

# Agriculture and Resource Protection (AG) Zone: Staff Input

September 23, 2019

# Goal of this Discussion

Questions for the Council to consider:

- ▶ What outcome should be obtained by amending the AG Zone?
  - ▶ What is the ideal outcome of any amendment to the AG Zone?
  - ▶ What outcomes are we trying to avoid?
- ▶ At the end of the day- What is the best course for the City and Citizens?

# Potential Goals to Consider

- ▶ Create farming opportunities
- ▶ Preservation of undeveloped & forested land
- ▶ Add to tax base
- ▶ Increase economic opportunities
- ▶ Preserve land for recreational uses
- ▶ Control municipal cost increases
- ▶ Increase opportunity for residential parcels/properties
- ▶ Limit pollution of the watersheds
- ▶ Control sprawl

# Maine Department of Agriculture

Stephanie Gilbert, Farm Viability & Farmland Protection Specialist:

- ▶ Policies enacted depend on the purposes the City wishes to uphold
- ▶ Policies that promote specific goals might frustrate other goals
- ▶ Regulations that were thoughtfully made at one point in time are likely to require refinement as conditions change
- ▶ Any new policies must be thoroughly considered, fair to all concerned, and generally supported

# 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.
- ▶ Criteria should be based on updated standards that consider today's economic realities.
- ▶ Residential uses should continue to be limited to accessory residential development as part of a commercial agriculture or natural resource use.

# Public AG information Resources

## Auburn's Agriculture and Resource Protection (AG) Zone

[Click here to sign up for email notifications](#)

Sign up to receive email notifications for AG zone related information and events.

This site allows users to explore interactive maps, and to view PDF maps and other City related AG resources.

- Click on the **Explore** button for an item to view the map or report.
- The **Search** option at the bottom of the page allows you to search for items using key words. Please be patient. This item is still in development.



Items with the AG Study icon were created in 2017 and 2018 for the Ad-Hoc Committee on Auburn's Agriculture and Natural Resource Economy Study to Support and Enhance Auburn's Agricultural and Resource Sector.



Items with the MAG-ARP icon were created in 2018 and 2019 for the Mayor's Action Group on Agriculture & Resource Protection



Items with the compass rose icon are other maps, studies and reports related to the AG Zone

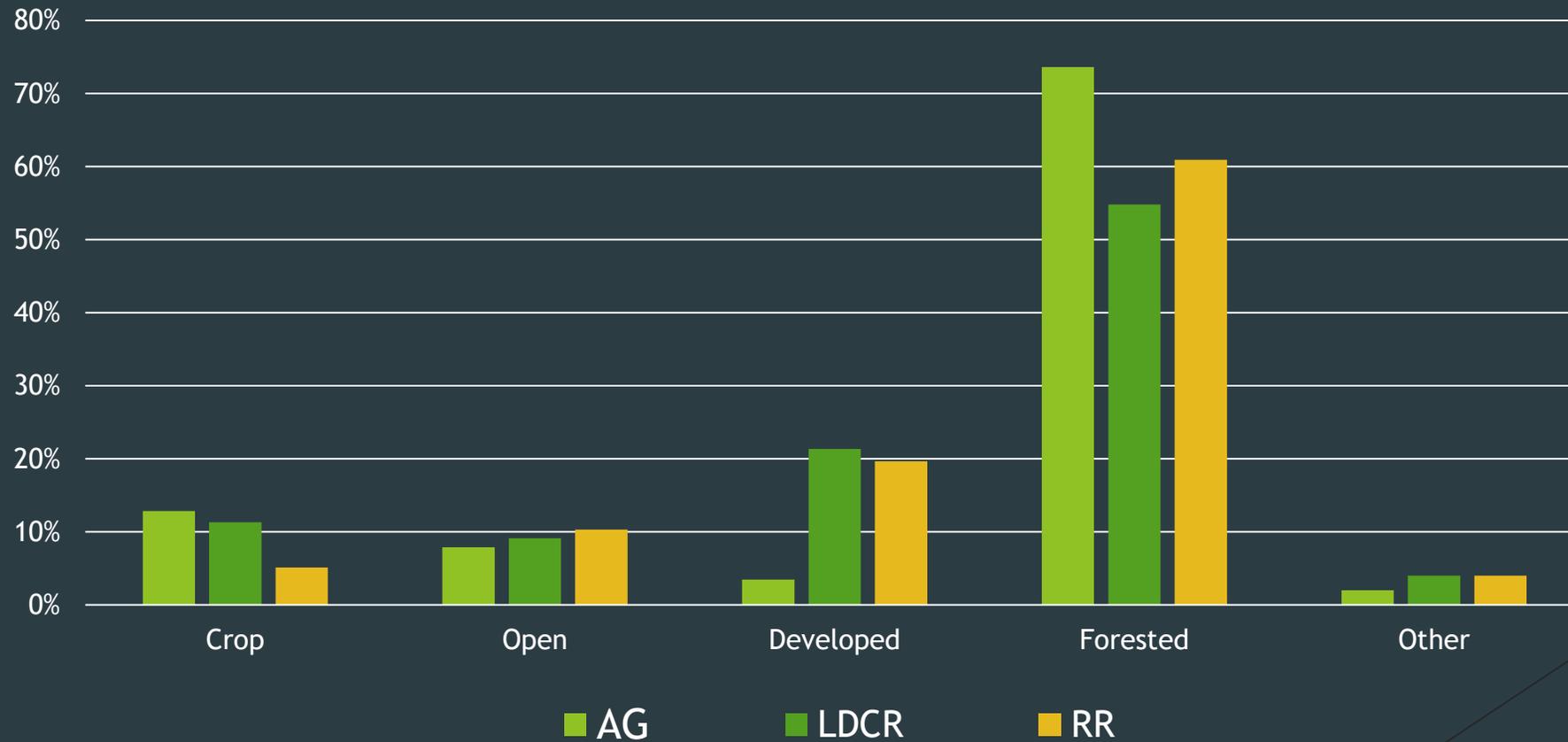
# Comparison of Land Use- Rural Zones

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

Source: 2013 Aerial photo interpretation done by GIS Consultant

# Comparison of Land Use- Auburn Rural Zones

Percent Land Use by Zone



Source: 2013 Aerial photo interpretation done by GIS Consultant

# Land use Comparison Takeaways

- ▶ Considering the current differences in zoning, these rural zones still have a similar composition
- ▶ The primary difference is the amount of developed land
- ▶ The AG Zone will still be more prohibitive than the other rural zones for development with proposed amendments
- ▶ Lower barriers would likely result in additional development in the AG zone- but would still be more restrictive than LDCR or RR Zones

# Parcel Information

► 575 potentially developable lots

	Non-Conforming Lots (3-10 Acres)	Conforming (10+ Acres, 250' frontage)	Total
Immediately Developable	37	99	136
1st Split (could be immediate)		110	110
Subsequent Splits		329	329
Total	37	538	575

•GIS link to data [HERE](#)

# Taxable Value Creation- an Example\*

- ▶ Current vacant AG land value: 10 acres @ \$800 acre= \$8,000 assessed value
  - ▶ \$8,000 assessed x .02375 MIL rate factor= \$190 taxes
- ▶ Build a house on same 10-acre lot\*
  - ▶ \$43,000 lot- 1<sup>st</sup> acre (range \$30-\$56k) = \$43,000
  - ▶ Remaining 9 acres @ \$800 = \$7,200
  - ▶ Building (guestimate, wide range) = \$175,000
  - ▶ Total = \$225,000
  - ▶ Taxes= \$5,348.50

\*Many factors play into the assessment- informational purposes only

# Tax Base Considerations

Farming and forestry tend to require few municipal services, generating far more in property tax receipts than service to residential housing development.

Median cost of services per Dollar of tax revenue raised:

	Cost/Revenue
Business/Commercial/Industrial Use	\$0.30
Agriculture/Forestry/Working Lands	\$0.37
Residential	\$1.16

Source: Farmland Information Center, 2016

# Objective of Crossroads AG Study Committee

## Priorities and Strategic Goals

- ▶ Protect open space and rural landscape. Strengthen the agriculture and natural resource sector of the Auburn economy.
- ▶ The 50% income rule should be changed, however the alternative guideline that could replace it are not simple.
- ▶ Infrastructure investment and incentives are needed to support the agricultural sector especially in an unpredictable environment; Need to determine the best incentives available.

## Objective of Crossroads AG Study Committee (Cont.)

- ▶ Protect farmland for agricultural uses and foster productive use of AGRP lands. Hold price of working agriculture lands low.
- ▶ Educate the community about the contribution of agriculture.
- ▶ Protect natural environment with special emphasis on Lake Auburn.

# 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 exempt (1/1/2018) existing lots sized 3-10 acres
    - ▶ (applies to 37 developable parcels in the city)
- ▶ Land can be divided for agricultural purposes
- ▶ Parcel must still meet the definition of a farm

# Proposed “Farm” Definition

Per 2018/19 AG Zone Ad Hoc Committee

- ▶ 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 Amendment to “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?

# Staff Considerations- Proposed Amendments

- ▶ Amendments could reduce our opportunity to identify specific areas for future growth
  - ▶ Target areas to remove from the zone for specific residential or business growth
  - ▶ IE: Turnpike Land Access- possible future industrial/business growth near City's only turnpike access
- ▶ Per the legal opinion, we are continuing to use a farming definition that is hard to administer- due to difficulties monitoring income levels

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