

Agriculture and Resource Protection Zone

City Council Presentation

September 16, 2019

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

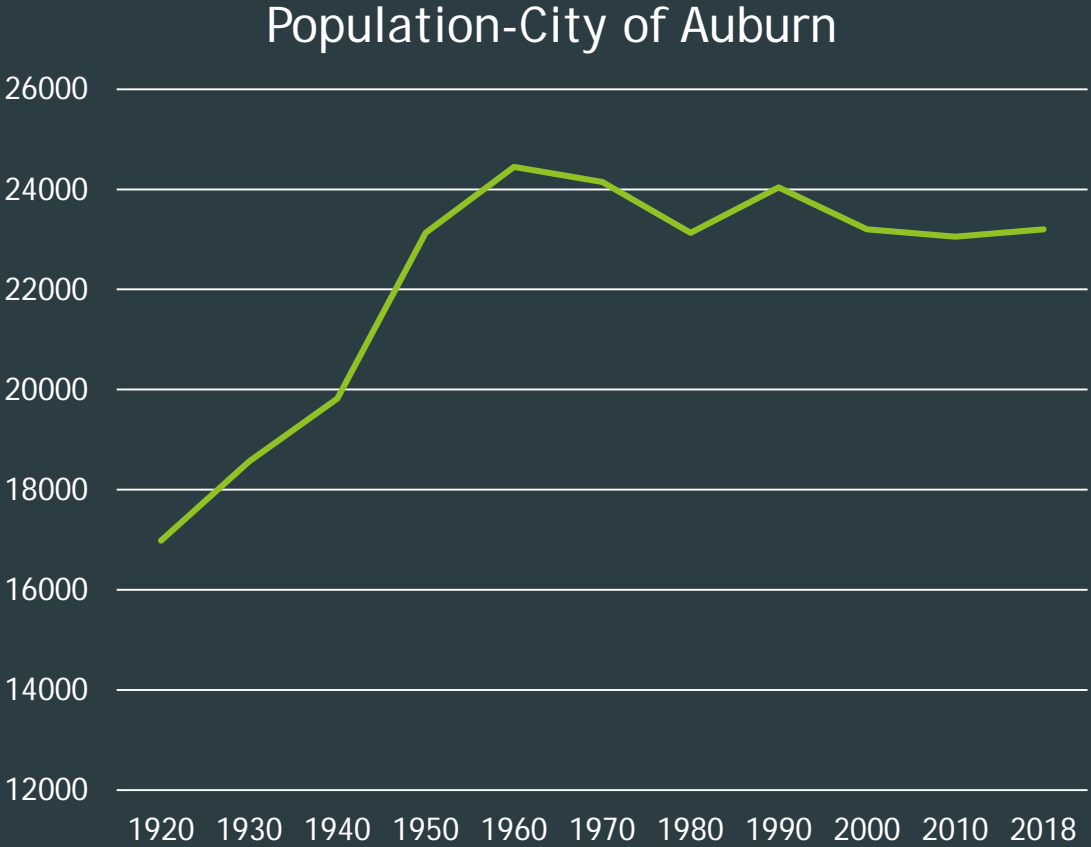
Agriculture and Resource Protection Zone History

- ▶ 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

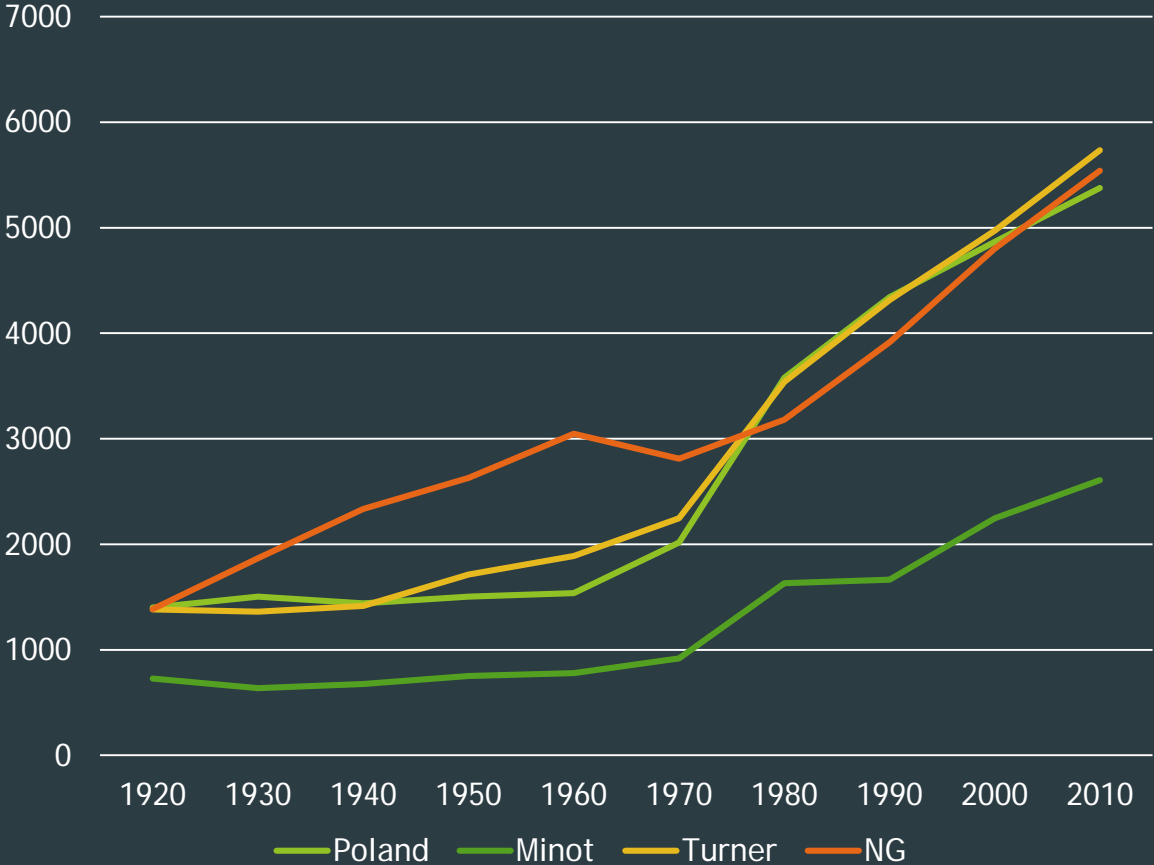
Blackwell Report- Continued



➤ Auburn’s population peaked in 1960, just prior to the formation of the AG Zone

Neighboring Rural Towns- Comparison

Rural Populations



➤ Surrounding rural communities have seen steady population growth over the same window of time

Auburn Comprehensive Plan- 2010

- ▶ *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.

Auburn Comprehensive Plan- 2010

- ▶ 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

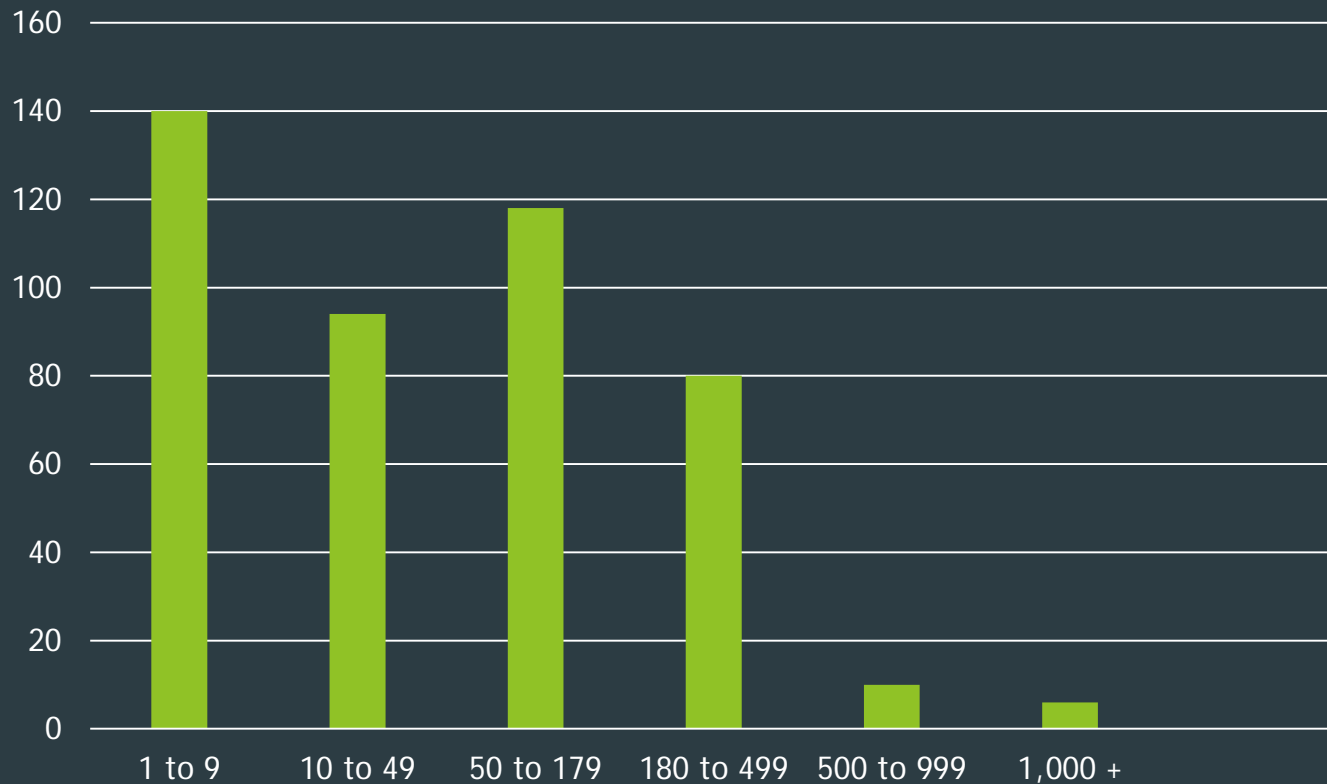
Ad Hoc Committee Report Recommendations- July 16, 2018:

- ▶ 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

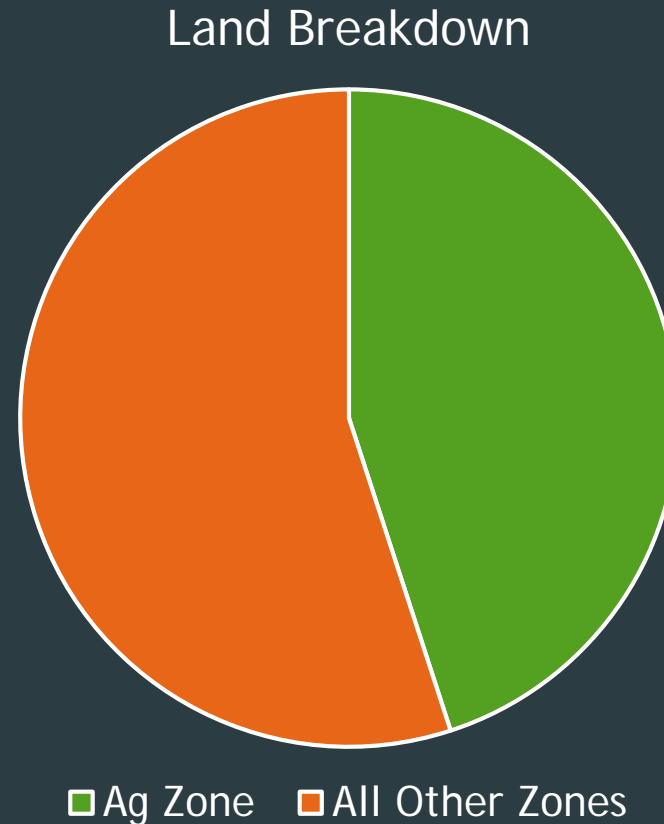
Current AG Zone Breakdown

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

Size of the AG Zone

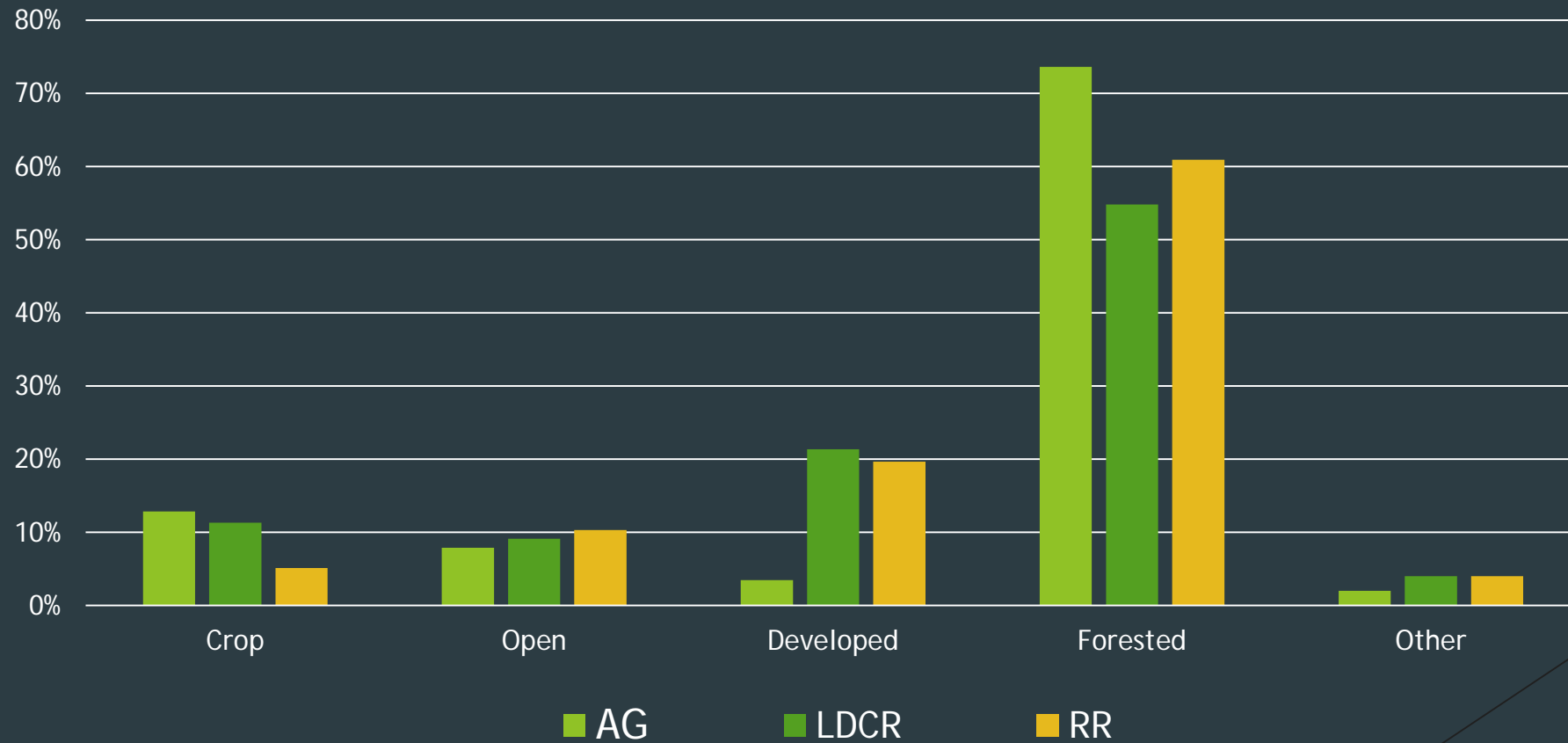
- ▶ 18,931 of city's 42,074 acres located in the AG zone
- ▶ Consists of 783* parcels, averaging 24 acres per Parcel

*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



Comparison of Land Use- Rural Zones

	Agriculture Zone		LDCR Zone		RR Zone	
Land Use	Acres	Percent	Acres	Percent	Acres	Percent
Crop	2,429	13%	206	11%	298	5%
Open	1,494	8%	166	9%	600	10%
Developed	657	3%	389	21%	1,145	20%
Forested	13,939	74%	998	55%	3,550	61%
Gravel Pit	194	1%	52	3%	1	0%
Recreation	217	1%	10	1%	233	4%
Total	18,930	100%	1,821	100%	5,827	100%

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