



**STAFF REPORT  
ACTION REQUIRED**

**Identifying Urban Agricultural Opportunities in the City of Toronto**

<b>Date:</b>	May 28, 2009
<b>To:</b>	Parks and Environment Committee
<b>From:</b>	Lawson Oates, Director, Toronto Environment Office Brenda Patterson, General Manager, Parks, Forestry and Recreation
<b>Wards:</b>	All
<b>Reference Number:</b>	

**SUMMARY**

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Promoting local food production is an important component of the Climate Change, Clean Air and Sustainability Energy Action Plan, which was unanimously adopted by City Council in 2007. When food is grown and consumed locally, as opposed to food imports that are transported greater distances from the field to the point of purchase, there is a reduction in greenhouse gas emissions.

Public interest in local food and urban agriculture is growing rapidly and there is increasing demand from City park users to allocate additional city lands, particularly parkland, for the purpose of gardening and food production. Community groups and organizations experienced in urban food production have continued to make urban agriculture a valuable community building exercise as well as endeavouring to address the food security issues that are prevalent in Priority Neighbourhoods.

On February 5, 2009, the Parks and Environment Committee heard from a panel of experts in the field of urban agriculture who were invited to make presentations about of urban food production and how the City of Toronto can best support the urban agriculture movement while considering important constraints and opportunities.

This report responds to the issues examined by the expert panel and provides a platform to continue the policy development work needed to support the increase of opportunities for food production in the City, with a focus on maintaining collaborative working relationships among City divisions and community organizations.

## RECOMMENDATION

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### It is recommended that:

1. City Council support, in principle, the ongoing coordination by the General Manager of Parks, Forestry and Recreation and the Director of the Toronto Environment Office of interdivisional strategies and initiatives that will achieve the overall goal of expanding opportunities for local food production and other urban agricultural activities in the City of Toronto.

### Financial Impact

There are no financial implications arising from this report. Monies made available for internal urban food production projects from the Toronto Environment Office budget were established as a one-time fund as part of the Live Green Toronto initiative approved by City Council in December 2007. Funding has been approved in the 2008 Toronto Environment Office Capital carry forward and 2009 Operating Budgets for the combined amount of \$500,000. The Decision Document can be viewed at:

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-12-11-cc15-dd.pdf>

The projects are highlighted in Section 3.3 of this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### DECISION HISTORY

At its meeting of July 16 – 19, 2007, City Council unanimously adopted the Climate Change, Clean Air & Sustainable Energy Action Plan: Moving from Framework to Action. Included in that Action Plan was Recommendation 5d:

“to establish an Enviro-Food Working Group to develop and implement actions to **promote local food production**, review City procurement policies, increase community gardens and identify ways to remove barriers to the expansion of local markets that sell locally produced food (emphasis added).”

The Decision Document can be viewed here:

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-07-16-cc11-dd.pdf>

Last February, the Parks and Environment Committee hosted a panel of experts in the field of urban agriculture to discuss the ongoing initiatives and issues in this emerging field and to facilitate public engagement in this topic. These experts were invited to appear before the Committee to help identify how the City of Toronto can best support the urban food production movement and address associated opportunities and

constraints. Subsequently, at its meeting of February 5, 2009, the Parks and Environment Committee:

“referred the presentations from the Expert Panel on Urban Food Production and submissions filed to the Director, Toronto Environment Office and General Manager, Parks, Forestry and Recreation, with a request that they identify main themes, suggestions and challenges raised by the presenters to be addressed in the development of the City of Toronto's urban food production policy.”

The Decision Document can be viewed here:

<http://www.toronto.ca/legdocs/mmis/2009/pe/decisions/2009-02-05-pe22-dd.pdf>

## **ISSUE BACKGROUND**

Urban food production is an area of increased interest for a number of reasons. These reasons include environmental concerns around reducing the distance food travels, thus reducing food miles and associated greenhouse gas emissions; social concerns with respect to engaging neighbourhoods and communities; supporting healthy lifestyles and reconnecting people with the origin of their food; and economic concerns related to assisting with food security issues for vulnerable populations.

On June 16, 2008, the Board of Health directed the Medical Officer of Health to convene a panel of community food experts and senior City staff to develop a Toronto Food Strategy, a food action plan to ensure a healthy Toronto. The steering group is considering food from a broad health perspective including how food solutions can address diet-related disease, the recession, hunger and climate change. The recommendations will focus on building on our city's existing, and often underused, assets.

In September, 2008, the Toronto Environment Office facilitated the establishment of an interdivisional working group with a mandate to explore and address barriers to increasing local food production in the City. The Medical Officer of Health agreed that the work of the interdivisional team is necessary and important and the outcomes fit with the overall objectives and goals of the Toronto Food Strategy.

The interdivisional working group continues to collaborate, focusing on the development of a cohesive urban agriculture policy, information collection and discussion of issues as they relate to their respective divisional programs. The following City Agencies, Boards, Commissions and Divisions are represented on the working group:

- City Planning
- Economic Development, Culture and Tourism
- Parks, Forestry and Recreation
- Social Development, Finance and Administration
- Toronto Community Housing Corporation
- Toronto Environment Office

- Toronto Public Health
- Toronto Food Policy Council
- Toronto and Region Conservation Authority
- Transportation Services (Clean & Beautiful City)

At the February 5, 2009 meeting of the Parks and Environment Committee, a panel of experts in the field of urban agriculture outlined a number of challenges and barriers they face in promoting urban agriculture. The expert panel consisted of the following members:

- Lauren Baker – Director, Ontario Alliance for Healthy Food and Farming
- Solomon Boyé – Community Gardens Program Coordinator, City of Toronto, Parks, Forestry and Recreation Division
- Paula Sobie - Owner/Operator of City Harvest, a SPIN (Small Plot INTensive) Farming business
- Rhonda Teitel-Payne – Urban Agriculture Manager, The Stop Community Food Centre
- James Kuhns and Joe Nasr - MetroAg, Alliance for Urban Agriculture
- Debbie Field – Executive Director, FoodShare

Appendix A summarizes their communications to the Committee.

Key issues raised were:

- Utilization of public lands for food production;
- Ability to sell produce grown on urban land at Farmer’s Markets;
- Expanding opportunities for urban food production on private lands - land use, zoning, taxation and other landowner costs;
- Mid-scale composting;
- Keeping backyard chickens and;
- Soil quality and food production in hydro corridors.

These issues can be categorized into three main areas:

- (i) the need for a coordinated effort in developing a policy and regulatory framework that would facilitate urban agricultural activities;
- (ii) the need for due regard to human health and safety and;
- (iii) the need for additional support for urban growers.

The purpose of this report is to identify the main themes, suggestions and challenges raised by the presenters to be addressed in the development of the City of Toronto's urban food production policy and to discuss how staff are moving forward on these issues.

## **COMMENTS**

### **1.0 Policy and Regulatory Issues**

A panel of experts appeared before the Parks and Environment Committee and informed Councillors and staff of a number of issues that require attention in order to increase the possibilities for the development of opportunities for urban agricultural activities. While there are existing guidelines in place regarding the utilization of public parkland for community gardening, further work is needed to develop a comprehensive strategy for using public and private lands for urban agricultural activities.

#### **1.1 Utilization of Public Lands for Food Production**

Numerous city policies over the past decade have been discussed and adopted by City Council. The Community Garden Action Plan (1999) and the Environmental Plan – “Clean, Green and Healthy: A Plan for an Environmental Sustainable Toronto” (2000) included a number of recommendations that supported and expanded upon the mandate of the City's Community Garden Program to address urban food production. The Community Garden Action Plan in particular included a recommendation to ensure that a community garden was installed in every ward. In 2001, the Food and Hunger Action Committee developed an action plan, which sought to address issues of food insecurity in Toronto. In 2004, Council approved Parks and Recreation's Strategic Plan – “Our Common Grounds” which reinforced the significant role of the division in providing opportunities for community gardening and urban agriculture across the City.

The City of Toronto, primarily the Parks, Forestry and Recreation Division, currently operates 52 community gardens and 12 allotment gardens in several City parks, as well as an urban farm on TRCA owned land. Parks, Forestry and Recreation provides community outreach, technical support, and training in urban agricultural practices and seedling production to numerous community organizations.

The Toronto Environment Office has also been working in partnership with the Toronto District School Board and York University to identify the feasibility of using school lands for food production.

The expert panel requested that the City investigate ways of increasing land for urban food production. Parks, Forestry and Recreation will be expanding its existing community and allotment garden spaces in 2009 (where opportunities and demand warrant). The Division is also developing a policy framework to increase opportunities for urban agriculture in City parks and other open space areas, building upon current practices and implementation criteria.

If approved, the framework would consider such activities as: the creation of more community garden and allotment spaces in parks and open space areas for growing food; providing more opportunities for selling locally grown food; the installation of more bake ovens in city parks and; other initiatives.

Parks, Forestry and Recreation Division will be reporting back on a proposed urban agricultural strategy for City owned parkland.

The Toronto Environment Office will continue to look at the feasibility of using other publicly owned spaces that are suitable for urban food production (i.e. surplus city property, school boards, hydro lands and institutional lands in other jurisdictions) and will report to Council as necessary.

## **1.2 The Definition of a Farmer and the Ability to Sell Produce Grown on Urban Land at Farmers Markets**

According to the expert panel, there has been some confusion regarding existing farmers markets and the designation of a farmer as determined by Public Health special event regulations.

The inspection of farmers markets is guided by protocols that were developed in 2006 by the Association of Supervisors of Public Health Inspectors Ontario (ASPHIO) at the request of the Ministry of Health and Long Term Care. They are used for reference purposes to minimize the risk of food borne illnesses from products purchased at farmers markets and special events across Ontario.

The guidelines allow for exemption of farmers markets from the Food Premise Regulations if greater than 50% of the vendors are considered farmers. The exemption facilitates the expansion of farmers markets and greater access to fruits and vegetables.

Public Health Inspectors use a risk assessment approach to identify and implement safe food handling practices and procedures to ensure the food safety and to minimize the risk of food borne diseases. Fruits and vegetables are considered at low risk of developing food borne diseases.

There have been proposals for commercial farming of fruit and vegetables within the City and aspiring farmers have asked if a commercial urban farmer is considered to be a farmer for farmers market purposes. Involving enough rural farmers to meet the 51% threshold has been a challenge for some farmers markets and it has been suggested that the definition of farmer be expanded to include urban farmers.

The definition of farmer is not part of the Health Protection and Promotion Act or the Food Premise Regulations but is defined in the ASPHIO guideline. To ensure the viability of rural farms and steady markets for their produce, home owners with backyard

gardens are not considered to be farmers. However, farmers who produce fresh fruit and vegetables on recognized commercial urban farms are considered to be farmers.

### **1.3 Expanding Opportunities for Urban Food Production on Private Lands - Land Use, Zoning, Taxation and Other Landowner Costs**

The expert panel informed us that there are issues involving land use designation, zoning and taxation that can affect the ability for urban growers and not-for profit community groups to take advantage of potential opportunities for urban agriculture projects on private lands.

An impediment to not-for-profit community organizations using private lands for urban food projects are costs that may be imposed or passed-through from the landowner to the organization for the use of the private land. A landowner may require such community groups to provide insurance related to:

- their trespass on the land
- providing a deposit or security to ensure land restoration at the conclusion of the project
- cost of water
- compensation for that portion of property taxes payable by the landowner related to the land used by the community group

With respect to property taxes, in rural areas, properties used for agricultural purposes are assigned the Farm Property Tax Class by the Municipal Property Assessment Corporation (MPAC) if the use meets the definitions of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). The Farm Tax Class pays property taxes at the rate of 25% of the Residential property tax class rate. Due to their small scale, urban food production projects normally would not meet the definition of OMAFRA and would therefore not be eligible for a lower tax rate. The taxes payable on private lands would commensurate with the existing tax class of those lands (e.g. residential, multi-residential, commercial or industrial).

With respect to insurance and other costs, as with any property owner, it is reasonable to expect other users of their lands to provide insurance or other form of indemnification to protect the property owner from claims that might arise on their lands. Currently, urban food projects on City lands are covered under the City's general umbrella policy.

In addition to these costs, the landowner may also require compensation for other ancillary costs, such as for the provision of water, lighting, security, and/or a deposit or other form of financial security (i.e. Letter of Credit) to cover potential costs and to ensure the land is restored at the completion of the project.

The City has the legislative ability to make grants to not-for-profit community groups for such purposes, and the grant amounts could be set, if so desired by Council, equivalent to

the costs imposed by a landowner on the community group for the portion of land used for these purposes, or on any other basis that Council deems appropriate.

In recognition of the need for not-for-profit community groups to secure numerous sources of funding to make their urban agriculture projects viable, the Toronto Environment Office, in consultation with the Chief Financial Officer, will explore potential opportunities for providing financial assistance by way of grants or partnerships to organizations interested in pursuing large scale urban food production projects. Such grants would be managed and administered through the Toronto Environment Office.

With respect to zoning designation and the ability to sell food at the place of production, locally produced produce can only be sold on property where the zoning designation allows it (i.e. where merchandise can be sold).

#### **1.4 Mid-Scale Composting**

The expert panel advised that access to compost is an important component of urban agriculture in all its forms. Currently, the City of Toronto makes good quality compost available to residents through the Community Environment Days program and at Leaf Compost Depots. City Councillors also have the option to sponsor compost giveaway events in their wards for a fee. The City, however, reserves the distribution of compost to residents, and does not provide compost to businesses.

Instead of, or in addition to, producing their own compost, urban farm operators could purchase the quality and quantity of compost they need in bulk from local compost suppliers. It may be advantageous for urban agricultural businesses to purchase compost collectively if by doing so they could negotiate a reduction in the unit price.

It has been suggested that the City should facilitate the development of guidelines that would assist in the establishment of mid-scale composting operations that would process organic materials collected from off-site sources on urban agriculture sites.

Any site receiving waste from off-site sources for composting requires approval as a Waste Disposal Site under Section 27 of the Environmental Protection Act (EPA) administered by the Ministry of the Environment (MOE). Operators of urban farm sites intending to import off-site waste for composting should be directed to the local office of the Ministry of the Environment as they have clear authority to regulate sites receiving off-site waste for composting.

The City does not intervene with the MOE on behalf of external public agencies or private individuals or companies, even if the individuals or companies are currently providing the City with waste management or other environmental services, because of the potential exposure to liability. Therefore, it is not recommended at this point that the City undertake the responsibility of assisting agricultural businesses in managing their applications to the MOE for mid-scale composting sites that process off-site waste.

## **1.5 Keeping Backyard Chickens**

An area of increasing interest is chickens and the role they play in urban agricultural systems. Currently, the keeping of chickens in Toronto is strictly prohibited on land that does not have an agricultural zoning designation. The expert panel informed the Parks and Environment Committee that there is increasing interest related to allowing residents to keep chickens in their backyards.

At present, chickens (galliformes) are a prohibited animal under Schedule A to Chapter 349 (Animals) of the Municipal Code. There are a number of North American municipalities that have adopted policies which allow their residents to apply for permits to keep urban chickens legally. Recently, City of Vancouver staff have undertaken to develop policy guidelines on allowing backyard chickens in Vancouver which would include a study to explore related issues, such as noise complaints, a potential rise in predators and the prospect of an avian influenza outbreak, prior to drafting a bylaw amendment.

While accessibility to a healthy and sustainable supply of eggs, increased soil fertility, pest and weed control are considered benefits to keeping urban chickens, the situation requires further examination. Staff will investigate the feasibility of raising chickens in an urban setting.

## **2.0 Protecting Community and Public Health**

Developing protocols that address the significant issue of protecting human health as it relates to soil quality and safe places to grow food is a vital part of any ongoing policy work in the field of urban agriculture. Staff in Toronto Public Health are active participants in the work underway to determine suitable places for urban food production as part of the ongoing work of the Toronto Food Strategy and as members of the interdivisional working group.

### **2.1 Soil Quality**

The popularity of urban gardening has led to increased public interest in accessing public land for allotment and community gardens. To date, Parks, Forestry and Recreation staff have assessed soil quality on an as needed basis, however the new level of public interest will likely lead to new gardens on land not previously used for gardening. To ensure that the soil on these sites is suitable for growing food, Toronto Public Health's Environmental Protection Office, in consultation with Parks, Forestry and Recreation, has initiated the development of a protocol to assess the potential risk from exposure to urban soil contaminants and the suitability of sites in City parks and other lands as they are considered for urban agriculture projects. This protocol will guide any necessary risk management measures that will ensure safe urban gardening and food production.

A soil contaminants protocol will be useful to other City divisions that already have or are planning community gardens such as the Tower Renewal initiative, Toronto Region Conservation Authority and Toronto Community Housing. Similarly, the contaminants protocol will be useful to the private sector as they comply with the Green Development Standard (Ecology: Soil Quality and Planting Conditions).

## **2.2 Gardening and Exposure to Electromagnetic Fields in Hydro Corridors**

The use and transmission of electricity creates electromagnetic fields (EMF). While many common EMF sources exist in homes and in neighbourhoods, the levels of EMF in and adjacent to hydro corridors can be higher than those usually found both indoors and outdoors elsewhere. The International Agency for Research on Cancer (IARC) classifies the magnetic component of EMF as a possible carcinogen because of the association between exposures to EMF magnetic fields in the home and childhood leukemia rates. Given the possible link between the exposure to EMF and leukemia in children, Toronto Public Health concludes that taking practical actions to reduce children's EMF exposures is prudent.

In July 2008, City Council adopted a prudent avoidance policy that seeks to minimize children's EMF exposures from transmission lines in hydro corridors using easily achievable, low or no-cost measures. When planning new gardens and other beneficial uses in hydro corridors, the policy requires that the City measure EMF levels and predict the average time children might spend in the corridor so as to determine the best location for the garden. Toronto Public Health is currently developing an EMF protocol to further guide the City's compliance with this policy.

## **3.0 Support and Facilitation**

Ongoing support for urban food production requires the allocation of human resources, infrastructure investments and a greater awareness and understanding of the benefits of urban agricultural activities in the community.

As previously noted there is also garden space already in operation in City parks and a clear approach for establishing community gardens on parkland. Staff support also exists in Parks, Forestry and Recreation and the Toronto Environment Office for expansion. Toronto is also home to a well developed non-governmental organization community that is active in the field of urban food production and continues to provide valuable expertise.

It is clear that additional money and staff resources are necessary to move forward with the development of divisional strategies that support urban agriculture activities and each division will need to take this into consideration as they continue to prepare the policies that they will govern.

### **3.1 Food Security Investment Program (FSIP)**

One current example of efforts focused on support and facilitation is the Community Food Animators and Food Security Investment Program (FSIP), managed by the Social Development, Finance and Administration Division. Initiated in 2005, this funding program supports a small number of neighbourhood food projects and the city-wide food animators program, with an annual budget of \$300,000.00.

Currently, FSIP funding supports the following projects:

- \$118,000 annually to FoodShare Toronto to support communities across the city to develop local capacity for sustainable food projects. Food Animators work with organizations and residents to determine interest and need; consult the wider community about plans; develop gardening, market and community kitchen skills; and take advantage of opportunities to share skills and experiences with other programs. Food animators are able to link emerging food security initiatives to a variety of education and resource supports.
- Nine organizations are funded for local gardens, community kitchens and market projects and serve low income communities with few community-based programs addressing food security needs of residents. The average funding level is just over \$20,000 each.

Projects are all located in multi-service organizations to increase the opportunities for residents to access a range of useful resources and work with a community development model to encourage a range of skill building and engagement opportunities for participants.

### **3.2 Current Urban Food Production Spaces Supported by City Agencies, Boards, Commissions, Corporations and Divisions.**

Parks, Forestry and Recreation currently support community, allotment, children's teaching gardens and an urban farm as part of their operations. Other urban agricultural activities, such as bake ovens and farmer's markets, also fall under the Parks umbrella.

Toronto Public Health manages the School Food Gardens and Footprint Gardens program, which supports twenty food gardens on school board property which produce fruits and vegetables while engaging students, staff, parents and community members throughout the year. Toronto Public Health works in partnership with FoodShare to facilitate training and support for the schools throughout the growing season.

Toronto Community Housing encourages and provides resources for their residents to request community garden space on their property and as a result hosts some of the most successful community gardens in the City.

### **3.3 Toronto Environment Office 2009 Funds to Increase Lands for Urban Food Production**

The Toronto Environment Office's Climate Change Action Plan – Implementation of Key Program Initiatives report outlined the major components of Live Green Toronto. The report specified that a key element of the Live Green Toronto program would be the promotion of the production and consumption of locally grown food. The Toronto Environment Office, as approved by City Council, has funds of \$500,000 in total in its 2008 carry forward and 2009 budget earmarked to support urban agricultural activities. These resources were established as a one-time fund as part of the Live Green Toronto initiative approved by City Council in December 2007. The Decision Document can be viewed at: <http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-12-11-cc15-dd.pdf>

At this time, the Toronto Environment Office has allocated \$170,000 towards 23 community garden projects that will be installed or expanded in 2009 by Toronto Community Housing and Toronto Public Health. The Toronto Environment Office will utilize \$105,000 for projects that focus on local food production and consumption. Parks, Forestry and Recreation will receive the remaining amount, \$215,000, to expand the Children's Garden Program, upgrade the septic system at the Black Creek Urban Farm, repair the Rockcliffe Yard greenhouse as well as environmental testing and the expansion and upgrading of existing community and allotment gardens. The remaining \$10,000 was allocated to the partnership initiative between the City, York University and the Toronto District School Board to prepare a feasibility study for an urban farm on school lands.

Project details and funding amounts are presented in Attachment B – One-Time Investments for Increasing Urban Food Production.

The Toronto Environment Office also supports the Live Green Toronto Community Investment Program and Capital Projects Fund, which will invest \$2.2 Million in climate change mitigation projects at the neighbourhood level in 2009, including urban agriculture projects. In 2008, urban agriculture projects received \$335,087 in funding.

## CONCLUSION

The task of supporting the increase of lands for urban food production is the responsibility of a number of City divisions and staff agree with the expert panel that food production is a critical issue that provides a number of benefits including increased food security, a reduction in greenhouse gas emissions, building communities and supporting healthy lifestyles. This report proposes how divisions that have a stake in urban agriculture can address existing and emerging issues related to regulatory and operational policies which will facilitate the development of lands for urban food production. A combination of financial support, sufficient staff resources and policy development is required to move forward with an increase in lands designated for urban agriculture projects within the City and various divisional strategies will be submitted to City Council in the future.

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## ATTACHMENTS

Attachment A – Summary of Expert Panel Presentations to February 5, 2009 Parks and Environment Committee

Attachment B – One Time Investments for Increasing Urban Food Production