

To: Community Services Committee

From: Ron Diskey, Commissioner,
Community Services Department

Report Number: CS-20-46

Date of Report: April 14, 2021

Date of Meeting: April 19, 2021

Subject: Airport's South Field Community Garden

File: F-4280

1.0 Purpose

The purpose of this report is to formalize an existing ad hoc community garden located on the Airport's South Field pursuant to CNCL-21-24 dated March 29, 2021:

“Therefore be it resolved based on the recommendations related to the South Field Master Plan at the Oshawa Executive Airport contained in Report DS-19-213 that Items 12 and 14 contained in Report DS-19-213 be deemed complete for the purposes of the various action items on the Development Services Committee's Outstanding Items List and that Community Services staff be directed to investigate advancing a Community Garden under the umbrella of the City of Oshawa Community Garden Program at the South Field of the Oshawa Executive Airport and report back to the Community Services Committee.”

2.0 Recommendation

That the Community Services Committee recommend to City Council:

1. That based on Report CS-20-46 dated April 14, 2021, The Field Community Garden Committee be formed to operate the community garden located at the South Field of the Oshawa Executive Airport in accordance with this Report; and,
2. That the members of The Field Community Garden Committee be recognized as volunteers of the City of Oshawa enabling the City to extend coverage under its Municipal Liability Insurance Policy; and,
3. That this report and Council resolution be sent to The Field Community Garden Committee members to be incorporated into the garden policy and operating procedures.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

- Development Services
- Oshawa Executive Airport Manager
- Ontario Regiment Museum
- Durham Integrated Growers
- Durham Municipal Insurance Pool

5.0 Analysis

5.1 Background

In April 2013, Council endorsed the City's Community Garden Procedure – Growing Oshawa. The Procedure was based on Council approved protocols for managing community gardens on City owned lands. The Procedure requires that a Community Garden Committee be formed to act in a volunteer capacity to oversee the operation of the garden and its membership in accordance with an approved Constitution. Members of the garden must follow garden policies and are required to sign assumption of risk form and release of liability waiver (Attachment 1).

Mary Street Community Garden (Northview Park) and Harmony Community Garden (Delpark Homes Centre) operate as allotment gardens under this operating model in which members pay a nominal fee to the Garden Committee for their plot. Members are responsible for growing, maintaining and harvesting their own garden plot. These gardens are, for the most part, self-sufficient and operate through plot fees, donations and in-kind support from City staff and others.

In addition, the City has also entered into a separate licence agreement with We Grow Food to operate communal neighbourhood gardens at Cordova Park and on vacant lands at the corner of Albert and John Street known as "South Patch", "Pepper Patch" and "Berry Patch" respectively. The gardens operate as communal gardens through volunteers of We Grow Food. We Grow Food organizes volunteers to assist in the planting, maintaining and harvesting of the gardens. The gardens are open to local residents and the harvest is provided back to the community. We Grow Food is responsible for securing funding to operate and manage the gardens through financial donations.

Each garden provides fresh produce to local food banks and engages the local community to raise awareness on food security while contributing to the health and well-being of its members and the community.

5.2 South Field Airport Garden

The South Field Master Plan: Background Study dated June 14, 2018 identified that a garden was operating informally within the South Field Study Area located just southwest of the Ontario Regiment Museum as shown in Attachment 2. The background review of the

site noted that the garden has been operating on the land informally for approximately 20 years. The preferred land use option at the South Field is to maintain status quo ensuring that the South Field use continues to be for public uses such as recreational, museum, community garden.

Pursuant to DS-19-213, Staff approached representatives of We Grow Food to determine their interest in assuming responsibility for managing the garden under their neighbourhood garden program. We Grow Food indicated that they were not able to assume the garden into their program. Staff were approached by several gardeners at the South Field community garden with an interest in formalizing the garden, but noted that the requirement to provide their own personal insurance as a condition of the licence agreement was a financial burden.

The gardeners expressed an interest in formalizing their garden through the City's Community Garden Program, which requires the gardeners to form a Community Garden Committee to oversee the operation of the garden. Staff have been working with a number of garden members and the Durham Integrated Growers to develop the Garden Constitution and garden policy that outlines the rules of the garden in order to address the unique operating features of the garden given its location (Attachment 3 and 4).

The Gardeners have expressed their deep desire to continue to be self-sufficient and to operate in accordance with traditional gardening philosophy, which reflects the unique features of the garden while respecting the surrounding area and land uses.

5.2.1 Special Operating Conditions

Typically, there are a number of key criteria that should be considered when choosing locations for a community garden:

- availability of water;
- soil condition and quality;
- access to washrooms;
- proximity to public transit;
- security; and,
- accessibility

The unique features and surrounding landscape of the site require a different approach to address these challenges and is reflected in the Garden's constitution and operating policies.

The site has no available water source. This requires members to implement the principles of permaculture reflective of the natural area. If necessary, members will be responsible for bringing in their own potable water or utilizing rain barrels to collect rainwater. The City is not responsible for providing water to the site. Members are not permitted to use water from the site including water from the drainage swales located adjacent to the garden.

The site does not have access to washroom facilities. If members of the garden wish to have access to washroom facilities, it will be the responsibility of the Garden Committee to

determine the need and provide portable washrooms at their own expense. The City will not be responsible for providing access to washroom facilities.

The garden location is out of the way and does not have direct connection to a transit stop or parking facilities. Access to the garden will require garden members to use an unmaintained route to and around the garden. Operations Services will be undertaking repairs and re-routing the access route away from low-lying areas to help improve access for the garden members. The Garden Committee will need to work cooperatively with the volunteers of the Ontario Regiment Museum for maintenance assistance, which may be done at their own discretion.

Given the condition of the site and lack of regular ongoing maintenance activities, access may be limited when the ground is wet and during the winter making it difficult for gardeners to access the site. This must be considered and gardening activities adjusted to account for this. At no point should garden members access the garden in any other manner other than the designated laneway. For safety reasons access to the garden through the Ontario Regiment Museum is strictly prohibited. Additionally the garden must not expand beyond the existing boundary, as shown in Attachment 2, without permission from the City to do so.

Since the garden is located in an unmaintained area of the South Field it should be noted that Operation Services does not undertake any maintenance or inspections of the area and there is no security provided to the garden or the gardeners. Gardeners must not dispose of any garbage or organic waste generated from the garden outside of the garden. Members must remove all garbage/litter and dispose of it properly. Organic waste generated from the garden must be properly composted within the perimeter of the garden. Where this is not possible, it too must be removed from the site and disposed of properly.

The Field Community Garden Committee will be responsible for ensuring members are aware and understand the Rules and Responsibilities that are unique to a membership with this garden.

It is recommended that The Field Community Garden become members of Durham Integrated Growers who can support the Garden through knowledge sharing and fostering partnerships.

5.2.2 COVID-19 Precautions

Community gardens operating in Durham Region are required to follow the recommendations contained in the Community and Allotment Gardens During COVID-19 Fact Sheet specified by the Durham Region Health Department. These operating practices must be followed to ensure the safety and continued operation of the community garden. The Field Community Garden Committee will be responsible for ensuring that the garden complies with the recommendations.

6.0 Financial Implications

There are no significant financial implications resulting from this report. Costs to construct and install a garden sign and repairs to the access laneway will be covered in the 2021 Parks Operations Budget.

In addition to the potential costs associated with washrooms and water provision, the Garden Committee and its members will be responsible for any, and all costs associated with operating or maintaining the garden including soil tests, tools, compost/mulch, compost bins, fencing, storage, accessibility requirements or plant material through membership fees, donations, grants and/or in-kind services of their membership.

7.0 Relationship to the Oshawa Strategic Plan

This report addresses the Oshawa Strategic Plan by responding to the goal “Social Equity” under the theme of “An Active, Healthy and Safe Community” by providing active use of public spaces, and the goal of “Environmental Responsibility” under the theme “Resilient Local Food System” by promoting and encouraging local agriculture through community gardening initiatives.



Mike Saulnier, Director,
Operations Services



Ron Diskey, Commissioner,
Community Services Department

Assumption of Risk and Release of Liability Waiver



This form must be read and signed by all members who wish to participate in the garden.

Growing Our Future – Community Garden Program

This document provides an understanding of the Member with respect to their voluntary participation in the Community Garden Program under the City of Oshawa’s “[Growing Our Future - Community Garden Program](#)”. Membership is subject to the Garden Constitution and terms of membership including rules and operating policies. By signing this waiver you are agreeing to abide by these terms and conditions and are also confirming that you have read and understand the Durham Region Health Departments guidelines for operating a [Community Garden during COVID-19](#) as may be amended from time to time and agree to abide by these guidelines and those established by the Garden Committee.

Element of Risk

This activity/ program may present various elements of risk. Accidents resulting from such activities may occur and cause injury. These accidents result from the nature of the activity and can occur without any fault on either the part of the City of Oshawa or its employees or agents. By choosing to participate in the activity, you are assuming the risk of an accident occurring. Participants MUST assume the risk associated with the activity.

Acknowledgement

I, _____ understand and accept the above and provide The City of Oshawa with the following waiver of liability.

Release and Indemnification Agreement

I, _____ hereby release the City of Oshawa and its staff and agents from all liability for any injury sustained by me, regardless of how caused, resulting from my participation in Community Garden Program arranged through the City of Oshawa.

I have read the above and understand that in participating in the Community Garden, I am assuming the risks associated with doing so.

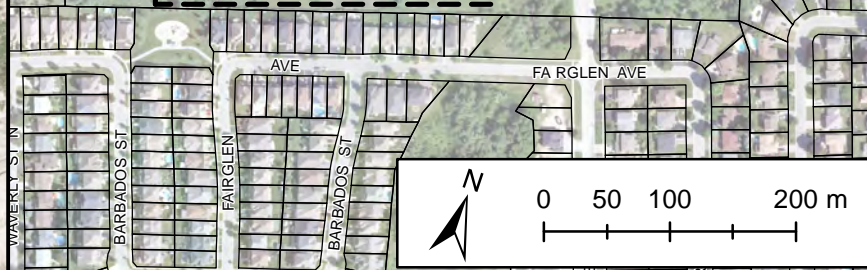
Signature of Participant _____ Date _____

Personal information on this form is collected pursuant to Section 11 of the *Municipal Act, 2001* and will be used for the purpose of participating in the “Growing Our Future – Community Garden Program”. Questions about this collection should be directed to the City’s Access and Privacy Officer at 50 Centre Street South, Oshawa, Ontario, L1H 3Z7 or by phone at 905-436-3311.

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Constitution

1. Name

The Name of the Organization shall be The Field Community Garden

2. Aims

2.1 Vision

Implement and foster traditional garden growing methods for the benefit of participants and community.

2.2 Mission

Utilize limited resources to grow and maintain the Garden, implementing traditional / pioneer methods of gardening that embrace the unique features of the surrounding landscape.

2.3 Objectives

- Encourage local participation
- Promote sustainable gardening practices
- Provide innovative garden-based opportunity to learn about the use of sustainable and traditional gardening practices
- To share the joy of gardening
- Redistribute surplus produce to the community
- Maintain the gardens to be visually enjoyed by those that walk around the site daily
- To be an appreciated entity within the community
- Sustain the natural environment surrounding the garden site.

3. Membership

Membership is voluntary and open to all individuals and organizations that agree with – The Field Community Garden vision, mission and objectives, and who are willing to actively participate according to their abilities.

Membership will begin as soon as the participant signs on as a member and completes the required membership volunteer waiver.

A list of all members will be kept by the Membership Coordinator.

3.1 Ceasing to be a Member

Members may resign their The Field Community Garden membership at any time by communicating the intent to the Membership Coordinator.

4. Equal Opportunities

The Field Community Garden will not discriminate on any grounds including gender, race, colour, ethnic or national origin, sexuality, disability, religious or political belief, marital status, financial situation or age.

Any behaviour, including racist, sexist or inflammatory remarks, will not be tolerated. Anyone breaking the Provincial Human Rights policy will be asked not to participate in subsequent years. City of Oshawa policies may override board policy dependent on the circumstances.

5. Officers and Garden Committee Board

Meetings of The Field Community Garden Committee Board will be informal and held in a location determined by the Board.

The Field Board will consist of no less than 5 members and can include the following:

- Chair: who shall provide overall executive coordination and public relations related to The Field Community Garden as well as chair both the general and committee meetings
- Administrative Coordinator/Secretary: who shall be responsible for the taking of minutes and distribution of all papers
- Membership Coordinator: who shall be responsible for keeping records of members and assigning plots in consultation with the Garden Coordinator
- Financial Coordinator/Treasurer: who shall be responsible for maintaining financial accounts
- Garden Coordinator: who shall provide technical assistance and skills development to garden members and work with volunteers and agencies

to promote learning

The Garden Committee may also designate additional positions on the Committee as needed such as:

- Communications Coordinator: overall communication strategies and media relations for The Field Community Garden.
- Accessibility Coordinator: who shall ensure that accessibility to the garden is maintained

The Field Board will be elected and/or confirmed by the membership assembly for one-year periods.

To hold a position on The Field Board an individual must be a member in good standing, active, maintaining and adhering to the rules and regulations of The Field.

In the event of an officer ceasing to be active during the year, a replacement can be appointed by The Field Community Garden Committee Board until the next Annual General Meeting.

The Field Board meetings will be open to any member of The Field Community Garden wishing to attend.

6. Annual General Meeting

The Field Community Garden will be governed by The Field general membership through the use of General Membership meetings.

The Field Community Garden Annual General Membership meeting will take place annually and at a time and location determined and agreed upon by the Garden Committee.

All members will be notified via email, text message, or phone call weeks before the date of the meeting, giving the venue, date and time.

Nominations for The Field Board may be made to the Admin Coordinator before the meeting, or at the meeting.

Each member is entitled to one vote, whether it is one individual, family or organization.

Quorum for the Annual General Meeting will be based on majority vote of membership in attendance (50%+1).

The Field Board will conduct an AGM with the general membership to include:

- An update of the garden status and relevant financial statements
- The selection of Board officers for the next year will be elected.
- Any proposals presented to the board will be discussed.

6.1 Special General Meetings

The Administrative Coordinator will call a Special General Meeting at the request of the majority of The Field Board.

The meeting will take place within 21 days of the request.

All members will be given two-weeks-notice of such a meeting, giving the venue, date, time and agenda and notice may be by telephone, email or text.

Quorum for the Special General Meeting will be based on majority vote of membership present (50%+1).

6.2 General Meetings

General Meetings are open to all members and will be held at least up to twice per year or more often if necessary.

All members will be given a two week notice of such a meeting, giving the venue, date, time and agenda, and notice may be by telephone, email or post.

Quorum for the Annual General Meeting will be based on majority vote of membership present (50%+1).

6.3 Rules and Procedures for Meetings

All questions that arise at any meeting will be discussed openly and the meeting will seek to find general agreement that everyone present can agree to.

If the number of votes cast on each side is equal, the chair of the meeting shall have an additional casting vote.

7. Finances

Not currently applicable as each garden member is responsible for funding and supplying materials for their own gardening requirements and for their garden plot. The garden will continue to operate in a sustainable manner and will be self-sufficient.

8. Amendments to the Constitution

Amendments to the constitution may only be made at the Annual General Meeting or a Special General Meeting.

Any proposal to amend the constitution must be given to the Admin Coordinator in writing. The proposal must then be circulated with the notice of meeting.

Any proposal to amend the constitution will require a two thirds majority of those present and entitled to vote.

9. Dissolution

If a meeting by simple majority, decides that it is necessary to close down the group it may call a Special General Meeting to do so.

The Constitution was agreed at the recorded date: September 30, 2020

The Field Community Garden Policy (April, 2021)

Operating in accordance with Council approved Report CS-21-46 dated April 14, 2021.

Operating Principles

The Field Community Garden (T.F.C.G.) is a unique gardening experience that is focused on sustainable gardening practices respecting traditional gardening techniques. T.F.C.G. will operate independently and be self-sufficient, relying on garden members in-kind contributions while respecting the natural elements and limitations of the garden location.

Membership Privileges, Responsibilities

Privileges:

- Privilege to one (1) plot with Active Membership. This may be extended to additional unused plots if approved by The Field Community Garden Board.
- Privilege to participate in decisions through Annual General, Special General and General Meetings.
- Privilege to provide input on garden operations through Annual General Meetings or in writing to the Board for consideration by the Board.
- Privilege to be informed and share garden opportunities and experiences.
- Privilege to retain assigned plot in subsequent years.
- Privilege to participate in an ecologically sustainable garden project that respects traditional gardening methods.

Responsibilities:

- Responsible to maintain soil health and cultivation of the Assigned Garden Plot
- Responsible to plant, maintain and harvest your plot, or indicate plot will be available. Failure will result in the reassignment of plot to someone on the waiting list.
- Responsible to maintain plots and pathways surrounding assigned plot.
- Responsible to bring your own water for growing.
- Responsible to ensure that the garden is maintained and operated in a manner that does not attract birds or other animals that may pose a safety risk to the airport.
- Responsible for ensuring that the gardens are kept clean and tidy of debris and that all organics are composted properly and to ensure that produce is not left to spoil.

- Responsible to remove all non-compostable material and garbage from the site as waste collection and yard waste collection does not exist.
- Responsible to notify Garden Coordinator if need to abandon plot.
- Responsible to supervise children and adults brought into the garden site.
- Responsible for ensuring an inclusive, healthy and safe garden community.

Rules and Regulations

1. Members may gather produce only from the plot assigned to them, or from another plot only when given the express permission of the member to which it was assigned.
2. All plots must be maintained in as weed free a condition as possible. If, in the opinion of the coordinator[s], this rule is not followed, a verbal request to rectify the situation will be issued.
3. Use of organic fertilizers/compost/non-chemical pesticides only
4. Put all organic garden debris, including weeds without seed heads, into the compost and maintain the compost properly to avoid attracting rodents, birds and other vectors.
5. No smoking of any kind.
6. Pets not allowed unleashed in the garden unless service animals.
7. No loud music in the garden.
8. Members' plants should not be allowed to grow across pathways, or they face the prospect of having them trimmed.
9. The gate should be closed at all times.
10. Public washrooms are not available onsite - members must plan accordingly.
11. Members are responsible for bringing their own water. Water is not available at the garden and must not be taken from creeks or drainage swales on the site.
12. Prohibited plants, such as illegal plants, invasive species and noxious weeds, are not to be planted.
13. Members must comply with all City by-laws, rules, regulations and policies.
14. The sale of produce from the garden is prohibited. The donation of produce to local organizations is allowed and encouraged.

15. Members will abide by any health requirements as recommended by the Province and Durham Region Health Department.
16. Members may garden at their own convenience between the hours of 6 a.m. to 10 p.m., seven days a week from April 1 to October 31 depending on site conditions and access. No on-site activity will be conducted outside this timeframe.
17. Members and their guests will use the garden at their own risk and will hold the T.F.C.G. Committee Board and the City of Oshawa harmless in the event of accidents.

Failure to adhere to above responsibilities and rules and regulations without due cause will result in Membership not being renewed or movement to the bottom of Wait List.

Complaints, Problems and Idea Proposals

All problems, complaints, and idea proposals are to be submitted in writing to the T.F.C.G. Board through the Garden Coordinator or Chair for consideration and decision.

The T.F.C.G. Board will consider all such written submissions in light of the vision, mission and objectives of The Field Community Garden, in view of the approved plans for the Garden year, and other issues the Garden might be facing.

The T.F.C.G. Board may request the member who authored the written submission to attend a T.F.C.G. Board meeting for more information and/or clarification.

The decision of the T.F.C.G. Board will be considered final.

Acknowledgments

Membership in The Field Community Garden is voluntary. Members must acknowledge that due to the unique features and location of The Field Community Garden onsite water and washrooms are not available. Gardening operations must always consider potential impacts to the adjacent land users including the Oshawa Executive Airport, Tank Museum and residents to the south. The City makes no representation or warranties with respect to the condition of the land from either an environmental, agricultural or a nutritional perspective. The City of Oshawa will not be held responsible for any injuries, damages or losses incurred which may result from my participation in The Field Community Garden. Membership in the garden is contingent on the acceptance of this.