LESSON 2
Finding and Obtaining Land

Cities largely control how land can be used within their borders, and cities respond in a variety of ways to community gardens. Many large cities in the U.S. have community garden programs through their Parks and Recreation department or a nonprofit with a vested interest in creating and maintaining community gardens. Other cities establish regulations that make it easy to start and run a community garden, but rely more on the initiative of its residents to carry out the work. On the other hand, some cities may inadvertently discourage or effectively ban community gardens by not incorporating community gardens into their planning efforts or treating community gardens as development projects.

The cities of San Diego County take a variety of approaches and some, like San Diego and National City, have responded rapidly to interest in community gardens by creating new, supportive regulations. In June 2011, the City of San Diego approved new land use regulations that allow community gardens by right in all residential and commercial zones—eliminating a number of regulatory barriers that had essentially created a de facto ban of community gardens. In the same month, National City approved its General Plan Update, which included policy support for innovative community garden and urban agriculture activities. The City of Chula Vista passed an ordinance in early 2010 that allows community gardens on public lands. The City of Escondido operates Adopt-a-Lot and Community Garden Programs that support the development of resident-managed community gardens. Escondido provides water, waste removal, and nighttime lighting at several of its gardens. In other cities, including Encinitas, El Cajon and Santee, community gardens are treated like a development and may assess thousands of dollars in fees to get the right permits (though the fees might potentially be waived).

Land use regulations can sometimes be hard to find and difficult to understand. Therefore, one of the best first steps in creating a garden is to get in contact with other community gardeners in your area, through the San Diego Community Garden Network (SDCGN) and the city's planning department. See the Community Resource Spotlight in this curriculum for more on SDCGN. If the rules seem too cumbersome or expensive, contact the offices of your local elected city officials. Explain to them your interest and what you've been told. City officials may also have knowledge of and access to public funds that could be used toward a community garden. If the regulations themselves are a problem, then it's important to let elected representatives know that fact and that constituents want to see the rules changed.

Finding land is a very important step in planning a community garden, but timing of this step can vary. You may want to look for land after you've organized your garden management group/club (covered in Lesson 1). This way, you can more easily assign people to particular tasks in the process and lighten the load on each team member. However, having a suitable piece of land picked out will likely help you raise more supporters, helpers, and money, so this step should come early in your planning. You may also try to work on both land and organization at the same time. In this lesson, we cover how to go about choosing a suitable piece of land and then gaining the rights to garden it.

Learning Objectives

1. Understand what a joint use garden is and what some of its benefits and challenges are.
2. Know strategies for finding an available piece of land and assessing its suitability.
3. Know the process for obtaining land through a lease or other agreement and the desirable components of this agreement.

Joint Use Gardens

The term joint use garden refers to a community garden located on school property. Typically, there will be some plots designated for community residents and others for the school. A joint use agreement between the school district and whomever is managing the garden (a local nonprofit organization or government agency, for example) is created to detail the roles and responsibilities of the members of the joint use partnership – that is, those who are involved with the garden. Often, joint use means sequential use, meaning community members and the school use the garden at different times of the day, but in some cases use of the garden can overlap in time if both parties agree to that arrangement.

Joint use gardens offer many benefits to schools, gardeners, and the community, especially when land and resources are scarce. Community gardeners get a safe place to garden, access to healthy, affordable food, and the opportunity to positively contribute to their neighborhood by supporting student activities in the garden and beautifying school property. For many gardeners, this increases their sense of purpose in the garden. The school benefits from additional help maintaining the garden, especially during summer and other vacation periods. Teachers and students benefit from the added knowledge and accessibility of local residents with gardening expertise. A joint use garden provides a wonderful option for building new, positive relationships that strengthen community and promote garden sustainability.

The city of Denver, for example, has a thriving network of joint use gardens, most of which are managed by the nonprofit organization Denver Urban Gardens (www.dug.org). DUG gardens have plots for school use and for individual gardeners, and gardeners have access to the garden throughout the school day. This allows them to interact with students, often providing informal gardening instruction to them. While there are differences between Denver and San Diego schools, Denver's joint use gardens provide a positive example for efforts in San Diego County.

If a joint use garden seems like a possible option for your community garden, talk with school leadership at the onset of the planning stage. A joint use garden requires additional thought, planning, and responsibility to ensure both parties interest are met and that it is a positive and safe environment for students and residents. Given the intricacies of working with the school districts and schools, the primary lessons on joint use gardens can be found in Gardening 301: How to Start and Sustain a School Gardening Program. Assuming there's interest at the school in on-site gardening, and it has been determined through discussions with school leadership that the garden will be allowed, you'll need to take the following into consideration (more on each of these in Gardening 301):

1. Location of the garden: Is there a prominent, visible place near school building(s) that is easily accessible to both students and community gardeners? Note: A garden that's highly visible from the street will increase community interest and decrease vandalism.

2. Community gardener access: Will community gardeners have access to the garden during school hours, while children are present? If the answer is yes, they'll need to abide by the school's volunteer and background check requirements. In Denver, the cost of gardeners background checks are covered by the district; in return, gardeners agree to help out when classes visit the garden.

3. Variety of goals: Community gardening requires tolerance and flexibility, especially in a joint use garden. When gardeners sign up for a plot in a joint use garden, they have to remember that they're gardening where children will be present; this means that sometimes, garden beds may be trampled and plants may be damaged. The trade-off is the opportunity to interact with students and have a positive influence on their gardening experiences.

4. Maintenance: Who will maintain the common areas of the garden and the school plots during school vacations? Will community gardeners be required to help with the school garden (such as planting a row for student nutrition education or the school meal program) or will this be optional?

Finding Land

This section covers the types of property you might consider placing a garden and the characteristics that make it a good option for a garden.

Types of Land

1. School land: As described in the previous section on joint use gardens, there can be many benefits, but also added challenges to creating a garden on school property. Community agencies or residents interested in creating a garden on school property will have to address concerns about liability, security, maintenance, and roles and responsibilities in order to share land. You should consider whether the local school is the best possible location for a community garden prior to pursuing this option. Please refer to the previous section and the school garden curriculum for more information on this process.

2. Faith community and nonprofit organization land: Faith communities and nonprofits (such as food banks) can offer gardeners a good place to grow food for several reasons. The landowner is already identifiable. Generally, the faith community or nonprofit presents an existing infrastructure and community base you can tap into for potential support and resources. Staff, members, and constituents might be interested in gardening, and they would be a natural place to start for organizational recruiting. The faith and nonprofit organization might also be able to act as a fiscal sponsor, insurance-holder, etc. to ease the process.

3. Privately owned lots: Vacant lots may be owned by a private owner, and that owner's willingness to allow the land to become a garden will vary. Private ownership can be a benefit to you, or it may make the land unavailable, depending on the attitude and desires of the owner. Obtaining an acceptable lease requires advocating for the garden and negotiating acceptable terms. A lease is a binding contract and both the garden entity and the landlord are obligated to follow the terms of the lease. It is important to review the terms and be sure they are acceptable to your fellow gardeners.

4. Government (city or county) owned land: Governments often have land that is unused or available for public use on the site of another government project, such as Parks and Recreation department property. The government agency may be willing to develop a land use agreement with residents for the establishment of community gardens. To pursue this option, identify the department managing the piece of land and make personal contact with a department representative to present your idea.

Land Considerations

Search your desired neighborhood for possible pieces of land. Try to choose several possible locations, because some will likely not work out; having multiple options will increase your chance of success! The following is a list of things that should be taken into consideration when selecting community garden sites. Each item is followed by a statement explaining its importance and to assess for it. You'll need access to the site itself and to some city resources to assess all considerations.

1. Property Owner: It is illegal to use a piece of land without permission from the owner, therefore, you'll need to know who owns it and whether they are amenable to leasing the land or agreeing to let you use it for a garden. If the owner is not easily identifiable, as in the case of a school or church property, you have a few options for finding out who the owner is:

a. Real estate agent. They can easily access a report through a service on the MLS (multiple listing service). The report will give you additional information such as last sales price, lot size and zoning- although all the information may not be accurate.
b. Fee-based computer program: **www.intelius.com/property-check.html**
c. Assessor's office (phone numbers and address below). A representative will give you information over the phone for up to 3 properties at a time. Usually the only contact information is a name and address. They do not collect email addresses or phone numbers. The phone number is below. You can also walk in to any of the 5 branch offices located around the county. The addresses and more information about the assessors office can be found online at **arcc.co.san-diego.ca.us/locations.aspx**

The County Administration Center
1600 Pacific Highway, Suite 103
San Diego, CA 92101
Mail Stop: A-4
General Information and Ownership: (619) 236-3771
Toll Free Numbers: Calling from East County - (619) 441-1427
Calling from North County - (760) 631-7916 or (858) 538-9384

2. Sun: Ideally, you'll have full sun (6-8 hrs/day), but having some shade structures under which gardeners can rest and meet is also important. You can always add a shade structure if one does not already exist.
   a. *Shade/ Partial Shade/ Full Sun (6-8hrs):* Most food crops require 6-8 hours of direct sun each day. Observe the site at 3 points in the day (8am, 12pm, and 4pm) to get a full assessment of shading issues. You can create a sketch (like the one attached) that approximates the shaded areas at different times during the day.
   b. *Shading Structure Description:* Are there existing shade structures? Do the shade structures create full shade (buildings) or partial shade (trees)? Observe and note on your sketched parcel map.
   c. *Orientation:* Our location in the Northern Hemisphere places most of our natural sunlight from the South, so direction of the growing area from shading structures can affect plant growth. Use a compass or map to determine which direction your parcel faces and what direction the sunny area(s) is from shading structures.

3. Soil: Most importantly, you'll need to test the soil for heavy metals and toxins to know if it's safe to garden there. This is especially true in vacant or unused lots where the prior use was auto-related or unknown, but it is important in all cases. Soil issues other than heavy metals can generally be corrected through soil amendments.
   a. *Texture (sand/silt/clay/organic matter):* The size of your soil particles (sand, silt, clay are sized largest to smallest) and the presence or absence of organic matter will determine drainage of your soil and availability of nutrients for plants. Use a soil shake test and/or squeeze test to determine the makeup of your soil. A soil shake test puts soil in a jar with water and lets the different size particles separate. A squeeze test is conducted by putting a palm-full of soil in your hand and squeezing it to visually assess particle size makeup.

For a shake test, place a cup of your garden soil in a clean quart glass jar, then fill with water. Shake well, then let sit for several hours or ideally overnight. The particles will separate into layers. Observe proportions of sand (largest particles; bottom), silt (medium particles; middle), and clay (smallest particles; top).
For a squeeze test, take a small handful, wet it and rub a little between your fingers. Now squeeze the soil into a ball. Sandy soils feel gritty. Silty soils feel slippery. Clay soil feels slippery and sticky. A good mixed soil will form a ball, but not easily form a ribbon shape when squeezed between thumb and forefinger. A clay soil will easily form a ribbon about 2 inches long and hold the shape, but a very sandy soil will not form a ball. While most soils in their natural proportions will need amendment, these tests will give you a good sense of what type of soil lies beneath your garden and how well it will drain. Very sandy soil will drain most readily.

b. *Drainage:* Ideally, your soil will retain enough water that plants have a chance to access it, but not hold so Drainage: Ideally, your soil will retain enough water that plants have a chance to access it, but not hold so much water that the soil has no air. Plant roots need both air and water in the soil. Do a soil drainage test to determine whether the soil is wet, moderate, or dry:

Dig holes a foot or more deep in different places in your garden site, fill each with water, and after it drains out fill the hole again. Time how long it takes the water to drain out a second time. Drainage in 1-4 hours is best, 4-8 hours is acceptable, 8-12 hours is marginal, and more than 12 hours is not good. If the soil takes more than 10 hours, you can try several techniques to increase drainage (adding compost/organic material; adding gypsum, which breaks up bonds between clay particles and sodium; and tilling deeply with a rototiller).

c. *Depth of Topsoil:* Topsoil is the layer of earth where nutrients and water are most accessible to roots; this is usually the darker top layer of soil. With a yardstick, measure dirt to the point where the darker soil ends. If it is only a few inches deep you will most likely need to add lots of organic material such as compost and fine mulch to increase the nutrients available to plants.

d. *Compact/Loose:* Soil compaction occurs when pressure from the impact of people walking, cars, tractors, etc., presses soil down and removes air pockets and pores between soil particles. This makes it harder for roots to grow and soil organisms to live. Stick a marking flag into soil at several points. Note:the farther the flag goes down into the soil the less compact it is.

e. *Nutrient levels:* The primary nutrients plants need in order to grow are Nitrogen (N), Phosphorus (P) and Potassium (K), but several less abundant nutrients are also important. Send away a soil sample for a nutrient assessment or get a simple N-P-K testing kit at a local garden supply store. Two possible options for send-away soil testing are the University of Massachusetts **(www.umass.edu/soiltest)** and Wallace Labs **(www.bettersoils.com)**. While we don't endorse any particular service, these are two that VGSD has used and liked in the past.

f. *pH level:* The previous uses of the land can move the soil's pH away from neutral (7 on the pH scale) toward basic (>7) or acidic (<7), which affects plant growth. Send away a soil sample to test pH or get a simple pH testing kit at a local garden supply store. See above soil lab suggestions.

g. *Lead or Other Toxins:* Toxins in the soil can affect plant growth, but more importantly, they can end up in the vegetables you grow, making the vegetables unsafe to eat. Send away a sample for toxin assessment. See above soil lab suggestions.

4. Topography: Ideally the land you identify for a garden will be flat for ease of growing. However, if you think you may need to terrace, approximating your slope will help you determine how many terraces you would need – terraces can be about two feet high. NOTE: It's important to consult with an experienced engineer or landscape designer in designing the terrace. Otherwise, you may inadvertently cause soil erosion.

   a. *Flat or sloped:* Measure the degree of slope on the property slated for the development of the community garden, or make a general estimate from off the property. See supplement "Calculating Slope" for a description of how to measure on the property.

5. Water Access: You'll need access to water for your garden. Depending on its location, you may need to tap into the same supply source as a house or facility that would be located on the property (most often city water), at least in the short term, to water plants. Rainwater collection is a good long-term goal, but it is often a supplemental water source, particularly in San Diego due to our arid climate.

   a. *On-site/Neighboring Apartment/Home/Business/Church Type and Proximity to Garden and Future Plots:* Bring the plot address to the local water provider to determine whether a water hook-up and meter already exists on the site. Installing a new meter is not hard, but in most areas is extremely expensive. A water meter generally costs $10,000 and up and takes time to get installed. It is best to find a site with an existing water source or a partner willing to supply the water on the garden's behalf. If someone

allows you to use their water, you can arrange to pay a flat fee. Preferably, install a submeter to keep track of the garden's water usage, then, you can pay for what you actually use.

6. Shed or Tool Box Site: You'll need a lockable shed for tools and other supplies. Tool sheds are fairly inexpensive to build or purchase. However, you will need to check with your local jurisdiction to make sure the size of the shed doesn't exceed building requirements before making your final selection or determination. Examine the site for possible locations. Familiarize yourself with local building codes available at **www.sandiego.gov/development-services.** Building codes may affect the size and placement of your shed and other structures.

7. Composting Site: A compost pile is a must for a community garden. Compost made from plant matter produced in the garden (weeds, nonedible fruit and vegetable parts, food waste, etc.) is a valuable resource that gardeners can add back into their soil to increase fertility. Composting also reduces the amount of green waste in landfills. The breakdown of food and green waste in landfills is the largest human-related contributor to methane gas emissions, a greenhouse gas. Composting creates a closed loop cycle for the garden, reusing garden waste to grow more and better quality produce. Compost piles do best in shaded areas, without too much brush around that could house critters. Examine the site for existing or possible locations. Sites should be shady, but ideally, not right next to any seating/resting areas. Plan your compost area well to prevent rodents and unpleasant odors. See Gardening 101 for more on composting.

8. Estimated Number of Plots: You'll need to have a general estimate of how many gardeners you expect to garden, both in the short and long term. A garden with fewer than 100 plots is generally easier to manage. Plots can be any size, from 4x8 to 20x30 feet, but often range from 10x10 to 20x20 feet. Measure the useable space and divide by your intended plot size. The number of plots will be smaller than the resulting number because you must leave room for paths between plots (at least 3 feet wide for a wheelbarrow). See if the estimated number of plots is similar to your intended number of gardeners. Plot size will also be an important discussion in your garden-planning group.

9. Visibility (safety and publicity): Vandalism and theft are much less likely to take place at a garden if neighbors can see the garden easily from their homes. Additionally, a prominent community garden can promote neighborhood beautification and increased community interest and participation. Walk around outside the space to assess whether it's easy to see into the space.

10. Fencing: Community gardens may be fenced or left open depending on the desires of its gardeners and city requirements. Fencing is sometimes used for beautification, or as a strategy to prevent theft, vandalism, or pests. City land use departments can provide information on whether community gardens must have a fence, lock, etc. Observe the space to determine whether it is already fenced or if there is space to build one. Talk to garden team members to determine whether a fence is wanted if the city does not require it.

11. Parking: Parking may not be a problem depending on the location. It is generally best to draw on people within walking distance in the operation of a community garden, but it's good to think about possible events that may draw more people to the garden and require parking accommodations. This is a key aspect of being a good and considerate neighbor, which is always important, but especially when the community garden concept is new. Walk around outside the space to assess parking availability and posted parking regulations.

12. Power: While drip irrigation emitters on timers often use batteries, electrical power may be necessary for lighting and the use of power tools. It's good to know the availability of power. Check the space carefully for outlets, and if it's private property, you can talk with the owner about access and possible costs.

13. Neighborhood: Garden maintenance is the responsibility of those who use it; therefore, it is important that gardeners have interest in it, feel comfortable in the space, and are committed to its upkeep.
    a. Interest/Involvement Level of Neighbors: Having sufficient interest to keep the garden maintained is of the utmost importance, and is really a step in the organizing, rather than the land-selection process. The sustainability of a community garden hinges a lot on the maintenance and appearance of the garden. Neighborhoods want a project that helps beautify their community. Outreach can take many forms- see Lesson 1 for the steps to take in conducting outreach and assessing interest from the community.
    b. Demographic Profile: Get to know the interested children, families, young adults, and older adults to determine what features they need in the garden (kids' play area, wheelchair accessibility, etc.) and their particular interest in the project. For example, a neighborhood of apartment-dwellers might have more interest in growing produce in a community garden than people with large backyards.
    c. Crime: A community garden can help alleviate some crime problems by promoting positive activity in the community, but the space needs to be safe enough that people feel comfortable getting it started. Talk with neighbors to assess whether they would feel comfortable traveling to and spending time in this public space.
    d. Animals: Animals like rabbits, gophers, dogs, and deer can eat crops or damage property, so if you know the type of critters that exist in the area, you can help prevent them from eating your produce. Spend some time in the neighborhood to observe, watch for animal evidence on the property, and ask neighbors.

14. Site History: History will tell you a lot about what type of soil or the pollutants that might be found on particular property. When you go to the city to determine ownership, also ask for history of ownership.

15. Vehicle Access: You will likely need to bring a truck in to deliver compost, soil, mulch, or other garden resources. It is important to ensure there is a space wide enough to allow a vehicle to access the garden area. Observe for accessibility.

OBSERVE FROM OUTSIDE	OBSERVE ON PROPERTY	OTHER RESOURCES
SUN	SOIL CHARACTERISTICS	OWNERSHIP
SHADE	SLOPE	SOIL TEST (SEE ATTACHMENT
DIRECTION	TOOL SHED SITE	FOR SUGGESTED LABS)
VISIBILITY	COMPOSTING SITE	WATER ACCESS (WATER
PARKING	APPROX # OF PLOTS	SERVICE PROVIDER)
NEIGHBORHOOD	FENCING	HISTORY OF PREVIOUS SITE USE
RESTROOM ACCESS	ELECTRICITY	

Obtaining Land

Follow these steps to obtain the rights to build a community garden on your chosen piece of land.
Contact the owner: Use the techniques mentioned earlier in this lesson to determine who owns the piece of land. Then, write a letter to the owner asking permission to use the site for a community garden. Follow up with a phone call about a week later.

1. Emphasize the benefits of the garden to the community and owner (keeping the site clean and weed-free) in your communication.
2. It's good to have clear goals for the garden at this point. If you're doing garden group organizing at the same time as finding land options, you'll be working on this already. You can present these goals to the land owner(s). You may also have several meetings with the site owner to share your vision and plan.
3. Prepare carefully—anticipate likely questions and concerns and be prepared with answers.

After you've gotten a positive or "maybe" response, draft a lease agreement. The Plan's "Ground Rules: A Legal Toolkit for Community Gardens" provides a great resource and sample documents for this type of work.

1. Aim for a minimum 3-year agreement, or preferably 5-10 year. A community garden will take lots of time, effort, and resources right at the beginning, and ideally the results of those initial inputs will last and build for many years. With a very short lease, you may end up wasting your initial effort if you lose use of the land a year later.
2. Offer a "hold harmless" clause, so the owner is not liable for any injuries that occur at the garden. Sometimes groups can lease a garden site for $1 per year.

You may consider purchasing (as a group) liability insurance, or the landowner may require it.

1. It is often helpful if not required to have a fiscal sponsor such as a church or nonprofit, or a person in the garden group who's willing to act as the fiscal sponsor. This person or entity may be willing to extend insurance coverage to the garden group to provide liability coverage.
2. If you do not have a fiscal sponsor that will put you under their policy, contact the SDCGN. The SDCGN is currently working on developing a master policy that will provide a lower cost alternative to purchasing your own policy.
3. Your garden group may also become a nonprofit itself, but this takes significant time and effort.

After you've signed the lease, it's a good idea to maintain regular, positive contact with the owner and send updates and photos on the development of the garden's progress.

References

1. Department of Building and Planning, Cowlitz County, WA.
"Calculating Slope."
Available www.co.cowlitz.wa.us/buildplan/forms/Calculating%20Slope.pdf

2. Los Angeles Master Gardeners, UCCE, and Common Ground. 2001.
"Community garden start-up guide."

3. National Policy and Legal Analysis Network. 2011.
"Ground Rules: a legal toolkit for community gardens."
Public Health Law and Policy. Available www.nplanonline.org/nplan/products/CommunityGardenToolkit

4. Wasatch Community Gardens.
"From neglected parcels to community gardens: a handbook.