



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 2380-20 Lush

From: Director of Recreation, Culture and Community Services

Date: April 24, 2024

Subject: Lush Valley Food Action Society Licence of Occupation and Management and Operating Grant Fee for Service Agreement

PURPOSE:

To seek Council approval of:

1. The five-year Licence of Occupation with Lush Valley Food Action Society for the continued use of a portion of the property located on 721 Grant Avenue, Courtenay, for the purposes of providing a community garden, in accordance with the 2019 licence agreement;
2. The proposed changes from the 2019 licence agreement to the revised 2024 licence agreement; and
3. The Management and Operating Grant Fee for Service Agreement.

BACKGROUND:

The Share the Harvest community garden has been servicing the community since it was established in 2012. The community garden was initially started as a pilot project by the Dawn to Dawn Action on Homelessness Society. The purpose for the community garden was to engage the community in food production and provide food for those in need. However, in 2015 at the request of Dawn to Dawn, the licence agreement was assigned to Lush Valley Food Action Society whose mandate and expertise was a better fit for this initiative.

According to past staff reports, the 721 Grant Avenue property was never intended to be the long-term site for the community garden as it has been previously identified for other purposes, so a future alternate permanent location for the community garden would be ideal.

At the time of renewal for the 2019 agreement Lush requested a three to five-year renewal term, identification of a future alternate permanent location, in-kind support for proper on-site storage and annual ongoing funding of \$10,000 per year. At the time, Lush estimated it was costing approximately \$20,000 a year to manage and operate the garden. The garden was being subsidized by other Lush community program initiatives and City funding through the grant-in-aid program.

Recognizing the value of having Lush as a community partner to operate the community garden and deliver a program to address local food security, Council approved a five-year licence agreement and a management and operating grant of \$10,000 per year funded by gaming funds. The City also supplied a storage shed as a one-time in-kind contribution (valued at approximately \$5,000), along with a \$1,000 in-kind annual budget for assistance with site clean-up at the end of the growing season. The grant was provided annually subject to annual reporting requirements which included an annual management report, copy of Lush's financials, and confirmation of matching third party funding sources.

The 2019 agreement expired March 14, 2024. City and Lush staff have been in discussion regarding the renewal of the agreement and are bringing forward recommendations for Council's consideration.

DISCUSSION

Municipal support of food policy and programs to strengthen the sustainability of local food systems is expanding across the region and province. This comes with the recognition that resilient food systems contribute to the health of people and cities in multiple diverse ways – from reducing inequities in access to healthy affordable food, to reducing the impacts of pollution and climate change and strengthening the local economy. Municipalities are now often participating at food policy tables to advance system changes where resources are leveraged across networks to support projects such as community gardens, food box distribution programs, sustainable food procurement programs, food hubs, and farmers markets. (Municipal Food Entrepreneurs, 2011)

Of the typical municipally supported policies and programs, community gardens have emerged as one of the most impactful and sustainable initiatives. “Community gardens play an important role in the lives of not only the gardeners – the volunteers who maintain the gardens - but also in creating community in the neighbourhoods where they exist. Their benefits are universal and result in an increase in social capital, civic engagement, sustainability, and food security.” (LA: JUR, 2021)

As part of the agreements with the City of Courtenay, Lush has provided annual reports that demonstrate that the City’s support through access to land and provision of funding and in-kind support has enabled programming realizing many of the above impacts.

In recent years, due to growing inequities, increased numbers of people experiencing homelessness and food insecurity, increased number of people seeking food skills knowledge to grow their own food and/or start a community garden, Lush has expanded their scope of community garden activity. They are now liaising with multiple agencies addressing food insecurity amongst a variety of equity deserving groups including those living with limited income, new immigrants, Indigenous peoples, and people experiencing homelessness, mental health issues and addictions. An Indigenous garden, and multiple new garden plots, have been established at this location to both encourage and accommodate growing need. Additional education, training, work opportunities, and food are provided. Lush has also expanded their support and activities in order to manage overnight sheltering, vandalism, and waste in the garden.

Given the increased requirements to operate the program, as well as the cost of maintaining aging infrastructure, Lush reports that the cost of operating and maintaining the garden has risen from \$20,000 in 2019 to \$45,000 in 2024. Lush has requested additional funding in the renewal of the service agreement, requesting an increase of the management fees from \$10,000 to \$12,000 annually, plus a 2% annual inflationary increase. Lush has also requested an increase from \$1,000 to \$5,000 in in-kind annual support. The in-kind request is to support existing in-kind activities (such as repairs, water, and garbage removal) as well as support other infrastructure items such as new fencing to separate the allotment plot areas from the public garden plots, improved pathways to increase accessibility, and reconstruction of deteriorating garden beds. Safety and security of garden users has become a growing issue over the past few years and Lush has identified and prioritized the need to install fencing and consider locking of the garden as two strategies to address these issues.

Lush has submitted an updated Share the Harvest Community Garden Plan (Attachment 1) and funding increase request with supporting business case (Attachment 2) to inform their five-year agreement renewal request.

Municipal Role in Community Gardens

A scan of municipal support for community gardens in eight (8)¹ B.C. municipalities plus regional electoral areas, reveals that Lush's request is in alignment with support provided elsewhere for operating expenses. However, when it comes to large capital expenses beyond the initial garden build stage, garden operators are most often required to make a separate application for that support.

The review of municipal support for community gardens highlighted a number of themes:

- Larger municipalities provide greater amounts of support.
- Communities with populations the size of Courtenay tend to fund one non-profit organization (NPO) and one garden. As the population grows, this NPO becomes a hub of gardening activity, supporting expanded use of the garden and development of additional gardens with municipal support increases proportionately.
- Communities with populations of about 100,000 tend to move towards one of two community garden models:
 - 1) The City hires a food security coordinator who is responsible for community gardens, food policy, and other food programs; or
 - 2) The City works with a single NPO who assumes responsibility for all community gardens throughout the City. The City typically provides land and base levels of operating funding to enable the development of community gardens. This model has led to partnerships between NPOs and Cities whereby community garden policy is co-developed while also facilitating the establishment of neighbourhood networks.

License of Occupation and Management and Operating Grant Fee for Service Agreement

Council has identified the development of a community garden policy as a strategic priority; staff expect this work to begin in 2025. In the absence of a completed policy, staff are proposing the following in-kind and financial support for Lush towards the operation of the community garden until a policy is developed which will establish future City service levels (both in-kind and financial):

1. Increase in the annual grant from \$10,000 to \$12,000 funded by gaming funds. With a provision for a two percent (2%) increase per year. See Financial Implications section for further details. These funds are to be directed towards the coordination of activities including the maintenance of infrastructure.
2. Maintenance of annual in-kind support from the City at \$1,000 per year for garbage and recycling, water, and repair of taps and lines as well as utility and perimeter fencing and gate repairs.
3. A one-time additional grant of \$5,500 funded through gaming funds towards community garden infrastructure e.g. fencing, replacing deteriorating garden boxes, or accessibility improvements, subject to:
 - a. Lush submitting a grant request report detailing what their plans are for the funds;
 - b. Lush meeting grant requirements as determined by staff; and
 - c. Lush taking on the full responsibility of any new infrastructure installed through the one - time grant, including the installation, repair, maintenance, and replacement.

Additional Infrastructure Costs

¹ Eight municipalities and three regional electoral areas were included in the review: Campbell River, Comox, Comox Valley Electoral Areas, Courtenay, Cumberland, Kamloops, Nanaimo, Penticton and Victoria.

As is the practice in most municipalities reviewed, once the initial garden is built, funds for additional infrastructure needs are typically accessed through a separate grant stream involving a separate application process, including a detailed plan and budget. Funds for additional community garden infrastructure needs may also be accessed through the Comox Valley Community Foundation grant program.

Security and safety

While Lush requested additional funding and support to enable the locking of the garden overnight, additional funding for this request is not available and staff recommend that Lush either use portions of the operating funds and support provided or identify alternative ways to address this operational need. Staff have confirmed that the City's bylaw services can provide non-emergency bylaw enforcement services to assist with bylaw related activities for the community garden subject to staff resource availability and City operational priorities and needs. Staff also have encouraged Lush to contact the non-emergency RCMP line when faced with trespass issues.

To align with other community partner agreements, a licence of occupation has been created to address the use of the land for the purpose of the community garden and to clarify the respective roles and responsibilities of the City and Lush Valley Food Action Society as the license holder. In addition, a separate management and operating grant fee for service agreement is proposed to identify the services, deliverables, and reporting requirements the Society must submit to the City in return for its receipt of annual grant funds from the City. The management and operating grant fee for service agreement also outlines the in-kind support the City provides to the Society.

With the future development of a community garden policy, both agreements have a sixty-day advance notice termination clause to allow for flexibility should the scope, reporting requirements, support or partnership model change as a result of the future community garden policy.

POLICY ANALYSIS:

The *Community Charter*, section 24 and section 26 authorizes the City to enter into a licence for disposition of any real property held or owned by the City for less than market value, subsequent to the publishing of notice of the proposed disposition in accordance with section 94. Council is responsible for approving and authorizing the execution of such licence agreements.

Official Community Plan (OCP), 2022

The OCP, 2022 includes a Food Systems chapter which identifies policy recommendations that support continued investment in community gardens:

- FS 10: Refine municipal regulations and identify the City's role in encouraging and integrating opportunities for sustainable urban agriculture (including community gardens, small plot farming, edible landscaping, greenhouses, and gardening to support pollinators and foraging) on municipal lands, boulevards, park spaces and vacant lands, including temporary accessory retail sales.
- FS 11: Develop a program for community gardens and other small-scale food production spaces such as orchards or beehives across the City, prioritizing areas of higher residential density and areas home to equity-priority groups. Engage land holders who may have space to provide such uses, including on a short- to mid-term basis before land is developed.
- FS 12: Support educational programming on urban agriculture, traditional Indigenous foods practices, environmental stewardship, and food security. FS 13 Encourage gardening programs that

promote health and well-being for residents, including at supportive housing sites, schools, recovery centres, long-term care facilities, and hospitals.

FINANCIAL IMPLICATIONS:

The total financial implications over the 5-years are expected to be \$134,237 and are as follows:

1. The annual in-kind support towards garbage service, water supply, and perimeter fencing/gate repairs and maintenance will remain at \$1,000 per year and will be included in the Civic Properties Operations budget.
2. The annual grant funded by gaming funds will increase from \$10,000 to \$12,000 per annum in 2024, and increase to \$13,000 per annum in 2026.
 - a. Note that for rounding purposes the 2% annual increase is done in a single change in 2026.
3. One time grant of up to \$5,500 funded by gaming funds for community garden infrastructure improvements.
4. Annual permissive tax exemption (PTE) estimated in 2024 as follows:
 - a. Based on 2024 Assessment as of July 1, 2023, the estimated 2024 permissive tax exemption for the portion of land in the licenced areas is illustrated in Table B:

Table B:

Roll #	Civic Address	Net Assessment based on size of the Licenced Area	City	Other Authority	Total
00426.022	721 Grant Avenue	\$379,069	\$3,960	\$2,493	\$6,453

5. The comparable market rental rate for similar land is approximately \$0.23 PSF or \$4,605 per year based on a 2019 fair market rental appraisal² adjusted by the Consumer Price Index for British Columbia to reflect the current market rental estimates for the lease of bare land.
 - a. If the Licence of Occupation is approved, the City would be required to advertise the provision of assistance acknowledging a \$4,605 per year rental rate subsidy (based on current market rental rates) and disposition of city land per Section 24 and 26 of the *Community Charter*.

² Fair Market Appraisal Jackson and Associates Courtenay Airpark Lands

Funding Summary

Community Garden Funding Summary							
Year	In-Kind	Operating	PTE	Lease	One-time	Total	
2024	\$ 1,000	\$ 12,000	\$ 6,453	\$ 4,605	\$ 5,500	\$ 29,558	
2025	1,000	12,000	6,937	4,605	-	24,542	
2026	1,000	13,000	7,492	4,605	-	26,097	
2027	1,000	13,000	8,091	4,605	-	26,696	
2028	1,000	13,000	8,739	4,605	-	27,344	
Total	\$ 5,000	\$ 63,000	\$ 37,712	\$ 23,025	\$ 5,500	\$ 134,237	

ADMINISTRATIVE IMPLICATIONS:

The Licence of Occupation and community garden management and operating grant fee for service agreement were developed and will be administered by the Department of Recreation, Culture and Community Services (RCCS) in collaboration with other relevant internal departments

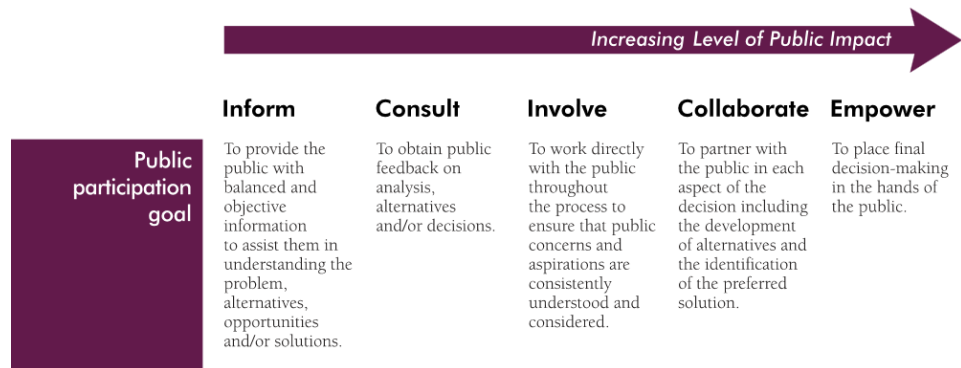
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Food Systems - Engage with Agricultural Community and Food Policy Council to identify needs and support relevant OCP policies
- Food Systems - Identify roles for the City in the delivery of food security as outlined in the OCP
- Food Systems - Develop a policy for community gardens and other small-scale food production spaces, identify community partners to support community garden projects

PUBLIC ENGAGEMENT:

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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Staff will provide public notice to satisfy the statutory advertising requirements for the provision of assistance and disposition of City land per Section 24 and 26 of the Community Charter.

OPTIONS:

1. THAT Council authorize staff to execute the attached five-year licence of occupation extension between the City of Courtenay and Lush Valley Food Action Society for the continued use of the property located at 721 Grant Avenue, PID: 030-871-191, LOT 1, PLAN EPP84993, SECTION 61, COMOX LAND DISTRICT, subsequent to the publishing of notice; and

THAT Council authorize staff to execute the attached five-year Management and Operating Grant Fee For Service agreement between the City of Courtenay and Lush Valley Food Action Society for the management and operation of a community garden; and

THAT upon execution of the Licence of Occupation and Management and Operating Grant Fee For Service Agreement with Lush Valley Food Action Society, Council approve a grant up to \$5,500 from gaming funds, to cover infrastructure improvements to the community garden area, subject to grant submission requirements as determined by staff.

2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Share the Harvest Community Garden Plan 2024 _redacted
2. Lush Valley Food Action Society Funding Request Increase (2024-2028) Business Case
3. Lush Valley Food Action Society Licence of Occupation dated May 1, 2024
4. Management and Operating Grant Fee For Service Agreement dated May 1, 2024

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