

Vacant Lot Food Production

An Examination of Proposed Bylaw Changes in Winnipeg & Calgary

Daniel Iskierski | **Karin Kliewer**

University of Manitoba

MCP Candidate

Planner, City of Winnipeg

MCIP, RPP

ABSTRACT

The Cities of Calgary and Winnipeg are both taking incremental and strategic steps towards enabling commercial food production within their city. The administrations see this not only as a valuable use of underutilized or vacant space throughout the city, but also as an economic opportunity to diversify the local food system. Accordingly, both cities are taking steps to amend their land use bylaws to allow the production of food on vacant or underutilized lots in various districts throughout the city.

This case-in-point examines the steps take by each administration and highlights similarities and lessons learned that can be applied to the Winnipeg context. One valuable insight is the power of language in zoning or land use bylaws where land uses are regulated and the exclusion of urban agriculture from a permitted land use restricts the ability of individuals or organizations to openly and freely pursue urban agricultural activities. Words are important and this simple amendment would drastically change the regulatory framework in which urban agriculture exists.

1.0

BACKGROUND & CONTEXT

The case-in-point assignment will examine how Winnipeg has taken steps to enable urban agricultural activities on vacant parcels, and how Winnipeg can learn from similar initiatives undertaken in Calgary, AB. The focus will be on the use of vacant parcels for growing food as a permissible use for private or commercial purposes but will also include additional



FIGURE 1 | Winnipeg Harvest Raised Garden Beds

considerations related to agriculture in the urban environment. Winnipeg currently only allows vacant parcels to be converted to garden space if the garden space is defined as a 'community garden', meaning that it would be cultivated by more than one person or family; usually this takes the form of a community group or organization who assumes responsibility for the maintenance and upkeep of the lot. Gardens are permitted on lots that have a building on the same parcel, but this makes them an accessory use rather than a primary one.

The Winnipeg Food Council is a citizen committee established by the City of Winnipeg, after years of advocacy from community groups concerned about food system in Winnipeg. Its mandate is to advise the mayor and council, support community work, and initiate the development of an Agricultural and Food Strategy.

“Winnipeg currently only allows vacant parcels to be converted to garden space if the space is defined as a community garden”

“The Winnipeg Food Council has been working to increase food security and food access in Winnipeg”

The Food Council was formed as a result of recommendations in a 2014 report entitled Accommodating the interests of Winnipeg's Agricultural Community. This led to research and consultation with members of the food community about potential governance structure, role and formation of a Winnipeg Food Policy Council. After research, stakeholder, and public consultations, membership was approved by City Council in June 2017. Since this time, the Food Council has been working to increase food security and food access in Winnipeg and has established a strategic plan to guide its work within the municipal purview. One of the Food Council's first tasks was to research where to allow commercial agricultural uses in Winnipeg. This report outlined specific policy outcomes and provided recommendations on how to achieve these outcomes.

Calgary has also begun the process of increasing municipal food security by developing a shared plan between the City and community partners. CalgaryEATS! (2012) is a strategy for enabling urban agriculture throughout the city with goal-focused actions for both the City and community actors. The plan examines the potential for food production within Calgary and notes substantial land owned or operated by the City with the possibility of allowing some to be used for temporary or permanent food production (p. 70). Since the release of CalgaryEats! The City has initiated an Urban Agriculture Pilot Project and are examining further ways to enable urban agriculture through zoning bylaw amendments. A 2017 Report looks at amendments to the land use bylaws which focused on definitions of urban agricultural activities, whereas a recent 2019 report expands this purview to examine where these activities can occur throughout the City of Calgary.

Best practices include garden space for personal or commercial purposes as a permissible use regardless of the presence of a building and does not require any variance or application under conditional. This reduces regulatory barriers and secures tenure or access for urban agricultural activities. Support infrastructure for urban agricultural activities on a given parcel is also generally allowed up until a certain size. These include support infrastructure like water tanks, storage facilities, protective fencing or hoop houses in the zoning by-law.

2.0 / FACTS OF THE CASE

In Winnipeg, one of the Food Council's first projects (spurred by a City Councillor's recommendation) was to provide recommendations on where to allow commercial agricultural uses within the City. The Winnipeg Food Council consulted with the Winnipeg Public Service and urban growers; researched the Winnipeg regulatory context; and examined both local and national precedents related to growing food for resale throughout the city. This report was approved by City Council on September 18, 2018. Research outlined three considerations, which are also anticipated policy outcomes. These include:

1. Growing produce as a permitted principal use. Currently, personal gardens are currently not permitted as a principal use, although community gardens are. Underutilized spaces throughout Winnipeg could (with the owners' permission) be converted into growing spaces for either short or long-term use.

2. Commercial sale of produce. If food produced in residential areas was sold on site, day-to-day activities in residential neighbourhoods could be impacted. The city, as land use regulator, must consider how to simultaneously preserve the character of residential neighbourhoods and support local food production. The possible presence of soil contaminants must also be considered.

3. Use of public lands to grow produce. Community groups and individuals currently grow food on City-owned lands. Demand for land to grow produce is increasing, creating the opportunity for further guidelines, processes and reporting mechanisms to clarify how public lands may be used for food production, and how groups may benefit from sales of items grown on public lands.

This report was approved by City Council, and Winnipeg is now looking to other jurisdictions for specific examples of where similar initiatives have succeeded.

The onset of Calgary's path towards enhancing its local food system began in 2012 with the Calgary Food System Assessment & Action Plan more commonly known as CalgaryEats!. Within this plan there were numerous action points to move Calgary towards a more inclusive, dynamic and flexible regulatory environment that can enable urban agriculture. In 2017, proposed land use bylaw amendments sought to further the definitions of "Food Production" to include indoor growing techniques like aquaponics and aquaculture but also to clarify "Extensive



FIGURE 2 | Fresh Sprouts from FortWhyte Alive Farm

Agriculture" and to define "Intensive Agriculture" (L. Kimber, 2017, p. 1). The reasons for the proposed amendments are to align the regulatory environment with the vision of CalgaryEats! while also increasing economic opportunity and diversification of the food system (Kimber, 2017, p. 2).

Following the amendments, the City of Calgary recognized the increased interest and activity within the urban food production sector where in 2017, small scale agriculture with direct-to-consumer sales reached \$1.2 billion which is double what it was in 2008 (Kristi Peters Snider, 2019, p. 2). The ensuing discussion in 2019 involved looking at existing uses within the bylaw which do not permit small-scale outdoor food production that could occur on underutilized space or vacant land, especially in industrial or commercial districts (Peters Snider, 2019, p. 4).

"The City of Calgary recognized the increased interest and activity within the urban food production sector where in 2017, small scale agriculture with direct-to-consumer sales reached \$1.2 billion"

The resulting bylaw amendment recommendation calls for a new definition called "Urban Agriculture" which will permit commercial food production in a wider variety of districts throughout the city like multi-family, mixed use, industrial or commercial (Peters Snider, 2019, p 4). The other part of the recommendation stems from the goal of enabling economic activity without unnecessary regulations which suggests removing the need for a development permit where "Urban Agriculture" is practiced when the activity does not remove any landscaping, does not sell food on-site and has only one food production supporting ancillary building that is equal to or less than 10 m² (Peters Snider, 2019, p. 5). Like Winnipeg, landscaping is defined under Calgary's Land Use Bylaw 1P2007 with planting requirements and typology.

The typical conflict often cited is the risk in selling food that has been contaminated by urban pollution from air, water or originating from the soil. The City of Calgary has left the regulation of food safety to the Government of Alberta who regulates food production and sales and monitors for safety and quality. This frees up the City of Calgary to instead focus on the implementation tools within their control that affect urban agricultural activity. Winnipeg has done the same – as a result of the Commercial Agriculture report, City Council endorsed the Province of Manitoba’s online fact sheet about gardening and soil contaminants, which also includes resources for producers and consumers on safe gardening practices, soil testing, and other methods (such as raised garden beds) to ensure food safety.



FIGURE 3 | Fruits of Labour

4.0 / CONCLUSION

The Cities of Calgary and Winnipeg are both taking incremental and strategic steps towards enabling commercial food production within their city. The administrations see this not only as a valuable use of underutilized or vacant space throughout the city, but also as an economic opportunity to diversify the local food system. Accordingly, both cities are taking steps to amend their land use bylaws to allow the production of food on vacant or underutilized lots in various districts throughout the city.

“To enable urban agriculture, Winnipeg will have to examine existing agriculture-related definitions under their zoning bylaw”

5.0 / LESSONS LEARNED

Calgary found that enabling urban agriculture can provide economic opportunities for residents while also enhancing the local food system. The situation in Winnipeg is not likely much different and there are small examples of urban food production companies who are supplying the local market while making money. This highlights the benefit of active community involvement that are both a major part of the joint plan in Calgary and as part of the consultation process undertaken by the Food Council in Winnipeg to engage local growers and producers.

The similarities of the two case studies illuminate the importance of learning from each other as food issues and food security are a national issue of national importance. Jurisdictions across Canada are all working along similar veins and there is benefit of sharing ideas with one another. Additionally the Cross-Canada municipal food sector would benefit from coordination which is something that has happened before and a resurgence in interest has already begun.

Winnipeg can learn from Calgary by further examining its zoning bylaws to find ways to enable urban agriculture in areas of the city that are underutilized or on vacant land, as directed by City Council in 2018. These can be private or public and the production of food could be for personal or commercial purposes. In Winnipeg, there are areas of the city with vacant or underused lots that could be converted to temporary or permanent food production. As was observed in Calgary, there is an economic opportunity for residents to use these spaces while also enhancing the local food system.

To enable urban agriculture, Winnipeg will have to examine existing agriculture-related definitions under their zoning bylaw, and potentially alter existing definitions or create a new one, outlining where in the city it could be a permissible use. The definition would include what type of urban agriculture is permissible, like growing vegetables or fruit in a market garden, and that the intent of the activity is to produce food for personal consumption or for sale in the local market. This should include allowing it on vacant parcels even if they do not currently have a building on it. In this way, words matter; a few small changes in regulation can make a big difference. An example is changing allowed principal uses to be “urban agriculture” instead of just “community garden” in Winnipeg’s zoning bylaw. Calgary altered their language to make simple changes that added or enhanced their definitions in the land use bylaw.

In Calgary, urban agriculture does not require a development permit if it is conducted in a permissible part of the city and will not be removing any existing landscaping. The common practice is to also allow ancillary buildings without a development permit. These support the agricultural activity and take the form of a shed for storing tools, a washing area for preparing the produce, potentially a fridge for storage and a hoop house or greenhouse for extending the growing season. Calgary limits the amount of ancillary (accessory) buildings to one and the size of the structure to 10 m². Winnipeg does not require a development permit for structures less than 108 square feet on a lot that contains a single or two-family dwelling, so there is potential to build off this precedent as part of additional changes to the zoning bylaw.

In Calgary, on-site sales are not permitted unless a development permit is acquired which then outlines the permitted hours of operations. The sale of urban agricultural products remains to be in question. Winnipeg may have the same concerns over open sales on-site as this could increase traffic and it may also be harder to track individual operations.

As recommended in the Commercial Agricultural report, Winnipeg can enable urban food production by making the necessary changes to the zoning by-law, which could include defining urban agriculture as a principal use, and not requiring a development permit if it meets certain requirements. Calgary states that it must not remove any landscaping, which could be applied to the Winnipeg context. This would suggest that it would take the place of grass or be conducted in raised garden beds in areas that are in locations without accessible soil like industrial areas.

The above lessons are common examples of simple amendments to local bylaws that permit and enable urban agricultural activities. These in turn generate economic activity and strengthen the local food system. These activities could be temporary or permanent and include supportive infrastructure like sheds, storage or season extenders and could be for personal or commercial reasons. This is a quick way that Winnipeg can align its policies and implementation tools with that of the burgeoning urban agricultural context similar to its Canadian counterparts like Calgary.

REFERENCES

- Calgary Food Committee, Serecon Management Consulting Inc. & Altus Group. (2012). Calgary Food System Assessment & Action Plan. City of Calgary. Accessed on March 6, 2020 from <https://www.calgary.ca/PDA/pd/Documents/Calgary-Land-Use-bylaw-1P2007/CalgaryEATS%21%20FULL%20Food%20System%20Assessment%20%20Action%20Plan%20for%20Calgary%20May2012.pdf>
- City of Calgary. (2018). Food Production and Growth: Business Guide. City of Calgary Accessed on March 6, 2020 from <https://www.calgary.ca/PDA/pd/Pages/Business-licenses/Indoor-Food-Production-and-Growth.aspx>
- City of Calgary. (2018). Land Use Bylaw amendments: food growing, processing and distribution. City of Calgary Accessed on March 6, 2020 from <https://www.calgary.ca/PDA/pd/Pages/Calgary-Land-Use-bylaw-1P2007/Land-Use-Bylaw-Amendments-food.aspx>
- City of Calgary. (2017). Request for Applications: Urban Agriculture Pilot Project. City of Calgary.
- City of Winnipeg. (2015). Accommodating the Interests of Winnipeg's Agricultural Community. City of Winnipeg. Retrieved from <https://foodmattersmanitoba.ca/wp-content/uploads/2015/06/Accommodating-the-Interests-of-Winnipeg-s-Agricultural-Community-2015.pdf>
- City of Winnipeg. (2008). Winnipeg Zoning By-law 200/2006. City of Winnipeg Retrieved from <http://clkapps.winnipeg.ca/dmis/docext/viewdoc.asp?documenttypeid=1&docid=3943&doctype=c>
- Kimber, L. (2017). Miscellaneous-Regulation of Food Production Citywide DRAFT. Calgary: Administration Report.
- Land Use Bylaw Sustainment Team, Development & Building Approvals, Planning Implementation. (2008). Land Use Bylaw 1P2007. City of Calgary. Accessed on March 6, 2020 from calgary.ca/landusebylaw
- Peters Snider, K. (2019). Enabling Urban Agriculture and Local Food Sales. City of Calgary: Planning & Development Report.
- Image Resources**
over image: Vacant Lot Agriculture. Retrieved from <http://amny.com>
1. Winnipeg Harvest Raised Garden Beds. Retrieved from <http://winnipegharvest.org>
 2. Fresh Sprouts from FortWhyte Alive Farm. Retrieved from <http://fortwhyte.org>
 3. Fruits of Our Labour. Retrieved from <http://calgary.ca>