

LANSDOWNE WOODS OF VIRGINIA COMMUNITY ASSOCIATION, LLC

POLICY RESOLUTION #7

ASSIGNMENT, USE, AND MAINTENANCE OF GARDEN PLOTS

WHEREAS, Section 4.1 (b) of the Third Amended and Restated Declaration for Lansdowne Woods of Virginia (“Declaration”) provides that Lansdowne Woods of Virginia Community Association, LLC (“LWVA”) shall be managed by the Board of Members (“Board”) and that the Board shall have all of the powers and duties necessary for the administration of the affairs of LWVA;

WHEREAS, Section 4.1(a)(5) of the Declaration provides that the Association may adopt or amend any reasonable Rules and Regulations not inconsistent with the Articles of Organization (“Articles”), Declaration, and any Supplementary Declarations (“Governing Documents”);

WHEREAS, Section 3.8(a) of the Declaration provides that LWVA shall have the power to designate portions of the Common Area as Reserved Common Area for the exclusive use of Owners subject to such restrictions, reasonable charges and conditions on the use thereof LWVA may deem appropriate;

WHEREAS, Section 3.8(a) of the Declaration further provides that Reserved Common Area shall be maintained by LWVA or, at LWVA’s option, by persons having the exclusive right to use the Reserved Common Area;

WHEREAS, LWVA has designated a portion of Common Area for the purpose of individual garden plots to be used by residents on a seasonal basis;

WHEREAS, LWVA is responsible for maintaining and managing the common facilities and amenities, including designated garden areas;

WHEREAS, LWVA recognizes the value and benefit of community gardening as a recreational and aesthetic amenity that fosters community engagement, environmental stewardship, and personal well-being;

WHEREAS, proper management of the garden plots will help ensure equitable access and encourage responsible and sustainable use of shared resources; and

WHEREAS, the Board has determined it is necessary to establish clear guidelines and procedures for the fair assignment, appropriate use, and regular maintenance of the garden plots to ensure consistency, prevent disputes, and protect the health and appearance of the common areas;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the following policy which shall supersede and replace any previously adopted policies and procedures relating to the same or similar subject:

I. PURPOSE

Garden plots are an amenity located on the Common Area which may be reserved by residents of Lansdowne Woods. Residents who reserve a garden plot sow, plant and nurture their gardens, and enjoy the fruits of their labors in the form of vegetables, herbs, and flowers. Residents with condominium units overlooking the gardens, and residents walking through LWVA property, benefit from the beauty of the gardens. Importantly, native plant species help support the surrounding ecosystem and the environment. When garden plots are poorly maintained, residents are forced to view unsightly garden plots that detract from the beauty of LWVA property; moreover, the ecosystem may suffer.

Along with the privilege of renting a garden plot, it is the gardeners' responsibility to ensure the garden plots are properly maintained and continue to benefit the whole community. LWVA Management ("Management") is responsible for monitoring the garden plots throughout the year and for ensuring that garden plots are maintained in accordance with this Resolution.

Garden plot turnovers occur annually, so garden plots frequently become available to additional residents. Management manages the assignment of garden plots to residents. It is LWVA policy to provide as many residents as possible with the opportunity to rent a garden plot, while making multiple garden plots available to residents when it is evident that all garden plots will not be assigned for a season. Management assigns garden plots using an application process that will be made available to residents of Association by September 1 of each year.

II. APPLICATIONS FOR AND ASSIGNMENT OF GARDEN PLOTS

To balance the interests of established gardeners and residents who wish to rent a garden plot for the first time ("Gardeners"), an application process is established. Gardeners must apply for garden plots by submitting an application to the Management Office. Annual rental assessments for plots are established by Management.

A. General Provisions:

1. Applications who wish to have a specific garden plot must request the plot by number on the application.
2. At the time of application, Gardeners must include the established rental assessment for each plot the Gardener seeks to rent.
3. Available garden plots are assigned on a first come first served basis. To ensure accurate assignments, Management shall date and time stamp all applications upon receipt.
4. Applicants shall certify that they have read, understand, and agree to comply with the intent, rules, and procedures set forth in this Policy Resolution and shall indemnify and hold the Association harmless in accordance with the Association's

Waiver, Release, and Assumption of Risk Form, which all applicants must acknowledge and sign.

5. Garden plots are rented to and must be maintained by the individual resident that is assigned the exclusive use of the garden plot – not by the condominium units. It is possible for a single resident to rent one or more garden plots provided that the resident actively gardens the rented garden plots.
6. Residents may not rent garden plots in the name of another resident. Moreover, garden plot assignments are not transferable. If a Gardener does not wish to use the assigned garden plots, or is unable to maintain it, the Gardener must notify the Management Office. Generally, all transactions with the Management Office must be by the resident to whom the garden plot is assigned.

B. Application Process for Gardeners Wishing to Retain a Plot for the Next Growing Season:

Each year, many Gardeners express interest in reserving a given garden plot for the next growing season. To offer Gardeners an opportunity to continue working plots they have already cleared and prepared for crops or flowers, Management affords these Gardeners an opportunity to apply for and receive extensions on up to, but no more than, two of the garden plots they currently work. Gardeners may request reservations on their two selected plots by noting this on their plot rental application with the Management Office. All dates can be found on the back of the Garden Plot Rental Application.

Gardeners who have worked plots during the previous season will have first accessibility to extend their rental on those plots. They can expect to receive priority status for up to the two plots they request to extend when they apply during the plot extension timeframe noted on the application. Management will set aside the Gardener's requested plots from the overall plot inventory that becomes available for rental by new Gardeners.

1. The assignment of a second or a different plot a Gardener is contingent upon a determination that the Gardener has consistently met maintenance standards during the rental period that just ended, including compliance with the intent, rules, and regulations of this Policy Resolution.
2. Reassignment of the same plot to a Gardener in succeeding years is contingent upon the Gardener complying with the intent, rules and regulations of this Policy Resolution.

C. Application Process for New Gardeners and Single Plot Gardeners:

To encourage the participation of new Gardeners, and to provide single plot Gardeners with opportunities to change their plot or to select one additional plot, Management will first open the entire inventory of available plots to these residents. These Gardeners may apply for plots at the Clubhouse, by submitting an "Application for Plot" form with the Management Office.

The assignment of a second or a different plot to a Gardener is contingent upon a determination that the Gardener has consistently met maintenance standards during the rental period that just ended, including compliance with the intent, rules, and regulations of this Policy Resolution.

D. Application Process for Gardeners who wish to Garden Multiple Plots:

On dates chosen and announced by Management, the entire inventory of plots that have not yet been rented to residents will be opened. During this time, Gardeners who wish to apply for more than two plots may note these plots on their application with the Management Office. Management seeks to accommodate Gardeners' requests for multiple plots whenever possible; however, it cannot guarantee that Gardeners will be assigned more than two plots in any given season.

Gardeners may rent up to 4 plots at any one time, provided there are enough plots available to allow all applicants to rent at least one plot.

Note: Residents interested in perennial gardening should be mindful of limitations on retaining continuous use of a plot over time. In the event a perennial Gardener is unable to garden the same plot(s) in future years, and the Gardener is unable to transfer perennials to a subsequent garden plot, Management will seek to determine potential relocation sites or disposal of perennials.

III. RULES FOR USE AND MAINTENANCE OF GARDEN PLOTS

Gardeners are responsible for the upkeep of their plots for the full term of the rental period. To ensure that the Association gardens not only benefit, but more importantly, remain safe for fellow Gardeners, Gardeners must comply with the intent, rules, and procedures of this Policy Resolution when maintaining their gardens. Management will endeavor to speak directly with Gardeners and may also provide Gardeners with written notice of violations, when they occur. **If within 14 days the Gardener fails to bring the plot(s) in compliance in accordance with this Policy Resolution**, the Gardener risks forfeiture of their plot(s) and rental assessment, in addition to accompanying fees to be established by Management.

Note: When Gardeners are away or incapacitated, they are responsible for making arrangements for someone to take care of their plot(s) and inform management of this arrangement. If this cannot be done, Management must be notified in writing of the relinquishment of the plot(s).

A. Fencing of plots:

Gardners are permitted to construct temporary fencing around the garden plot. Fences must look neat, blend in with the natural look of the garden, and be as unobtrusive as possible. Fencing must be constructed of dark green or black plastic or wire mesh. All fencing must be supported by neat looking stakes which support the natural look of the garden. Fences and fence stakes must not exceed 5 feet in height and are limited to the inner boundary of the Gardener's plot(s). Gardners are responsible for removal of the fencing upon termination of the reservation.

Internal Support Structures and Adornments on Plots:

Poorly constructed internal support structures – such as plant stakes, trellises, cages, poles, and other supports - have potential to harm fellow Gardeners and their plants; clutter gardens

and detract from the overall beauty of the LWVA gardens. The following apply in all instances:

1. Internal support structures must be neat, uniform, and blend in with the natural look of the garden. Internal structures must not exceed 6 feet in height, must not unduly shade nearby Gardener's plants, or pose a safety hazard.
2. Gardeners shall not attach, place, lean, or secure any items to the wooden timbers bordering the garden plots, including support poles, stakes, fencing, trellises, or similar structures.
3. Provided they do not interfere with neighboring plots and are not in disrepair, steppingstones, small bird baths, garden plaques, statues, windchimes, and hanging baskets are permitted inside the confines of garden plots. Nothing is permitted to be placed on top of or installed on wooden timbers bordering the plots.
4. All internal structures should be on the plot only when being used. During the growing season, all structures which are not in use must be taken down by the Gardner and stored in the Gardner's personal storage area
5. All structures must be taken down by the Gardner and stored in the Gardner's personal storage area no later than December 1st.

B. Maintenance:

Maintenance of garden plots is Gardner responsibility. Weeds and invasive plants must not be allowed to grow voluntarily in plots, and they may not be planted in plots. Weeds and invasive plants must be prevented from going to seed so they will not spread to neighboring gardens.

1. Pathways have mulch-covered surfaces so that they serve as drainage routes for excess water. The mulch must not be covered with dirt, sand, or leaves, or otherwise damaged by digging.
2. Paths must be always kept open and free of obstacles.
3. Bags of mulch, fertilizer, etc. must not be placed on pathways, and they may not remain on the plot for longer than 14 days.

C. Debris Management:

Compost bins or piles may not be built or maintained anywhere on LWVA property or woodlands. Gardeners must dispose of dead vegetation, weeds, and roots, in the containers behind each shed.

1. All non-organic material (pots, stakes, tools, plastic bags, netting, fencing, tarps, and other debris) must be placed in or next to the refuse bins behind each shed.
2. Dead vegetation must not be piled or dumped in other areas or surrounding woodlands. Piles of non-composted vegetation do not deteriorate effectively, adversely impact the native ecosystem and mar the beauty of the surrounding Association woodlands.
3. Rocks may NOT be placed inconspicuously in the woods. They should be placed beside the dead vegetation container behind each shed.
4. No dumping of any kind is permitted in the woods or elsewhere on LWVA property except in designated disposal containers or areas approved by Management.

D. Inactive Plots:

LWVA garden plots provide residents with an opportunity to grow plants that, generally, would not be viable indoors. Gardeners who rent plots must work the plots.

Management will reclaim a plot not showing substantial evidence of being worked by May 15, weather permitting. Thereafter, if a garden plot is not worked or maintained for 4 consecutive weeks of the growing season, Management will reclaim the plot.

Reclamation of a plot may result in potential charges to be established by Management. Charges are noted on the back of the garden plot application.

Brown or black weed preventative fabric may be placed over a garden plot in order to contain weeds as long as it is completely secured on all sides, seams and center. It should not be loose in any area, so it is not blown by the wind. If a Gardener elects not to grow plants, but wishes to keep the fabric on the plot, it must be maintained consistently to ensure it is secured and no debris has settled on top of the fabric.

E. Prohibitions on Chemical Herbicides/Pesticides:

Most Association gardens contain plots where vegetables and fruits are grown for consumption. The use of chemical herbicides and pesticides can harm fellow Gardeners and LWVA residents, owing to their toxicity. Further these chemicals damage the native ecosystem and possibly sicken wildlife and pets. All chemical herbicides, pesticides and fungicides are strictly forbidden for use in LWVA gardens since they contain toxic materials that pose both human and environmental health risks. Organic herbicides, pesticides, and fungicides may be used sparingly, and only when needed.

F. Plantings:

Gardeners most commonly plant vegetables, fruits and flowers. LWVA encourages the use of native plants whenever possible since these are generally less disease-prone, less disruptive to the ecosystem, and support butterflies, native pollinators, birds and other wildlife. To ensure all Gardeners can derive enjoyment from their garden plots, Gardeners agree to comply with the following guidelines.

1. Gardeners must consider the effect of plant height on neighboring plots. Plants exceeding 4 feet must not unduly shade nearby plots or spill out of the plot or into walkways.
2. **No trees or shrubs may be planted or allowed to grow voluntarily in garden plots.** Dwarf varieties of plants are acceptable, provided they are trimmed and neatly kept throughout the growing season and winter, and do not interfere with neighboring gardens. Gardeners who choose to plant a dwarf shrub are responsible for removing the shrub upon the transfer of their plot to another Gardener.
3. Plantings of invasive vines, and of any plant with invasive root systems (mint, ivy, etc.), is permitted on a confined basis only: All plants with spreading or invasive roots must be confined to a solid pot (with no holes for drainage). Plants and roots must not be allowed to extend beyond the confines of the pot. If buried in the ground, the pot must be buried no deeper than within two inches of the rim.

4. Overwintering of perennials, annuals and herbs is acceptable, but plants **must be trimmed and neatly kept to a 4-foot maximum during winter months**. Any dead growth on perennial or annual plants that have finished production, must be removed or cut back promptly. **All perennials, annuals, and herbs must be cut back by December 1.**
5. Plantings shall not extend beyond the garden plot's wooden beams and must not enter pathways. Plantings must not appear cluttered or become an eyesore. All dead flowers, leaves and vegetation must be removed promptly.

G. Water:

Water and garden hoses that reach every plot are supplied by LWVA for Gardeners' use, weather permitting. After watering, Gardeners must shut off water to economize on its use, and to avoid damage to nearby gardens or common areas. Gardeners are expected to return and coil the hose, free of any kinks around the hose reels. Should garden hoses or taps become damaged or broken, Gardeners should advise Management.

H. Garden Sheds and Tools:

A shed for the storage of community garden tools only is located near each of the gardens behind Riverbend, Blue Ridge, and Potomac Ridge buildings. Garden sheds contain community tools that Gardeners are free to use in the maintenance of their gardens.

1. Gardeners must return all tools to the shed after each use, in clean, reusable shape.
2. Gardeners wishing to use the sheds will be charged a minimal fee to cover the expense of making keys and locks.
3. Garden sheds must be locked after each use.
4. Gardeners must not use garden sheds for the storage of personal items or tools. When personal items are discovered, they will be disposed of immediately.
5. Community tools must not be left on garden plots; this exposes the tools to the elements and deteriorates them.

I. Fall Cleanup:

To avoid gardens becoming an eyesore over the winter, Gardeners are required to remove all fencing, debris, cages, flowerpots, stakes and tools from their plots. Plots must be cleared of all dead and dying plants and leaves, and perennials must be appropriately pruned/cut back for the winter. All Fall cleanup of gardens must be accomplished no later than December 1.

The first week in December, Management will inspect the garden plots and will note any garden plot holders who have not completed fall cleanup in compliance with this Policy Resolution. If a plot is not in compliance, Management will then notify the Gardener, in writing, of any violations found. If the plot remains in violation after 10 days of notice being given, Management will contact the Gardener to ascertain the reason for the Gardener's failure to bring the plot into compliance. Should the Gardener be permanently unwilling or unable to bring the plot into compliance, it will result in forfeiture of the Gardener's plot for the upcoming growing season in addition to charges to be established by Management.

J. Late Autumn/Winter Gardening:

Gardeners who have been approved to work a plot for another year, may grow winter or cover crops to improve the soil on their plot.

1. If a winter Gardener wishes to protect plantings from deer and other predators, netting and stakes not to exceed 3 feet in height may be employed. Once winter crops have been harvested, the Gardener must remove all netting and stakes promptly to ensure wildlife does not become ensnared.
2. Gardeners are expected to remove dead leaves and other debris resulting from their perennials throughout the winter.