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To: Saint Paul Planning Commission
From: District 1 Community Council
Re: Urban Agriculture Zoning Proposals

The District 1 Community Council stands in strong support of the proposed changes to the city zoning code related to urban agriculture.

For the past several years, the District 1 Community Council has been working on a variety of food related issues. We conducted a food security assessment in 2008, helped to start a second community garden in 2009, and have been working recently with the Minnesota Project and Minnesota Extension Service to bring free cooking classes to youth in the district. In addition, we have been working over the past two years trying to get a small, mobile farmers' market to locate within the district. Currently the closest farmers' market to our area is downtown, the second closest being at Aldrich Arena. We were working with an urban farmer last year to set up a farm stand in a low-income area when her crops were destroyed in one of last year's heavy downpours. But prior to this environmental disaster, we had run into issues with how to legally set up the market and bring healthy, locally grown foods to residents who had mobility restrictions. Mother Nature may be unpredictable, but the legal roadblocks to our efforts were incomprehensible.

We are delighted to see that the proposals make setting up small markets easier, and more appropriate to who is benefiting from them. This approach will make it easier for those farmers who are on the St. Paul Farmers' Market waiting list to sell their produce, will bring fresh, local produce to areas with limited access to these foods, and will provide a new gathering place where all residents can meet over common needs.

We have always seen community gardening and small markets as a crime prevention strategy as well as a way to help residents live a healthy lifestyle. The advent of urban agriculture is yet another way to get people out and about, put more eyes on the street, and bring productive activities to neighborhoods.

We also support the fee structure outlined and the need for site plan reviews to assure that all people have access to these resources, but not at the expense of others moving through the neighborhood. We especially support the setback requirements for garden plots so that they do not impinge on the public right of way.

City staff has done an admirable job of pulling together the best practices for urban agriculture from around the country. We look forward to applying these new zoning changes so that our residents can have the same type of access to fresh produce that other neighborhoods have enjoyed for years.

St. Anthony Park Community Council/District 12
890 Cromwell Avenue, Saint Paul, MN 55114
651/649-5992 TEL 651/649-5993 FAX www.sapcc.org



Anton Jerve
Planning and Zoning
25 W 4th Street- Suite 1400
St Paul MN 55102

May 14, 2012

Dear Mr. Jerve,

The Saint Anthony Park Community Council would like to express our support for the Agricultural Zoning study and amendments.

In addition, though it is not part of this study and the created amendments, we support the continued allowance of boulevard gardening in the City of Saint Paul. Our preference would be for raised beds in order to prevent possible nutrient pollution from entering the watershed. We also support the continued ruling that said gardens should not encroach on the pedestrian right of way.

Thank you for your consideration. Please contact us with any questions.

Sincerely,

A handwritten signature in cursive script that reads "JoAnne Makela".

JoAnne Makela, Co-Chair of the Board of Directors



UNION PARK DISTRICT COUNCIL

1570 Concordia Avenue, Suite LL100, Saint Paul, MN 55104
p 651-645-6887 | f 651-917-9991 | e info@unionparkdc.org | w www.unionparkdc.org

May 30, 2012

Saint Paul Planning Commissions
25 West Fourth Street, Suite 1400
Saint Paul, Minnesota 55102

Re: Urban Agriculture Zoning Study

To the members of the Saint Paul Planning Commission,

At a meeting of the Union Park District Council Land Use Committee on May 8, 2012, the Committee supported the following position regarding the Urban Agriculture Zoning Study:

The Union Park District Council Land Use Committee opposes livestock in residential areas, other than chickens, and encourages relaxing the rules for placement of enclosed compost bins in residential areas.

Thank you for your consideration during this process.

Sincerely,

Sarah Kidwell
Executive Director



Saint Paul – Ramsey County

Food and Nutrition Commission

Members:

Hai Truong—Co-chair

Rebecca Timm--Co-chair

Nadja Berneche

Diane Dodge

Metric Giles

Bernie Hesse

Lisa Jore

Katie Koecher

Linda Littrell

Kentale Morris

Helene Murray

Brett Olson

Leonard Russo

Colleen Schlieper

TO: Zoning Commission

FROM: St. Paul/Ramsey County Food and Nutrition Commission

RE: Proposed zoning changes related to urban agriculture

We would like to commend the City of St. Paul’s Department of Planning and Economic Development for their efforts to amend the zoning code to remove undue barriers and support the production, distribution, and consumption of healthy and locally grown food. We recognize that urban agriculture is an emerging field, and revising existing zoning to support these efforts is a complex process requiring both balance and flexibility. We especially appreciate the efforts to increase farmer’s markets and believe all the recommendations dealing with farmer’s markets are excellent.

After reviewing the proposed amendments, the Food and Nutrition Commission would like to enter the following comments into record for consideration (Comments are organized in the same fashion as the zoning document):

- 1) Sec. 65.771. In defining the term “agriculture,” we encourage eliminating the words “harvested” and “donated” to ensure that these changes apply only to those who are *selling* their harvest. The concern here is that the definition may be interpreted to apply to anyone growing and harvesting edibles, even for personal or donation use.

Under “standards and conditions”:

(f) Regarding storage of materials:

Please clarify in the code language that a fence would be considered an enclosed structure. Are there restrictions on the type of fence (ie: does it need to block visibility or would a chain link fence work? Does the structure or fence need to be locked, or simply closed?)

(h) Regarding on-site sales limited to products grown on-site:

Due to the nature of urban land availability, it is possible that an urban farmer may farm several smaller plots but will market only at one location. To allow a farmer the flexibility to sell all of their produce at a single location, we recommend changing the language to reflect sales of “products grown by the farmer,” rather than “products grown on-site.”

(i) We would like to clarify that this language does not prohibit the one-time uses of larger equipment that may be required to prepare a site (such as a bobcat, large roto-tiller, etc).

(k) Restricting planting four feet from a public right-of-way may be prohibitive to some growing situations, particularly on smaller lots and where climbing plants can be grown on fences. We

recommend a change to: “Planting beds will not encroach on sidewalks or other public right of ways.” Also, we recommend allowing edible plantings on boulevards that do not encroach sidewalks or other public right of ways and follow height restrictions on boulevards.

Sec. 61.302. - Application forms and fees.

Site Plan Review and Design Review

The cost for site plan review is prohibitive for new start up businesses and for nonprofit community gardens . The start-up cost for a community garden on an acre of property would be \$1300 for site plan for an acre alone plus the conditional use permit fee of \$800. Nonprofit community gardens are run largely by volunteers and operate on shoestring budgets. Such costs would discourage new gardens from even beginning.

We are not sure why both a site plan review and design review is required, and it is unclear what the design review fee would be for over an acre of land.

We recommend eliminating the design review completely and reducing the fee for site plan review substantially, especially for nonprofit gardens.

Further suggestions:

- Please clarify that urban agriculture projects, including community gardens, will be “grandfathered” into this system and not subject review or fees.
- 3rd Party Review for Urban Agriculture Citation Appeals
Because urban agriculture is an emerging field, each city is finding the appropriate balance the needs of densely populated urban areas with urban growing practices. To facilitate positive relationships and zoning changes that really work on the ground, we recommend a 3rd party review be included urban agriculture-related citation appeals. This 3rd party panel would ideally be composed of residents from the neighborhood of the property in question, individuals with expertise in urban agricultural practices, and city/DSI representatives. An opportunity for mediation of potential problems is very important.
- Efforts to streamline urban agriculture language/requirements across city departments
We recognize that the zoning amendments apply to private land, and other departments control the circumstances for urban agriculture on publicly-owned property (parks, HRA leases, public works leases, etc). To avoid confusion, please make efforts to streamline requirements between all types of land that could be used for urban agriculture.
- Real-Life Scenarios to illustrate how changes will affect residents
In an accompanying document, scenarios about how these zoning changes would apply would be helpful. The following scenarios were suggested for outlining how the changes would apply:
 - Just growing food for personal use in a home yard.
 - Growing food in your yard (less than an acre) and selling it.
 - Growing food on several plots of land that are under an acre but NOT selling it.
 - Growing food on several plots of land under an acre total and selling it.
 - Growing food on plots that are over an acre and selling it.

- Growing food on plots over an acre and NOT selling it. (ie, a community garden)

Again, we very much appreciate the overall intent to support urban agriculture in the proposed changes and thank the Zoning Commission for considering these amendments. We look forward to continued partnership to reduce the barriers to urban agriculture in the City of St. Paul. Thank you again for your attention.

Very sincerely,
St. Paul/Ramsey County Food and Nutrition Commission



igniting community development

May 30, 2012

Saint Paul Planning Commission
25 West Forth Street, Suite 1400
Saint Paul, MN 55102
c/o anton.jerve@ci.stpaul.mn.us

Members of the Saint Paul Planning Commission,

We congratulate you on the development of the proposed new urban agriculture language for the City of Saint Paul.

As the coordinator of the North End Urban Farm, a temporary 3 acre urban garden at 425 W. Maryland Avenue, Sparc would like to take the opportunity to provide feedback on the proposed language. Sparc is a non-profit community development corporation with a mission to stabilize several Saint Paul neighborhoods.

Overall the proposed language appears to be a great step in the right direction for supporting urban agriculture and removing barriers to very small scale urban agriculture. We appreciate the flexibility that is provided to sites under 1 acre. We support that under the proposal, there would be no distinction for sites in which growers plan to sell some of their vegetables. This is consistent with innovative programs in the Twin Cities and around the country which facilitate food-based economic activity in our neighborhoods.

We have one major concern with the proposed language, which is the prohibitive fees for Conditional Use Permits and Site Plan Review. For a site of just over 3 acres, for example, the cost of a CUP application would be \$1,400, and its required Site Plan Review would be about \$3,100, for a total of \$4,500, not including permits for fencing, signage, etc. Most efforts to establish an urban agriculture site over one acre would likely stop at this point, as neither the donor of the land nor the growers would most likely have a source of funds for the fees.

The Conditional Use Permit fee for a group of over 5 growers who want to establish a market is similarly prohibitive.

A couple additional, more minor points for clarification / discussion:

- Regarding farmers markets, language may need to be clarified to align with State law, which allows growers to sell their own products on their own farm as many days of the week as desired.
- The amount of space that hoop houses, etc, may occupy seems overly restrictive.
- The size of allowed signage seems to be smaller than many existing, attractive community garden signs.

Thanks to the Planning Commission Members and to City staff for your time and effort in supporting urban agriculture.

Sincerely,



Allison Sharkey
Associate Director, Sparc

Cc: Councilmember Amy Brendmoen
Councilmember Melvin Carter
Councilmember Russ Stark

From: Stephen Mitrione <smitrione@iphouse.com>
To: Anton Jerve <anton.jerve@ci.stpaul.mn.us>
CC: "Russ Stark" <russ.stark@ci.stpaul.mn.us>, "Kirsten Saylor" <kirsten.gar...>
Date: 5/7/2012 6:54 AM
Subject: Re: Proposed City of St. Paul Agricultural Zoning Policy

On May 4, 2012, at 2:21 PM, Anton Jerve wrote:

> Mr. Mitrione,
>
> Thank you for your interest. Here are my answers to your questions:
>
> 1. Existing community gardens will be "grandfathered" in. This
> should be included in the document.
>
> 2. The fees would depend on the size and location of the
> agricultural use.
>
> Agricultural uses over an acre (measured by the area of the use,
> not the size of the parcel) would require a Conditional Use Permit
> fee (at least \$1,000) and Site Plan fee (at least \$1,300).
> Agricultural uses under an acre and disturbing 10,000 of soil would
> require full site plan review fee (\$700). Agricultural uses under
> an acre and disturbing less than 10,000 of soil would require the
> proposed design review fee (\$30).
>
> When I measure the Midway Greenspirit Garden on our maps, it looks
> like it is closer to 9,000 square feet. I have attached a map that
> highlights the area I am measuring. Please let me know if I am
> missing a portion of the garden. An agricultural use of this size
> would require only a \$30 Design Review fee. Also, it looks like
> this garden is in the public right-of-way so it would be regulated
> by an agreement with Public Works, rather than by the proposed
> zoning. The area you have is about 5 years old. The garden
> encompasses the entire parcel.
>
> 3. DSI is responsible for regulating agricultural uses according to
> the standards proposed in the text amendments. They will not
> evaluate agricultural uses beyond how it is defined in the proposed
> amendments and DSI will not manage the uses. Agricultural uses
> needing a Conditional Use Permit will go before the Zoning
> Committee and Planning Commission and will have the opportunity to
> describe their particular needs as applied to the agricultural use
> they are proposing.

This would also be a good time to clean up some of the ordinances that currently affect community gardens. There are currently some rules promulgated by various city departments that often don't make sense or inhibit good agricultural practices. There are currently rules that prohibit bringing organic material to a community garden for either composting or mulching and there are rules that prohibit the use of fertilizers, of any type, in community gardens. These rules were obviously made by someone who does not understand how to maintain fertility and grow food. Composting limits also need to be changed. This is from the HRA policy for gardens regarding compost:

Composting of vegetable matter will be allowed during the lease period. Compost material must be vegetable matter from the garden lot itself or from Ramsey County composting sites. No other compost material is allowed. All compost must be secured in a bin.

Community gardens can serve a vital role to direct organic material from the waste stream and avoid the expense of hauling material across the county and back in order to arrive back at the garden. Current residential guidelines for composting limit properties to 150 cubic feet. This is essentially a 5 x 5 x5 compost pile. Puny for most agricultural purposes. This should be greatly expanded

-Steve

- >
- > The Planning Commission would be interested in anything you think
- > could be added to the standards to facilitate the review process.
- >
- > I will include this question in the public testimony for the
- > Planning Commission to consider.
- >
- > Please let me know if you have any more questions.
- >
- > Thank you,
- > Anton
- >
- > (<http://www.stpaul.gov/>)Anton Jerve
- > City Planner
- > Planning & Economic Development
- > 25 West Fourth Street
- > Saint Paul, MN 55102
- > P: 651-266-6567
- > anton.jerve@ci.stpaul.mn.us
- >
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- > Making Saint Paul the Most Livable City in America
- >
- >
- >>>> Stephen Mitrione <smitrione@iphouse.com> 5/1/2012 11:44 PM >>>
- > Dear Mr. Jerve-
- >
- > As a manager of a community garden and an advocate of community
- > gardens I have the following concerns and questions, regarding the
- > proposed Agricultural Zoning policy:
- >
- > 1. Will existing community gardens be required to submit site plans
- > for review by DSI, or will there be a grandfathering in of existing
- > gardens?
- >

> 2. Could you please outline what requirements in terms of permits
> and fees would apply to new community gardens being established.
> Would it be the simple design review fee or would it be the much more
> costly site plan review. As the manager of a 2.5 acre(90,000 square
> feet) community garden, the fees as outlined would be \$2,100. That
> is a hefty fee for a community garden and would greatly inhibit their
> development.

>
> 3. My last concern is the overview of agriculture by DSI. Is there
> really the "expertise" in DSI to evaluate agricultural uses? What
> training or new skills will be required of DSI to carry out a policy
> of review and management that is not overly narrow and limited by a
> lack of understanding of what is actually required to grow food,
> which is the point of the whole policy in the first place.

>
> Stephen Mitrione
> Garden Coordinator
> Midway Greenspirit Garden
> St. Paul, MN
> smitrione@iphouse.com

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> <Midway Greenspirit Garden2.pdf>

Stephen Mitrione
Garden Coordinator
Midway Greenspirit Garden
St. Paul, MN
smitrione@iphouse.com



FARMERS' LEGAL
ACTION GROUP,
INCORPORATED

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May 31, 2012

Saint Paul Planning Commission
25 West Forth Street, Suite 1400
Saint Paul, MN 55102

c/o anton.jerve@ci.stpaul.mn.us

RE: Proposed Changes to the Saint Paul Zoning Code

Dear Members of the Saint Paul Planning Commission:

On behalf of the Association for the Advancement of Hmong Women in Minnesota (AAHWM), we wish to commend the Commission for recommending changes to the St. Paul Zoning Code in order to help support the "production, distribution, and consumption of healthy and locally grown food." As organizations working with family farmers, we especially appreciate the efforts to support the production of healthy and locally grown food. We submit this letter to provide our thoughts on the text of the proposed changes.

Association for the Advancement of Hmong Women in Minnesota and Farmers' Legal Action Group

Formed in 1981, AAHWM supports Hmong women's strengths and desires to succeed through providing cross-cultural services, education, and advocacy. AAHWM was the first nonprofit organization operated by and for Hmong women in the United States. Today, AAHWM helps scores of women and their families from Minnesota's fast-growing Hmong American community reclaim their farming traditions. AAHWM's work with Hmong American farmers includes such issues as land rental negotiation, farm business loans, small grants, interpreter/translator services, seeds, supplies and equipment, and other issues related to farm activities.

FLAG was launched in 1986 by two legal aid attorneys in response to the farm credit crisis then ravaging the countryside. FLAG is the only nonprofit law center in Minnesota or the nation dedicated to building economic

opportunities for struggling family farm businesses. FLAG's work has broadened over the last 26 years to include many other issues that affect the economic stability of small-scale farms—urban and rural—including contract farming, racial discrimination, organic certification, disaster recovery, debt management, and equitable participation in governmental programs. Since it opened its doors in 1986, FLAG has: 1) conducted more than 670 training events in 41 states, attended by more than 33,500 farmers, lawyers, and farm advocates; and 2) written, published, and distributed more than 100,000 copies of numerous user-friendly books and articles.

In 2005, FLAG initiated an outreach program to the Hmong American farming community, focused in St. Paul. Since then, we have added to our internal cultural and linguistic competence: we have on staff a full-time native Hmong-speaking attorney, publications in Hmong, and have developed deep and productive working relationships with Hmong American community organizations and individual Hmong American farmers.

St. Paul's Community of Farmers

We appreciate the intent of the proposed changes to the text of the zoning code and see the proposed changes as a step in the right direction for our community. Since our work is on behalf of farmers, our hope is to provide you with input about how the proposed changes will or could affect the farmers who produce healthy and locally grown food.

In the local food movement, often there is a focus on the consumer side—on food access, particularly for low-income individuals and communities. Access to healthy food by low-income individuals and communities is extremely important. It is also important to remember, however, that a well-functioning food system relies on those who produce the food, particularly the farmers in our own community.

It is also important to remember that consumers are not the only low-income members of the food chain; many of the farmers who grow the delicious and healthy food that overflows at our local farmers' markets are themselves in poverty. A third of Ramsey County's Asian population lives below the federal poverty level. Nine in 10 at Minneapolis Public Schools' Hmong International Academy come from homes with incomes below 185 percent of the poverty line.

St. Paul is fortunate to have a bustling and productive community of immigrant and refugee, mostly Hmong American, vegetable and fruit farmers. However, these farm families are surviving more than they are thriving. Farming for immigrant or refugee farmers is often a second or third

job, or they have turned to farming after losing their jobs in the recent economic downturn. Many have secured marginal incomes from farmers' markets, but lack access to larger, more reliable commercial customers. They scramble each season to find farmland within reasonable driving distance of their homes. AAHWM maintains a list of Hmong American farmers seeking nearby farmland each growing season; every year, that list tops 100 families.

Proposed Changes to St. Paul's Zoning Code

Agricultural Uses - Conditional Use Permit and Site Plan Review Requirements

While we applaud the recommendation to allow agriculture as a more broadly allowed use, the conditions placed on farming more than one acre are very difficult, if not impossible, for most farmers to meet. In particular, the requirement to get a conditional use permit (CUP) and costs associated with applying for a CUP are extremely burdensome.

For example, a farmer who raises vegetables on two acres of land can hope to receive a gross income in the range of \$2,000-\$4,000 per year, depending on weather and their markets (with those selling at local farmers' markets earning the least). After subtracting input costs (e.g., stall fees (which can be more than \$1,500 per season), seed, rent, equipment, fertilizer, and transportation), the profit margins are razor-thin. If a farmer also has to pay the conditional use permit cost of \$1,000 for those two acres (recognizing that land owners may well pass that cost on to renters, as it is expensive for them as well), that just about ensures that farmers are growing healthy food for their community at a loss to themselves and their families.

In addition to the CUP fee, the new language includes a requirement of obtaining approval of a site plan. The cost of a site plan review is unclear to us. We read the proposed code Section 61.302(b)(1)d. as saying that site plan review for agricultural uses will cost thirty dollars (\$30.00), but it is also possible to read the code as saying that site plan review is subject to the fee schedule in Section 61.302(a)(b)(1)b. If it is the latter, site plan review of two acres of agricultural land would be more than \$2,000.

These costs associated with obtaining a CUP and site plan review in order to farm more than one acre are prohibitively expensive for local farmers who are selling to our local community. They also impose a severe regulatory burden on anyone who wants to farm and sell in our City. The process of obtaining a conditional use permit and site plan review are challenging and cumbersome for anyone; for a person with limited English skills and limited resources, the requirements amount to a prohibition. So, while the intention

of the proposed zoning code changes is to “facilitate...the production, distribution, and consumption of healthy and locally grown food,” they actually discourage and will limit the production of locally grown food in our community.

Agricultural Uses – Other Issues

There are other, less significant issues or questions regarding the proposed changes concerning agriculture that perhaps could be clarified:

- 1) Section 65.771(h)(i) says that “[l]andscaping equipment shall be limited to that which is designed for household use.” We assume that equipment tailored to smaller-scale farming, such as roto-tillers, would be permitted.
- 2) Section 65.771(h)(j) says that structures cannot exceed 35% of the rear 25 feet of the parcel. The most likely structure to be added to farmland is a hoop house, which helps farmers extend their growing season so that it can run from April through October—or possibly longer. Using the example of a standard 40’x120’ lot, with a structure limited to 450 square feet, that may not be large enough to hold a regular hoop house. Also, some of the lots being farmed may not have a residential structure on them, so those size limits and the requirement that the structure be at the rear of the lot may not make sense in this context.

This section also requires that structures over 120 square feet (which is very tiny when considering a hoophouse) require a building permit, which will in turn take more time and money—possibly more than \$100—from farmers’ or landowners’ pockets.

- 3) Section 65.771(h) limits on-site sales of products grown on site to two days per week. Anyone challenging this portion of the code as violating Article XII Section 7 of the Minnesota Constitution would have a good chance of success.

Farmers’ markets

The proposed zoning code changes for farmers’ markets seem like a very good step in the right direction. We have just a few questions and thoughts about those provisions:

- 1) The site plan review fee for markets of fewer than five (5) vendors is unclear. Section 61.302(b)(1)d setting a site plan review fee at thirty dollars (\$30.00) on its face seems to apply only to Section 65.515.d—which is farmers’ markets with more than five (5) vendors. We think the

Saint Paul Planning Commission
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FLAG

site review fee for all farmers' markets, particularly those with fewer than five (5) vendors should be thirty dollars (\$30.00).

- 2) As with the restrictions contained in Section 65,771(h), the limitation of sales to two or three days a week contained in Sections 65.515(e) and (g) may be unconstitutional if the products are grown and sold on-site.

We appreciate your consideration of our questions and concerns and would be happy to answer any questions you may have.

Sincerely,

FARMERS' LEGAL ACTION GROUP, INC.

s/ Susan E. Stokes

Susan E. Stokes
Executive Director and Attorney at Law
Email: [sstokes@flaginc.org](mailto:ssokes@flaginc.org)

SES/rgc