



City of Auburn, Maine

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Ad-Hoc Committee on Auburn's Agriculture and Natural Resource Economy City of Auburn, ME

**Thursday, January 18, 2018 6:00 PM – 8:00 PM
Community Room, Auburn Hall, 60 Court Street**

1. Roll Call
2. Membership Update
3. Review Committee work to date
4. Review Agenda - Identify any missing zoning related items
5. Committee Identified Issues
 - A. 10 Acre Lot Size-250' Street Frontage
 - B. (See 5.D) Residential Uses – 50% income Standard
 - C. Animal units per acre for animal farms
6. Comp Plan Identified Issues (Excerpts below)
 - A. Flexibility in Home location on Ag/Residential split zoned lots – This went to Planning Board and then Council. Planning Board drafted a proposal that was recommended to the Council but the Council decided not to act on this change until we had an Ag Study.
 - B. Agriculturally-related businesses including retail and service activities and natural resource industries should be permitted. Consider existing and propose any new related uses.
 - C. The reuse of existing agricultural buildings should be allowed for low intensity non-agriculture related uses. Consider possible reuse ideas.
 - D. (See 4.B) Residential uses should continue to be limited to accessory residential development as part of a commercial agriculture or natural resource use, not just traditional farms. The criteria for determining when an accessory residential use is permitted should be based on updated standards that take into account the economic realities of today's commercial agricultural activities, including outside sources of income and part-time and small-scale commercial operations.
 - E. Residential development may also be part of a commercial recreational use as part of a planned development in which the recreational open space is permanently preserved.
7. Additional concerns, questions

Summary of Significant Events in Protecting Agricultural Lands in Auburn

Ken Meter & Megan Phillips Goldenberg (2017)
For City of Auburn — AGRP Steering Committee
November 29, 2017

Overview:

The priority that Auburn established as it set aside farm and forest lands in 1964 was to concentrate new development close to downtown and major highways, in large part to limit public costs for providing utility and school services while also maintaining an attractive community. Planning documents prepared before the adoption of the AGRP assumed that farm income would continue to decline and farm population would decrease. Studies also noted that marketing, processing, and distribution factors had a greater effect on agriculture than land availability. No attention was given at the time to addressing these conditions, fostering a more financially sustainable agriculture, or to incentivizing local farmers to address the challenge of feeding a population that planners assumed would double by 2000. Yet the Ordinance did solidly establish that protecting farmland in the city was in the public interest.

In the mid-1980s, developers sought to remove land from the AGRP in favor of rural housing development. While the Planning Board opposed taking this step, the City Council adopted a plan favoring rural residential development. But the courts struck this down. A 1986 review of AGRP zoning found that farmland had indeed been protected, but also found that the most significant loss of open agricultural land was due to forest growth on untilled fields. In later years, additional beltways were carved out of the AGRP District to allow Rural Residential development.

Meanwhile, Maine has built considerable demand for community-based foods. One of the more successful farms sells direct to wholesale clients and Maine retail stores who value food grown in the state. Several new initiatives have brought new farmers to Auburn, many of whom seek more diverse options for both farming and residential dwellings.

The Auburn Comprehensive Plan (2010) encouraged greater flexibility in applying standards for the AGRP, and suggested that city staff be given greater leeway in interpreting requirements. The plan preserved the 10-acre minimum site size for new home construction and allowed for permanent set-asides of land for agricultural, conservation, and other open-space purposes. Significantly, the Plan also encouraged new approaches that are compatible with new economic realities. This policy suggests that the current 50% income standard for building a new home in AGRP should be changed.

On August 21, 2017, the Auburn City Council took further steps to address the need to support local food systems, not simply farm and forest land, by adopting a Food Sovereignty Ordinance. “The intent and purpose of Auburn’s Food Sovereignty Ordinance is to ensure that residents are provided unimpeded access to local food and to reduce governmental regulation of the local food system to the fullest extent permitted by home rule authority....” The ordinance exempts producers, growers, and processors of local food or food products within the City for sale direct to the final consumer from licensure and exemption requirements. Auburns Ordinance was drafted to allow exemptions to the extent allowable by State Law. When State Law was revised

to uphold state and federal inspection of meat and dairy products that changed the reach of Auburn's Ordinance.

The ordinance was enabled by a Maine statute that provides the following definition: "**2-B. Local Food System.** "Local food system means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of the municipality and its residents."

Thus these City and State actions have established a precedent in favor of strengthening *local food systems* — not simply agriculture — in order to achieve broader health, well-being, environmental, and economic benefits. This may form the basis for revisions of AGRP.

While the 1964 provision protected lands still available for agricultural use today, it did not address other fundamental components of a localized food system, including the following:

- Can Auburn take effective action to create markets for farmers and food businesses so that farmland stays populated?
- How should the City of Auburn invest in infrastructure that creates greater efficiencies for farmers in the city who wish to sell food to Auburn residents?

Issues that **were addressed** in the 1960s also pose new challenges today:

- Is the 50% income guideline still relevant, since most existing farms greatly rely upon off-farm income?
- If this limit is changed, how can Auburn ensure that rural areas are actually farmed, not dominated by nonfarm residences?
- Should the 10-acre parcel limit be changed to accommodate pockets of dense housing (such as clusters of veterans, Somali Bantu and Somali farmers, etc.)?
- If this limit is changed, how can Auburn ensure that the rural character and open space are preserved?
- How does Auburn express through the AGRP its commitment to broader goals of protecting the environment, ensuring food security for Auburn residents, and promoting health and well-being?

New issues also have arisen:

- How can the City assist new farmers in establishing solid businesses?
- What other actions are needed to ensure that emerging farms build effective businesses?
- How does the City want to invest in advancing its food sovereignty policy?
- Could food systems development be viewed as an approach that integrates planning for both urban and rural areas simultaneously?
- Temporary land protections (ARPZ) have reduced demand for permanent land protection services.

Global Contexts:

New England farms lost prosperity in the 1800s as Midwestern states became important farm producers, and began to supply urban markets in the East.

National credit upheavals in the late 1800s meant that farmers across the US experienced tremendous poverty.

Increased demand for food resulting from immigration, industrial growth, and international demand during World War I created peak prosperity for US farmers during the years 1910-1914.

Farming communities globally experienced a depression in the 1920s. This erosion of rural economies was a major cause of the Great Depression of 1929. This was a global crisis initiated by global commodity price uncertainty. Only later did it spread to the stock market. Those analysts who paid any attention to agriculture at the time found that had the farm economy been sound in 1929, the US would have been able to readily recover from the stock market crash [Meter (1990), *Money with Roots*, www.crcworks.org/roots.pdf].

New federal farm policy and international demand after World War II (the US loaned money to Europe to rebuild since their fields were devastated by the war, and these nations purchased grains from the US) created a new era of prosperity for farms. With increased mechanization and new fertilizers, farm production increased dramatically, and rural dwellers moved to cities.

In the 1950s, Europe became able to produce its own food again, so US farmers were caught with a surplus and prices fell. By 1962, national policy makers initiated a discussion aimed at moving some farmers off the land. One influential policy group, the Committee for Economic Development (CED), wrote a report called "An Adaptive Program for Agriculture," stating that "The movement of people out of agriculture has not been fast enough to take advantage of the opportunities that improving farm technologies, and thus creating capital, create."

It is not clear today whether civic leaders in Auburn were aware of these global economic developments, but in the late 1950s, the City took steps to protect open space and farms under the assumption that farm population would decrease.

Auburn 1958: The Blackwell Report

Blackwell, John T. (1958). "City of Auburn City Plan Report." December.

The City hired Boston consultant John T. Blackwell to draft a plan for Auburn. Blackwell concluded that urban growth should be concentrated in specific areas, protecting rural areas for farming, lumbering, and recreational uses. He did not write specific plans for protecting agricultural lands, but he did draw a map that showed a "farm and forest" district. This was one step to the creation of the AGRP district.

"Generally, farming as a way of life has been declining," the report stated on page 16. It did not address how the City could protect farm lands in the face of this presumed decline.

Blackwell predicted that "The Auburn future population will be mainly urban, suburban, and rural non-farm... The number of people will depend mainly on future urban employment, which we believe will to be more in non-manufacturing categories than in manufacturing" [page 95].

Blackwell identified “three major groups of planning problems” that he said needed to be addressed in Auburn. Interestingly, these only indirectly dealt with agriculture: (1) Urban Cluster Problems, (2) Tiny Rural Village Problems, and Widely Scattered Rural Farm and Nonfarm Homes; and (3) Woodland Protection and Improvement. The concerns listed under number two were that the cost of providing services to rural households, and the need to hold property taxes at steady levels so family farm and forest businesses could survive (i.e., to not provide services to scattered locations) were the primary issues to address. Strengthening farms financially was not named as a concern.

Specific proposals were made for Residential, Industrial, and Business development in Auburn [page 30-37], and strategies were suggested for wooded areas. No specific provisions were offered for agriculture. As noted above, Blackwell assumed that the farm population would decline over time.

Proposals made for wooded areas included [pages 34-35]:

1. Create a town forest to serve as a model for good forestry practices and a source of income.
2. Develop buffer strips to separate land uses.
3. Develop campsites.
4. Build special recreational sites (such as rod and gun clubs, ski slopes, waterside sites, and wild lands).
5. Special sites for sanitary landfill, dumps, etc.

The report anticipated that more and more Auburn residents would attain wealth, and would have more leisure time. It also predicted that demand for food would increase and that more people would want to build homes on larger lots [page 47]. However, no proposals were made to assist Auburn farms to expand to meet this increased food demand. The report noted that the “Turner Centre Creamery...north of Auburn, was once one of the largest in New England,” and that the cannery at Skilling’s Corner had closed [page 17-18].

The Blackwell report did specifically mention the City-owned farm, which had once served as a poor farm. The study recommended that this farm might no longer be necessary due to “the decline in farm living and because of far-reaching changes in community approaches to rehabilitating or caring for disabled, enfeebled, or abandoned older citizens.” Blackwell recommended that the City retain ownership of the land so it could serve as part of a circle of public open space surrounding Lake Auburn.

The report predicted that the city population would rise to “45,000-50,000 or more by the year 2000.” Actual population in 2016 was 22,948 [Federal Census], just below the 1950 level of 23,124 [page 93].

Continuing, the Blackwell report stated that “More future population growth can be expected within Auburn municipal boundaries than in Lewiston, we suggest, because there was in 1957 so much more attractively developable acreage in Auburn, both for industry and for residence” [Page 96]. Note that neither agriculture nor forestry is mentioned here.

Section IX of the Blackwell report offers “An Urban Renewal Program for Auburn.” Nothing regarding agricultural or forestry economic development is mentioned [page 110]. Blackwell did recommend that federal dollars be sought to renovate housing in the “outside downtown” area, suggesting “partial or total clearance at Sandy Beach on Taylor Pond, the land to be used for municipal recreational use and to clear a pathway for the recommended new parkway,” adding that “There would probably have to be total clearance on Howell and Clifford Streets at Stevens Mill Road and Old Hotel Road, across from Sandy Point.” Blackwell also suggested that housing could be rehabilitated in [what he termed] “retarded” subdivisions in (a) “the vicinity of Manley and Old Portland Roads,” and (b) “Easterly of South Main Street in the south part of New Auburn, upon the plateau” [page 112].

Moreover, the Blackwell report set out the vision for what became rural residential districts. “The principal eight suburban and rural residential districts suggested in the Land Use and Circulation Plan (not counting strips zoned for rural residence in outlying Auburn) appear to aggregate some 3500 buildable acres and would accommodate, we estimate, some 2,250 new one-family dwellings, over and above those already existing, as follows:

- 1) Northerly: along Center street between the recommended Parkway and East Auburn Village, about 150 dwellings;
- 2) Northerly: In a triangle bounded by Mt. Auburn Cemetery, Mt. Auburn Avenue, Turner Street, and Summer Street, about 180 dwellings;
- 3) Northwesterly: both sides of a recommended new parkway, in an area bounded by Summer Street, Park Avenue, a line parallel to and northerly of Lake Street, the recommended new parkway and Taylor Pond, easterly shore, about 300 dwellings;
- 4) West Central: between Taylor Brook and recommended parkway, bounded southerly by Minot Avenue, about 135 dwellings;
- 5) Southwesterly: west of the parkway and south of Minot Avenue, about 130 dwellings;
- 6) East of the parkway and south of Minot Avenue, extending easterly to Washington Avenue Southbound and southerly to the Little Androscoggin River, about 600 dwellings;
- 7) Beech Hill northerly, northeasterly, and easterly slopes, from Marston's Corner to Washington Avenue Southbound, south of the Little Androscoggin River, about 150 dwellings;
- 8) New Auburn Plateau, south of the New Auburn Fire Station, approximately 450 suburban dwellings, and in a triangle of rural territory adjoining southerly between the plateau, the Maine Turnpike and Little Androscoggin River, about 150 dwellings.

On a map following page 116, the Blackwell report showed a recommended “farm and forest” zoning district. Yet no details were offered explaining what such zoning would involve.

The report further noted that “Auburn and Lewiston have very little employment directly related to forestry exploitation, notwithstanding the extended wooded lands in and surrounding Auburn” [page 18]. Blackwell found that 95 jobs in Lewiston-Auburn involved forestry and agriculture, compared to 13,265 jobs in manufacturing at the time. The report concluded, “Farming and forestry activities in and around Auburn may expand also because of the national need for more food and more fibre products as the regional and national populations increase, but farm and forestry employment will not expand as much as productivity by new methods and equipment” [page 19].

Analysis: The report was primarily an urban growth proposal, one that far overstated Auburn’s true growth potential. It suggested new urban development for a population that was not actually rising. It did not assess what would be required economically for agriculture and forestry to survive. More critically, it assessed agriculture primarily in terms of how many people were moving out of agriculture [page 13]. It noted that 2.5% of the city’s employment base was in farming.

While the report noted that “Marketing, processing, and distribution factors appear to be the determinants of agricultural activities throughout Maine, New England, and the nation, not physiographic factors,” it did not suggest strategies for improving these economic factors.

Essentially, it appears that the author assumed that the decline of agriculture could be viewed as a positive development for Auburn since it would reduce pressure to build new homes, and would minimize demand for new city services.

1960: Atwood, Blackwell, and Young: “Looking Toward the Year 2000 with Foresight”

Prepared for the Auburn City Planning Board. This report is essentially an updated version of the 1958 Blackwell report, one that is simplified and with maps to guide a civic discussion.

This report to the Auburn Planning Board showed a map that highlighted “farm and forest” areas that align closely with what became the Agricultural Resource Protection Zone [page 6].

“Orderly provision for urban growth is the purpose of the Central Auburn Plan....The heart of the Central Auburn Plan is conscious concentration of urban and suburban growth at controlled densities, backed up and surrounded by mainly farm and forest usage of all of outlying Auburn” [page 7].

The report noted that the urban sections of Auburn had expanded from their original compact areas to a three-mile zone north to south. Further, it stated, “Outlying Auburn is occupied by a few dairy farms, poultry farms, apple orchards, brick yards, sand and gravel pits, several small outlying clusters of homes, and extensive woods and hills [page 1]. The report further noted that seven rural “village clusters” existed at East Auburn, North Auburn, West Auburn, Young’s Corner, Marston’s Corner, Haskell Corner, Rowe’s Corner, and Danville.

The report proposed setting aside “some 3,600 acres for suburban one-family development at one-acre or more per dwelling north, west, and south of the urban center.” Summaries of the recommendations for each region follow.

Southern region of Auburn: “Separated from all the rest of Auburn are 20+ square miles of rolling, wooded territory with a few farms. A farm and forest future, mainly a woodland future, is foreseen and recommended for this area. The small number of year-round dwellings will probably decline, but dwellings will continue along the River and at Danville. No new home building is recommended in the interior, and only low-density along the River and at Danville. The portions of Durham and New Gloucester townships adjoining this southernmost portion of Auburn are also of farms and forest character” [page 4].

Northern region of Auburn: In this 22-square mile section of the city are four outlying villages and “major apple orchards on Perkins Ridge....The combination in Northern Auburn of settled clusters and scenic sites but absence of existing utilities leads to recommendations of selected rural residence development areas, and a farm and forest future for most of the rest of this study area” [page 5].

Western region of Auburn: a nine-square mile region with “very few year-round residents...so a farm, vacation cottage, and forest future is recommended....Both Taylor Pond and Lake Auburn afford fishing and boating opportunities” [page 3].

As with the 1958 report, a priority was placed on holding down costs for providing city services. “The bulk of urban Auburn is primitively sewered by gravity directly into Androscoggin River and tributaries. Homes, schools, and factories were being built beyond the geographic and topographic limits of this primitive sewerage. Continued urban expansion is recommended westerly toward Taylor Pond, westerly toward Old Hotel Road and westerly toward the Little Androscoggin River, and the Airport. Growth requires either individual sewage disposal on large lots or sanitary sewerage and effluent treatment” [page 13].

Further, the report suggested setting aside “more public lands along lakes and streams,” adding that these green spaces “would enhance Auburn living enjoyment. Also they would improve and stabilize tax values of neighboring properties and would prevent unwise building on steep slopes or flood-endangered locations” [page 15].

Analysis: In this publication, very little attention is paid to protecting agriculture itself. It is assumed that the farm sector will specialize to serve broader markets beyond Auburn, and that many of the existing farm homes will deteriorate. The focus of this report is to reduce municipal costs for services by concentrating development in specific areas.

1964: AGRP Ordinance adopted by Auburn City Council

Chapter 29 Zoning Ordinance; Section 3 Zoning Districts; 3.1 to 3.3

Sec. 3.3: Forest and Farming Districts. Every part of the City of Auburn not otherwise hereinafter designated Flood Plain, Rural Residence, Suburban Residence, Urban Residence, Neighborhood Business, General Business, or Industrial District is hereby expressly declared to be in Forest and Farming Districts [page 4].

Sec. 4.2 outlines permitted uses in these districts. These include:

- Woodlands, orchards, gardens, pastures, and field with all land, building equipment and machinery and buildings accessory to the same;
- Summer camps and bonafide farm residences required for farm labor or management but no other year-round dwellings by construction nor by conversion of non-residential structures;
- Outdoor recreational uses with such accessory buildings as may be required after approval by the Planning Board;
- Other uses allowed in other residential districts.

Analysis: While Forest and Farming Districts were named first in the Ordinance, these districts are demarcated primarily because they are not zoned for a different purpose. This has the effect of encompassing nearly all of the City's undeveloped land. As Maurice Keene pointed out in our interview, this ordinance allowed houses only for a "bonafide farm" but this term was not defined in detail. Additional definitions, including the 50% income and 10-acre plot guidelines, were added later. We have not yet determined at what point these definitions were added.

1980s: Proposed Amendment to the Agriculture and Resource Protection Zone, 1980s

http://www.auburnmaine.gov/CMSContent/Planning/Ag%20and%20Resource%20Protection%20District/2017%20Documents/1980s_ProposedDistrictAmmend.pdf

[Consultants do not know who introduced these proposals]

Goals

1. Maintain a healthy agricultural economy.
2. Provide development patterns that minimize the need for incurring greater costs in the provision of municipal services.
3. Protect valuable agricultural land.
4. Allow for the extraction of equity from property that has been held under long-term ownership.
5. Provide greater flexibility in the agricultural area in order to accommodate families locating on the land.

Problems to be Avoided

1. Cutting off access from large acreages that do not front on public roads.
2. The interjection of land uses incompatible to agricultural activities.
3. Having development occur where the existing infrastructure cannot support it.
4. Creation of a land development scenario that distributes tax responsibilities and tax benefits [Consultants are not sure what this means].

Analysis: In the 1980s, the weakness of the agricultural economy — now beset by a global debt crisis — has become a more significant issue, yet remains unresolved. Minimizing development pressure is still a high priority. New flexibility is sought. Yet no major actions are taken at this point.

1983: Remarks by Commissioner of Agriculture Stewart N. Smith Concerning the Auburn ARPZ, October 3

http://www.auburnmaine.gov/CMSContent/Planning/Ag%20and%20Resource%20Protection%20District/2017%20Documents/1983_AgCommissionerSmith_Remarks.pdf

“Maine currently lacks a state level ag-land protection program... I believe that the Auburn ARPZ is one of the most effective, forward-looking farmland protection programs in Maine and a unique model for other towns... Maine’s existing productive farmland amounts to less than 8% of the state’s total acreage. It is a scarce resource that is absolutely essential to our current and future agricultural production and the loss of farmland is a statewide problem that affects all Maine citizens.... Unquestionably, residents of Maine and New England will in the future have to turn to more local supplies of food. Water tables in the west are receding significantly, and those states will be providing a smaller proportion of our food supply over time. In addition, the increasing costs of energy have increased transportation costs, making food imported from a great distance more expensive than it has been in the past.”

“One of the arguments supporting a relaxation of abandonment of Auburn’s ARPZ is based on the opinion that farming in the zone is rapidly beginning to slide or decline... We are also told that although the number of individual farming operations has declined, the amount of agricultural land kept in production has remained the same... [Yet] Statewide the number of farms has actually increased... cash receipts of many of our agricultural commodity groups has also increased.”

“Despite indications of a revitalized agriculture in Maine and national trends that favor this revitalization, we are still losing viable farmland in many areas of the state... whenever we wait until farmland losses are at a critical level it already has become too late. “

Allowing rural residential development “makes it much more expensive — sometimes prohibitively expensive — for new farming operations to locate there and keep or bring available farmland back into production.”

Analysis: At this point, just prior to the outbreak of the farm credit crisis, Smith recognizes that that restricting rural residential development is critical to protecting farmland, since it increases the tax burden on landowners in the AGRP.

1986: UM—Farmington Study Evaluates Success of AGRP

Frederic, Paul B. (1986). “Protection Farmland Protection: The Case of Auburn, Maine.” University of Maine at Farmington. Presented to American Association of Geographers in May.

“The Zoning Act...has significantly restricted urban sprawl for twenty years” [page 1]. This minimized pressure for new housing that came from within the community. The study noted that although the population of Auburn decreased slightly from 24,449 in 1960 to 23,128 in 1980, the number of households increased from 7,580 to 8,491. Fewer people were living in each household.”

Frederic surveyed 17 farmers in 1984, and found that there were 11 dairy farms, 3 poultry farms, 3 orchards, 3 fresh vegetable farms, 2 farms raising beef, 1 small fruit farm, and 5 other

farms raising other crops or livestock (some farms reported more than one major product). Total property valuation of the city's farms was \$3.1 million, and Auburn farms contributed \$77,444 to the City's tax base [page 5].

Yet Frederic also found the farm sector had weakened. "Continued erosion of the farm sector results in a reduction of the region's ability to produce food and fiber, diminishes the aesthetic character of the rural countryside and may lead to a loss of all farmers if the number of operating units drops below the critical mass needed to support various farm services and markets" [page 1].

"The loss of farmland has been slower in the protection zone. The Agricultural Zone contained 43% of the [city's] farmland in 1964, but only represented 28% of Auburn's [farmland] loss to 1980. Only 10% of the farmland in the protection zone was lost compared to 17% in the Rural Residence Zone (Table 5)...Most farmers [surveyed] think the zoning regulations benefit their operation" [page 6].

Yet looking more deeply at the author's data, it is important to note that only 15 acres of farmland was lost in the APRZ from 1964 to 1980, while 25 acres of farmland was lost in areas zoned Rural Residential. Much more farmland was lost to forest growth over the same period, with losses of 235 acres in the ARPZ and 307 acres in RR zones. A small amount of land in each zone was also gained as wooded areas were cleared [page 7].

Interestingly, while 43% (2,339 acres) of the open agricultural land in Auburn was within the ARPZ, 34% (1,853 acres) of the city's open agricultural land was zoned RR, and another 23% (1,252 acres) was zoned in other categories. All told, there were 5,444 acres of open farmland in Auburn in 1964, and 4,573 acres in 1980, a loss of 871 acres, or 51 acres per year over all zoning categories. Only 4% of open farmland was lost to development during that period, while 13% was lost to forest growth [pages 7-8]. The author noted that this mirrored statewide trends.

Frederic also points out that the ARPZ remained stable despite a major challenge in 1984. "Pressure from developers and an orchard owner to open extensive areas of rural land to development resulting in a major attack on the law. The apple farmer was elected to the Council and led a battle to weaken the law." Despite the fact that the City Council replaced three Planning Board members who had opposed development with three new members who were more sympathetic to development, the new Planning Board rejected the proposal to open more land to development. Nevertheless, the Council voted to open up "large acreages" to development. But a 1985 court order (in response to legal action filed by Citizens to Protect Auburn) blocked this measure, stating that the Council had failed to provide adequate public notice when the decision was made, and that the action they took was inconsistent with the City's comprehensive plan [pages 6, 10].

"No major changes [to the law] were passed by the City Council [from 1964 to 1980] and farmland protection remains an important element of the comprehensive [master] plan" [page 6].

Analysis: Frederic's research shows that farmland had been protected. Yet the primary loss of farmland is due to forest growth on formerly tilled fields, not from new housing development. Few new homes had been built on either farmland or in rural residential areas at this stage.

Pressure from developers to utilize open lands for housing and other development had become clear, however.

2009: Current AGRP Ordinance

The current version of the Ordinance is posted at the following address:

<http://www.auburnmaine.gov/CMSContent/Planning/Ag%20and%20Resource%20Protection%20District/2017%20Documents/>

Division 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. – Purpose

“The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic, and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline[d] here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.”

(Ord. of 9-21-2009, § 3.31A)

Analysis: The Ordinance states that it is in the public interest to protect specific areas of the city, “primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants.” This clearly places a priority on protecting land and water resources to reduce municipal costs. Very little attention was paid here to building economic infrastructure that would promote the financial sustainability of agriculture or forestry.

2010: Auburn Comprehensive Plan Recommends Greater Flexibility

City of Auburn Comprehensive Plan – 2010. Chapter 2 Future Land Use Plan. Approved by City Council April 19, 2011. Type D. Preservation Areas: Designation: Open Space/Conservation.

The objective of the Agriculture / Rural District (AG) is to “Preserve and enhance the agricultural heritage of Auburn and protect the City’s natural resources and scenic open space while maintaining the economic value of the land.” The plan seeks to continue the current rural development pattern, foster recreational development, and maintain a land reserve “while maintaining the potential for appropriate future development.”

“Allowed uses: The Agriculture/Rural District should continue to include the uses allowed in the existing AG/RP zoning district. In addition, a broader range of rural uses should be allowed. Agriculturally related business including retail and service activities and natural resource industries should be permitted. The reuse of existing agricultural buildings should be allowed for low intensity non-agriculture related uses.

“Residential uses should continue to be limited to accessory residential development as part of a commercial agriculture or natural resource use, not just traditional farms. The criteria for determining when an accessory residential use is permitted should be based on updated standards that take into account the economic realities of today’s commercial agricultural activities, including outside sources of income and part-time and small-scale commercial operations. Residential development may also be part of a commercial recreational use as part of a planned development in which the recreational open space is permanently preserved” [page 109].

Further, the Plan states that “the basic residential density standard for the current AG/RP zoning district should be maintained,” while “the standards for the development of accessory residential units should provide greater flexibility in the siting of those units,” consistent with best management practices for environmental protection. Waivers of road frontage requirements and access standards are allowed. New commercial recreational development should conform to the current 10-acres-per-dwelling unit standard; land that is to be permanently protected should be placed in a conservation easement or similar binding preservation measure [page 109].

This section of the Comprehensive Plan also includes specifications for both a Resource Protection District (RP), and a Conservation/Open Space District (COS).

Analysis: The 2010 Comprehensive Plan encourages greater flexibility in applying standard for the AGRP, and suggests that city staff be given greater leeway in interpreting requirements. The plan preserves the 10-acre minimum site size for new home construction and allows for permanent set-asides of land for agricultural, conservation, and other open-space purposes.

Significantly, the Comprehensive Plan also encourages new approaches that are compatible with new economic realities. This would suggest that the current 50% income standard could be changed.

However, emerging farm operations (for example, the veteran’s farming project or the Somali Bantu and Somali farmers that are currently starting commercial farms in Auburn) have expressed interest in housing options that are denser than the current standard and these recommendations allow.

2017: Auburn Launches Agriculture Economics Study; Steering Committee to refine AGRP

City of Auburn RFP (2017): “Study to Support and Enhance Auburn’s Agricultural and Resource Sector” issued March 20.

Background: Rural Auburn has a unique Agricultural and Resource Protection (AGRP) zoning district, which has been in place since the early 1960s. It contains over 40% of the City’s land area, or over 20,000 acres. The purpose and intent of the AGRP zoning regulations have been to manage development and to promote food, agricultural, timber, and natural resource production and uses. The AGRP zoning regulations have significantly restricted development for the past 50 years. Today, however, the nature and trends of farming and food production have drastically changed.

Values Statement: Consultant's work will be guided by The City of Auburn Values Statement: The City of Auburn values its agricultural heritage, protects the natural beauty of its land, and promotes locally grown food, raising livestock, managing forests, and natural resource-based businesses.

Purpose: The City of Auburn desires to strengthen its natural resource-based economy (farming, timber, food businesses, etc.) and to better integrate this sector into community planning and City-wide priorities.

Analysis: This work is just getting underway, so few conclusions can be drawn at this point.

2017: Auburn Adopts Food Sovereignty Ordinance

Ordinance 07-08072017, Sec. 14-50, Adopted August 21, 2017

"The intent and purpose of Auburn's Food Sovereignty Ordinance is to ensure that residents are provided unimpeded access to local food and to reduce governmental regulation of the local food system to the fullest extent permitted by home rule authority under Title 30-A M.R.S. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7-A M.R.S. §201, et Seq....

"Producers, growers, and processors of local food or food products in the City of Auburn are exempt from licensure and exemption with respect to the sale of local food and food products to consumers within the local food system of the City of Auburn."

This Ordinance was later revised, under pressure from the Federal Government, to state that meat and dairy products were subject to Federal and State inspection.

Note also that the Maine statute giving authority to the City of Auburn to adopt this Exemption states the following definition: "**2-B. Local Food System.** "Local food system means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of the municipality and its residents."

Analysis: Both City and State actions set a strong precedent in favor of strengthening *local food systems* — not simply agriculture — in order to achieve broader health, well-being, environmental, and economic benefits.

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

Chapter 60: Key Zoning Excerpts related to Agriculture

- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

Chapter 60: Key Zoning Excerpts related to Agriculture

- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
 - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
 - a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
 - a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

Chapter 60: Key Zoning Excerpts related to Agriculture

- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017)

Sec. 60-146. - Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of yearround dwelling units shall not exceed an average of one dwelling per ten acres.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

Chapter 60: Key Zoning Excerpts related to Agriculture

- c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

Secs. 60-147—60-199. - Reserved.

Uses allowed in the AG zone are also allowed in larger lot residential zones as follows:

Low Density Country Residential (3 acre minimum)- Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
 - (1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-172(a)(8) and (9).
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:
 - (1) All uses permitted by special exception in the Agriculture And Resource Protection (AR) District, (divisions 2 and 3 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

Low Density Rural Residential (1 acre minimum) - Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
 - (1) All uses permitted in the Agriculture and Resource Protection District pursuant to (section 60-172(A)).
 - (8) Accessory uses, buildings or structures.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:
 - (3) Recreational uses of land intended or designed for public use, subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

Chapter 60: Key Zoning Excerpts related to Agriculture

- (9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
- (12) Wholesale nurseries, subject to the following conditions:
 - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Ag zone related definitions Sec. 60-2. - Definitions.

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Animal unit means one living animal of any species.

District or zone means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

- (1) At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and
- (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.

Farm, animal, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

- (1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.
- (2) Horse: 1.5 animal units per acre of cleared hay/pasture land.
- (3) Sheep: Three animal units per acre of cleared hay/pasture land.
- (4) Swine: Two animal units per acre of cleared land.
- (5) Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

- (1) The sale of greenhouse products and related supplies; and
- (2) The storage of material used in the maintenance of plants and growing items sold.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Chapter 60: Key Zoning Excerpts related to Agriculture

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Livestock means domestic animals kept, used or raised on a farm for the production of income.

Mining, quarrying, or earth removing means the excavation of any earth materials.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races and facilities for mass gatherings when used for two or more events during a calendar year.

Rifle, pistol, skeet or trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

This summary is intended to give the Ad-Hoc Committee on Auburn’s Agriculture and Natural Resource Economy a quick reference guide to sections of the Comprehensive plan related to agriculture and housing in Auburn’s rural areas that are currently used or zoned for agriculture. The full plan is available at:

http://www.auburnmaine.gov/CMSContent/Planning/Comprehensive_Plan_FINAL_Approved_4_19_11.pdf

Executive Summary Page Vi

Natural Resources Vision – continue to protect Auburn’s rivers and lakes in balance with allowing public access to such resources. Auburn continues to protect the water quality in Lake Auburn and Taylor Pond, as well as the Androscoggin and Little Androscoggin Rivers. Programs support agricultural activities, protect natural features such as wetlands, and ensure the continued preservation of rural open spaces. Rural land preservation is balanced with the continued protection of landowner rights. Access to urban open space is increased through the expansion of the city tree program, the development of lot gardens, and the preservation of rural and river viewsheds.

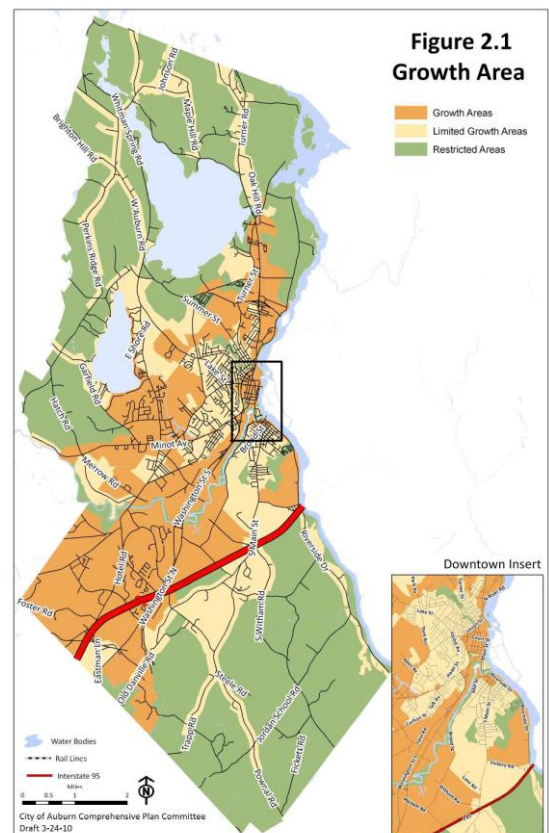
Executive Summary Page Vii

B. LAND USE POLICIES

Chapter 2 of the 2010 Update of the Comprehensive Plan sets out a Future Land Use Plan to guide where and how growth and development should be accommodated over the next decade. The Future Land Use Plan shows, in a general sense, the desired pattern of future land use and development in the City.

The Future Land Use Plan reaffirms a central policy of prior of land use planning in the City, namely, that development in Auburn should grow out from the core and from older established neighborhoods. This policy was originally set forth in the City’s first comprehensive plan over a half century ago and has continued to guide the City’s land use planning since then. It is based on the fact that growth out from the downtown core and older established neighborhoods allows for the most efficient utilization of city services. This plan discourages “leapfrog” development in the outlying sections of the city where city services are not now available. The effect of continuing this longstanding policy is to guide most new development into the area south of Lake Auburn and Taylor Pond, and north of the Maine Turnpike.

To manage development and redevelopment in accordance with this basic principle, the Future Land Use Plan designates Growth Areas, Limited Growth Areas, and Restricted or Non-Growth Areas:



- 1. GROWTH AREAS** – Areas where the City wants growth and development to occur. The anticipation is that most residential and nonresidential development over the next ten years will occur in these growth areas.
- 2. LIMITED GROWTH AREAS** – Areas that are either mostly developed, and therefore have limited development potential; or that have vacant or under-utilized land where the City desires a limited amount of growth and development over the next ten years.
- 3. RESTRICTED OR NONGROWTH AREAS** – Areas that are unsuitable or are otherwise undesirable for development; in these areas, the City desires to see little or no growth and development over the next ten years. The general location of these areas is shown on the adjacent map (previous page).

The Future Land Use Plan divides each of these areas into a series of land use designations (See Chapter 2). The following highlights the major policy directions incorporated into those designations:

1. Rural

- Continue to protect undeveloped rural areas including North River Road, the Lake Auburn and Taylor Pond watersheds, and South Auburn from development
- Continue to allow low density residential development along some rural roads in accordance with defined criteria
- Allow flexibility for where and how rural residential development occurs to minimize its impact on the rural character and agricultural uses

2. Residential

- Allow new residential development at varying densities on the fringe of the built-up area where municipal services and utilities can be provided
- Consider using “density-based” requirements for residential development in development districts rather than the current lot size requirements

Executive Summary Page X

5. Resource Protection/Open Space

- Include significant resources along the rivers, streams and high value wetlands in a Resource Protection designation
- Designate land preserved as conservation land/open space
- Expand access to the rivers by creating a Riverfront Transition designation around the confluence of the Androscoggin and Little Androscoggin Rivers

Comprehensive Plan Page 26

Objective C.2.3: Support the public works department’s efforts to maintain Auburn’s road and sidewalk infrastructure in the most cost-effective manner, with a focus on quality and durable construction.

Strategies to achieve this objective:

Strategy C.2.3.a: Limit the need for new roads by encouraging development along existing roadways, and within the designated Growth Area (See Chapter 2).

Comprehensive Plan Page 64 – Economic Development Strategies

In its largest job center, the industrial parks, the City expands infrastructure to ensure the availability of additional land for development. The area continues to grow as a regional job center with the expansion of good-quality employment in the vicinity of the airport and multi-modal center. To assure that there is an adequate supply of land for future economic growth, Auburn uses its Agriculture/Rural Zone as a “holding zone” -- promoting limited development and reduced tax rates on properties until such a time as the area is made viable for commercial and/or industrial development.

Comprehensive Plan Page 67

Objective 1.2.3:

Ensure availability of land for appropriate business/industrial development in designated areas.

Strategies to achieve this objective:

Strategy 1.2.3.a: Attract investment to designated industrial and commercial growth areas through the development of TIF districts and other financial incentives.

Strategy 1.2.3.b: Use the Agriculture/Rural Zone designation as a means of holding select areas for future commercial and/or industrial development.

i. Educate prospective developers and current landowners on the goals of the AG/Rural Zone within certain areas on the City’s long-range plans. Help them to understand that the properties in question are held within the AG/Rural Zone to limit development and reduce the tax burden until such a time as the appropriate infrastructure and/or development projects are made available to support the conversion to an industrial or commercial zoning designation.

ii. Rezone the New Auburn’s Witham Road Area as an Agriculture/Rural District to hold the land until infrastructure improvements are made to support the development of business/industrial parks. (See Chapter 2. Future Land Use Plan)

iii. Rezone the other areas designated as Industrial Transition Districts in Chapter 2. Future Land Use Plan on a case-by-case basis, when there is either an active development proposal, or a need for additional industrially zoned land.

iv. Maintain AG/Rural Zone designation of the Delekto Farm property until such a time as the area can be rezoned to support limited access residential, office, and business park development – either when agricultural use ceases, or as part of plans to establish a turnpike interchange. (See Chapter 2. Future Land Use Plan)

Comprehensive Plan Page 70

3. RURAL RESIDENTIAL ROAD STRIPS

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City’s goal of limiting residential

development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip **may be provided** along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Consideration #2 – Reserve Area Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road is a “reserve area” where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be some realistic expectation that something will occur that will change the desired land use for the area in the future.

Consideration #3 – Natural Resource Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Consideration #4 – Conservation/Open Space Adjacency

A residential strip **should not be provided** along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Consideration #5 -- Ability to Provide Public Services

A residential strip **should not be provided** along a rural road if residential development will tax the City’s ability to provide municipal services as indicated by the following:

- The road is a gravel or dirt road
- The road is a poorly maintained paved road that will need to be improved to support residential development along it

Consideration #6 – Water Quality Protection

A residential strip **should not be provided** along rural roads with undeveloped frontage that are located in the watershed of Lake Auburn, unless such development will not have an adverse impact on the lake’s water quality.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the

AG related References from the City Comprehensive Plan

future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

Comprehensive Plan Page 73-Future Land Use Plan

This Future Land Use Plan reaffirms the basic objective of land use planning, that development in Auburn should grow out from the core and from older established neighborhoods. This policy was originally set forth in the City's first comprehensive plan over a half century ago, and has continued to guide the City's land use planning ever since. We continue to believe that growth out from the downtown core and older established neighborhoods provides the most efficient utilization of city services. This plan does not favor "leapfrog" development in the outlying sections of the City where city services are not now available. This pattern is often referred to as "suburban sprawl," and is not considered desirable for Auburn. The effect of continuing this long standing principle is to guide most new development into the area south of Lake Auburn and Taylor Pond and north of the Maine Turnpike. Figure 2.1 identifies these areas as the City's Growth Area and Limited Growth Area; they are depicted in the brown and tan colors.

Comprehensive Plan Page 73

Industrial Expansion Transition District (INT)

Objective – Allow for the orderly expansion of the City's industrial district over time by zoning additional land Industrial (see Figure 2.3). The Industrial Expansion Transition District includes two different types of areas. One type of area is characterized by developed residential properties or neighborhoods on the fringe of an existing industrial zone (see Figure 2.6). In these areas that are currently developed, the City should rezone properties Industrial on a case-by-case basis in an orderly manner, while maintaining the livability of the remaining residential properties as well as protecting adjacent residential neighborhoods.

The second type of area is undeveloped or lightly developed areas that are currently zoned Ag/RP or low density residential and are essentially "in reserve" for future industrial use (see Figure 2.7). These undeveloped or lightly developed areas that are "reserved" for future industrial use should be zoned Ag/RP or its equivalent in the short term; the area should be rezoned to Industrial only when there is a development proposal that includes the provision of public water and sewerage.

Allowed Uses – The allowed uses of the current zone or the Ag/RP District or its equivalent should remain in force until these areas are rezoned.

Development Standards – The current development standards or Ag/RP standards should remain in force until these areas are rezoned.

Comprehensive Plan Page 108

TYPE D: PROTECTION/RESERVE AREAS

DESIGNATION: OPEN SPACE/CONSERVATION

Resource Protection District (RP)

Objective – Retain areas with significant natural resource value in an undeveloped, natural state (see Figure 2.3). This includes undeveloped 100-year floodplains adjacent to the rivers and significant streams and areas around freshwater wetlands that are moderate-high value habitat.

Allowed Uses – Within the Resource Protection District, allowed uses should be limited to natural resource and open space uses including agriculture and forestry, low-intensity recreation, facilities that provide water access, and similar low impact uses. Uses that involve significant structural development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no alternative appropriate location.

Development Standards – All new structural development and paved surfaces except for roads, trails, and facilities for access to the water, should be set back from the water body or wetland and a green buffer maintained along the edge of the resource. In general, all activities within the district are also subject to the Shoreland Zoning performance standards.

Agricultural/Rural District (AG)

Objective – Preserve and enhance the agricultural heritage of Auburn and protect the City’s natural resources and scenic open space while maintaining the economic value of the land (see Figure 2.3). The district is characterized by a rural, very low density development pattern that limits sprawl and minimizes the City’s service costs. The District maintains the current rural development pattern allowing for a broad range of agriculture and natural resource-related uses, while restricting residential development. Recreational development is encouraged both as a means of protecting open space, and as a means to provide reasonable public access to outdoor destinations such as Lake Auburn and the Androscoggin River. The Agriculture/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.

Allowed Uses – The Agriculture/Rural District should continue to include the uses allowed in the existing AG/RP zoning district. In addition, a broader range of rural uses should be allowed. Agriculturally-related businesses including retail and service activities and natural resource industries should be permitted. The reuse of existing agricultural buildings should be allowed for low intensity non-agriculture related uses. Residential uses should continue to be limited to accessory residential development as part of a commercial agriculture or natural resource use, not just traditional farms. The criteria for determining when an accessory residential use is permitted should be based on updated standards that take into account the economic realities of today’s commercial agricultural activities, including outside sources of income and part-time and small-scale commercial operations. Residential development may also be part of a commercial recreational use as part of a planned development in which the recreational open space is permanently preserved.

Development Standards – All new development, redevelopment, and expanded uses in the Agriculture/Rural District should be required to meet “best management practices” for stormwater management and environmental protection to ensure adequate protection of natural resources. All development activities in the Agricultural/Rural District should be subject to low impact development (LID) standards such as limiting impervious surfaces, minimizing lot disturbances, creating natural buffers, and capturing and treating runoff through filtration measures.

The City should continue to encourage a very low density development pattern as a means of protecting natural resources and preserving the rural character. The basic residential density standard for the current AG/RP zoning district should be maintained. The standards for the development of accessory residential units should provide greater flexibility in the siting of those units. In an effort to place accessory residential development in areas where it will have the least impact on natural resource and/or the agricultural value of the land, the standards should allow for a waiver or elimination of road frontage requirements and access from a private driveway.

Residential development that is proposed as part of a master planned commercial recreational development should be limited to the same density standard (one unit per 10 acres) as other accessory residential uses. A recreational master plan should be required outlining the scope, scale, and location of residential units and ensuring a cluster development pattern in which the majority of the land is retained as recreation/open space. A conservation easement, or other legally binding preservation measure, should be required to permanently conserve the recreation/open space areas.

Where a parcel that is located in the Agriculture/Rural District land also includes residentially zoned land, a residential unit should be allowed to be transferred from the residentially zoned portion of the parcel to the Agriculture/Rural portion as long as the relocation does not negatively impact natural resources or the agricultural potential of the land. As with other residential development in the Agriculture/Rural District, the development standards should encourage flexibility in the location and size of the lot, allow for a waiver of road frontage requirements, and allow access from a private driveway. When a transfer occurs, the land in the residential zone from which a residential unit is transferred must be permanently protected from development through a legally binding preservation measure, such as a conservation easement.

Conservation/Open Space District (COS)

Objective – Formally recognize those parcels that are used for cemeteries, water quality protection or are permanently protected for conservation or open space purposes (see Figure 2.3). The land included within this district will change over time as additional land is conserved. The intent of this designation is to establish a policy that these types of properties/uses should be recognized as important resources and that any significant change in use should be considered a policy decision.

Allowed Uses – The allowed uses within the Conservation/Open Space District should be limited to low intensity recreational facilities and natural resource uses, including agriculture and forestry.

Development Standards – The development standards should provide flexibility for the appropriate use of the land, while protecting its natural resource and ecological values.