Purpose of this Presentation

- Provide a data driven discussion regarding the Agriculture Resource Protection (AG) Zone
  - Purpose for Creation
  - History
  - Current State
  - Proposed Amendments
Agriculture and Resource Protection
Zone History

- 1920- Initial Comp Plan- identified need to support farming community
- 1958- Blackwell Report
- 1964- Creation of AG Zone
- 1980’s- Attempted removal of AG land for Residential needs
- 2010- Auburn Comprehensive Plan- encouraged flexibility in applying standards in AG Zone
- 2017- Agriculture and Economics Study & Steering Committee
- 2018/19- Ad Hoc Committee proposes amendments
Agriculture and Resource Protection Zone History

- Auburn established the AG Zone in 1964 to concentrate new development close to downtown and major highways, in large part to:
  - Limit public costs for providing utility and school services
  - Maintain an attractive community
AG Zone History: The Blackwell Report

- A driving factor for the creation of the AG zone was the consultant work of John Blackwell of 1958
- Predicted a population boon of 50,000 residents by 2010
- Drafted original “farm and forest” district
  - Goal to protect rural areas, farmland, and provide food for the growing population
Auburn’s population peaked in 1960, just prior to the formation of the AG Zone.
Surrounding rural communities have seen steady population growth over the same window of time.
AG Zone Objective: Preserve and enhance the agricultural heritage and protect the City’s natural resources and scenic open space while maintaining the economic value of the land.

The AG/Rural District is intended to serve as a land reserve, protecting valued community open space and rural landscapes, while maintaining the potential for appropriate future development.
Residential uses should continue to be limited to accessory residential development as part of a commercial agriculture or natural resource use.

Criteria for determining when an accessory residential use is permitted should be based on updated standards that consider today’s economic realities.

Residential development may also be part of a commercial recreational use where the recreational open space is permanently preserved.
Study to Support and Enhance Auburn’s Agricultural and Resource 2017-18

Ad Hoc Committee Report Recommendations- July 16, 2018:

- Creation of a permanent committee in the City of Auburn to advise City Council on policy development and implementation of agricultural, forestry, and resource protection

- Elimination of the “50% income” rule within the AG Zone
  - Replace with analyzed, researched, and targeted alternative that will serve long-term goals and priorities for the AG Zone and economic sector.

- Review of 10 Acre Rule
Recent State Farming Statistics and Trends

- Average Age of Maine Farmers increased from 55.1 in 2012 to 56.5 in 2017

- Farmers under the age of 34 in Maine rose from 396 in 2007 to 551 in 2012

- Beginner farmers net income:
  - Years 1-5 average $7,800/year
  - Years 6-10 $20,000-$25,000/year
Farms Size in Acres - Androscoggin County (2012)

- Recent trends are toward smaller farms, especially those less than 10 Acres.
## Current AG Zone Breakdown

<table>
<thead>
<tr>
<th>Class</th>
<th># of Parcels</th>
<th>% Ag Parcels</th>
<th>Average Acres</th>
<th>Total Acres</th>
<th>% Ag Parcel Acres</th>
<th>Average Road Frontage</th>
<th>Total Road Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Parcels, &gt; 10 acres, &gt; 250 ft Road Frontage</td>
<td>100</td>
<td>13%</td>
<td>51</td>
<td>5,139</td>
<td>27%</td>
<td>1,290</td>
<td>125,137</td>
</tr>
<tr>
<td>Occupied Parcels, &gt; 20 acres, &gt; 500 ft Road Frontage</td>
<td>57</td>
<td>7%</td>
<td>64</td>
<td>3,684</td>
<td>19%</td>
<td>1,942</td>
<td>110,671</td>
</tr>
<tr>
<td>Vacant Parcels, 3-10 acres, &gt; 250 Road Frontage</td>
<td>10</td>
<td>1%</td>
<td>20</td>
<td>200</td>
<td>1%</td>
<td>144</td>
<td>1,437</td>
</tr>
<tr>
<td>Landlocked Parcels within Ag Zone, possible frontage other zone</td>
<td>242</td>
<td>31%</td>
<td>44</td>
<td>5,338</td>
<td>28%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other Parcels</td>
<td>373</td>
<td>48%</td>
<td>14</td>
<td>4,676</td>
<td>24%</td>
<td>1,022</td>
<td>287,069</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>782</strong></td>
<td></td>
<td></td>
<td><strong>19,037</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Size of the AG Zone

- 18,931 of city’s 42,074 acres located in the AG zone

- Consists of 783* parcels, averaging 24 acres per Parcel

*455 entirely located in AG zone
783 primarily located in AG zone
979 Partially located in AG zone
Comparison of Land Use - Auburn Rural Zones

Percent Land Use by Zone

Crop: AG, LDCR, RR
Open: AG, LDCR, RR
Developed: AG, LDCR, RR
Forested: AG, LDCR, RR
Other: AG, LDCR, RR

AG, LDCR, RR
## Comparison of Land Use - Rural Zones

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Agriculture Zone</th>
<th>LDCR Zone</th>
<th>RR Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acres</td>
<td>Percent</td>
<td>Acres</td>
</tr>
<tr>
<td><strong>Crop</strong></td>
<td>2,429</td>
<td>13%</td>
<td>206</td>
</tr>
<tr>
<td><strong>Open</strong></td>
<td>1,494</td>
<td>8%</td>
<td>166</td>
</tr>
<tr>
<td><strong>Developed</strong></td>
<td>657</td>
<td>3%</td>
<td>389</td>
</tr>
<tr>
<td><strong>Forested</strong></td>
<td>13,939</td>
<td>74%</td>
<td>998</td>
</tr>
<tr>
<td><strong>Gravel Pit</strong></td>
<td>194</td>
<td>1%</td>
<td>52</td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
<td>217</td>
<td>1%</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>18,930</td>
<td>100%</td>
<td>1,821</td>
</tr>
</tbody>
</table>
Residential Development in Auburn

- 27 Single family residential units constructed in Auburn in 2018

- 48 of 182 houses located in the AG Zone were built or rebuilt between 1964 (the creation of the AG Zone) and 2009.
Assessment Value Methodology

- In Maine, real estate is assessed according to “Just Value”
  - Just value has been interpreted to be synonymous with market value

- Over time staff can establish market trends for similar categories of properties
  - The time required will vary depending on the number of usable sales for a specific type of property

- Changes are speculative
  - It is impossible from an assessing standpoint to predict what will happen when zoning is amended
  - Until that time we must depend on the tables in place for similar properties
Assessment Values in AG Neighborhoods

- The Primary difference in assessing vacant land in the AG zone is that current use assumes no “house lot” due to restrictions.

- Undeveloped Parcels in the AG Zone are assessed at a flat rate.
  - Undeveloped lots are valued at $800/acre.

- Once the current use is changed from vacant to buildable then a house lot will be assessed.
  - House lot values in AG neighborhoods currently range from $30,500-$56,000 for the first acre.

- The proposed amendments would not change this methodology but may effect market rate values that are applied.
Auburn Special Use Tax Status Enrollment

As of April 1, 2019

- **49 Parcels enrolled in Farmland**
  - **1,619 acres**- average of **33 acres**

- **50 Parcels enrolled in Forest Land and Tree Growth**
  - **2,644 acres**- average of **53 acres**
Proposed AG Zone Changes
Per 2018/19 AG Zone Ad Hoc Committee

- Sets terms for parcel creation/division
  - Limits new buildable lot creation to once every 5 years

- Maintains 10-acre minimum parcel size
  - Creates a provision to grandfather (1/1/2018) existing lots sized 3-10 acres
    - (applies to 10 developable parcels in the city)

- Land can be divided for agricultural purposes

- Parcel must still meet the definition of a farm
Proposed “Farm” Definition

- Currently 50% of the property income must come from farming operations to be considered a farm.

- Both Mayor Ad Hoc Committees, the Comp Plan, and Consultants agree the 50% rule needs to be updated
Proposed “Farm” Definition
Replacement of 50% income criteria- 2 of 5 must be met:

- At least the minimum farm income to file IRS Form-F of the farmer occupant
- At least the minimum forestry income to file the equivalent of IRS Form-F of the farmer occupant
- At least 2.5 acres devoted to the production of crops, grazing of livestock, conservation such as forestry, wildlife habitat, specific protected natural resource
- At least 50% of land area enrolled in state Farm, Open Space, or Tree growth tax assessment programs
- A minimum investment of $1,000 in crops, livestock, reforestation, or farm resource conservation as defined by the Agricultural Advisory Board
Legal Opinion - Proposed Amendments

- Section 60-145; the attempt to limit the ability to subdivide land use is legally problematic

- Broadly, any income-based requirements in land use codes are difficult to administer.
  
  - Is this the requirement for only the year when the dwelling is built?
  - Do property owners have to report annually?
  - What happens if they have a year when they do not meet the income requirements?
Committee Recommendations

- Planning Board
- Conservation Commission
Lake Auburn and Taylor Pond Watersheds

- Phosphorus Control - Any structure over 575 square feet or clearing of 10,000 square feet

- Lake Auburn Overlay - 36’ suitable soils for wastewater disposal vs. 8-12” in most of Maine

- Taylor Pond Overlay - Year round Homes within 250’ of Taylor Pond may not have Septic System within 250’ - Public Sewer or system outside of 250’
Potential Concerns
Need to be addressed

- Tax increases within the Zone
- Increase in non-farm dwellings
- Increased farm runoff to Lake Auburn
- Reduction in rural character
- Decrease in wildlife habitat
- More kids in the school system
- Increased cost for municipal services

- Additional concerns??
Potential Benefits

- More Farms
- More new families
- Increased tax base
- Lower overall City taxes
- Diversified local food sources
- Decrease in food insecurity
- Increase in recreational opportunity
- Economic Spinoff- Agriculturally based businesses

- Additional Benefits?
Conclusion

- Questions
- Next Steps
References

- Final Report - Study to Support and Enhance Auburn’s Agricultural and Resource Sector- Ad Hoc Committee, July 26, 2018
- Summary of Significant Events in Protecting Agricultural Lands in Auburn- Ken Meter & Megan Phillips for AGRP Steering Committee, November 29, 2017
- Auburn, Maine Local Economy: Agriculture, Forestry, and Housing- Crossroads Resource Center
- Presentation from Stephanie Gilbert, Maine Department of Agriculture
- Legal Opinion- Memo from Burnstein Shur
- Memo from Assessor
- GIS data