

**City of Falcon Heights
City Hall
2077 Larpenteur Avenue West**

**Minutes
Planning Commission Meeting
Tuesday, June 23, 2020
7:00 PM**

NOTE: THIS MEETING WAS HELD BY WEB CONFERENCE

A. CALL TO ORDER: The meeting was called to order by John Larkin at 7:00 PM.

B. ROLL CALL:

Present: Larkin, Williams, Wilson, Gerich

Absent: Kotelnicki

Present Staff and Council Liaisons: Staff Liaison Markon, Council Liaison Gustafson

C. APPROVAL OF MINUTES:

1. January 28, 2020
2. June 2, 2020 Workshop

The minutes were approved by roll call, as presented, by unanimous consent.

D. AGENDA

1. Discuss Garden Ordinance

Chair Larkin asked Liaison Markon to provide an overview to the garden ordinance. (see Request For Planning Commission Action, June 23, 2020, Discuss Garden Ordinance)

Markon stated that in early May 2020, in the form of a Workshop, the City Council discussed a possible garden ordinance. Then in the first regular meeting of May, the City Council approved an interim ordinance that prohibited the cultivation of front yard vegetable gardens. On May 27, a vote on the part of the City Council was taken to rescind the interim ordinance, but the motion did not pass. Following the vote, the City Council instructed Staff to convene subcommittees from both the Environmental and Planning Commissions to begin drafting a permanent ordinance that would address ordinary front yard gardens in general and community gardens. The interim ordinance will last for one year or until a new permanent ordinance is formally adopted.

Markon further stated that the subcommittees were to be made up of a couple members from both the Environmental and Planning Commissions. The Environmental Commission met on June 8, 2020 and selected Chair Jim

Wassenberg and Nick Olson to be members of the subcommittee. Markon said that it was his goal to answer any questions the Planning Commission may have and to select a couple members to also join a subcommittee.

The Staff has not done much research yet, waiting on the subcommittee to be selected. Markon said that he is the liaison of both Commissions so he will act as the main contact between the Commissions and subcommittee. The hope is that together the Commissions will come up with a good draft ordinance that can be brought to a City Council workshop and then back to the two Commissions if necessary. The guess is that the Planning Commission will hold the public hearing or hearings, since that is what happened with the native landscape discussion in 2019. Also, there will most likely be an online feedback form, as with the native landscaping, where residents can fill out a small survey after reading the draft. Markon stated that hopefully after a few months there will be something passed. It is certainly not the intention of Staff and the City Council to drag out a decision on a new ordinance longer than a handful of months, even though a year is allowed to make a final decision. Markon asked Mayor Gustafson for anything to add on what he just stated.

Mayor Gustafson said that he had nothing to add except to offer that the City is looking for guidance from the community and the Environmental and Planning Commissions to help set up a garden ordinance that addresses the issues with clarity so that it works with the entire City of Falcon Heights.

Chair Larkin asked if this ordinance applies to all types of gardens including front, back and side yards as well as community gardens? Markon answered saying that he thinks the final ordinance is expected to reflect all types of gardens that were mentioned. The intention is to apply the ordinance to all zones, and all places where there are gardens, which would include community areas as well. Markon referred to Mayor Gustafson for additional comments.

Gustafson responded that the current ordinance must be updated because it isn't very clear on where gardens can be located and how they can be utilized. It is an accepted auxiliary use for a homeowner to place a garden in their yard and to maintain it the way they want. Gustafson commented that the subcommittee will need to look at all kinds of use.

Gerich asked Liaison Markon if he could go over procedurally what he would expect to happen in the next few months. Markon responded that once the subcommittee for the Planning Commission is formed, with the exception of basic background information, he wasn't anticipating getting started until after the July 4th holiday in doing some research, in seeing what other communities are doing, and to see what best practices might be available. We have plenty of resources for our research including Green Step Cities, the CERTS group (Clean Energy Resource Teams), and others. There are plentiful resources that the subcommittee can start digging into and then draft an ordinance. Markon says that he would anticipate that towards the end of summer to early fall we will have a good draft to share. The subcommittee will be working off-line, but then providing their information to their respective Commissions so that by the end of summer or early fall, a draft should be available for community feedback.

Larkin asked whether the subcommittee needs to have scheduled and announced meetings, so if someone from the public wanted to attend they could. Markon answered they would not have to announce meetings since it is not a quorum of either Commission. The public wouldn't need to be notified. For the native landscaping ordinance, the subcommittee meetings were held at one of the commission member's houses. However, because of the interest in this topic, meetings could be held at City Hall or open Zoom broadcast. Markon thought the subcommittee meetings would not be held publically, but it doesn't mean that they couldn't be held in an official location.

Larkin said to Markon that he had mentioned that City Administrator Thongvanh had a desire for the two Chairs to be on the subcommittees. Larkin says that he doesn't feel like he would need to be on the subcommittee. Larkin asked Markon if he knew what City Administrator Thongvanh's thinking behind that idea was? Markon responded by saying that he thinks that City Administrator Thongvanh's intention was to have the Chairs along with both Council Liaisons, Mayor Gustafson and Council Member Andrews. The two subcommittees would have those four people that include Chair Wassenberg, Chair Larkin and the two Council Liaisons, and then another voting member from each Commission to be part of our six member subcommittees. Markon thought City Administrator Thongvanh's intention for the Chairs to be part of the subcommittee was because of their experience with their respective Commissions.

Larkin said yes he is fine with being part of the subcommittee, but asked if Wilson, Williams, or Gerich have a desire to be on this subcommittee. Wilson says he has an interest in being on the subcommittee. He says that he also happens to live two doors down from the property owner that brought up this issue. Wilson feels like he is close to the issue. His father is a green thumb. His dad's yard is all gardens. He grew up gardening with his father. Wilson does have a vegetable garden in the back yard. He spent every weekend this summer gardening, mostly ornamental gardens but some vegetable. Wilson says he has done quite a bit of research on the subject because the issue that brought this up is on his street. Wilson says he has actually driven through or ran through all of Falcon Heights and counted front yard gardens. Wilson mentioned that he will definitely want to invite those people (who have the gardens) to come to our public forums and comment on their gardens. Gerich said that he would volunteer as well. Williams commented that if we get back to the vacant lot (homes) issue, he would work with Larkin on that. Markon said that assuming that the topics stay light, the Commission would certainly pick up vacant homes again during the late summer. Larkin mentioned that the vacant homes subcommittee was approved, but never got started. Wilson said that gardening topic is big on social media, so people are watching what the City is doing when it comes to this issue. Wilson says he is very close to this issue, so if the other members of the Commission feel that this is a problem, he is definitely fine with Gerich being on the subcommittee instead of him; its up to everyone on the Commission and what they think. Mayor Gustafson says he is anticipating that we will hear from quite a few members of the community on this topic, and will probably hear from a lot more people from outside of Falcon Heights. Gustafson continued by saying that it is kind of good to get advise from all over the world so we know we are going to do the right thing. Mayor Gustafson thinks that Wilson has researched the topic considerably and that the subcommittee will benefit

from having more information. Even if a person lives close to something, it doesn't mean that that person is necessarily going to take a certain stance. That is kind of what we are looking for. We will all be learning. Markon offered that he can certainly bring it up to City Administrator Thongvanh to see if he would be comfortable without the Chair of the Commission on the subcommittee. Markon said that if Chair Larkin wanted to hand it off to Wilson and Gerich, or if Larkin wanted to be on the subcommittee, he would be happy to run it by City Administrator Thongvanh.

Larkin said that if Gerich, was really interested in this, he would be more than happy to have Wilson be the lead and then Gerich to be the second individual from our Commission if Gerich is really passionate about being on the subcommittee. Larkin said he would rather the people on the subcommittee be passionate about it. Larkin said he has no green thumb. Gerich said in response, he would be perfectly happy to join the subcommittee with Wilson. Larkin replied, "OK, is anybody in disagreement, Tom (Williams), are you in disagreement at all?" The answer from Williams was "no". Larkin said "OK, Justin (Markon) why don't you clear this with City Administrator Thongvanh?" Larkin reiterated that he thinks the idea here is that we have two individuals on the Planning Commission that are passionate about it, and that just seems like they would be best being part of the subcommittee.

Larkin says he has a question for Markon, Mayor Gustafson, or maybe Wilson because he has already been involved with this. Larkin wondered whether anyone looked into our current zoning requirements and how some of those requirements might impact gardens. Larkin says the one he was thinking of was fences. Just about everybody that has a garden has a fence on it, but it is a temporary fence not a permanent fence. How does our current zoning requirement for fences play into a potential garden location, and how will people mitigate rabbits and other types of critters that like to chew on vegetables? Markon answered that from his perspective, we haven't paid much concern for temporary fences around gardens, whether they are in the back yard or raised beds in the front yard. It is not something that has come across his radar that folks are concerned about. Markon says as far as property line fences go, those certainly are a concern, to make sure that they are in the right place and follow the rules. But if they are small chicken wire fences or fences to keep rabbits and deer out, he hasn't heard too much concern about that. Markon says it doesn't mean the fence ordinance could not be changed, but at the moment it hasn't come across his radar. Wilson said that one concern would be if it was a community type garden; there should definitely have to make sure there was a fence around it. And what type of fence that would be, it probably should be more than chicken wire. It should be something similar to community park garden fence.

Williams asked if existing vegetable gardens will be grandfathered in? Markon answered that they have been. The interim ordinance did not affect rear yard gardens or side yard gardens, so those can continue as they are and new ones can be planted. The interim ordinance is affecting new front yard gardens, moving forward as of mid-May. Williams questioned if the effected gardens would typically be vegetable gardens. Markon answered that the interim ordinance was written specifically for vegetable gardens.

E. INFORMATION AND ANNOUNCEMENTS

Liaison Markon said the only item he had was that to note that our next meeting on July 28 will be in person at City Hall. We are starting to have events in person once again. We will observe social distancing. Masks will certainly be encouraged, and we will make them happen back at City Hall.

F. ADJOURN

Chair Larkin asked if we have a motion to adjourn? Wilson said he will motion to adjourn. Gerich gave a second. Larkin then took roll call for adjournment. All members were in favor.

Adjourned at 7:28 PM.