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: September 4, 2015
RE: Cass-Clay Food Systems Advisory Commission Agenda and Correspondence

4th Meeting of the
Cass-Clay Food Systems Advisory Commission

September 9, 2015 10:30 am – 12:00 pm

Location: Fargo City Commission Chambers

10:30 am 1. Welcome

a. Approve Order & Contents of the Overall Agenda
b. Review & Action on Minutes from July 8, 2015 **(Attachment 1)**

10:35 am 2. Community Gardens

a. Fargo-Moorhead Metro Area Community Garden Information **(Attachment 2)** – Megan Myrdal
b. Community Garden Blueprint **(Attachment 3)** – Whitney Oxendahl

10:55 am 3. Urban Bees

a. Urban Bees Education **(Attachment 4a and 4b)** – Megan Myrdal
b. Urban Bees Blueprint **(Attachment 5)** – Whitney Oxendahl

11:15 am 4. 2015-2016 Sustainability Plan **(Attachment 6)** – Megan Myrdal
11:30 am 5. Community Orchards Grant Opportunity – Kim Lipetzky
11:35 am 6. Online Community Input **(Attachment 7)** – Kim Lipetzky
11:40 am 7. Public Comment Opportunity – Chair Durand
11:45 am 8. Commission & Steering Committee Roundtable
11:55 am 9. Commission Action Steps
Next Meeting – November 4, 2015
12:00 pm 10. Adjournment

Cass-Clay Food Systems Advisory Commission meetings are taped and rebroadcast on cable channel TV Fargo 56 each Friday at 11:00 am.

People with disabilities who plan to attend this meeting and need special accommodations should contact Kate Wurtzler at Metro COG at 701.232.3242 x0. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Meeting minutes are available on the City of Fargo Let's Eat Local website at **www.letseatlocal.org** and Metro COG's website at **www.fmmetrocog.org**.

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

Attachment 1

3rd Meeting of the
Cass-Clay Food Systems Advisory Commission
July 8th, 2015
Fargo Commission Chambers

Members Present:
Heidi Durand, Moorhead City Council, Chair
Arland Rasmussen, Cass County Commission
Mike Thorstad, West Fargo City Commission
Jenny Mongeau, Clay County Commission
Jim Aasness, Dilworth City Council
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:
Mike Williams, Fargo City Commission

Others Present:
Megan Myrdal, Project Coordinator
Kim Lipetzky, Fargo Cass Public Health
Gina Nolte, Clay County Public Health/PartnerSHIP4Health
Rita Ussatis, North Dakota State University Extension
Noelle Harden, University of Minnesota Extension
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. Paul and seconded by Mr. Evert. The motion was voted on unanimously approved.

3. Review and Action on Minutes from May 13, 2015
A motion to approve the minutes was made by Ms. Baumgardner and seconded by Mr. Aasness. The motion was voted on and unanimously approved.

4. Results of Urban Agriculture Prioritization Surveys
Ms. Myrdal explained that at the Commission meeting in May 2015, members were asked to complete an urban agriculture prioritization survey ranking the five areas of urban agriculture, as well as the specific individual topics within those areas. Ms. Myrdal stated that the Commission had chosen urban growing as the most important issue followed by sales, farming practices, food safety/processing, and urban animals. Ms. Myrdal informed the Commission that a similar survey was created online for members of the community and that the Steering Committee had received 117 responses. Ms. Myrdal stated that community members had also chosen urban growing as the most important issue to pursue followed by farming practices, urban animals, safety/processing, and sales. Ms. Myrdal

explained that there were minor differences to the survey that the Commission completed and the survey community members completed. Ms. Myrdal stated that community gardens, a topic within the urban growing category, was ranked highest by both the Commission and the community.

Chair Durand expressed that she was happy to see that the community had ranked urban growing similar to that as Commission members.

5. Community Garden Education

Ms. Myrdal presented an overview on community garden programs including the purpose, common structures, types, and different programs in the region and nationally. Ms. Myrdal explained that gardens can be sponsored by any number of different organizations including city departments, civic organizations, non-profits, and religiously-affiliated groups. Ms. Myrdal explained that community gardens provide a number of benefits including fresh produce, physical activity, neighborhood improvements, sense of community, improved food security, a venue for sharing food production knowledge, and a connection to the environment.

Ms. Myrdal explained that there are five types of community gardens. Ms. Myrdal stated that donation and shelter gardens provide nourishment to people who may be in need of fresh, healthy produce. Ms. Myrdal explained that school and youth gardens concentrate on educating and encouraging youth to garden and help to instill a healthy lifestyle and that some of the produce may then be utilized in school cafeterias. Ms. Myrdal stated that communal gardens are where groups of people work together on a garden with an equal sharing of the crops produced. Ms. Myrdal explained that allotment gardens are for people who wish to individually rent a plot for independent use. Ms. Myrdal concluded with information on market gardens which facilitate the earning of money from the sales of the produce.

Ms. Myrdal shared two examples of community garden programs in the United States: Community Crops in Lincoln, Nebraska and P-Patch Community Gardening in Seattle, Washington. Ms. Myrdal explained that Community Crops includes 12 community gardens, training farm, CSA program, youth garden, cooking education program, and a produce stand at the local farmer's market. Ms. Myrdal explained that Community Crops is supported by five full-time staff, three AmeriCorps volunteers, a number of farmers and other volunteers, and a 14-member Board of Directors. Ms. Myrdal explained that funding comes from a variety of sources both locally and nationally including the USDA, AmeriCorps, and the United Way.

Ms. Myrdal explained that the P-Patch program in Seattle, Washington functions under the Department of Neighborhoods with 88 garden locations encompassing 32 acres throughout the city. Ms. Myrdal explained that, because of high demand, the city passed a parks and green space levy which allocated $2 million in funding for an additional 28 gardens over 8.1 acres of land.

Ms. Myrdal shared information on Growing Together – A Community Gardening Ministry sponsored jointly by Olivet Lutheran Church and Fargo First United Methodist Church. Ms. Myrdal stated that the program has run for right years, with over 200 individuals and families coming together each week during the growing season to tend to the gardens. Ms. Myrdal stated that many of the individuals that grow and harvest produce from the gardens are New Americans. Ms. Myrdal informed the Commission that Jack Wood, coordinator for Growing Together, was in the audience to answer additional questions on the program.

Ms. Myrdal also shared information on Probstfield Organic Community Gardens, which encompasses three acres with 100 plots and 80 gardens for individual use. Ms. Myrdal stated that Probstfield Organic Community Gardens has been in operation since 2003 and that it is host to Legacy Gardens, a successful market garden business.

6. Fargo-Moorhead Metropolitan Area Community Garden Map
Mr. Altenburg informed the Commission of an updated map Metro COG had developed which documented existing gardens in the Fargo-Moorhead Metropolitan Area. Mr. Altenburg explained that gardens had been categorized according to whether they were allotments – which are gardens available to the general public as plots; or communal – which are available only to specific groups such as New Americans or religious organization. Mr. Altenburg explained that in addition to these, school gardens at local area elementary and high schools were also included. Mr. Altenburg stated that this map was developed to better inform the community garden blueprint developed by the Steering Committee.

7. Review Draft Blueprint – Community Gardens
Ms. Oxendahl explained to the Commission that the Steering Committee was developing a blueprint on community gardens as that had been one of the highest ranked priorities by both the Commission and the community through online surveys. Ms. Oxendahl explained that the blueprint looked at the most common types of community gardens in the Fargo-Moorhead Metropolitan Area – allotments and communal.

Ms. Oxendahl explained that allotments are usually fee-based where individuals work a small area for their own benefit. Ms. Oxendahl explained that allotments are usually outside a resident's current neighborhood. Ms. Oxendahl explained that communal gardens are usually free of charge, where individuals work a garden together, with produce sometimes donated if it is a donation garden. Ms. Oxendahl stated that communal gardens are more likely to be found closer to where a person lives. Ms. Oxendahl explained that of the seven allotment gardens in the Fargo-Moorhead Metropolitan Area, they are not well dispersed, especially in southern portions of the area.

Ms. Oxendahl explained the framework for evaluating community gardens including health, environment, social, and economic domains. Ms. Oxendahl explained that health benefits of community gardens included stress-relief, increased food security, access to fresh food, promote healthy eating, and increased outdoor activity. Ms. Oxendahl explained that community gardens also provide a diversity of urban plants for pollinators, promote positive social interactions, beautify neighborhoods, reduce crime and vandalism, an may increase property values.

Ms. Oxendahl shared that the sustainability of community garden management is often a concern in the long-term. Ms. Oxendahl explained several examples of how local governments in other communities have strengthened the local community garden system. Ms. Oxendahl stated two ideas for strengthening a local community garden system include creating a municipal garden program or trust such as Seattle's P-Patch Community Garden Program or a municipally funded non-profit such as Chicago's Neighbor Space. Ms. Oxendahl listed other examples for strengthening systems include allowing zoning for community gardens, creating a community garden committee, providing an accessible inventory of vacant lots and open space, utilizing grant funding such as the federal Community Development Block Grant (CDBG), and providing tax breaks for property owners who are willing to turn over all or part of their land for gardening purposes.

Mr. Thorstad asked if any jurisdictions have developed programs which encourage private plots at multi-family residences or apartment complexes. Ms. Oxendahl stated that she believed that would be analyzed in a different residential blueprint. Ms. Myrdal stated that some of the concerns with private land would be liability and how land owners would respond to the possibility of the public using such plots. Mr. Thorstad clarified that plots would still be private but that, instead of dedicating land and/or cash to parks, multi-family developers could also dedicate land to garden space. Chair Durand brought up the point that retirement living facilities may have these types of gardens and that it would not be

dissimilar to the idea proposed by Mr. Thorstad. Ms. Haugen stated that another option would be for apartment owners to plant fruit trees around their properties.

Ms. Paul asked whether developers could preclude the development of community gardens in covenants contrary to what city codes may say. Chair Durand stated that she believed that would be the case.

Ms. Nolte stated that many of these questions could be addressed in an upcoming blueprint that focuses on residential gardens and looking at incentives for developing gardens in new developments.

Ms. Baumgardner stated that she believed that a type of governing or key support structure would be advantageous in that it could coordinate and support community garden development in the Fargo-Moorhead Metropolitan Area.

8. Community Garden Discussion and Recommended Actions
Chair Durand opened up discussion on what ideas the Commission had to create a successful and sustainable program on community gardening development.

Ms. Arneson stated she appreciated the work the Commission was doing but felt it would be good to respect the sovereignty of each neighborhood each with their individual assets and strengths.

Ms. Baumgardner stated that one central structure with regard to community gardens would assist with funding opportunities, including federal funding, while still respecting smaller groups and organizations.

Mr. Wood from Growing Together, a community garden ministry, stated that on May 30 their organization recognized Community Garden Day. Mr. Wood stated this brought additional volunteers to nine gardens in the Fargo-Moorhead Metropolitan Area. Mr. Wood stated that New Americans made up 75 percent of the organization while 25 percent were volunteers.

Ms. Mongeau stated it would be beneficial for Commission members to have conversations with their respective jurisdictions and speak with their city or county administrators about adding language to codes that may better promote community gardening. Chair Durand asked what would be a plausible timeline for these discussions to occur. Mr. Thorstad felt that the current surveys were limited in gauging public interest. Mr. Thorstad also stated that it would be necessary to involve park departments in discussions on community gardens on the North Dakota side. Chair Durand stated it may be beneficial to take the surveys back to their jurisdictions and incorporate it into future city notifications.

Mr. Thorstad suggested it would be helpful to know what prior surveys have been conducted in each of the jurisdictions with regard to demand for community gardening. Ms. Mongeau stated she would like to see clarification in how each of the jurisdictions addresses community gardening. Ms. Lipetzky stated that the Go2030 Comprehensive Plan for the City of Fargo included questions on whether residents would like to see more gardening opportunities or not. Ms. Arneson stated it would be good to know how many of those respondents lived in multi-family units versus single-family homes.

Ms. Nolte asked Commission members what information would be helpful to bring back to their jurisdictions. Ms. Mongeau stated that the information provided in the blueprint would be helpful to begin with.

Mr. Evert asked for clarification on the blueprint on whether community gardens were prohibited in Dilworth as opposed to Moorhead and Clay County where the issue is simply not addressed. Ms.

Oxendahl stated based on the Metropolitan Food Systems Plan and recent conversations with each of the jurisdictions that the information is currently accurate as they had not given any additional information.

Chair Durand asked whether Commission members wanted to set a timeframe to discuss community gardens and related urban agriculture issues with their respective jurisdictions. Chair Durand stated that a timeline would hold Commission members more accountable and responsible. Chair Durand stated that she felt September would give Commission members adequate time to discuss issues within their jurisdictions. Ms. Mongeau stated that that timeline seemed appropriate to have discussions.

Mr. Thorstad stated it would be beneficial to know what the expectations would be for whoever was providing space for community gardens for items such as water, upkeep, and security, and the possible costs associated for each. Chair Durand stated that these would be similar question asked of her at the Moorhead City Council meeting.

Mr. Wood stated Growing Together is responsible for all of its expenses for its gardens such as tilling, cleaning and maintenance, and water usage fees. Mr. Wood felt that the Commission would not get very far if it were to ask jurisdictions directly for funding or infrastructure development. Mr. Wood stated that it may be better to locate properties such as churches that may want to start a garden and may be willing to donate basic materials, with recent examples such as the New Life Center and Churches United.

Chair Durand reiterated Mr. Wood's comments that cities may be reluctant to become involved in community gardening activities. Chair Durand related her experiences with the Moorhead Park Board when a plan to turn neighborhood open spaces into neighborhood gardens was shot down because of concerns of who would supervise and provide the necessary upkeep. Chair Durand stated that the City of Moorhead did not want to have any part in provide maintenance but did say they would be willing to lease land for a very nominal cost if and organization could be identified that would provide the necessary management and upkeep. Chair Durand stated that it would be important to engage the jurisdictions as there is a lot of open space which could potentially be available for lease. Chair Durand reiterated Ms. Baumgardner's earlier comments that an organization or some type of third-party set up to help with management of community gardens would have a better opportunity at securing funding for garden needs.

Ms. Mongeau asked whether other jurisdictions in Clay County had been contacted on their language regarding community gardens. Ms. Oxendahl stated that she would contact Barnesville, Hawley, and Glyndon to see if their ordinances include language on community gardens.

Ms. Paul posited that an ad hoc committee be formulated to develop best practices that could be provided to organizations that would like to form or manage a community garden, including best practices on governance and support opportunities.

Chair Durand asked the Steering Committee about the questions and comment the Commission had. Ms. Nolte stated that she could understand the hesitation jurisdictions may have with regard to management for community gardens. Ms. Nolte stated that Mr. Wood would be a good resource for the Steering Committee and the Commission to contact with regard to best practices. Ms. Nolte believed that Growing Together may have already developed a toolbox with information that may help with how to approach the different jurisdictions in the Fargo-Moorhead Metropolitan Area about the topic. Ms. Lipetzky stated that it would be good to hear from the jurisdictions to see their thoughts on leasing land and whether they would be open to having an outside group or groups help with the

management of community gardens on public lands. Chair Durand stated that any program would have more success if there were jurisdictional buy-in.

Chair Durand asked for Commission members to approach their respective jurisdictions about their feelings on expanding community gardening opportunities, whether additional surveys would be beneficial to gauge community interest, and what level of involvement each of the councils or commissions would feel comfortable with.

Ms. Oxendahl asked whether the Commission would like the Steering Committee to look at budget information regarding community gardens before the next meeting. Mr. Thorstad stated that it would be sufficient to highlight the expectations of the jurisdictions and that the less that would be expected for jurisdictions to provide, the better the chance a project would be able to move forward.

Mr. Rasmussen stated that maintenance costs are going to be important to anticipate. Mr. Rasmussen gave an example of a potential lot that did not have water access and how a jurisdiction may not want to provide the additional infrastructure to provide water.

Ms. Arneson stated that the will and the want will be needed and that the Commission and potential organization be ready to support gardening actions with tools and best practices.

9. Online Community Input
Ms. Lipetzky informed the Commission that a permanent site has been established at the Let's Eat Local website for online community input. Ms. Lipetzky stated that several additional comments had been received including utilizing urban agriculture measures to help create extricity and uniqueness in the Fargo-Moorhead Metropolitan Area. Ms. Lipetzky explained that another comment received was for the allowance of backyard chickens with stipulations. Ms. Lipetzky stated that another comment was in regard to potential concerns for the allowance of animals in urban areas.

10. Public Comment Opportunity
Chair Durand informed the Commission that time would be allotted for public comments.

Mr. Wood stated that Growing Together has become a self-sustaining project through the help of community grants and holding produce sales towards the end of the growing season. Mr. Wood stated it would be beneficial for jurisdictions to clarify if such sales would be allowed that could help with the sustainability of garden projects and not having to rely on the jurisdictions themselves.

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

12. Commission Action Steps
Ms. Myrdal stated that the Steering Committee would share the Growing Together toolkit at the next Commission meeting. Ms. Myrdal also asked for Commission members to return to their jurisdictions to gauge interest in community garden development and to return with any potential concerns or questions. Ms. Myrdal stated that the next meeting would be September 9th.

Chair Durand adjourned the meeting at 11:46 AM.

Attachment 2

To: Cass-Clay Food Systems Advisory Commission
From: Megan Myrdal, Project Coordinator
Date: August 31, 2015
Re: ***Fargo-Moorhead Metro Area Community Garden Information***

At the request of the Food Systems Advisory Commission at the last meeting in July 2015, the Steering Committee has gathered and compiled surveys, studies, and data regarding community gardens in the Fargo-Moorhead Metropolitan area:

MOORHEAD

Active in Moorhead (AIM) Partnership: 2009 Resident Survey Results

Residents were asked to indicate which attractions and recreational opportunities do or would encourage them to get out and be active.

- Approximately one-fifth of residents indicate fishing (e.g., ponds, rivers) (23.0 percent), community gardens (21.6 percent), access to the river (20.3 percent), outdoor dog parks (20.0 percent), and lifetime sports (e.g., bocce ball, croquet, horse shoes) (17.0 percent) do or would encourage them to get out and be active.

Moorhead River Corridor Study – Phase I – Needs & Issues Report

Prepared March 22, 2013

Public Input Summary (page 15). Information regarding community gardens:

There were mixed comments concerning vegetation along the River Corridor. Many people felt that the corridor would be improved through natural planting, reforestation, and re-vegetation. Others thought that the area should include community garden space. However, it was generally felt that there should be a focus on the integration of native plant species along the River Corridor which are well adapted to flooding and drought, with a buffering for adjacent private lawns which are generally turf grass.

FARGO

Fargo Go 2030 Comprehensive Plan

Health was a Guiding Principle in the development of the Fargo GO2030 Comprehensive Plan. Within this principle, Healthy Food was identified as the #13 Initiative based on a weighted rank of steering committee, public, and mind mixer rankings. Within the initiative, a recommendation to increase residents' access to healthy food is to "identify and establish permanent farmers' market and community garden locations distributed throughout neighborhoods in Fargo."

WEST FARGO

West Fargo does not have current data assessing resident's interest in community gardens. The city will likely be engaging in a comprehensive study/strategic planning in the near future.

DILWORTH, CASS COUNTY & CLAY COUNTY

No studies/data identified regarding community gardens.

Requested Action: None

Attachment 3

To: Cass-Clay Food Systems Advisory Commission
From: Whitney Oxendahl, Cass-Clay Food Systems Initiative (CCFSI) Steering Committee
Date: August 31, 2015
Re: ***Community Garden Blueprint***

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 3a is a draft blueprint on community gardens. The 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.

Requested Action: Approve the Community Garden Blueprint

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. Appendices have been provided to share how regional jurisdictions are managing their community garden networks, example policy language from other jurisdictions, and a map of area community gardens.

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**. (See Appendix C for area community garden map).

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:

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

Attachment 3a

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 (as of June 2015)

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.*

Table 3. Framework for evaluating community gardens

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

[1] 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

[2] 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

[3] 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.

[4] 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/

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.[5])	Jurisdiction cost of administering the community garden system or monitoring and addressing issues

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[6]
    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 NeighborSpace, funded and operated through the City, Parks District, and Forest Preserve District, acquires property to preserve land for community gardens. The program acts as a land trust for community gardens and accepts 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[7] 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
7. Provide tax breaks for property owners who are willing to turn their uninhabited land into farms

[5] 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.

[6] 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

[7] 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.

   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[8]). (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.

[8] 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

Appendix A: Garden Management in Regional Jurisdictions

Bismarck, ND
Bismarck Parks and Recreation Department provides land use, water & hoses, and spring & fall tilling for two community garden locations. The City provides composting dumpsters for participants. They have a volunteer garden coordinator and have not had any issues with having the gardens on Parks land. They do not have a detailed budget for these gardens; water and labor cost for tilling come out of the Park's general maintenance budget. They are open to providing more community gardens on Parks land, and due to high demand, they have plans for a new garden next year.
http://bisparks.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 Grand Forks Park District has a 50-plot community garden on Park's land. These plots are managed and coordinated by a Park's staff horticulturist. The Park District provides maintenance by tilling in the spring and fall and landscaping the garden's perimeter. Parks also supplies the water and hoses and will add participants' compost piles to their own bins at the end of the season. They do not have a budget set aside but make enough money from the plot fees ($40 for a 20' x 40' plot) to cover water, tilling, and staking. This site is on an old tree farm, so instead of opening up other Park's land, they expand this site every year. Even with expanding, they get about 40 new individuals calling each year to rent a plot and have to turn away about half of them. Another option for local gardeners is renting a plot from All Seasons Garden Center, a local business that has about 100 garden plots available.
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. The have 5 full-time staff, 3 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 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 Recreation Department. They also have four or five smaller community gardens maintained by Neighborhood Associations. The Parks Department provides the land, till in the spring and mow in the fall. They do not provide water to any of the sites. For the two larger

community garden sites, the Parks Department will mow down plots that are not being weeded or tended. They allow composting on site but do not provide composting bins. They do not have a specific budget for community gardens; it comes out of the general operations budget. They are open to more community gardens on Parks land, as long as they have a strong volunteer leader who can keep it maintained.
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, South Dakota State University Extension, the City of Sioux Falls (Parks Department), and community volunteers. The Master Gardeners Club and Extension run the program and the Parks Department provides the land. Three community gardens are located on Parks land and 5 are located on other land (business or church property). The Parks Department handles the application process, while the Master Gardeners Club pays an honorarium for water ($50 per community garden per year), tills, and maintains the gardens.
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.
(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, 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.

Attachment 3a

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.

(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

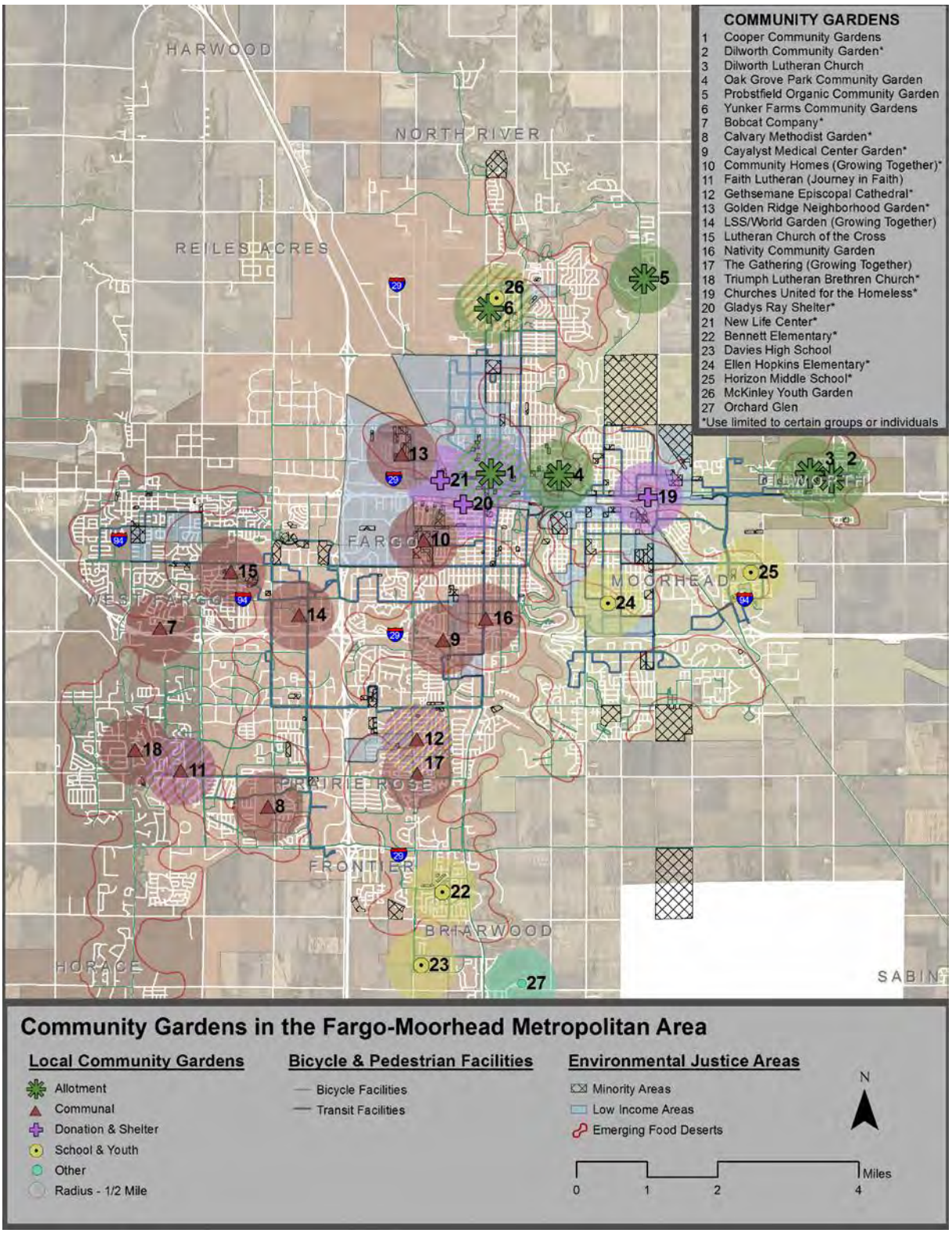
Attachment 3a

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 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 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

Appendix C: Map of Area Community Gardens



Attachment 4a

Urban Bees

Cass Clay Food Systems Advisory Commission

September 9, 2015

Urban Beekeeping – *the practice of keeping bee colonies in urban areas.*

HONEY

Pollinators

U.S. HONEY BEE LOSSES

"Critical time for efforts"

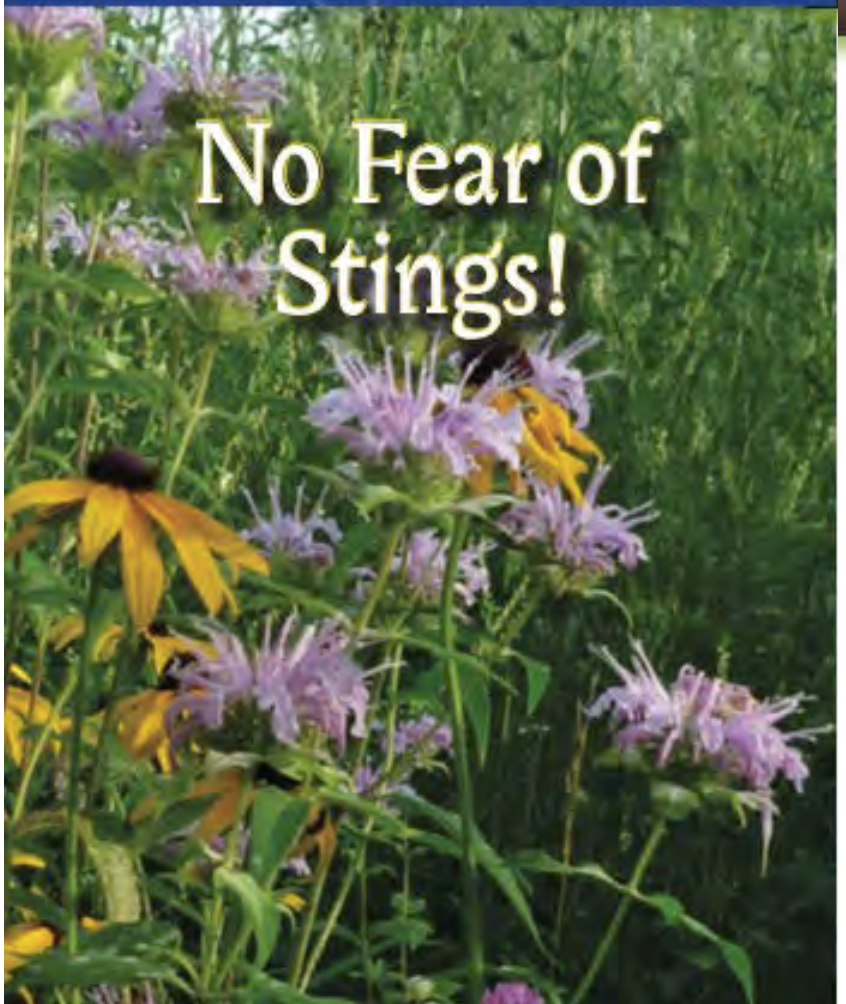
"The total number of managed honey bee colonies has decreased from 6 million in the 1940s to only 2.5 million today."

- USDA, Agricultural Research Service

Why Should the Public Care What Happens to Bees?

- Bee pollination is responsible for more than $15 billion in increased crop value each year.
- About one mouthful in three in our diet directly or indirectly benefits from honey bee pollination.

Inviting Bees to Your Property



No Fear of Stings!

Photo: Victoria Marshall

Bee Facts

Native bees are mostly small and go unnoticed. Bumblebees are colourful giants compared with most bees.

- Less than half of the world's bees are capable of stinging. Only female bees sting.
- Foraging bees collect pollen and nectar to feed their young and themselves. They are not flying around looking for someone to sting!
- You are completely safe watching bees as they fly from flower to flower.
- Most bees only sting if you pinch or step on them, or if they get caught in clothing.
- Honeybees and some bumblebees are defensive within 3 to 6 meters of their nests. Keep back.

Photo Jillian Cowles

Bee Facts

Native bees are mostly small and go unnoticed. Bumble bees are colorful giants compared with most bees.

- Less than half of the world's bees are capable of stinging. Only female bees sting.
- Foraging bees collect pollen and nectar to feed their young and themselves. They are not flying around looking for someone to sting!
- You are completely safe watching bees as they fly from flower to flower.
- Most bees only sting if you pinch or step on them, or they get caught in clothing.
- Honey bees and some bumble bees are defensive within 10 or 20 feet of their nests. Keep back.
- Keep children from disturbing bee or wasp nests.
- Ground-nesting yellow jackets are likely to sting and pollinating bees get the blame.
- Yellow jackets are minor pollinators. The best approach to eliminate yellow jackets is to set queen traps in the spring before they establish new nests.

The **North American Pollinator Protection Campaign (NAPPC)** is a collaborative body of over 140 organizations that work for the protection of pollinators across Mexico, Canada and the United States.

The **NAPPC Garden Task Force** produced this brochure for your use and information. Feedback is welcome. For more information and to learn about the fascinating lifestyles of native solitary bees and social bees like the bumble bees or the honey bees please contact **info@pollinator.org** or **415-362-1137** or visit **www.pollinator.org**.

Visit
www.pollinator.org/brochures.htm
to order copies of this brochure.

NAPPC

POLLINATOR PARTNERSHIP

Inviting Bees to Your Property

Photo Paul Williams

Attachment 4b

No Fear of Stings!

Prepared by the Garden Task Force of the North American Pollinator Protection Campaign (NAPPC)

Bees and Other Pollinators are Your Gardening Friends: But, Won't I Get Stung?

Humans could not exist without pollinating insects, especially solitary bees, bumble bees, and honey bees. Pollinators provide humankind with 35% of our diet along with beverages, fibers, and medicines. Colorful fruits and vegetables containing nutrients and health-giving anti-oxidants sustain us and give us pleasure. Without bees, our diets would be restricted to bland starchy foods, wind-pollinated cereal grains.

Many people are wary, if not fearful, of insects such as bees and wasps. We don't like to get stung. Only about 0.5% of children and 3% of adults have actual sting allergies from bees, wasps, and ants which could, if untreated, lead to systemic reactions. The risk of a sting from bees in your yard or garden is very small, especially with a bit of advance knowledge.

This brochure will help reduce your insect anxiety while promoting an outdoor lifestyle that could include walking, hiking, gardening, taking photographs, or appreciating the beauty of wildflowers and nature. By trying some of these simple tips you may come to appreciate the beauty and fascination of watching pollinators at work.

Photo Steve Buchmann

More About Bees and Avoiding Stings

Social vs. Solitary – Two Kinds of Bees

Social bees live together as a unit. This includes honey bees which form a colony and divide the work of the hive into different jobs and bumble bees who live in small colonies but do not have individualized job descriptions. Think of solitary bees, mostly ground-nesting bees, as single moms with families at home to feed. Male bees will also visit flowers but only collect nectar as flight fuel. Foraging bees are solely focused on gathering food.

The Stinging Truth

Unlike cartoons and Hollywood movies, bees are not flying around looking for people and pets to sting. You can safely get within inches of bees visiting flowers and not get stung. People get stung when they harass bees at their nests, step on or pinch them, or they become entangled in folds of clothing. Stay away from social bee nests (honey bees) which may be underground or in trees.

Non-Allergic Reactions

In most cases, bee stings are annoying, but do not require treatment. Swelling or pain at the sting site are not the result of allergic reactions and will diminish with time. Remove any stinger that remains by scraping it away (a credit card works perfectly) or removing it with a tweezer. Apply an ice pack to reduce swelling. Wash the area with soap and water and apply hydrocortisone. Take an antihistamine to reduce swelling.

Allergic Reactions

Some people may have an allergic reaction (even some who do not know they are allergic to stings). A very small proportion of the adult population (3%) and children (about 0.5%) are allergic to bee stings and are at risk of possible systemic reactions including anaphylactic shock. If someone experiences nausea, wheezing, or difficulty breathing following a sting, or if they are stung multiple times, they should seek immediate medical care. This is rare, but is an early systemic symptom of anaphylactic shock.

You are more at risk of being struck by lightning (about 700 fatalities per year) than dying from a bee sting. For example, in the U.S. population, only 40 people out of 310 million people die from stings in a typical year. Many of these incidents are actually from wasp or ant stings rather than native bees or honey bees. Ground-nesting yellow jacket wasps (*Vespula* species) are defensive around their populous nests.

What About "Killer Bees"?

African honey bees (*Apis melifera scutellata*) were accidentally unleashed on the Americas and have mated with the existing honey bees to form Africanized honey bees, a very effective pollinator which has a more defensive nature than other honey bees. These bees are making their way northward and can currently be found in about 6 southern border states in the U.S. and in Mexico. It is a good idea to give these bees (almost indistinguishable from other honey bees based on their looks) a much wider berth – keep away from their nests, and if a nest is accidentally disturbed or you encounter a swarm, leave the area.

Reduce that Risk – Safety Tips

Nests: Keep back from honey bee nests in the ground. Watch from a safe distance of 20 or 30 feet. Do not run over bee nests with a lawn mower. If you are barefoot, watch where you step. Do not ride horses near a known honey bee nest. Don't let children throw rocks at their nests.

Actions: Try not to wear dark clothing, strong perfume, or move quickly when passing by honey bee nests. These actions, along with carbon dioxide in exhaled breath, could stimulate the guard bees to sting.

Help Bees and They will Help You

Garden tips: When we mulch pathways or landscape with large areas of concrete, we destroy the sunny flat bare ground areas that most nesting female bees need to raise their young. Leave bare patches for ground nesting bees. Provide bare ground, twigs, and dead limbs for nests and lots of flowers for nectar and pollen. Use few or no pesticides in a pollinator garden, or spray when bees aren't active. Try to use locally adapted native wildflowers or old-fashioned heirloom varieties, which produce more nectar and pollen than modern hybrids. Plant in enticing clumps of 5 or 6 plants of the same kind. In turn, you will be rewarded with bountiful healthy crops and lifestyle by being outdoors. If you are growing a vegetable garden, or have fruit trees, pollinating bees are your allies. They do the busy work, making thousands of trips moving pollen from flower to flower resulting in larger and tastier vegetables and fruits even in varieties that normally self-pollinate.

Attachment 5

To: Cass-Clay Food Systems Advisory Commission
From: Whitney Oxendahl, Cass-Clay Food Systems Initiative (CCFSI) Steering Committee
Date: August 31, 2015
Re: ***Urban Bees Blueprint***

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.

The City of Moorhead has recently expressed a desire to pursue a pilot urban bees program. It is thought that this program would be limited to public lands near Oakport and larger residences that are a certain acreage. Because of this, the Steering Committee has prepared the following blueprint on urban bees for review by the Commission. It is thought that this blueprint may better inform the City of Moorhead as they develop their policies on best practices as well as common concerns with such programs.

Requested Action: Approve the Urban Bees Blueprint

Urban Bees

This issue brief will provide background information related to urban beekeeping, and address the common concerns and benefits from a health, environment, social, and economic standpoint. The brief will also address how each concern can be remedied through ordinance language and education. Appendices have been provided to share how regional jurisdictions are addressing backyard beekeeping as well as example policy language from other jurisdictions.

Background

In 2014, the USDA issued a report declaring we are in a "critical time for efforts" to support our honey bee populations, since these populations have been in decline for decades. The bee colonies in the U.S have decreased from 6 million in 1947 to 2.5 million today.[1] No one knows the reason for the sharp decline, although some suspect colony collapse disorder (CCD) caused by a combination of environmental stressors such as bacteria, viruses, parasites, and pesticides.[2]

Beekeepers and citizens are concerned about colony collapse since bees are responsible for up to one-third of the food eaten by U.S. consumers.[3] With concerns about CCD, encouraging new research suggests that bees are thriving in urban environments due to the diversity of plants in urban areas compared to farmland, where much of it consist of large swaths of a single crop (known as monocropping).[4]

The popularity of urban beekeeping has grown rapidly, and in the past few years, cities such as Chicago, Denver, Salt Lake City, and Duluth, MN have begun issuing permits for backyard hives.

The following are common issues addressed in local ordinances:

- Number of hives permitted
- Permit and fee process
- Hive restrictions
- Location on the lot (e.g. backyard)
- Removal of beekeeping equipment and bee combs from apiary* grounds to prevent robbing**
- Equipment requirements (e.g. hives with removable frames and in sound condition)
- Flyway barriers***
- Source of fresh water
- Setback distances
- Minimum lot size
- Rooftop considerations
- Nuisance clause
- Re-queening an aggressive colony
- Hive clearly marked with owner's contact information/permit number
- Hive disposal
- Educational requirements (e.g. beginner beekeeping class)

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[1] USDA [online]. 2014. USDA Provides $8 Million to Help Boost Declining Honey Bee Population. Accessed 2015 January 21. http://www.usda.gov/wps/portal/usda/usdahome?contentid=2014/06/0130.xml

[2] Bartholomew, D. 2014. Los Angeles Daily News [online]. Accessed 2015 January 21. http://www.dailynews.com/environment-and-nature/20140308/los-angeles-may-join-other-cities-allowing-backyard-beekeeping

[3] Roach, J. 2004. Bee Decline May Spell End of Some Fruits, Vegetables. National Geographic [online]. Accessed 2015 January 21. http://news.nationalgeographic.com/news/2004/10/1005_041005_honeybees.html

[4] University of Bristol. 2015. Study shows urban habitats provide haven for UK bees [online]. Cabot Institute. Accessed 2015 Feb 23. http://www.bris.ac.uk/cabot/news/2015/urban-haven.html.

- ➢ Violation or penalty
- ➢ If honey and other products can be bought/sold or only consumed by owner

**Apiary: place where honey bee hives or colonies are kept*
***Robbing: pilfering of honey from a weak colony by other honey bees or insects*
****Flyway barrier: an obstacle like a fence, wall, or vegetation used to force bees to fly upwards when they leave the hive to avoid contact with people and reduce the risk of stinging*

Table 1. Summary of beekeeping approval in local jurisdictions (as of March 2015)

Moorhead	Dilworth	Clay County	Fargo	West Fargo	Cass County
Not addressed*	Not addressed	Not addressed	Not addressed*	Not addressed	Not addressed

**City ordinances were reviewed by a city attorney who ruled that bees are not allowed in the city since they are not addressed*

Table 2. Framework for evaluating urban beekeeping

DOMAIN	BENEFIT	CONCERN
Health	Increases easy access to nutritious food source	Allergies to bee stings
Environment	More fruitful gardens and plants due to increased bee pollination Increase in biodiversity Helps support dwindling honeybee populations	
Economic	Furnish individuals and families with honey, wax and other useful products Potential for individuals to sell honey Increased pollination of food crops	Cost of permitting fee, setting up a hive and the equipment may be cost prohibitive for low-income families Jurisdiction cost of monitoring and addressing issues
Social	Increased awareness of the food cycle and connection to agriculture Provide a positive family activity	Fear of getting stung Nuisances include occasional stinging when they feel threatened, swarming, and gravitating to nearby shallow bodies of water

Table 3. Common urban beekeeping concerns addressed

CONCERN	MORE INFORMATION	POSSIBLE SOLUTIONS
Bee sting	One of the key concerns regarding urban beekeeping is the fear of being stung. We have a handout that addresses common misconceptions about bee stings and may be a useful resource for citizens and beekeepers. Yellow jackets are the most aggressive and prone to stinging. Honey bees, by contrast, are the least likely to attack because honey bee strains have been bred for traits like gentleness and reduced swarming. A majority of individuals are allergic to yellow jackets, not honey bees.	Public education is crucial to minimizing the fear of stinging. Most ordinances require a six-foot tall flyway barrier at the hive exit which forces bees to fly up and away, reducing their contact with humans. Many ordinances have requirements, such as: 1. The barrier be located a certain number of feet from the hive (e.g. 3-5 ft.) 2. It extends anywhere from 2-10 feet on either side of the colony 3. No barrier required if the hive is a certain number of feet (e.g. 15-30 ft.) from the property line or located on porches or balconies at least 10 feet high and five feet from the property line.
Cost for low-income families		Part of the Metropolitan Food Systems Plan is addressing issues of food access. Possible barrier reduction could include funding and management from outside sources, like a non-profit, to cover the startup costs
Gravitating toward bodies of water		Most ordinances require urban beekeepers to provide a water source for their colonies during the non-dormant period to minimize the nuisance to surrounding property owners.

Resource

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

Appendix A: Urban Bees in Regional Jurisdictions

Bismarck, ND

Beekeeping is not addressed in their zoning code, so it is not permitted.

Duluth, MN

Urban beekeeping is permitted. See appendix B for ordinance language.

Grand Forks, ND

Urban beekeeping is not addressed in any city ordinance, so it is currently allowed unless there is a nuisance complaint (stinging, swarming, etc.). Beekeepers must follow the state beekeeping code and have their hives registered with the state. (ND State Code: http://www.legis.nd.gov/cencode/t04-1c16.pdf?20150702140731)

Lincoln, NE

Allows for urban beekeeping with common restrictions (setbacks, flyway barrier, number of hives, etc.).

Mankato, MN

Urban beekeeping is prohibited.

Rochester, MN

Urban beekeeping is not addressed, therefore not permitted.

Sioux Falls, SD

Beekeeping is only allowed in agricultural districts and not permitted residentially.

Appendix B: Example Ordinances

Boston, MA (population 645,966)

SECTION 89-10. Accessory Keeping of Honey Bees.

1. Use Regulations. For proposed ground level or roof level Hives, see Underlying Zoning for applicable use regulations.

(a) For all areas covered under the Base Code, see Article 8 – Use No. 76.

(b) For all other areas not covered under the Base Code, see Use Regulation Table in specific Article.

(c) Where the Accessory Keeping of Animals is a Conditional Use in the applicable Underlying Zoning, the Board of Appeal shall not grant a Conditional Use Permit for the Accessory Keeping of Honey Bees unless the following conditions are met.

2. Maximum Number of Hives.

(a) The maximum number of Hives on any given Lot or roof for personal consumption of Honey Bee products shall be two (2).

3. Maximum Height and Size.

(a) No Hive shall exceed five (5) feet in height and twenty (20) cubic feet in size on any Lot or roof.

4. Specific Ground Level Beekeeping Requirements.

(a) Setbacks.

i. Where there is a wall, fence or similar barrier between the subject property and adjacent property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and adjacent property, Hives shall be set back five (5) feet from the property line.

ii. Hives shall not be located in the front yard or in a side yard that abuts a street in all residential and commercial Districts and Subdistricts.

iii. No Hive shall be located closer than ten (10) feet from a public sidewalk.

(b) Hive Placement and Flyways.

i. For any ground level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:

a. The Hive opening must face away from doors and/or windows; or

b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.

5. Specific Rooftop Beekeeping Requirements.

(a) Setbacks.

i. Hives shall be set back six (6) feet from the edge of the roof.

(b) Hive Placement and Flyways.

i. For any roof level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:

a. The Hive opening must face away from doors and/or windows; or

b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.

6. Compliance with State and Local Laws.

(a) All beekeeping shall comply with applicable State and local laws and regulations.

Duluth, MN (population 86,128)

Sec. 6-80.1. Keeping of honeybees.

(a) Each person holding a license to keep honeybees within the city of Duluth shall comply with the following

(1) No more than five hives may be located on a lot;

(2) No hive shall exceed 20 cubic feet in volume

(3) A constant supply of water shall be provided for all hives, except during the dormant period;

(4) No ground hive shall be located closer than five feet from any property line;

(5) No ground hive shall be located closer than 15 feet from a public sidewalk or 30 feet from a principal building on an abutting lot;
(6) A flyway barrier at least six feet in height shall shield any part of a property line that is within 30 feet of a ground hive. The flyway barrier shall consist of a wall, fence, dense vegetation or combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex to each end point of the part of the property line to be shielded;
(7) Rooftop apiaries are allowed but shall not be located closer than 15 feet from a principal building on an abutting lot.

Minneapolis, MN (population 400,070)
74.80. - Keeping of honeybees.
(a) No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Minneapolis without a permit.
(b) The number and location of hives, colonies and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by Minneapolis Animal Care and Control as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, Minneapolis Animal Care and Control may deny, suspend, or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.
(c) Minneapolis Animal Care and Control may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by the manager and has provided evidence of notification to all immediately adjacent property owners, in a format supplied by or approved by and to the satisfaction of Minneapolis Animal Care and Control. If the applicant is a renter, approval from the property owner will be required. Neighbor notification will be the responsibility of the property owner, though it may be carried out by the applicant.
(d) Any person desiring a permit for the keeping of honeybees shall make application to Minneapolis Animal Care and Control. Approval of the application is subject to reasonable conditions prescribed by Minneapolis Animal Care and Control. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The application fee for such permit shall be one hundred dollars ($100.00) which shall be paid at the time of application. There shall be no fee for annual renewal but the permit must be renewed annually for administrative tracking and notification purposes in a format supplied by or approved by Minneapolis Animal Care and Control. Failure to provide such renewal may result in an inspection and penalties including citation and revocation of permit. Minneapolis Animal Care and Control shall inspect the premises as deemed necessary. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.
(e) Minneapolis Animal Care and Control shall enforce the provisions of this section.
(f) Definitions. As used in this section:

(1) Apiary means the assembly of one (1) or more colonies of honeybees at a single location.
(2) Beekeeper means a person who owns or has charge of one (1) or more colonies of honeybees.
(3) Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
(4) Colony means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
(5) Hive means the receptacle inhabited by a colony that is manufactured for that purpose.
(6) Honeybee means all life stages of the common domestic honeybee, Apis mellifera species of European origin.
(7) Lot means a contiguous parcel of land under common ownership.
(8) Nucleus colony means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
(9) Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(g) Standards of practice. Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

(1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
(2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
(3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
(4) For each colony permitted to be maintained under this article, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths-inch depth ten-frame hive body with no supers.
(5) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.
(6) Each beekeeper shall enclose their property and/or the apiary with a latching fence. A fence shall not be required if the hives are approved to be located on a rooftop so as to be inaccessible to the general public so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way.
(7) Each beekeeper shall, if unable or unwilling to continue to maintain their permitted hives, promptly notify Minneapolis Animal Care and Control so that the hives may be made available to an approved honeybee rescue entity, or, if necessary, disposed of by Minneapolis Animal Care and Control. There shall be a fifty dollar ($50.00) fee for disposal of hives.

(h) Colony density. Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

(1) Except as otherwise provided in this chapter, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.
(2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:
    a. One-half (½) acre or smaller lot: Two (2) colonies;
    b. Larger than one-half (½) acre but smaller than three-quarter (¾) acre lot: Four (4) colonies;
    c. Larger than three-quarter (¾) acre lot but smaller than one (1) acre lot: Six (6) colonies;
    d. One (1) acre but smaller than five (5) acres: Eight (8) colonies;
    e. Larger than five (5) acres: As determined by Minneapolis Animal Care and Control.

(3) Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by Minneapolis Animal Care and Control. No grandfathering rights shall accrue under this subsection.
(4) If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice

established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.
(i) Pursuant to section 244.2000(a) of this Code, any rental dwelling license holder notified by an immediately adjacent property owner of the intent to house beehives on the immediately adjacent owner's property shall post said notice in a common area of the rental property or, if a single-family home, the rental license holder shall provide said notice to the tenant by means of mail, hand delivery, or posting. Said notice shall be provided by the rental license holder to each new tenant thereafter for as long as the adjacent property continues to house beehives.

Salt Lake City, UT (population 191,180)
Chapter 8.10 BEEKEEPING
8.10.010: PURPOSE:
The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.
8.10.020: CERTAIN CONDUCT UNLAWFUL:
Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.
8.10.030: HIVES ON RESIDENTIAL LOTS:
A. As provided in this chapter, and notwithstanding any contrary provision in Title 21A of this code, an apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.
B. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
8.10.040: BEEKEEPER REGISTRATION:
Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.
8.10.050: HIVES:
A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
B. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.
C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
8.10.060: FLYWAYS:
A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.
8.10.070: WATER:
Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
8.10.080: BEEKEEPING EQUIPMENT:
Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
8.10.090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

Attachment 5a

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Salt Lake Valley Health Department, the most restrictive regulations shall apply.
8.10.100: VIOLATIONS:
A violation of this chapter may be remedied as provided in Sections 8.04.500, 8.04 510, and 8.04.520 of this title. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

Littleton, CO (excerpt from ordinance)
(G) Queens: In any instance in which a colony exhibits usually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

Attachment 6

To: Cass-Clay Food Systems Advisory Commission
From: Megan Myrdal, Project Coordinator
Date: August 31, 2015
Re: ***2015-2016 Sustainability Plan***

In July 2015, members of the Steering Committee attended the Program Sustainability Project webinar developed by the Center for Public Health Systems Science at Washington University. This program is tailored to addressing a program's capacity for sustainability, which in turn helps lead to sustained policies and outcomes over time.

Attachment 6a is the 2015-2016 Sustainability Plan developed as a resource for the Cass-Clay Food Systems Initiative and the Cass-Clay Advisory Commission. The Sustainability Plan looks at several domains that will advance the initiative's sustainability including funding, communications, and program evaluation. The Sustainability Plan also includes a look at other projects and initiatives to be developed in 2016. It is felt that this Sustainability Plan is the first step in developing a more formal Work Plan in the coming years.

Requested Action: Approve the 2015-2016 Sustainability Plan.

Cass Clay Food Systems Advisory Commission

2015-2016 Sustainability Plan

PREPARED BY THE CASS CLAY FOOD SYSTEMS INITIATIVE
SEPTEMBER 2015

MISSION

The mission of the Cass Clay Food Systems Initiative is to impact all levels of the food system to assure that residents have access to safe, nutritious, and affordable food.

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APPENDIX I

BACKGROUND

In recent years there has been a growing national movement to produce and consume more healthy and locally grown food. The movement to increase the support and capacity of the local food system has taken hold in the F-M Metropolitan area over the past several years. The local movement has been embraced by a collection of City and County public health officials, University Extension service officials, and a small group of individuals involved in the local production of food.

Recently in the F-M Metropolitan area, there is a growing understanding that the production and consumption of healthy and local food could reduce transportation and energy costs involved in the traditional food system and support the economic vitality of local economies, specifically smaller growers, producers, and markets. The good food movement puts forward the notion that the ability to produce, eat, and cook locally-sourced foods is an important part of community connectivity, long-term livability, self-reliance, and local food security. Finally, the public health community believes that increasing access to healthy and local food can improve health outcomes for large segments of the population of the F-M Metropolitan area.

In late 2010 the Cass Clay Food Systems Initiative (CCFSI) was created in response to the growing local interest in accessing healthy food for all residents and providing opportunities to produce and consume locally grown food. The CCFSI Steering Committee includes members from the University of Minnesota Extension Service, North Dakota State University Cass County Extension Service, Fargo Cass Public Health, and Clay County Public Health.

In October of 2013, the CCFSI and Metro COG completed the Metropolitan Food Systems Plan. This plan details the existing conditions in the local food system, while also identifying strategies and policy consideration to improve the local food system.

One of the first recommendations from the Metropolitan Food Systems Plan was the formation of the Cass Clay Food Systems Advisory Commission. The Commission was formed through a Joint Power Agreement between the City of Fargo and Clay County in the fall of 2014. The purpose of the Agreement is to establish a public entity separate from its Members to advise policy makers and elected officials in the Fargo-Moorhead Metropolitan Area on how to assure that residents have access to safe, nutritious, and affordable foods. Among other activities, this Commission shall:

- Assess the food system in the F-M Metropolitan Area with consideration of state and national trends and issues;
- Educate policy makers in all local jurisdictions on food systems issues;
- Provide language for policies and codes based on research;
- Support community wellness through various activities related to healthy food consumption;

- Cultivate partnerships and foster collaborative communication between local jurisdictions and other public and private partners;
- Encourage inquiries from local jurisdictions on food systems issues;
- Propose recommendations on ways to improve the food system in the F-M Metropolitan Area; and
- Oversee the implementation of the Metropolitan Food Systems Plan.

The first meeting of the Commission was held in March of 2015 with bi-monthly meetings held thereafter.

ISSUE IDENTIFICATION PROCESS

The following issue identification process was developed by the Cass Clay Food Systems Steering Committee and presented to the Commission on May 13, 2015.

1. Steering Committee identifies issue to be considered by the Commission based on the following criteria:
    a. Aligns with needs and implementation strategies identified in the Metropolitan Food Systems Plan;
    b. Public input at Commission meetings;
    c. Online community input; and
    d. Commission/jurisdiction input.
        i. Commission input will provide specific areas to be addressed in the blueprint that will be necessary for the jurisdictions to consider the issue.

2. Blueprint created on the proposed issue to provide:
    a. Background/introduction to the issue;
    b. Current code/zoning/policy information;
    c. A framework for evaluating the benefits and concerns from health, environment, economic, and social domains; and
    d. Other areas as recommended by the Commission.

3. Issue and blueprint presented to the Commission. Commission discussion, revisions, and approval.

4. Following Commission approval, jurisdictions receive blueprint and engage in a public education and input process to define specific code/zoning/policy language required for each jurisdiction.

SUSTAINABILITY PLANNING

In July of 2015, members of the Cass Clay Food Systems Initiative Steering Committee completed a sustainability assessment through the Center for Public Health Systems Science at Washington University (St Louis, MO). The tool defined program sustainability capacity as the ability to maintain programming and its benefits over time. The tool evaluated the sustainability of the CCFSI based on eight (8) domains: environmental support, funding stability, partnerships, organizational capacity, program evaluation, program adaptation, communications, strategic planning, and finally, overall capacity for sustainability. Table 1 provides the report for the Cass Clay Food Systems Initiative.

Table 1: Cass Clay Food Systems Initiative Sustainability Report

Overall Capacity for Sustainability	4.6
Environmental Support	5.3
Funding Stability	3.6
Partnerships	5.5
Organizational Capacity	4.7
Program Evaluation	4.2
Program Adaptation	5.5
Communications	4.5
Strategic Planning	3.6

1 = to little or no extent; 7 = to a great extent

Based on this report, the Steering Committee identified the following domains to be addressed to enhance the initiative's sustainability, and also to guide work for the 2015-2016 calendar year:

1. **Funding**
   Objective: Identify and secure sustainable funding for the Cass Clay Foo Systems Initiative to fund a staff by September 2016.

2. **Communications**
   Objective: By October 31 2015, develop and implement a Communication plan on benefits and accomplishments of program efforts that increases awareness to internal and external partners.

3. **Program Evaluation**
   Objective: Research and update key indicators from the Metropolitan Food Systems on an annual basis, to be completed by October 31 of each year.

4. **Other Projects/Initiatives**: Blueprints
   Objective: Create X number of blueprints by December 2015.

PROGRAMMING ELEMENTS

The 2015-2016 Sustainability Plan is an important component in developing sustained policies and outcomes for the Cass Clay Food Systems Initiative and the Cass Clay Food Systems Advisory Commission. This plan will help to better inform future projects and efforts by the Commission, along with strategic goals and objectives that may be incorporated into a future work plan to help guide the Commission in the activities it pursues.

COMMISSION STRUCTURE

The Cass Clay Food Systems AdvisoryCommission consists of members appointed by the following governing bodies; and at-large Members appointed by the Commission:

- City of Fargo – one member of the City Commission;
- City of Moorhead – one member of the City Council;
- City of West Fargo – one member of the City Commission;
- City of Dilworth – one member of the City Council;
- Cass County – one member of the County Commission;
- Clay County – one member of the County Commission;
- At-large Members – five at-large Members recommended by the Steering Committee and agreed upon by a majority of Commission Members; and each such person shall serve a two year term;
- Chair – one chair rotated annually amongst current members.
- Ex-officio Membership. Ex-officio (non-voting) membership shall be granted to the Fargo Cass Public Health, Clay County Public Health, the Steering Committee, and Metro COG.

PROPOSED BUDGET

Fargo Cass Public Health, on behalf of the Cass Clay Food Systems Initiative, submitted a grant application to the North Dakota Department of Health for the continuation of the chronic disease prevention contract. A total of $25,000 was requested:

ITEM/PROJECT	TOTAL
Meetings (e.g. facilities/associated costs; mileage @ $0.575/mile)	**$650**
Itemized description: Estimate for Project Coordinator and a steering committee member to attend a two day workshop: • Registration fee: $100 • Mileage: $250 • Lodging: $200 • Meals: $100	
Professional hourly wages	**$24,350**
Itemized description: Project Coordinator - 371.25 hours x $40/hr = $14,850 Blueprint Developer - 5 blueprints x $500/blueprint = $2,500 Metro COG - $1,750 x 4 quarters = $7,000	
TOTAL	**$25,000**

2015-2016 ADVISORY COMMISSION MEMBERS

Jim Aasness - City of Dilworth
Heidi Durand - City of Moorhead
Jenny Mongeau - Clay County
Arland Rasmussen - Cass County
Mike Thorstad - City of West Fargo
Mike Williams - City of Fargo
Jessica Arneson - At-Large Member
Andrea Baumgardner - At-Large Member
Jon Evert - At-Large Member
Janet Paul - At-Large Member
Dana Rieth - At-Large Member

STEERING COMMITTEE MEMBERS

Megan Myrdal - Project Coordinator, Cass Clay Food Systems Advisory Commission
Kim Lipetzky - Farg Cass Public Health
Gina Nolte - Clay County Public Health, Partnership4Health
Abby Gold - Associate Director, NDSU Masters of Public Health Program
Deb Haugen - Nutrition Consultant
Rita Ussatis - Cass County Extension Service
Noelle Harden - University of Minnesota Extension
Whitney Oxendahl - CCFSI Blueprint Developer
Adam Altenburg - Fargo-Moorhead Metropolitan Council of Governments

APPENDIX I

DOMAIN: FUNDING
Objective: Identify and secure sustainable funding for the Cass Clay Food Systems Initiative to fund a staff by September 2016.

Steps to achieve objective:	Who will do the work?	What does success look like?	Due date:
Step 1. Steering committee member(s) will attend Impact Training at DMF (Sept 8 & 24)	Deb Haugen *possibly more	Actual completion and report back to the Steering Committee on information gained	09/30/15
Step 2. Generate a list of potential funding sources	Project Coordinator, Steering Committee & Students/Interns	At least eight (8) funding sources will be identified and a funding spreadsheet will be developed	10/31/2015
Step 3. Investigate at least three (3) potential funding sources to check in to/apply for	Project Coordinator, Steering Committee & Students/Interns	Contact is made with at least 3 funders. Contact can mean a grant application or communication with a potential funder	11/30/2015
Step 4. Continually reviewing funding sources for potential grants and deadlines	Steering Committee & Project Coordinator	Applicable grants are completed by due date	Standing item on Steering Committee agenda Biannual item on the Commission agenda

DOMAIN: COMMUNICATIONS

Objective: By March 31, 2015, develop and implement a communication plan on the benefits and accomplishments of Cass Clay Food Systems Initiative program efforts that increases awareness to internal and external partners.

Steps to achieve objective:	Who will do the work?	What does success look like?	Due date:
Step 1. Research graduate students/ communication classes/public health classes that would develop a communications plan for the Cass Clay Food Systems Initiative and develop a list of options	Project Coordinator and Steering Committee	A list is developed	10/31/2015
Step 2. Steering Committee will review list and make a ranked list	Project Coordinator & Steering Committee	The list is prioritized	10/31/2015
Step 3: Contact professor in order of rank regarding the development of a communications plan for the CCFSI	Project Coordinators	A class/professor commits to have class develop a communications plan	11/15/2015
Step 4. Communications plan developed by class	Students	A class/student researches communication plans, tools and skills to frame food system issues and develops plan for the CCFSI	03/01/2016
Step 5. Implementation of the communications plan is written into the project coordinators job descriptions. And during interim time, it is divided between members of the Steering Committee	Project Coordinator & Steering Committee	Communications plan is successfully implemented.	03/15/2016
Step 6. Develop a communications timeline that utilizes communications plan	Project Coordinator	Timeline and plan are implemented	03/15/2016

DOMAIN: PROGRAM EVALUATION

Objective: By September 2015 develop a system (who and how) and timeline for updating of the indicators from the Metropolitan Food Systems Plan

Steps to achieve objective:	Who will do the work?	What does success look like?	Due date:
Step 1. Steering committee reviews, discusses indicators to be updated and plan	Project Coordinator and Steering Committee	Proposed evaluation plan developed	08/31/2015
Step 2. Draft plan presented to the Commission	Project Coordinator & Steering Committee	Commission reviews and approves the plan	09/09/2015
Step 3. Metropolitan Food Systems Plan Indicator Update timeline created for Fargo Cass Public Health student	Project Coordinator and Steering Committee	Timeline created for student	09/31/2015
Step 4. Indicators updated by student for MetroCOG's annual work plan.	Fargo Cass Public Health student, Project Coordinator, & Metro COG	Indicators updated	Mid- November (Annually)

Attachment 7

To: Cass-Clay Food Systems Advisory Commission
From: Kim Lipetzky, Fargo Cass Public Health
Date: August 31, 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 (**www.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 July to August 2015. Names have been redacted to ensure the privacy of each of the individuals.

Requested Action: None

Attachment 7a

Online Community Input

I would like to see our cottage food laws modified to allow direct sales from home kitchens.