutes.

(7) Hazardous waste land use restriction pursuant to Section 25240 of the Health and Safety Code.

(8) A recorded conservation, trail, or scenic easement, as described in Section 815.1 of the Civil Code, that is granted in favor of a public agency, or in favor of a nonprofit corporation organized pursuant to Section 501(c)(3) of the

# Attachment 5a

Internal Revenue Code that has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use.

(9) A solar-use easement pursuant to Chapter 6.9 (commencing with Section 51190) of Part 1 of Division 1 of Title 5 of the Government Code.

(b) There is a rebuttable presumption that restrictions will not be removed or substantially modified in the predictable future and that they will substantially equate the value of the land to the value attributable to the legally permissible use or uses.

(c) Grounds for rebutting the presumption may include, but are not necessarily limited to, the past history of like use restrictions in the jurisdiction in question and the similarity of sales prices for restricted and unrestricted land. The possible expiration of a restriction at a time certain shall not be conclusive evidence of the future removal or modification of the restriction unless there is no opportunity or likelihood of the continuation or renewal of the restriction, or unless a necessary party to the restriction has indicated an intent to permit its expiration at that time.

(d) In assessing land with respect to which the presumption is unrebutted, the assessor shall not consider sales of otherwise comparable land not similarly restricted as to use as indicative of value of land under restriction, unless the restrictions have a demonstrably minimal effect upon value.

(e) In assessing land under an enforceable use restriction wherein the presumption of no predictable removal or substantial modification of the restriction has been rebutted, but where the restriction nevertheless retains some future life and has some effect on present value, the assessor may consider, in addition to all other legally permissible information, representative sales of comparable lands that are not under restriction but upon which natural limitations have substantially the same effect as restrictions.

(f) For the purposes of this section the following definitions apply:

(1) "Comparable lands" are lands that are similar to the land being valued in respect to legally permissible uses and physical attributes.

(2) "Representative sales information" is information from sales of a sufficient number of comparable lands to give an accurate indication of the full cash value of the land being valued.

(g) It is hereby declared that the purpose and intent of the Legislature in enacting this section is to provide for a method of determining whether a sufficient amount of representative sales information is available for land under use restriction in order to ensure the accurate assessment of that land. It is also hereby declared that the further purpose and intent of the Legislature in enacting this section and Section 1630 is to avoid an assessment policy which, in the absence of special circumstances, considers uses for land that legally are not available to the owner and not contemplated by government, and that these sections are necessary to implement the public policy of encouraging and maintaining effective land use planning. This statute shall not be construed as requiring the assessment of any land at a value less than as required by Section 401 or as prohibiting the use of representative comparable sales information on land under similar restrictions when this information is available.

## SEC. 3.

Section 422.7 is added to the Revenue and Taxation Code, to read:

### 422.7.

(a) For purposes of this section, the term "open-space land" includes land subject to contract for an urban agricultural incentive zone, as defined in subdivision (b) of Section 51040.3 of the Government Code. For purposes of this section, open-space land is enforceably restricted within the meaning of Section 8 of Article XIII of the California Constitution if it is subject to an urban agriculture incentive zone contract.

(b) (1) Open-space land subject to contract for an urban agricultural incentive zone pursuant to Section 52010.3 shall be valued for assessment at the rate based on the average per-acre value of irrigated cropland in California, adjusted proportionally to reflect the acreage of the property under contract, as most recently published by the National Agricultural Statistics Service of the United States Department of Agriculture.

(2) Notwithstanding the published rate, the valuation resulting from the section shall not exceed the lesser of either the valuation that would have resulted by a calculation under Section 110, or the valuation that would have resulted by a valuation under Section 110.1, as though the property was not subject to an enforceable restriction in the base year.

(c) The State Board of Equalization shall post the per-acre land value as published by the National Agricultural Statistics Service of the United States Department of Agriculture on its Internet Web site within 30 days of publication, and shall provide the rate to county assessors no later than January 1 of each assessment year.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB551](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB551)

## Attachment 6

**To:** Cass-Clay Food Systems Advisory Commission  
**From:** Kim Lipetzky, Fargo Cass Public Health  
**Date:** July 1, 2015  
**Re:** *Online Community Input*

In order to keep the Food Systems Advisory Commission apprised of various issues and inquiries raised by the community, the Cass-Clay Food Systems Initiative (CCFSI) Steering Committee will keep a record of questions and comments received on behalf of the public and will review them with Commission members on a continuing basis. These will include public comments received through the City of Fargo *Let's Eat Local* website ([LetsEatLocal.org](http://LetsEatLocal.org)) and other venues.

Attachment 7a includes questions and comments regarding food systems issues submitted to the City of Fargo and Fargo Cass Public Health from May to June 2015. Names have been redacted to ensure the privacy of each of the individuals.

# Attachment 6a

## Online Community Input

### **Date: June 24, 2015**

I am really sorry, I would like to fill this out (*urban agriculture survey*) but it is difficult for me as I am not good at computers. I will only tell you that I think being able to keep chickens, bees, etc. in Fargo is very important.

I appreciate things such as Farmer Markets and am happy to hear one will be coming downtown. CSAs are important. I like organic food and purchase it whenever possible and am very concerned about pesticides.

I appreciate being on your email list even though I am afraid I have never shown up to your meetings but do take an interest and really admire you that "walk the walk." Thank you.

Other ideas: Last year downtown had some tiny tomato plants. That kind of died out. I love that type of stuff and maybe city forestry, etc. could do some tiny plantings in the pots or little gardens. It adds interest and let's face it, we ARE different than the malls, etc. Thank goodness.

I live in an area where I would like more "eccentricity." South 8th Street. A few years ago, we had fabulous neighbors who had chickens and bees AND WERE wonderfully different neighbors. I just want more of that. It is getting kind of cookie cutter around here though I do like my neighbors. Can you see if we can go on the boulevard? I thought we could not. It would be fun if we could someday do that (with strict regulations, of course).

*(Note: she was sent a "hard copy" of the Urban agriculture survey so was able to prioritize issues)*

### **Date: June 29, 2015**

I grow a large vegetable garden in my backyard. I sometimes have trouble finding folks to eat all I grow. As for a few chickens in the city backyards I have no problem with it as long as the number is limited. There probably needs to be some laws enacted, and what if the neighbor's cat gets in the hen house and has a chicken dinner? What about the chickens attracting more wild animals, like foxes? I live near the river and we have had problems with raccoons from time to time.

### **Date: June 29, 2015**

Examples of Avian flu or salmonella concerns or other conditions that might contribute to health issues in humans will need to be dealt with, if various animals other than pet dogs or cats are allowed within City limits. Would all City animals be required to be seen by veterinarians? Some animals become a nuisance to the already-existing neighborhood pets. Will the City be responsible to notify the next-door neighbors who have lived in their homes nearly 30 years, that animals are living on the other side of their own existing fence? This past Spring, 3 chicken hawks could be seen circling a yard where chickens are kept, rodents may be attracted to the animal's feed, the smell is unpleasant, and the sounds of hens laying jumbo eggs is often disruptive to neighbors. Will owners of new animals be required to have the consent of the immediate neighboring yard owners? (And what will be the number of animals allowed per backyard?) Gardens, flowers and landscaping can add much to the tranquility of our spaces.

# Attachment 7

**To:** Cass-Clay Food Systems Advisory Commission  
**From:** Heidi Durand, Chair  
**Date:** July 1, 2015  
**Re:** *Public Comment Opportunity*

The Public Comment Opportunity is an open forum for the public to provide comments about specific items on this meeting's agenda, as well as any other issues that may pertain to food systems policies, programs, or documents.

Comments to the Cass-Clay Food Systems Advisory Commission will be limited to one (1) minute per individual or at the discretion of the Food Systems Advisory Commission Chair.