

**From:** [Oliver Steinberg](#)  
**To:** [Jerve, Anton \(CI-StPaul\)](#)  
**Subject:** zoning or other restrictions on gardens and farm produce  
**Date:** Sunday, October 13, 2013 9:20:00 PM

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Sir:

Article XIII, sec.7 of Minnesota's Constitution:

No license required to peddle. Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.

I trust the city council and other authorities will act within the spirit and direction of this section of the state constitution, when any regulations or restrictions are proposed with respect to gardening and the sale of garden produce in St. Paul.

The Constitutional right to sell farm and garden products without being required to be licensed seems to me to imply an underlying right to cultivate said products. Any zoning restrictions ought therefore to be drawn so as to fully respect the citizens' Constitutional rights.

Of course, the Constitution is sometimes regarded by government authorities who have sworn to uphold it, as merely a silly piece of paper. For instance, a citizen can no longer enter the City Hall and Courthouse building without submitting to an unlawful search of his or her person conducted by the police or sheriff's deputies, in direct contravention of the 4th Amendment of the federal constitution.

Consequently, since I cannot freely enter in order to attend the ostensibly public meeting of the City Council, I'm sending this comment to you by electronic mail. The e-mail message will be intercepted, logged, and searched by the National Security Agency (and who knows who else) also without a warrant as the 4th Amendment requires. I'm proud to be an American, but I'm ashamed to live in a nation of sheep, cattle, and chickens . . . in human form. George Orwell was right.

Oliver Steinberg, 1503 Branston Street, St. Paul, MN 55108 Tel: 6561 647-1414

**From:** [Alex Liebman](#)  
**To:** [Jerve, Anton \(CI-StPaul\)](#)  
**Subject:** Thoughts re. proposed urban agriculture Zoning Code amendments  
**Date:** Monday, October 21, 2013 9:29:02 PM

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Anton -

I hope this e-mail finds you well. I am writing in hopes of dialoguing a bit about the proposed zoning amendments that pertain to urban agricultural production in Saint Paul. During the past two years I have begun a small urban farming business located in the Frogtown and North End neighborhoods. We have worked diligently to design a small business that beautifies the city, produces food for our neighbors, and works toward more sustainable, resilient local economies. During the past years, our farm has hosted numerous college and school tours, donated hundreds of pounds to local food shelves, and engaged with countless neighbors in food production and education.

Unfortunately, I fear that some of the proposed amendments will needlessly restrict the work we do, making it nearly impossible to continue operating an urban farm in Saint Paul. A few of my concerns are:

1.

*Sec. 65.771 (i) : A building permit is required for any temporary structure covering an area greater than one hundred twenty (120) square feet.*

- This presents a costly and cumbersome procedure to erect an economically beneficial and efficient hoop house. Hoop houses effective for achieving a modest economy of scale are generally 48' x 20' or larger. This amounts to 960 sq. ft., far above the proposed 120 square feet. Season extension techniques are at the cutting-edge of developing meaningful local foods infrastructure. Hoop houses greatly extend the season, helping neighborhoods receive more fresh produce for more months of the year. I would encourage the city to evaluate hoop houses on a case-by-case basis with input from both the farmer and neighbors to achieve appropriate sizes for each structure.

2.

*Sec. 65.771 (b)(a) In residential, traditional neighborhood, and business districts, an agriculture use having an area of greater than one (1) acres requires a conditional use permit.*

- This condition also seems cumbersome for small agricultural producers. If I am not mistaken, a conditional use permit often costs over \$1000, an enormous expense considering that prime agricultural land outside the city limits rents for \$200-300 per acre per year. The conditional use permit provision also does not take into account that the farmer is already competing with market rates for rent and/or property taxes. One acre seems like an arbitrary size, failing to take into consideration the scale and production necessities that many small-scale vegetable farms encounter. Efficient production techniques that are required to make urban farming economically viable are enhanced by larger, contiguous tracts of land. Conditional use permitting would greatly limit the success of urban farms.

3.

*Sec. 65.771 (d) Keeping of any animals other than bees is prohibited, except residents of the property may keep animals, subject to city permit requirements.*

- Small livestock, especially chickens, are an essential element of soil fertility

and crop rotations for small vegetable farms. I encourage the City to monitor their use in urban agriculture spaces but not to ban them outright.

4.

*Sec. 65.771 (i) Gardening equipment shall be limited to that which is commonly used for household gardening.*

- This is ambiguously worded and is hard for urban agriculture practitioners to interpret. What tools would be restricted? What is a common backyard garden?

As cities throughout North America begin to view urban agriculture as a positive aspect of 21st century development for its revitalization of vacant areas, its capacity of meaningful employment and job training, and its environmental and public health benefits, I fear that these zoning amendments will place the development of urban agriculture in Saint Paul several steps back. It is time for Saint Paul to embrace urban agriculture, work to enhance its benefits, and collaborate with farmers to achieve healthy, respectful relationships between farm-spaces and the rest of the city.

I would be very happy to discuss these issues further. Please do not hesitate to e-mail or call (413-320-7018).

Sincerely,

Alex Liebman  
Stone's Throw Urban Farm  
Owner/Partner  
[stonesthrowurbanfarm.com](http://stonesthrowurbanfarm.com)



District 6 Planning Council

171 Front Avenue  
Saint Paul, MN 55117  
651-488-4485 fax: 651-488-0343  
[district6ed@dist6pc.org](mailto:district6ed@dist6pc.org)

October 29, 2013

Councilmember Amy Brendmoen  
15 West Kellogg BLVD  
Saint Paul MN 55102

Dear Councilmember Brendmoen,

At its' October 22, 2013 Land Use Task Force meeting the changes to the City ordinance regarding urban agriculture was discussed. District 6 Planning Council is pleased that there will be oversight regarding the agriculture and market uses.

The more salient points brought forth were the actual regulation of uses of land parcels and that a conditional use permit and site plan should be required for any privately or City held parcel regardless of the size and not be limited to parcels one acre and over; issues can arise regardless of the size of a parcel.

If a parcel is over one acre or in a location that is highly industrialized, a water management plan created with the Capital Region Watershed should be provided as well as testing of soli contents. A water management plan and soil testing will ensure that run off is limited and the soil is healthy enough for growing edible items.

Any permit issued should take into account the use is compatible with the surrounding uses and sufficient buffering is in place so as not to encroach on neighboring parcels. The use as quasi-storage for mulch and other organic material should not be permitted it is aesthetically unappealing and neighbors should not be subjected to it.

Any use of pesticides should adhere to minimal use/ best practices of the industry and the use should be posted on the property and any items grown and sold at a market should list what pesticides if any were used.

In a residential setting Community Gardens should be given priority and there should be neighborhood notification of any agricultural use over one acre in a residential area. In a situation where the user is not a good steward of the land parcel there should be remedies in place to site deficiencies and discontinue the use of the parcel as agriculture, above all neighborhoods should not be subjected to code violations.

Once again we thank Zoning and the City Council for realizing that urban agriculture is an important piece of our neighborhoods, but that the residents and those who have made their homes in the City should not suffer unduly because of mismanaged urban farms.

Thank-you for considering the points made by District 6 Planning Council and if you have questions, please contact the office.

Regards,

*Jeff Martens*

Jeff Martens  
Land Use Chairman  
Board of Director's Vice Chairman

Cc: Council President Lantry  
Ward Council Offices  
Anton Jerve, Planning and Economic Development

**From:** [Robin Major](#)  
**To:** [Jerve, Anton \(CI-StPaul\)](#)  
**Subject:** Comments on Urban Ag. Zoning Text  
**Date:** Wednesday, October 30, 2013 11:28:03 PM

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Dear Anton Jerve-

I am writing in response to the most recent draft of the Saint Paul Urban Agriculture Zoning Text. Over the last few years I have been a partner/owner of an urban agriculture business in Saint Paul called Stone's Throw Urban Farm. We grow vegetables on vacant lots in the Frogtown and North End neighborhoods and sell the produce to restaurants, CSA members, farmers markets, and people in the community. I farm in the city because I feel it is a direct way of working towards a future with a more equitable food system and more sustainable and resilient local economies.

In regards to the Zoning Text, I worry that some of the proposed amendments will jeopardize the growth of new farms in Saint Paul and Stone's Throw Urban Farm's ability to continue farming in the city. Here are a few of my concerns:

1.

*Sec. 65.771 (i) : A building permit is required for any temporary structure covering an area greater than one hundred twenty (120) square feet.*

- This presents a costly and cumbersome procedure to erect an economically beneficial and efficient hoophouse. One hundred twenty square feet is not sufficient to grow an adequate amount of produce for a farm business. Hoop houses are an essential component of vegetable production, especially in Minnesota where they greatly extend the season and amount of food grown. I would suggest that building permits be required on a case-by-case basis with input from the neighbor and farmer to reach appropriate sizes for each structure.

2.

*Sec. 65.771 (b)(a) In residential, traditional neighborhood, and business districts, an agriculture use having an area of greater than one (1) acres requires a conditional use permit.*

- This seems like a costly permitting process for agricultural land. If I am not mistaken, a conditional use permit can cost up to \$1000. This seems like a lot of rent money when we could rent land outside of the city for a fourth of the cost. I would suggest either extending the conditional use permit to 5 or more acres OR eliminating the requirement.

3.

*Sec. 65.771 (d) Keeping of any animals other than bees is prohibited, except residents of the property may keep animals, subject to city permit requirements.*

- Animals, especially chickens, are an essential component of for farm soil systems. In addition, animals create interactive spaces for children and adults visiting urban agriculture areas. I would strongly encourage the city to reconsider prohibiting urban agriculture animals, especially chickens.

4.

*Sec. 65.771 (i) Gardening equipment shall be limited to that which is commonly used for household gardening.*

- This was very confusing to me. Are the urban agriculture amendments for backyard gardeners or urban farmers? What specifies household gardening equipment? Limiting equipment to hand tools would greatly hinder the growth of urban agriculture in Saint Paul. I would suggest eliminating this section or specifying what tools cannot be used.

Right now, Saint Paul has the potential to embrace, encourage, and build support for urban agriculture. Urban agriculture has the ability to do much more than provide city residents with organic vegetables. The social, economic, and health benefits are immeasurable. I look forward to discussing and hearing more about next steps on November 6th.

Best,

Robin Major

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Robin Major  
Stone's Throw Urban Farm  
Partner/Owner

**From:** [Adria Fernandez](#)  
**To:** [Jerve, Anton \(CI-StPaul\)](#)  
**Subject:** Comments on urban agriculture zoning code amendments  
**Date:** Friday, November 01, 2013 11:53:31 PM

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Dear Mr. Jerve,

I would like to submit a few comments on the draft zoning code amendments related to urban agriculture:

1. Requiring farmers markets to be located on parcels of at least an acre seems excessive. I don't see what damage would be done by allowing markets on smaller parcels.
2. I think it is sensible to require a site plan approval for uses where there is not a resident living on the parcel, but I would like to see a waiver of the site plan fee for small (1-2 lots) parcels.
3. I don't think it is necessary to require production to conform strictly to organic standards, but given the serious health risks posed by agricultural pesticides, I would like to see a prohibition on the use of Restricted Use Pesticides (even by licensed applicators), as well as requirements to notify neighbors of all materials applied.

Thank you for your time and attention.

Sincerely,

Adria Fernandez  
1427 Charles Ave.  
Saint Paul, MN 55104



**From:** [Eric Larsen](#)  
**To:** [Jerve, Anton \(CI-StPaul\)](#)  
**Subject:** questions and feedback regarding St. Paul Urban Ag Zoning Amendments  
**Date:** Saturday, November 02, 2013 12:31:22 PM  
**Attachments:** [Lead and Gardening Fact Sheet.doc](#)

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Anton-

My name is Eric Larsen and I am an urban farmer with Stone's Throw Urban Farm- we are a 4-person partnership growing food on parcels in the Frogtown and North End neighborhoods of St. Paul for sale through Community Supported Agriculture (CSA), farmers markets, and restaurants, along with donation of produce to neighborhood residents and food shelves.

I believe one of my colleagues, Alex Liebman, has already sent in some comments and is slated to meet with you on Monday with Seitu Jones on some of these issues. I would like to add some feedback onto some of those points we have identified as well as ask for some clarity on others.

- My first point is for some clarity on how the zoning changes will influence property taxes. In the memo from Staff to CPC, the last paragraph on the 1st page talks about the tax implications of the zoning study. Again in the Draft Ordinance document on page 9 there begins a long delve into the tax implication of urban agriculture. From what I have read, I think the way St. Paul is approaching the issue is interesting and promising, because it means all parcels falling under the Agricultural land use definition are taxed by Ramsey Cty at the agricultural rate, 1%, compared to 1.5% for residential and 3.5% for commercial. Is this correct? If so, how does land get classified into the Agricultural Land use category? Is it simply a matter of submitting a site review plan? Also, how long do you envision that process taking, and does it have to be done annually? I am concerned that the city inspectors won't move fast enough in approving these site plans according to the time constraints of the growing season and the need for urban farmers to move fast when land becomes available. However, a one-time \$30 review fee could be easily justified by the tax savings over the long run.
- Soil testing- I am concerned in section (a) (pg 3 of the Draft Ordinance) about the soil testing requirement. It states that lead concentration cannot be above 100ppm according to the State of MN limit for residential yards. First of all, I am aware of no such requirement and could not find evidence of it by searching the MCPA or MN Dept of Health websites. Second, that requirement seems to be specifically for residential yards, where children and infants are commonly found playing in the dirt. In areas where food is being grown, whether community gardens or market gardens/urban farms, children will be highly supervised. In the Lead and Gardening Fact Sheet I attached, it states that the U of M Extension recommends not growing produce in soils with greater than 300ppm, and makes no mention of the 100ppm threshold. Our farm has a diligent practice of testing all sites we grow food on before farming them, and we find that a lot of urban soils register 100-200ppm in lead contamination. This hard barrier of 100ppm could be an unwarranted setback for the growth of urban agriculture when there is no proven risk at hand. It has been proven through multiple studies that the real risk of lead poisoning with urban agriculture is not through the ingestion of plants grown in the

contaminated soil, but in the ingestion of the soil itself. It seems to me the greater risk would be leaving the parcel vacant with moderate levels of lead contamination and having children play in the soil. Urban agriculture, through the addition of compost and other plant matter, will greatly reduce moderate levels of lead contamination into much safer zones. Urban agriculture has the potential to be a great strategy to re-mediating soils in the 100ppm-300ppm range or higher, and by requiring a soil test at 100ppm or lower we would be completely closing the door on this opportunity. I understand that raised beds could be an alternative for some, but the cost of bringing in soil and building the beds is insurmountable for most urban ag businesses such as ours. I would suggest at the very least raising the barrier to 300ppm, or ridding the soil test clause altogether as it has the potential to be controversial and difficult to enforce.

- In (d), it is very restrictive to limit the presence of animals to fish and bees in all types of districts. I believe the City of St. Paul should follow Minneapolis' lead in at least keeping the door open for allowing the keeping of animals in some commercial and industrial districts
- We need some clarity on (j), regarding temporary structures for extending the growing season. I don't see how building permits are needed for temporary structures- that seems to defeat the purpose of allowing temporary structures at all. If you applied for a building permit, wouldn't you be allowed to keep the structure up all the time? The fees for building permits would make construction of hoop houses and other season-extension structures economically nonviable for most farmers. Most of these structures are valued between \$1000-3000, meaning fees ranging from \$50-100. Assuming the farmer would have to re-apply for a building permit every season they want to put their structure back up, this is an unnecessary cost. In short, building permits are not mandated for temporary structures by the state building code and therefore should be treated likewise by St. Paul.

Overall, thank you for your work in putting this language together and pushing this important work forward. While the tone of the zoning amendments is a bit more restrictive than most of the urban agriculture community would like to see, I do understand the need to take this first step forward and balance the concerns of some council members and St. Paul residents.

Thanks for your consideration of these issues, and I look forward to hearing back from you soon.

Eric

--

Eric Larsen  
763-843-6967

**From:** [Cherry Flowers](#)  
**To:** [Jerve, Anton \(CI-StPaul\)](#)  
**Cc:** [Timothy Page](#)  
**Subject:** Hoop houses  
**Date:** Monday, November 04, 2013 5:45:25 PM

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Hi Anton,

I just re-read the draft amendment. I will try to be at the hearing on Wednesday, but I wanted to point out a disconnect in the wording of the statement below which places hoop houses under the temporary structure category.

Our hoop house was handled as a permanent accessory structure which will be up all year and the city required that it be certified by an engineer and that we pour concrete footings 4' deep and 12" diameter under both ends of every hoop which makes it a permanent structure.

The city needs to understand that requiring footings under hoop houses and the certification of an engineer will really limit their use both from a cost stand point and especially on land where gardening is an interim use, for example, Sparc was not interested in our adding concrete footings to the hoop house we had at North End.

Is this really supporting urban agricultural practices in a short growing season climate where season extension can make the difference between being profitable or not?

I would suggest the following revisions (in red) to reflect the actual practice, and that the city evaluate how to make it easier for people to use hoop houses (no footings. no engineer) for season extension.

Accessory buildings **including hoop houses over 120 sf** shall not exceed an area greater than ten (10) percent of the parcel or one thousand (1000) square feet, whichever is greater. Temporary structures, not exceeding one hundred eighty (180) days per year, such as hoophouses **under 120 sf**, cold frames, and similar structures located above gardening plots and being used to extend the growing season are permitted. A building permit is required for any temporary structure covering an area greater than one hundred twenty (120) square feet.

Thanks,  
Cherry

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# *Saint Paul – Ramsey County Food and Nutrition Commission*

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To: Saint Paul City Council

Thank you for addressing the zoning issues encountered by those who wish to grow food in Saint Paul. Growing food close to home can be an important part of having enough food as well as having healthy food.

In the Fourth Congressional District which includes Saint Paul, over 25,000 people receive Supplemental Nutrition Assistance Program (SNAP) which indicates by its name that it is not sufficient to fully purchase the necessary food for a month. Growing food can be an important addition to such a household. For other households, growing food can provide the vegetables and fruits so important for health.

Community gardens bring people together for a common purpose and build neighborhood cohesiveness. Urban agriculture can provide primary or secondary income to residents. These are both important in Saint Paul.

There are a few concerns we have with the current proposed zoning code changes:

- For groups of low-income people who wish to have a community garden or those who wish to grow food to donate to food shelves, the \$800+ conditional use permit fee could be beyond the means of the gardeners. (Sec. 65.771b)
- The requirement for tools, equipment and material to be in an enclosed, secured structure could be also be cost prohibitive. (Sec. 65.771f)

**Note:** The costs above do not include the potential cost of bringing water to the site, which also adds considerable expense.

- Language limiting gardening equipment to that which is commonly used for “household gardening” is unclear and perhaps could include further refinement. (Sec. 65.771i)

Contact through Food and Nutrition Commission staff: [Julianne.Seiber@co.ramsey.mn.us](mailto:Julianne.Seiber@co.ramsey.mn.us)  
651-266-2515