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11/13/24

Natural Resource Uses

Definition:

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

In accordance with Chapter 60 , Article IV, Division 2 Agriculture and Resource Protection District Section 60-145b2:

“Provide a farm, agricultural, recreation, or natural resource use plan or land use plan that has been approved by the planning and permitting director or their designee. The planning and permitting director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit.”

And Subsection (i):

“The business or proposed land use is feasible, and if implemented will constitute a bona fide farming, agricultural, recreational, or natural resource use allowed under subsection (a) permitted use, or subsection (b) special exception uses...”

In making the written findings required above the planning and permitting director or their designee must find that the **principal use** of the parcel is for farming/agricultural, recreational or natural resource use **and any residential dwelling is secondary to the principal use of the parcel** and they must use the information derived from the following sources in making their written findings:

Bona Fide Natural Resource use includes:

- Extraction of top soils and composing of organic materials to create top soils and mulch.
- Extraction and processing of aggregate materials including sand, gravel, clay, rocks and ledge.
- Extraction of minerals.
- Extraction and bottling of ground water.

The planning director or their designee may request the following documents and information or other information that is relevant to the specific type of use:

1. A natural resource use plan and business plan. The plans must include sufficient information and details to the satisfaction of the planning director or their designee to make a finding that the principal use of the parcel is a bona fide natural resource operation.

For natural resource uses, the planning director and their designee may request a land use and business plan that includes at a minimum the following:

- a. The raw materials or energy product that will be extracted or produced,
 - b. An estimate of the quantity of natural resource material available on the parcel,
 - c. Marketing plan,
 - d. Financial plan,
 - e. The feasibility and sustainability of the natural resource land use,
 - f. Topography of the parcel with contour intervals as requested by the planning Director or their designee,
 - g. Location of wetlands and/or water bodies on the parcel,
 - h. Boundary lines of the parcel and its city lot number,
 - i. A site plan drawn to scale and other maps, visuals, or graphics that depict the information requested.
2. The amount of time on a weekly, monthly, seasonal or yearly basis the applicant, members of their family or others engaged by the application will be expending on the operation of the natural resource activity in the natural resource and business plans.
 3. Written Information regarding the applicants knowledge and skills related to the operation of the natural resource activity in the natural resource and business plans. This information may include but is not limited to certificates or diplomas related to the natural resource activity, education or training, apprenticeships, previous natural resource experience, or other related information. If the applicant is engaging others in the operation of the natural resource activity written documentation of their knowledge and skills for each such person ,as listed above for the applicant, shall also be listed.
 4. Any arrangements the applicant intends to make with others for services or products related to their natural resource operation as contained in the natural resource and business plans.
 5. Documentation that shows right and title to the property. That may be a deed or an executed purchase and sale agreement that includes a condition that the sale

is subject to obtaining a finding of a bona fide natural resource use from the planning director or their designee.

Other information that the planning director or their designee may consider:

1. Written statement from the Maine Department of Inland Fisheries and Wildlife regarding significant wildlife habitats.
2. Written statement from the Maine Historic Preservation Commission regarding historic and archaeological assets on the parcel.
3. Written statement from the Maine Department of Inland Fisheries and Wildlife, the Maine Department of Agriculture, Conservation, and Forestry and Maine Natural Areas Program regarding endangered species of plants and animals.
4. Any wetlands and vernal pools that will be impacted by the development of the natural resource use as submitted in the natural resource plan.
5. If the parcel is subject to Farm and Open Space Programs.
6. Identification of forested areas on the parcel that are enrolled in the Maine Tree Growth Program or in a carbon sequestration program, with copies of the terms of the agreements
7. If the natural resource use is not the principal use on the parcel, is the proposed use a permitted use in other land use zones in Auburn.