

CITY OF SPOKANE PARKS AND RECREATION DEPARTMENT ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 1400-11-08 LGL 2011-0032
TITLE: COMMUNITY GARDENS EFFECTIVE DATE: February 10, 2011 REVISION EFFECTIVE DATE: N/A	

1.0 GENERAL

1.1 The purpose of this document is to establish a policy for community garden use on Spokane Parks and Recreation property.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED:

This policy applies to all Parks and Recreation Areas.

3.0 REFERENCES

City Charter Section 48. Park Board -- Powers.
Rules of the Park Board Section 14, General Operating Policies and Procedures, Rulings, and Appeals
Spokane Municipal Code 17C.190.460.

4.0 DEFINITIONS

4.1 "Community Garden" means an area that contains raised planting beds for vegetable gardens that are used by citizens for personal or non-profit use. A Community Garden will not be used by any individual for financial gain. Produce may be sold offsite if the proceeds are to benefit a non-profit organization.

- 4.2 "Garden Master" means the person who enforces the rules and regulations of the Community Garden, acts as a resource to gardeners, oversees the assignment of garden boxes, and resolves disputes. The Garden Master shall be named in the MOU. The Garden Master will not be a city position compensated by the Spokane Parks and Recreation Department
- 4.3 "Memorandum of Understanding" (MOU) means a Revocable License and Permit agreement by the Proposer to use Parks and Recreation Areas for a community garden. It is a non-possessory interest in the park land, meaning it gives the MOU holder an agreement right, but no title or right of possession. The MOU shall have an attached site plan with general design specifications and Community Garden Rules and Regulations.
- 4.4 "Parks and Recreation Areas" means Park land owned by the City of Spokane and controlled by the Spokane Park Board.
- 4.5 "Park Staff" means the administrative staff working for the Spokane Parks and Recreation Department.
- 4.6 "Proposer" means the person or entity that desires to use park land for a community garden and may be a 501(C)(3).
- 4.7 "Revocable License and Permit" means an agreement between the proposer and the Spokane Park Board for non-recreational use on Parks and Recreation Areas.

5.0 POLICY

- 5.1 It is the policy of the Spokane Parks Board that Community Gardens provide a community benefit through education, physical activity, and healthy food and shall be allowed on Parks and Recreation Areas subject to an approved MOU. Community Gardens are supported in the Spokane Comprehensive Plan.
- 5.2 The Proposer must comply with all applicable codes, laws, and regulations.
- 5.3 The Spokane Park Board may place conditions on Community Gardens.
- 5.4 Community Gardens and associated activity should not negatively impact Parks and Recreation Areas, *i.e.*, the activity should not disrupt aesthetic qualities, or cause danger to public health and safety.

- 5.5 Pipelines or cables are to be installed underground unless it can be justified that an above-ground installation is constructive or essential. Park Staff shall approve all infrastructure improvements associated with Community Gardens.
- 5.6 The Spokane Park Board will consider each Community Garden request on a case-by-case basis.
- 5.7 Approval will not be granted if the site is considered to be environmentally sensitive or classified as important due to historical significance, habitat, existing life forms, or archaeological conditions as defined by Park Staff.
- 5.8 In granting approval of a Community Garden on Parks and Recreation Areas, there will be no cost to the Spokane Parks and Recreation Department in site development and recovery (including irrigation), additional site security, or maintenance. The MOU shall identify who will be responsible for site recovery should the Community Garden fail, and include a hold harmless and insurance provisions.
- 5.9 The Director of Parks and Recreation may take emergency action if necessary to protect the health, safety and welfare of the public.
- 5.10 The Proposer shall be a not for profit organization.
- 5.11 The term of the MOU shall be five (5) years. The Proposer shall maintain the Community Garden during that entire term. The Park Board may renew the MOU for an additional five (5) year term.
- 5.12 The Director of Parks and Recreation may terminate the MOU with a thirty (30) day notice if terms of this policy, the MOU and or the Rules and Regulations of the Community Garden are violated.
- 5.13 Every Community Garden shall have Rules and Regulations approved by the Director of Parks and Recreation and the Park Board permanently posted on site of the Garden.
- 5.14 Park Staff will have access to the Community Garden and all secured areas within the site at all times.

6.0 PROCEDURE

- 6.1 The Director of Parks and Recreation will receive written proposals for Community Gardens on Parks and Recreation Areas at least one (1) month prior to a regularly scheduled Spokane Park Board's Land Committee meeting.

- 6.2 The Director of Parks and Recreation and Park Staff will coordinate with the City of Spokane Community Garden Committee to review and facilitate Community Garden procedures.
- 6.3 Eight (8) copies of the proposed Community Garden design (site plan and elevation) must be mailed or delivered to:

Director
Spokane Parks and Recreation Department
Fifth Floor - City Hall
808 West Spokane Falls Boulevard
Spokane, Washington 99201-3317

at least one (1) month prior to the Park Board Land Committee's monthly meeting date, normally held the first Wednesday of each month at 3:30 p.m. in City Hall.

- 6.4 The Proposer shall notify all property owners within four hundred (400) feet of the Community Garden and meet with the appropriate Neighborhood Council.
- 6.5 The Proposer will be notified when the proposal will be on the Land Committee's agenda.
- 6.6 The Proposer may be asked to work with Park Staff to refine the proposal for presentation to the Land Committee.
- 6.7 Park Staff shall require the Proposer, or the Proposer's representative, to be present at the Land Committee meeting to discuss the proposal.
- 6.8 If the Land Committee agrees to a Community Garden proposal, the City of Spokane Legal Department will prepare a MOU for Park Board consideration.
- 6.9 The Spokane Park Board meets monthly on the second Thursday, at 1:30 p.m., in the City Council Chambers, City Hall - Lower Level, 808 West Spokane Falls Boulevard. Spokane Park Board meetings are broadcast live on Cable Channel 5.
- 6.10 The Proposer will be responsible for all costs incurred in the development, maintenance removal and restoration of the Community Garden site as described in the MOU.

6.11 The Proposer will be responsible to assure that no environmental hazards are created related to the Community Garden and the garden's operations.

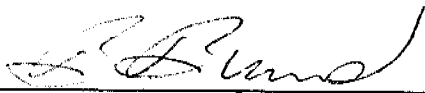
7.0 RESPONSIBILITIES

The Director of Parks and Recreation is responsible for administering this policy.

8.0 APPENDICES

None

APPROVED BY:



City Attorney (ASST)

9-6-11

Date



Director of Parks and Recreation

9/6/11

Date