

Auburn's Agricultural and Resource Protection Zoning (AGRP): Consultant Recommendations

Prepared for the
Ad Hoc Committee, City of Auburn, Maine
Agriculture and Resource Protection Zoning (AGRP)

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Table of Contents

EXECUTIVE SUMMARY	3
I. PRIORITIES OF THE AUBURN AD HOC STEERING COMMITTEE	5
II. RECOMMENDATIONS:	6
1. ESTABLISH CLEAR PURPOSES FOR AD HOC COMMITTEE RECOMMENDATIONS:	6
2. DEFINE THE OUTCOMES AUBURN SHOULD ACHIEVE THROUGH ANY REVISIONS TO AGRP	8
3. DEFINE CLEAR STANDARDS FOR WHAT CONSTITUTES A “FARM” FOR THE PURPOSES OF AGRP POLICIES.	9
3(a). <i>Income Requirement</i>	9
3(b). <i>Minimum Lot Sizes and Consolidated Housing</i>	12
5. ESTABLISH AN ONGOING PUBLIC FORUM FOR RESPONDING TO CHANGING CONDITIONS.....	14
6. CREATE INCENTIVES FOR “MEANINGFUL AND DEMONSTRATED ENGAGEMENT WITH THE LAND”	15
7. ENACT COMPLIMENTARY POLICIES	16
III. BACKGROUND	18
IV. MODEL POLICIES AND PROGRAMS.....	20
DEFINING A FARM AND NATURAL RESOURCE USE FOR ZONING AND PROGRAMS	21
<i>Examples of Defined Commercial Engagement</i>	21
<i>Examples of Minimum Lot Size (and Exceptions)</i>	21
<i>Examples of Owner Investment or Engagement</i>	22
<i>Examples of Descriptions of Allowable Uses</i>	22
<i>Examples of Public Good Allowances</i>	23
LAND PROTECTION STRATEGIES.....	23
<i>Permanent Conservation Easement Purchases and/or Deed Restrictions (PACE or PDR)</i>	23
<i>Permanent Fee Simple Purchases</i>	24
<i>Temporary Conservation Easements</i>	24
<i>Temporary Agriculture Protection Zoning (APZ) Restrictions (aka Downzoning) & Current Use Tax Programs</i>	24
<i>Transfer of Development Rights & Cluster Housing</i>	24
CREATING ECONOMIC OPPORTUNITIES FOR AGRICULTURE AND NATURAL RESOURCES	24
<i>Massachusetts Farm Viability Enhancement Program</i>	24
<i>Vermont Farm and Forest Viability Program</i>	25
<i>Local Procurement Policies and Promotion</i>	25
<i>Allowing Accessory Uses</i>	25
PENALIZING NONCONFORMING USES	26
V. SUMMARY OF STAKEHOLDER ENGAGEMENT & COMMUNITY PERSPECTIVES	27
VALUES STATEMENT:.....	27
PURPOSE:.....	27
PROCESS TO DATE:	27
SUMMARY OF STAKEHOLDER ENGAGEMENT ACTIVITIES.....	27
THESE ENGAGEMENTS REPRESENT AT LEAST THE FOLLOWING:	27
IDENTIFIED ISSUES (ROUGHLY IN ORDER).....	28
VOICES OF AUBURN RESIDENTS FROM OUR INTERVIEWS	28

Executive Summary

1. Establish a Clear Purpose For Ad Hoc Committee Recommendations

The Ad Hoc Committee will need to formally establish a clear set of priorities before it can select effective strategies to attain their goals.

2. Define the Outcomes Auburn Should Achieve Through Any Revisions to AGRP

The Ad Hoc Committee should establish a clear set of outcomes it hopes to achieve through any refinement of the AGRP zoning.

3. Define Clear Standards for What Constitutes a “Farm” for the Purposes of AGRP Policies

Public incentives (including receiving the benefits of AGRP zoning) must attain public outcomes that benefit the broader community, not simply strengthen one individual’s or family’s standing. At a minimum, the following should be considered:

3(a). Income Requirement

The current requirement that to build a new home in the AGRP, a household must earn at least 50% of its gross income by farming, is perhaps the single most important policy that has protected farmland in Auburn. At the same time, however, it has also become the most significant point of contention as agricultural conditions have changed. The City Council recommended in the 2010 Comprehensive Plan that this standard be revised, and the Committee has voted to abandon it. We recommend that this income guideline be replaced with documentation of a set of specific behaviors that advance public purposes. Meeting these standards would qualify an operation as being a farm and/or having meaningful engagement with the land.

3(b). Minimum Lot Sizes and Consolidated Housing

We believe the 10-acre limit is worth keeping, but should be made more flexible in three respects: (1) When an immediate family member of an ongoing farm operation desires to build a home so it can participate in the farm; or (2) When a Planned Unit Development can document with a formal business plan that increased density will advance the public interest without costing the City additional money to provide services that cannot be recovered with property tax revenue; or (3) When increased housing density doesn’t change the rural character of the area and 75% of a large (define) parcel is permanently protected from development and made available for future agriculture and natural resource uses.

Further, the City’s presumption should be that anyone who applies to the City to take prime farmland out of agricultural use should ensure that at least the same acreage (and perhaps much more) of prime farmland in another location will be *permanently* protected for agriculture through conservation easement, land trust, or similar *permanent* protection vehicle.

4. Partner with the Maine Department of Agriculture, Food, and Rural Resources to establish a Voluntary Municipal Farm Support Program (VMFSP) that allows the City to offer special incentives for agriculture. This will require establishing a formal commission or other such body to oversee agricultural initiatives.

5. Establish an Ongoing Public Forum for Responding to Changing Conditions

The City of Auburn should formally appoint a commission that oversees AGRP policies and creates new policies in response to changing circumstances. This might be called the Agriculture and Resource Commission, or the Food Systems, Agriculture, and Resource Commission; or similar responsibilities could be given to the existing Conservation Commission.

6. Create Specific Incentives for “Meaningful and Demonstrated Engagement with the Land”

We propose that Auburn create a set of incentives that foster desired public benefits, and limit the number of regulations that set inflexible standards, where state laws allows. When state laws obscure the community’s vision for agriculture, as articulated in previous steps, City staff, a newly established agricultural commission, and concerned citizens will advocate at the state level for additional flexibility and local control.

7. Enact Complimentary Policies

Revising codes and zones to allow for the changing nature of agriculture and resource utilization is not enough. These industries must also be fully incorporated into the City’s community and economic development strategies and respected as an integral part of city identity.

I. Priorities of the Auburn Ad Hoc Steering Committee

1. Understand the agricultural and natural resource economic context in which Auburn farmers and consumers lead their daily lives.

2. Consider and possibly make recommendations for refining the Agriculture and Resource Protection District adopted by the City of Auburn in 1964 and amended in later years.

In particular, the following two provisions have been identified as problematic by many parties in Auburn:

- Requirement that to build a new house, 50% of one's household income must be earned in agriculture or natural resource extraction.
- Requirement that to build a new house, at least 10 acres must be available for a "houselot".

Other recommendations may be made at the discretion of the Steering Committee. Of course the Steering Committee may exercise the option of keeping the Ordinance as it is.

Deliverable: Steering Committee will adopt a report (to be drafted largely by Consultants in its early stages) proposing recommended actions to the Auburn City Council.

Note: Consultants have delivered summaries of previous Auburn policies, minutes of Committee meetings, a Data Book covering agricultural, forestry, and resource economic issues, and now this set of recommendations — including background information on model land protection strategies — to assist the Committee in making its determination of the best policies to adapt.

All prior documents are posted on the City of Auburn web site:

<http://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy>

All recommendations here are made to provide a starting point for Committee discussions, not final solutions. We encourage further discussion to refine these.

II. Recommendations:

1. Establish Clear Purposes For Ad Hoc Committee Recommendations:

Our sense is that the Ad Hoc Committee will need to formally establish a clear set of priorities before it can select effective strategies to attain their goals. To date, the Committee has informally agreed to the following purposes, but no formal action has established a group consensus on the overall purpose of the Committee's work:

Purposes Adopted by the Committee to date:

- Protect open space and rural landscape
- Protect farmland for agricultural uses
- Protect natural environment with special emphasis on Lake Auburn
- Foster productive use of AGRP Lands
- Hold price of working agriculture lands low

Other Potential Purposes could also be identified by the Committee. Listed below are some we have heard people mention in our interviews and discussions with community members. Others were identified in our November 29, 2018 memo.¹ Of course the Committee may choose still others:

- Encourage long-term residency by legacy families
- Promote land access for new farmers
- Promote local food sovereignty
- Promote sustainable agriculture, forestry, and resource industries
- Build a stronger local food system including infrastructure supporting local farmers
- Support individuals, families, and collaborations that connect passionately with the Auburn community, its land and resources
- *[Others the committee may wish to define]*
- *[Others the committee may wish to define]*

Knowing the Committee's key purposes is critical, since its primary purposes will determine which policies rank as most important to adopt. For example, if the Committee sets a priority of preserving open space and rural viewsapes, it may wish to limit the removal of land from AGRP for rural housing development. On the other hand, if the Committee places a priority on attracting new residents to Auburn, it might support opening forested areas for building homes for commuters to the Portland metro area — or it might opt for encouraging planned unit developments that attract New Mainers and veterans who choose to farm.

To be more specific, the Committee may wish to consider various scenarios for development of the AGRP zoning, and test various policies to determine which would work best for achieving the Committee's formal purposes, once established. One way to frame these scenarios would be to ask Committee members to imagine what AGRP areas would look like in 20 years if specific purposes were put forward, and specific strategies implemented. The following three scenarios are outlined to foster thinking along these lines and are just examples of how some purposes could be implemented and to what ends.

¹ Available at <http://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy>. Link to "Purpose of Group."

1(a). If the Committee sets a **priority on protecting open space and rural views**capes, it may wish to severely limit future housing development to the extent the City has power to do so.

- Such a priority might suggest restricting any new home construction to areas zoned Rural Residential (RR), or might even preclude any further RR home construction in order to protect existing views
capes, open space in AGRP areas, and access to backlands.- Alternatively, the City might prohibit any new housing construction on AGRP lands, unless houses are built by existing farm families having a strong possibility of staying on the land, who are building homes for family members who will directly participate in the operation of the farm.
- One of the strengths of such a strategy would be that it would eliminate the need for a household income test because the priority is no longer place on land/resource production, but instead on preserving rural character and open space.
- Such a strategy might also require the City to adopt grant and loan programs that assist owners of existing AGRP homes to renovate or update existing homes to protect household conditions and views
capes while increasing household energy efficiencies.- There will be potential drawbacks to any policy the City may adopt. One potential weakness to protecting existing rural landscapes and existing operations would be that such policies would be perceived as essentially backward-looking, favoring legacy property homeowners at the expense of those who might wish to move in to the district and start new operations.
- Furthermore, simply protecting existing homes does not solve the infrastructure issues that limit the growth of emerging farm businesses elsewhere in Maine.
- Moreover, one thing to be watchful for would be if existing property owners without descendants opt to build homes as their family ages; conceivably, someone might approach such a landowning family and promise to purchase such a new home once the family is ready to leave. This could mean the home passes into ownership of a non-farming owner making use of AGRP policies, subverting the City's intent.

1(b). If the Committee places a priority on **fostering a stronger agricultural and resource economy**, it is likely to devote special attention to (a) creating new opportunities for the emerging vegetable and direct sales sector; (b) implement training and mentorship programs that ensure that new farmers enter into agriculture on a regular basis, and ensure that foresters have access to expanding markets; (c) and build infrastructure supportive of smaller-scale farms (such as washing and packing sheds, cooler and freezer facilities, processing plants, community distribution routes, and so forth).

Regarding City policies for building new homes in AGRP areas under this priority, the City might wish to:

- Adopt less stringent income or sales guidelines for allowing emerging farmers to build homes near their fields.
- Selected AGRP regions might be set aside as areas where farmer training programs could be established, or where Planned Unit Developments would be encouraged to locate in order to protect legacy views
capes, forest lands, and recreational opportunities elsewhere.- The City may wish to locate these districts close to the Turnpike so that new farmers who wish to sell commercially can easily access markets in Portland, Augusta, and elsewhere in New England.
- If the City places a priority on developing new farms in the City, it might also encourage new micro farm development on RR lands with access to additional agricultural lands for future expansions.

- If adequate training opportunities are available, the City may wish to limit new farm development (involving new home construction) within the AGRP to farms that can document a proven track record of farming.
- However, any effort by the City to promote new forms of farming, especially on smaller acreage, may not be welcomed by farmers working larger farms who wish to expand into additional acreage in units of 20 acres or more.
- One potential drawback of this approach is that once new homes are built in AGRP or RR areas, this may increase pressure for further home building by non-farmers, and raise property values.
- Construction of new homes or repair of older homes will tend to raise the price of farming and forestry lands zoned AGRP, undermining the purpose of the AGRP zoning.
- Furthermore, locating farms near the Turnpike could conflict with proposals that have been made to take lands out of the AGRP for the purpose of fostering housing development for commuters who wish to work in the Portland Metro area but live in a more rural setting.

1(c). If the Committee places a priority on **expanding Auburn’s tax base by removing substantial acreage from AGRP zoning to RR zoning** so that developers and individuals may build homes for commuters who wish to locate near the Turnpike, it may nevertheless wish to create incentives so that any such housing development would advance the identity of Auburn as an agricultural community.

Regarding construction of new housing developments, Auburn might require, for example:

- Any residential development of any size could be required to permanently protect at least one acre of land (and perhaps 5 acres, 9 acres or more for each acre used) for AGRP zoning per acre of land taken up by nonagricultural housing.
- The City may further wish to offer incentives to housing developments that include working agricultural and forestry lands as part of the development.
- The City may wish to place a priority on Planned Unit Developments that achieve public goals set by the City, and discourage the construction of scattered rural homes that cut up valuable, working lands.
- One significant drawback to hopes of expanding the City’s property tax base in this manner is that the costs of new City services required to provide adequate services to residents of new housing developments often exceed the income generated through new property tax assessments (see our Data Book). This is primarily driven by public school expenses associated with families, once new road constructions are account for.
- Such a housing strategy will pose challenges to protecting both the identity of Auburn as an agricultural community, and also rural open space and viewscapes, unless sites are selected judiciously and building styles and sizes are limited.

2. Define the Outcomes Auburn Should Achieve Through Any Revisions to AGRP

The Committee should test each considered policy proposal and its intended outcomes against the Committee’s establish purposes. Some of the specific outcomes that any revisions to the AGRP might strive to attain include those listed below:

Outcomes: Any revisions in the AGRP Ordinance should:

(This list is presented for the Committee to adapt as needed, noting that not all of these outcomes can be achieved since some conflict with each other. The Committee must strike a balance it its approach. This

list was developed by consultants in response to our research and interviews as well as Committee actions taken to date):

- Establish a suitable definition of a “farm”
- Incentivize outcomes that benefit the Auburn public, including sustainable agriculture, forestry, and resource production
- Complement other City programs that will build local food infrastructure, encourage value-added processing of raw farm and forestry products, train new farmers and foresters in an ongoing manner, and foster local food trade
- Favor independent family farms
- Foster multi-generational ownership by legacy families while creating opportunity for new farmers to settle in Auburn
- Allow for Planned Unit Developments with special rules (for example more dense housing) if such developments advance Auburn’s public interest
- Foster stronger social and commercial networks among Auburn residents and businesses
- Prohibit large confined animal operations, as defined by the committee
- Prohibit houses that are not connected to farms on AGRP lands
- Limit scattered housing sites in the AGRP and otherwise limit the costs of public services to rural areas

3. Define Clear Standards for What Constitutes a “Farm” for the Purposes of AGRP Policies.

The current definition of a “farm” under the AGRP is as follows:

Farm – Any parcel of land containing more than 10 acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. A farm, under the Agricultural Resource Protection District, shall be further defined as meeting the following criteria:

1. At least fifty (50) percent of the total annual income of the farm occupant and his or her spouse living in the farm residence will be derived from such uses; and
2. At least ten (10) 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 Section, “poultry” shall mean no fewer than 100 fowl and “livestock” shall mean no fewer than twenty (20) cattle or other animals being raised for commercial purposes.

3(a). Income Requirement

The current income requirement for building a home (that a household must earn 50% or more of its income from farming and natural resource extraction) is perhaps the single most important policy that has protected farmland in Auburn. At the same time, however, it has also become the most significant point of contention as agricultural conditions have changed. The City Council recommended in the 2010 Comprehensive Plan that this standard be revised, and the Committee has voted to abandon it.

General Recommendation:

Nonetheless, it is of critical importance that **any standard for what constitutes a “bona fide farm” clearly separate farms that legitimately engage the land and contribute to the community from those that are established primarily in order to receive incentives. Public incentives must attain public**

outcomes that benefit the broader community, not simply strengthen one individual's or family's standing.

Specific Recommendation:

We recommend that this income guideline be replaced with reference to a set of specific outcomes. USDA and other agencies attempt to ascertain “meaningful engagement with the land” (See Section IV of this report beginning on page 21) and this can be done by specifying certain outcomes rather than by imposing inflexible standards. **Further, these outcomes can be the basis for regulations that incentivize desired public outcomes.**

Background on Commercial Market Engagement and/or Sales Requirements

Current building restrictions within the agricultural zone are defined by limiting participation to those households earning 50% or more of their total income from farming. This is the only known regulation of its kind and it no longer reflects the economic significance of agriculture and farming. For example:

- Only a small number of Auburn farmers currently earn more than 50% of their household income from farming.
- Elderly and retiring farmers often wish to stay at home when they are no longer earning income from farming.
- New farmers cannot meet this standard unless they hold wealth from a prior activity, which limits the population that can be invited into Auburn.
- It is nearly impossible to launch a farm operation without living within close proximity of farm fields.
- Nationally, only 14% of farm households (using the USDA definition of a farm, defined as selling \$1,000 or more of farm products per year) earn more than half of their income from farming, so this criterion would prohibit most experienced farmers in the US from building a home in AGRP. Of the 2 million farmers nationally under this definition, farm households earned an average of \$24,740 from farming, and \$95,140 from off-farm sources (USDA Economic Research Service).

All other laws and regulations that stipulate an income requirement define it in discrete dollars ranging from \$1,000 to \$50,000 in annual gross revenues. Consider the following:

- 42% of the farms in Androscoggin County sold less than \$2,500 of products in 2012
- 56% of the farms in Androscoggin County sold less than \$5,000 of products in 2012
- 67% of farms in Androscoggin County sold less than \$10,000 of products in 2012
- 8% of the farms in Androscoggin County sold \$100,000 or more of products in 2012

Moreover, any specific sales requirement will be an arbitrary limit, and will create frustration among those who fall outside the criterion, including operations that make significant non-commercial contributions to land and environmental stewardship and/or to personal and community food security. These “public good” activities should have different requirements.

We also recommend that Auburn’s incentives be directed to creating greater public benefit within the City of Auburn.

For example, here is our proposal for a standard that combines a **sales** standard with **behavioral** measures:

Proposal: For the purposes of taking advantage of AGRP protections, a farm must be:

- A farm that sells at least \$25,000 of products in an average year to any market, anywhere, as recorded on an IRS Schedule F tax return, **OR it must document any of the following:**
- The farm sells at least \$2,500 of consumer food items to Auburn residents or independent locally owned stores under the Food Sovereignty Ordinance;
- The farm sells at least \$2,500 of firewood, or wood chippings for pelletizing, to Lewiston/Auburn residents for home woodstove heating;
- The farm sells or donates at least \$2,500 of consumer food items to Good Shepherd Food Bank or any similar local food relief effort;
- The farm sells or donates at least \$2,500 of clean compost to gardeners and farmers in Auburn;
- The farm sells or donates at least \$2,500 of consumer food items to schools, hospitals, or colleges located in Lewiston/Auburn

[NOTE: Other specific sales figures may be inserted here at the Committee's discretion. These are intended only as a starting point for discussion.]

Note upon revising final draft in May, 2018:

Any of the above thresholds are somewhat arbitrary, and of course specific sales levels will change over time, so if any sales thresholds are utilized, it would be critical to review them from time to time as the general economy changes.

Since 42% of County farms sold less than \$2,500 of products in 2012, it is difficult to set a standard much higher than that for qualification as a "farm." Yet this may well be too low a threshold to satisfy the Committee's intention to determine under which circumstances a new home may be built on land that is classified as AGRP. It may, indeed, encourage applicants to meet specific criteria without actually launching a genuine farm operation.

We recommend that the Committee consider separating the two issues, determining (a) what constitutes a "farm" for the purposes of inclusion in the AGRP; and separately (b) what criteria would have to be met by any farm that sought to build a new home on land in the AGRP.

Perhaps the main issue is that criteria set by the City of Auburn for allowing new housing **must accomplish a public purpose**, not simply respond to the private needs of individual farmers, landowners, investors, or other stakeholders.

3(b). Minimum Lot Sizes and Consolidated Housing

General Recommendation:

Some communities have found that the only way to protect farmland is to completely prohibit rural housing development that is not part of a farm operation. Many people who seek to live in a rural area desire considerable physical separation from their neighbors. Others prefer to live close to friends and family. **In general, we believe the 10-acre limit is worth keeping, but made more flexible in three respects.** There should be a path through the Planning Board or some type of Agricultural Commission to relax this standard in the event a public interest is served by allowing close relatives to live in proximity to other family members, or in the event of a Planned Unit Development that proposes more of a village style agricultural community, or when farmland is permanently protected from development to compensate for housing construction.

Specific Recommendation:

Maintain a minimum lot size of 10 acres except in three cases: (1) when a member of an existing farm family wishes to build a house close to the main homestead that is closely connected to the farm operation; (2) for Planned Unit Developments (PUD) that have incorporated permanent land conservation and/or agricultural and resource pursuits within their plans, and can document with a business plan how their farm will address the food needs of Auburn or broader Maine markets; or (3) When increased housing density doesn't change the rural character of the area and 75% of a large parcel² is permanently protected from development and made available for future agriculture and natural resource uses.

Further, the City's presumption should be that anyone who applies to the City to take prime farmland out of agricultural use should ensure that at least the same acreage of prime farmland (and perhaps far more) in another location will be permanently protected for agriculture through conservation easement, land trust, or similar vehicle.

We further recommend that any such Planned Unit Developments be limited to specific areas within the City, rather than built in random locations.

As one example, below is a proposed "village development" that has been sketched out for Dunbarton, NH by Ian McSweeney of the Russell Foundation for Fresh Start Farms (which is different than the farm of the same name in Lisbon, Maine). This schematic plan, which is only one of a myriad of such possible plans, combines living space with farm fields, hoopouses, washing and packing stations, apiaries, forestland, offices, and a farmstand as a single development. Homes are closer together than is currently allowed under AGRP. Yet this plan expresses the interest some farmers have for living in close proximity with each other. Obviously, any such PUD plan must be tailored to the specific land where it would be built:

² The Committee would have to define what it means by a "large" land parcel.



A similar co-housing community based around agriculture and natural resources has been in operation for decades in Fort Collins, CO. <http://www.greyrock.org/home>

4. Partner with the Bureau of Agriculture, Food, and Rural Resources (MDAFFR), within the Maine Department of Agriculture, Conservation, and Forestry to establish a Voluntary Municipal Farm Support Program (VMFSP) that would allow the City to offer special incentives for agriculture.

Maine has established the VMFSP to allow municipalities to adopt community specific incentives to promote farming for the unique complement of farms within their boundaries. The VMFSP allows municipalities to:

- Establish eligibility requirements for farmland and farm buildings to qualify for its program
- Establish 20-year Qualified Agricultural Conservation Easements
- Determine the mechanism for making farm support arrangements & farm support payments

Stephanie Gilbert, Farm Viability and Farmland Protection Specialist for MDAFRR, pointed out that the following types of farmland qualify for inclusion in the program: Blueberry Land, Crop Land, Horticultural

Land – Edible, Horticultural Land — Ornamental, Orchard Land, Pasture Land, Orchard Land, Woodland, or Wasteland.³

The program has a Minimum Acreage requirement that farmland must be one (1) Tax Parcel of at least five (5) contiguous acres that is producing Agricultural Crops (where livestock are also considered “crops”). Further, it has a farm income requirement: The Agricultural Crops grown on the farmland must generate a minimum, annual gross income or fair-market value of at least \$2,000 per year regardless of whether the crops are utilized on the farm, consumed by the farm household or sold off of the farm to wholesale and retail customers. Any farm buildings involved must be used for the propagation, production, and processing of Agricultural Crops.

Gilbert also points out that “a municipality may exclude farm residential structures from a Farm Support Arrangement unless both the municipality and the landowner agree that such structures are essential to the farm’s Agricultural Management and Agricultural Enterprise, and to the success of the protection effort, because such structures provide affordable housing in an area that is under intense Development Pressure.”

Furthermore, the program allows for local municipalities to set more stringent requirements that better serve the communities needs.

General Recommendations:

VMFSP’s appear to offer strong latitude for the City of Auburn to tailor incentives for strengthening the types of farm operations it wishes to encourage, based on the priorities and outcomes the Committee establishes.

Specific Recommendations:

Once it has set clear formal priorities for its work, the Committee should collaborate with the Maine Department of Agriculture, Food, and Rural Resources to explore the creation of a Voluntary Municipal Farm Support Program for farms within the City. This will require establishing a formal commission or other such body to oversee agricultural initiatives.

5. Establish an Ongoing Public Forum for Responding to Changing Conditions

General Recommendations:

Just as farm, forest, and resource economies have changed in fundamental ways since 1964, they will continue to change in the future. Auburn requires some process that allows the City to analyze changing conditions expertly, and to respond flexibly to unforeseen circumstances. Moreover, Auburn would benefit from having a clear resident panel that builds a constituency and broader awareness of land decisions. We also note that almost any standard the City might adopt, no matter how well considered, will spark efforts to work around, or scam the regulations as people seek to do whatever they choose to do no matter what regulations say. An established commission that makes recommendations based on consensus will help city staff evaluate some of these efforts.

³ Gilbert, S (2017). “Farm Viability & Farmland Protection.” PowerPoint Presentation, shared through personal communication.

The Maine Department of Agriculture, Conservation and Forestry's Farm Viability and Farmland Protection Specialist, Stephanie Gilbert, notes that the most effective land protection policies in Maine have been carried out through the formation of an Agricultural Commission that creates an ongoing forum for such determinations to be made, and allows local residents to develop both expertise and popular support for effective land protection. Consultants endorse this concept.

The State of Maine is piloting this with the City of Winslow. Massachusetts also has Town Agricultural Commission program. Their responsibilities include protecting farmland, providing assistance for natural resource management, affording visibility to local farmers, and assisting local boards with community development decisions.

Specific Recommendations:

- The City of Auburn should formally appoint a Commission that oversees AGRP policies and creates new policies in response to changing circumstances. This might be called the Agriculture and Resource Commission, or the Food Systems, Agriculture, and Resource Commission.
- Similar responsibilities could also be given to the existing Conservation Commission.
- This body would assume responsibility for determining when a farm meets the criteria for being eligible for protection under AGRP, evaluating applications to build new homes in the AGRP, and making formal recommendations to City staff about granting permits or rebates.
- A City staff position should be created to work with the new Food, Agriculture, and Resource Commission (if formed) and with farmers in the City to foster achievement of the outcomes listed in this document. This should include reducing regulatory and bureaucratic obstacles in an ongoing and persistent manner to the extent the City has the power to do so, advocating on farmers' behalf to urge positive changes in State policy, making it easier to develop new farms, expand existing farms where appropriate, foster the construction of new forestry and farm/food infrastructure, and build a stronger community-based food system.

6. Create Incentives for “Meaningful and Demonstrated Engagement with the Land”

General Recommendations:

Consultants were struck by the position that City staff find themselves occupying-- often called upon to enforce regulations that were adopted decades ago though not clearly sensible today, or imposed by State or Federal authorities and which City staff cannot change. We propose that Auburn create a set of incentives that foster desired public benefits, and limit the number of regulations that set inflexible standards, where state laws allows. When state laws obscure the community's vision for agriculture, as articulated in previous steps, City staff, a newly established agricultural commission, and concerned citizens will advocate at the state level for additional flexibility and local control. **In other words, we propose an ordinance that allows City staff to work in partnership with landowners, or potential landowners, to say “yes” in helping them build their operations wherever possible, and limits the need to say “no,”** subject to State, Federal and other constraints.

Once the City of Auburn establishes a Voluntary Municipal Farm Support Program, it will be able to offer a broader range of incentives to support farm operations.

Specific Recommendations:

Once a farm has qualified for occupancy in the AGRP under standards determined in previous steps, we propose that the City of Auburn offer incentives to help develop operations that demonstrate they create public benefits through any of the following actions. *The following are not intended to be exclusive of each other; any given farm that meets at least one of these criteria would qualify for incentives. The City may wish to create higher levels of incentives for specific actions listed below, based on City priorities:*

- A farmer who has operated a commercial farm for at least 3 years, can provide a history of IRS Schedule F Forms and/or letters of references, plus a business plan for a new, Auburn-based enterprise creating specific public benefits for Auburn residents;
- A farmer who has qualified for and received a loan from the Farm Services Administration (FSA);
- A farm business that trades commercially with at least 5 other farm and food firms in Lewiston/Auburn and reports to the City its purchases and sales to/from each of these firms on an annual basis;
- A forester or farmer who files a conservation plan with NRCS that includes sustainable forest harvesting, or crop rotation, and erosion control;
- A farmer that documents to the City an increase in soil organic matter through sustained crop rotation and manure applications over several years;
- A farm that is trained and/or certified in Good Agricultural Practices (GAP);
- A farm that is certified organic under USDA rules;
- A farm that documents to the City the clearing of at least 5 acres of forested land for agricultural use;
- A family farm or forester that allow recreational uses (hiking/ski trails, etc.) by residents and visitors as part of some civic program.

7. Enact Complimentary Policies

General Recommendations:

Revising codes and zones to allow for the changing nature of agriculture and resource utilization is not enough. These industries must also be fully incorporated into the City's community and economic development strategies and respected as an integral part of city identity.

Specific Recommendations:

The following programs and policies should be considered as part of a foundation for a successful agriculture and resource sector:

- The City of Auburn should brand itself as an Agricultural City and market itself as a food destination for consumers and producers alike.
- The City should publish and disseminate education and outreach materials making residents and others aware of the City's agricultural heritage, its commitment to protecting farmland, farming, and forestry.
- The City should publish and disseminate education and outreach materials so the general public understands exactly which uses are allowable under AGRP zoning, and which are not, as well as the proper channels to achieve various outcomes. This is especially critical given the number of residents who are not aware of specific City policies or pathways to further development current operations.

- The City of Auburn should establish a formal commitment and funding to invest in infrastructure that supports community-based food trade in Auburn.
- The City of Auburn should create a food business loan program, for which farmers, value-added producers, or processors would be eligible, similar to its current STAR loan program for downtown development (See the Michigan Good Food Fund and other state funding programs for beginning farmers).
- The City of Auburn should support ongoing training of new farmers by initiatives such as Whiting Farm, or through school, technical school, college, or afterschool farmer training and mentorship programs.
- The City of Auburn should launch marketing and outreach campaigns that encourage residents and visitors to purchase food from local farms. As a starting point, we recommend an “Eat Five, Buy Five” campaign that encourages Auburn residents to (a) eat 5 fruits and vegetables each day for health, and (b) buy 5 dollars of food each week from an Auburn farm. If each resident indeed purchased this much food each week, it would bring in \$6 million of annual revenue for city farms.
- The City of Auburn should compile a comprehensive database listing all of the farms in the city, listing number of acres of open space and forested land, soil quality, owner, address, main products grown, history of farm, on-farm infrastructure, economic trends, and other information that would help the City plan for a stronger community food sector.
- The City of Auburn should explore establishing land trusts, covenants, or other forms of ownership that would create permanent protection for farmland.
- To effectively enforce AGRP policies, it will be critical to not only offer incentives for public benefits, but also to impose penalties for those who violate the spirit of the revised AGRP ordinance once it is passed (although the City may have limited powers to do so). As two examples, those rural houses that add significantly to public expense for services might be required to pay for the costs of extending those services. Currently the City of Auburn is empowered by law to tear down any homes in the AGRP that are nonconforming; this is obviously a drastic step to take and one that is difficult politically, but it should be kept as an option for exceptional circumstances.
- To protect rural landscapes, the City should set policies that stipulate that any new Rural Residential developments are aesthetically pleasing, foster public enjoyment of rural views, and do not consume prime agricultural soils.
- The City of Auburn should consider adopting additional policies/ordinances that restrict or prohibit large-scale confined animal operations, as defined by the committee.
- The City of Auburn should consider adopting additional policies/ordinances that ensure diversified ownership of farmland in the City.

III. Background

Rural Auburn has a unique Agricultural and Resource Protection (AGRP) zoning district, which has been in place since 1964.⁴ 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 limit public costs for providing services, restrict development to downtown and along major roadways, and to promote agricultural, timber, and natural resource production and uses.

The 1964 ordinance established that protecting farmland in the city was in the public interest.

AGRP zoning regulations have significantly restricted development for the past 50 years, yet the City Council has removed several tracts through the years to allow for other uses. The largest single change in land use has been the reforestation of open farm acreage as fields fell out of production. Currently, about 75% of the AGRP is forested, based on aerial photos from 2016.

Significantly, although the AGRP Ordinance successfully kept land costs low and limited rural housing development, agriculture itself has declined since 1964 due to global economic forces. Indeed, Auburn planners assumed in 1958 that farm income would continue to decline and farm population would decrease. They made no provision for supporting agriculture even though they wished to protect the land, even while noting that marketing, processing, and distribution factors had a greater effect on agriculture than did land availability.

Now the nature and trends of farming and food production have drastically changed. Cattle and poultry farming are essentially gone from the AGRP district. While at one time dairy was a large sector, only two dairy farms remain. This in turn has led to a reduction in forage acreage. Three farms raise pigs. The rising sector is vegetable production; direct sales are rising with 37% of the farms in Androscoggin County now selling crops and meat directly to household consumers.

While many of the established farms in the AGRP are expanding, overall net cash income is declining for farmers in Androscoggin County. Several farmers we interviewed said they are expanding just to try to keep ahead of rising costs, and have limited profitability. Farmers also reported a lack of knowledge among City officials regarding agriculture, and more harshly, felt a lack of interest or appreciation. This especially grates on long-term families who once felt valued and appreciated by the City for their contributions as farmers, and felt engaged in civic affairs.

Our conclusion from our economic research is that **if Auburn wishes to protect agricultural land, it must build support systems for agriculture itself.** The City lacks supportive infrastructure that would create more efficient food trade in Auburn, the State of Maine, and the rest of New England.

Examples of the missing infrastructure include limited data showing conditions for farmers in the City, aging farm houses and buildings, limited food processing facilities, prevailing distribution channels that efficiently transport food long distances but do not efficiently convey food locally, limited interest among Auburn consumers and business owners in purchasing food from nearby farms, limited capital, and many more.

⁴ Available at <http://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy>. Search for Summary of History.

At the same time, **new groups have come to Auburn** hoping to draw upon the City's heritage of protecting farmland. These groups — one veterans' project with members in Auburn and one group of New Mainers — wish to farm in somewhat of a "village" style, where families would live in closer proximity to each other and farm small acreage more intensively, together. Fulfilling such visions would be difficult under current AGRP regulations.

The Auburn City Council supported strengthening the local food system, not simply protecting farm and forestland, when it adopted a Food Sovereignty Ordinance on August 21, 2017. This ordinance stated, "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...."

Now, there is **considerable sentiment (and strong market forces) that suggest Auburn should place a higher priority on housing development than on land protection.** Yet the costs of providing city services to new housing units are seldom recovered by the new property taxes that are generated by housing subdivisions, let alone more scattered housing sites. While new homes are selling in rural districts for high prices, the land that is favored for rural housing development are lands close to the Maine Turnpike for commuters who would work in the Portland Metro Area. Yet these lands would also be prime sites for commercial farms that may in the future wish to ship their products to metro markets.

IV. Model Policies and Programs

Note: *The issues outlined in this initial list cover priorities and decisions the committee has already made.*

According to American Farmland Trust, 40+ acres of farmland are lost to development every hour in the United States. This is due to poor planning and mismanagement of land resources. Historically, agriculture was the dominant land use, thus specific zones and community plans were written to address residential, industrial, and commercial needs, while all other lands were designated as agriculture. Some municipal codes even include agricultural uses and industrial uses in the same zone. Indeed, it is common to see historical planning documents essentially define the agricultural zone as areas where municipal utility services are not currently available or roads are not currently maintained. This has led to decades of prime agricultural soils and lands being turned over to various development uses without properly accounting for external costs and lost opportunities.

Where agricultural protection plans and policies do exist, the lack of proactively planning for the unique needs of a robust and productive agricultural sector have led more to protected open spaces instead of operating farms. Many areas require large minimum lot sizes for houses in rural areas (typically 40 acres or more without pre-approval from the municipality) and/or have downzoned areas to reduced development pressures and values. These poorly conceived policies have led to widespread “rural estates” on lots that are too large to mow but are too small to plow. In areas such as New England, this has led to severe forest encroachment on once viable agricultural lands and downzoning has decreased a landowners net worth and devalued their primary assets.

New evolutions in “Smart Growth” and planning, as adopted and ratified by the American Planning Association include the following:

“supports choice and opportunity by promoting efficient and sustainable land development, incorporates redevelopment patterns that optimize prior infrastructure investments, and consumes less land that is otherwise available for agriculture, open space, natural systems, and rural lifestyles.”

Enacting Smart Growth strategies in Auburn will include not only holding development to the city core and transportation corridors, but also supporting and incentivizing agriculture and natural resource uses in order to maintain open spaces and rural character.

Of primary importance to the Ad Hoc Subcommittee is to consider and reevaluate how agriculture and natural resource use is defined in order to support and encourage continued, responsible use on the land. After this hard work is accomplished, the next task is to decide on the following:

- How to enable that vision through zoning and incentives;
- How to protect the land, natural resources, and environmental quality for future use;
- How to increase economic opportunities and valuation of agriculture and natural resource uses;
- How to prevent and/or penalize nonconforming uses.

The following model policies and examples are supplied in order to spur and inspire the committee’s deliberations. **These are not specifically recommendations from the consultants, but examples of how other communities have addressed similar issues.**

Defining a Farm and Natural Resource Use for Zoning and Programs

Robust and meaningful definitions of active agriculture have some, but typically not all, of the following characteristics:

- Defined level of commercial engagement, such as annual sales
- A minimum lot size
- Land owner investment/involvement
- A description of production types or purposes
- An allowance for “public good” uses

Examples of Defined Commercial Engagement

USDA ERS Definition of a Farm

A farm is defined as any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the year. Since the definition allows for farms to be included even if they did not have at least \$1,000 in sales, but normally would have, a system is developed by USDA's National Agricultural Statistics Service for determining when a farm normally would have. These are called point farms. If a place does not have \$1,000 in sales, a "point system" assigns dollar values for acres of various crops and head of various livestock species to estimate a normal level of sales.

This definition has been in place since 1974 without updates for inflation. A thousand dollars in 1974 is **equivalent to \$5,290.21 in 2017**.

USDA ERS Definition of a Point Farm

Current practice aims to include establishments with the **capacity to realize at least \$1,000 in revenues** from any combination of government payments, cropland, and/or livestock activities. To identify farms that could normally produce at least \$1,000 worth of agricultural commodities, USDA uses a system that assigns specific point values for crop acreage and livestock inventory. Each assigned point represents \$1 in potential sales; any establishment with 1,000 points (\$1,000 of potential sales) is classified as a farm. In USDA statistics, such places are called “point farms” and are numerous, since many places could produce \$1,000 in sales from the cropland and livestock on the premises.

The farm value of sales is calculated by assigning points on a per-head/per-acre basis that reflect expected sales. As an example, about 1/3 acre of potatoes, or 2 acres of alfalfa hay, or 2 acres of corn for grain or silage, or 1 milk cow, or 5 equine would all meet minimum requirements for a point farm.

State of Maine Qualification for Farmland Tax Programs

For land to be eligible, the land must be used for farming, agriculture, or horticulture, ... it must generate an **annual gross income of at least \$2,000 from farming activities each year**. The tract can include a woodlot, but any firewood and timber cut on the woodlot may not count toward the farm income requirement.

Examples of Minimum Lot Size (and Exceptions)

New York State's Agriculture and Markets Law

§ 301.4. "Land used in agricultural production" means **not less than seven acres of land** used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an **average gross sales value of ten thousand dollars or more**; or, not less than seven acres of land

used in the preceding two years to support a commercial horse boarding operation with annual gross receipts of ten thousand dollars or more.

§ 301.4.f. ...or land **of less than seven acres** used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of **an average gross sales value of fifty thousand dollars or more.**

State of Maine Qualification for Farmland Tax Programs

For land to be eligible the land must be used for farming, agriculture, or horticulture, **the tract must be at least 5 contiguous acres...**

Examples of Owner Investment or Engagement

USDA's Farm Service Agency

To be considered "actively engaged," an individual is required to

- supply the lesser of 1,000 hours of labor per fiscal (or crop) year or
- half of the total hours necessary to conduct a farming operation comparable in size to the individual's (entity's) commensurate share in the farming operation.

Food Security Act of 1985 Definition of Active Engagement in Farming

As currently amended, an individual (or entity) is considered actively engaged in farming if

- the person (entity) makes a significant contribution (based on the total value of the farming operation) to the farming operation of capital, equipment, or land;
- a significant contribution of personal labor or active management (and, in the case of an entity, the collective contribution of personal labor or active management must be significant).
- the individual's (entity's) share of profits/losses from the operation must be commensurate with the contributions of the individual (entity) to the farming operation.
- The individual's (entity's) contributions have to be deemed at risk, meaning that the individual (entity) would have to face the possibility of suffering a loss.

Examples of Descriptions of Allowable Uses

State of Connecticut General Statute

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or

horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

State of New Jersey General Statute

"Section: 54:4-23.3: Agricultural use of land.

3. Land shall be deemed to be in agricultural use when devoted to the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding, boarding, raising, rehabilitating, training or grazing of any or all of such animals, except that "livestock" shall not include dogs; bees and apiary products; fur animals; trees and forest products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government, except that land which is devoted exclusively to the production for sale of tree and forest products, other than Christmas trees, or devoted as sustainable forestland, and is not appurtenant woodland, shall not be deemed to be in agricultural use unless the landowner fulfills the following additional conditions...

Examples of Public Good Allowances

New York State's Agriculture and Markets Law

§ 301.4.a-1. **Land used by a not-for-profit institution for the purposes of agricultural research** that is intended to improve the quality or quantity of crops, livestock or livestock products. Such land shall qualify for an agricultural assessment upon application... except that no minimum gross sales value shall be required.

§ 301.4.e. Land set aside through participation in a federal conservation program pursuant to title one of the federal food security act of nineteen hundred eighty-five or any subsequent federal programs **established for the purposes of replenishing highly erodible land which has been depleted** by continuous tilling or reducing national surpluses of agricultural commodities and such land shall qualify for agricultural assessment upon application...except that no minimum gross sales value shall be required.

Land Protection Strategies

Permanent Conservation Easement Purchases and/or Deed Restrictions (PACE or PDR)

Landowners sell their development rights/potential in order to permanently protect land. Androscoggin Land Trust and Maine Farmland Trust both purchase (or receive through donation) development rights. Easement values are typically the difference between the full, fair market value of the land and the restricted agricultural value of the land. Because the City of Auburn temporarily protects land through downzoning (see below), land within the AGRP zone holds little easement value. Thus the Auburn AGRP zone has de-incentivized permanent land protection through existing programs. Programs such as these offer the most land protection and the least amount of flexibility and are considered the most effective way to protect land from development. Farmers, however, are not always satisfied by the degree of flexibility offered, finding it difficult to invest infrastructure to support the farm operation.

Permanent Fee Simple Purchases

Under these programs, property is purchased outright at its fair market value, stripped of its development potential and then sold to a new owner (farmer) with a restricted deed. Maine Farmland Trust also utilizes this mechanism for protecting farmland.

Temporary Conservation Easements

Similar to permanent conservation easements and deed restrictions detailed above, these term easements restrict development potential for a defined length of time such as 10 or 20 years. This allows a current owner to continue farming for a set amount of time with reduced property taxes without losing the total development value of the property. These types of programs are best for buffer areas around the urban-rural interface.

Voluntary Municipal Farm Support Program, Maine

The State of Maine has piloted this type of program with the City of Winslow and is expanding it to other municipalities across the state. Any town in Maine may develop and codify a Voluntary Municipal Farm Support Program to enter into "farm support arrangements" with eligible farmland owners. Those farmland owners who are formally accepted by a town's legislative body, may then grant a 20-year agricultural conservation easement to the town in exchange for full or partial reimbursement of property taxes on their farmland and farm buildings during that 20 year period.

Temporary Agriculture Protection Zoning (APZ) Restrictions (aka Downzoning) & Current Use Tax Programs

Agriculture Protection Zones, as put in place by a local municipality, restrict the value of property to its agricultural use by not allowing development. Current Use Tax Programs typically rebate the difference between the development value of the land and the agricultural (or natural resource) value of the land to the property owner based on the land use activities. Both of these techniques are being utilized within Auburn and the State of Maine already. In some areas, APZs are based on soil types while in most places, they are used to consolidate development to the urban core. These protections are temporary, subject to political and economic climates, and have unintended consequences such as fracturing large land lots and reducing property values. Current Use Tax programs typically have a rollback penalty.

Transfer of Development Rights & Cluster Housing

Best utilized in peri-urban areas or in transitional areas between urban development and rural lands, the transfer of development rights (TDR) from active, prime farmlands (sending areas) to another area with marginal soils (receiving areas) allows for the permanent protection and conservation of some space and the increased density of development on another (housing units on less than a half acre). Fairfax County, Virginia mandates that 25-50% of a subdivided area be set aside for open space. Montgomery County, Maryland and King County, Washington are also national leaders in this area. Theoretical, model policies have suggested much higher requirements. For example, 25% of a lot can be developed while 75% must be permanently protected.

Creating Economic Opportunities for Agriculture and Natural Resources

Massachusetts Farm Viability Enhancement Program

The purpose of the [Farm Viability Enhancement Program](#) (FVEP) is to improve the economic bottom line and environmental integrity of participating farms through the development and implementation of Farm Viability Plans. These comprehensive, yet focused farm plans, which are developed by teams comprised of farmers and other agricultural, economic, and environmental consultants, suggest ways for farmers to increase their on-farm income through such methods as improved management

practices, diversification, direct marketing, value-added initiatives and agritourism. In addition, Farm Viability Plans make recommendations concerning environmental and resource conservation concerns on participating farms.

Vermont Farm and Forest Viability Program

Similar to the Massachusetts program, the Vermont Farm & Forest Viability Program offers one-on-one, in-depth business planning, technical assistance and management coaching to Vermont farm, food and forestry enterprises in order to improve the economic viability of Vermont's working landscape. VFFVP offers business planning and technical assistance to enterprises that keep Vermont's working landscape in production. These include: farm businesses of all sizes and sectors; food system businesses that process, store, market, or distribute local agricultural products; and forestry and forest products businesses such as woodlots, consulting forestry firms, loggers, sawmill and kiln operations, craftsmen and manufacturers. Services are also available to non-timber forest products enterprises, such as maple producers.

Local Procurement Policies and Promotion

Kentucky Proud — Restaurant Rewards

Through the Restaurant Rewards program, schools and restaurants that are KY Proud members and promote the KY Proud brand may apply for a 20% reimbursement on the cost of eligible, KY Proud items, up to a maximum of \$12,000 per 12-month timeframe. Eligible products are 75-100% grown, processed, and produced in Kentucky, depending on the product. Born out of the need to develop markets for local farmers without a midlevel distributor, the program is funded through grants from the Department of Agriculture and the Governors Office of Agriculture Development. In 2010, the program paid out \$117,000 in reimbursements with total reported farm purchases valued at \$1.9 million, under this program. Seventy percent of these purchases were fresh produce. Having started in 2002, funding and demand for this program has increased every year. As a direct result of this program, a multi-state distributor created a Kentucky-only distribution program to source KY Proud produce directly to schools and restaurants from Kentucky farmers.

Washtenaw County Food Policy Council's 2016 Policy Agenda

4. Support change to the County Procurement Policy to give preference to locally grown, processed, and prepared foods, local goods and services, with an aim of the County and its vendors purchasing 20% of food products locally by 2020.

5. Amend the Environmentally Preferred Purchasing section of the County Procurement Policy to mandate the purchase of foodservice ware and packaging that is reusable, compostable, or recyclable. Require funds to be allocated for the education and resource development of County purchasing staff as well as for adequate recycling and composting containers and services at every county building

Allowing Accessory Uses

The following accessory uses are currently allowed under Auburn's Zoning Ordinance:

- a. Housing
- b. Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns, silos, storage buildings, and farm automobile garages.
- c. Forest products raised for harvest.
- d. Field crop farms.
- e. Row crop farms.
- f. Orchard farms.
- g. Truck gardens.
- h. Plant and tree nurseries.

- i. Greenhouses.
- j. Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- k. Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising furbearing animals.
- l. Wayside stands.
- m. Two-Family Dwellings, which are created from the conversion of a One-Family Dwelling structure which was constructed prior to 1900.
- n. Other accessory uses may be considered through Special Exception processes as approved by the Planning Board.

Penalizing Nonconforming Uses

- Costs of services are borne ENTIRELY AND EXCLUSIVELY by the landowner, including road maintenance, pay back of sewer, emergency services, etc.
- Tax penalties and rollback payments.
- Other strategies.

V. Summary of Stakeholder Engagement & Community Perspectives

Values Statement:

[Established by Auburn City Council for this project]

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:

[Established by Auburn City Council for this project]

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.

Process to Date:⁵

- Mayor appointed Ad Hoc Committee to oversee this study
- City hired consultants to support subcommittees efforts and deliberations
- Committee reviewed and considered historical context for AGRP and agricultural and natural resource economy (History of public action and economic conditions in Auburn).
- Consultants interviewed and city staff surveyed at least 46 farmers, potential farmers, timber firms, food businesses, natural resource producers, property owners, and key stakeholders in or near rural land districts.
- Interviewed additional experts and stakeholders engaged in Maine local farm and food initiatives.
- Convened 4 steering committee meetings (Discussed priorities in Chapter II, Section 1; individual meeting summaries and meetings are available at City web site).
- Convened 1 public meeting and listening session on February 1, 2018 (Presentation is available on City web site).
- Will convene 1 public meeting and listening session on February 15, 2018.
- Additional meetings will occur as needed.

The follow data summaries reflect interviews/meetings/focus groups carried out by consultant team to date and responses to survey executed by City staff in 2016.

Summary of Stakeholder Engagement Activities

- 46 one-on-one interviews
- 55 survey respondents (executed by City Staff in 2016)
- 2 focus groups attended by a total of 14 people (@Whiting Farm & City Services Directors)
- 9 focused meetings with systems level stakeholders

These engagements represent at least the following:

- 26 Land Owning Farmers
- 4 Non-Land Owning Farmers
- 3 Aspiring Farmers

⁵ All documents available at City of Auburn web site:

<http://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy>

- 23 Land Owners with Forestry Activity
- 9 Other Food Operators
- 62 Land Owners
- 35+ Additional Stakeholders

Identified Issues (roughly in order)

Moderate Concern

- Broad/Widespread/Definitive opposition to 50% Household Income requirement for building new houses in AGRP
- Mixed strong support and opposition to 10-acre minimum house lot for new building in AGRP
- Mild to moderate opposition to widespread development in rural areas; concern over loss of open space and rural character
- Economic development
- New and/or young farmer development and generational working land transfers

Mild Concern

- Support for broader building and development that supports agricultural activities and operations such as worker housing options, processing infrastructure, additional accessory uses
- Concern about failing and abandoned infrastructure and land such as collapsing barns and forest encroachment
- Local food security and sovereignty
- Community development — supportive of creating a thriving and robust community to attract new families
- Distrust of City Council, City leadership and staff

Low Concern

- Abuses and fraud in current use tax programs, such as not properly managing wooded lands (a vocal few people are deeply concerned)
- Watershed and environmental quality protection (vocal few)
- Limiting city services & tax burden (a vocal few); increasing city services (a vocal few)

Voices of Auburn Residents From Our Interviews

[Committee members have requested summaries of comments Consultants received during our interviews with Auburn residents and others. Sample comments are listed below. We do not endorse all of these comments, in fact, we know some to be false – yet they stand as expressions of the attitudes we found among our interviewees. They are included here to show a sampling of public sentiment, but should be understood as subjective impressions only. These express varied points of view and are not consistent with each other. Some comments have been omitted or altered to protect confidentiality without changing the meaning]

On community services:

“I’m not interested in Auburn’s services. I don’t need trash pick up. I have no kids in the schools. My road doesn’t even get reliably plowed.”

“Bedroom communities already create a lot of traffic and wear on the roads.”

“Housing on existing roads will not create additional demand for services.”

“Auburn has the highest taxes and the least amount of services.”

On the next generation of farmers:

“These young kids love to work. They’re eager to kill themselves working on a farm.”

“There’s a lot of energy amongst the young people, they want to be closer to the food, and keep their money in the community.”

“Diverse agriculture is bringing young people to the state.”

“Nobody can come in and build a farm.”

“Small veggie farms are popping up, great source of fresh food, but it doesn’t create jobs....They don’t get big enough to even buy a tractor!”

“No one can get started in dairy and apples. There’s a handful of opportunities for [selling] veggies to Portland and Boston.”

“Barriers to entry [in farming] are acquiring farmland, and generational transfer is nonexistent.”

“We’d love to sell our land to a new farmer, to keep it in ag, open and able to farm.”

“We’re always relying on someone else’s terms.”

On relationships with City staff and leadership:

“It’s not so much the regulations. It’s the attitude of City leaders. They used to care about farmers, but they don’t any more”

“There’s bad blood between farmers and City Council.”

“The City is nibbling away at our ag lands.”

“Why do recreational interests get a free pass to develop, but not landowners?”

“[City] is inconsistent in how they apply the rules.”

“City is really loosey-goosey around ordinances and zoning.”

“The planning process has been piecemeal for years. [The City] is tinkering in ways that don’t make sense.”

“The City is so used to saying no, they don’t know how to say yes.”

“The biggest land owner in ARPZ is the watershed and they don’t pay taxes. That pushes the burden on other land owners.”

Regarding ARZP Regulations:

“We can’t do what we need to do.”

“The 50% rule is really a hindrance.”

“We need to kill the 50% requirement. How do you start something from nothing?”

“This never made sense. 50 years ago, farmers still needed side income.”

“Household income requirement is not fair.”

“It is ridiculous to think that someone can make 50% of their household income from farming if their spouse also has a job.”

“There’s no way I can make a living farming at my age, but 6 hens and a cow? That would be nice. I would like that.”

“We’re lucky to have our house on our property [in the ARPZ]”

“Our estimated income from farming could be \$90,000, but I need to build a barn first [before I can attain that income].”

“If people can’t live in the ag zone then they can’t work in the ag zone.”

“We should be allowed one housing permit per 20 years of ownership.”

“Current Ag Zone land owners should be able to build a home on their land even if they don’t plan to farm.”

“I’ve slept in the greenhouse [because I can’t have a house on the farm].”

“There’s so much red tape that building new structures [on the farm] is infeasible.”

“It’s a real hassle to replace existing infrastructure.”

“I’m concerned about encroachment from tourism, complaints about tractor noise and smell, and being taxed off my land [if more rural houses are built].”

“Reduce some of the ordinances for outbuildings. It is extremely hard to get a farm set up when ordinances prohibit you from building what you need, or expanding on what you have.”

“Farming makes a lot of sense here, but the current code protects open space, it doesn’t promote agriculture.”

“I grew up on the land that I own, purchased from my father which was purchased from his father. I would very much love to live there, however, current rules prohibit it. Ideally, I would like to be able to build a small off-grid home in the woods, which in turn could be passed on to my child. I would recommend placing a limit on the size of housing added to 10 acres — that it cannot exceed a modest 1,750 sq ft to reduce McMansions type homes — that isn’t the feel of the area. What I would like to build would be less than 1,000 sq ft. I can’t because I work for a living off the land and with 30 acres it is tough to replace my current income.”

Future of Diverse Agriculture and Community Development:

“It is critical that our agricultural land is available for agriculture, both traditional uses and emerging uses.”

“People who are doing well [in agriculture] are doing innovative things.”

“I have expanded my operation in the past few years, and I would take as much land as I can get. But there is so little available.”

“I could expand my farm even more, but it is impossible to purchase 20-40 acres of land. No one who owns land in the AGRP will sell.”

“If everyone has access to good food, we’re all better.”

“After paying all of our family members for their work, our farm made a \$10,000 profit last year, even though we expanded production.”

“Actively managed farms are essential.”

“I lease land. If you know the price of land out here, you’re not going to buy a lot of land on a farm budget.”

“We can sell more milk because we are grandfathered in with the Co-op. But no new dairy farmers could open an account.”

“Organic Valley and Horizon announced a \$4 per hundredweight reduction in what they will pay farmers, and they have dropped the amount they will buy by 14%. That will choke off a lot of organic dairy farmers.”

“The City is not going to take industrial land and move it into Ag zoning, so the only way to protect farmland is to save the Ag lands we have.”

[Market farms are] “Not my idea of agriculture. It’s fine. But it’s not the answer. My kind of agriculture is gone. Little family farms don’t work anymore.”

“I’m too much of a realist to be hopeful for agriculture, but small market farms are better than nothing.”

“I would like to build new [buildings], but I am afraid they will get taken by eminent domain. Eminent domain trumps conservation easements.” [Note: This second statement was contradicted by other sources.]

“75% of our farmers are feeding themselves and their extended families. They’re bolstering food security.”

“We would like to have a reason to be proud of our town [and agriculture is one strong reason].”

“Several farms in the County have expanded production in the past decade.”

“Our goal is to put hay into active agriculture that adds value to the food supply.”

“Small farms may not even make that much income but can have a big impact on food production or hay production.”

Hammond Tractor is positioning its business to serve scattered homes in rural areas that have hobby farms and gardens. “There will be no new farms here.” [People with money have money to spend to take care of their yards.]

“I buy equipment because I can take it with me if I get forced out.” [That is better than putting up buildings].

On Forestry and Tree Growth:

“Tree-Growth program is a great avenue for connecting land owners with forestry.”

“Farmers are so busy farming, they ignore their woodlots.”

“Tree markets are depressed, operating expenses are greater than the income. Forest management plans cost money [to write].”

“We’re not enrolled in the Tree-Growth program. We’re not involving the government in our land.”

On Open Space and Recreation:

“Once the green space is gone, it’s gone.”

“People want a scenic view, but they’re not paying for it. I am.”

“Many Auburn & other localities enjoy hunting, fishing, snowshoeing, snowmobiling, cross-county skiing and just walking throughout this area!”

“I could build cabins and offer agri-tourism, but it is not allowed.”

On Housing Developments:

“Why are we moving more land into development when we can’t keep the businesses we have? No one wants to work the jobs that are available.”

“People are moving out of the area because housing is inadequate.”

“This area doesn’t experience much development demand.”

On Fraudulent Uses:

“Market garden farms are just an excuse to build a house.”

“There’s got to be a way to allow more small-scale agriculture without allowing fraudulent house building.”

Other Comments:

“There’s no infrastructure for broilers.”

“There’s so much paperwork [with all of the programs]!”

“Everyone needs land to take care of themselves.”

“How do I get a house? Just land doesn’t work.”

“How do we get people out of poverty? Two acres and a house.”

“Building along roads restricts access to back property.”

“A well managed farm doesn’t mean its pretty.”

“We have three kids and they all left because we couldn’t give them land AND a house.”

“Well, they aren’t making anymore land.”

“75-year old land residents need another house for their farmer managers to live in now.”

“Farming is gone, the fields have all grown in.”

“We’ve got to give people a place to start.”

“We need incentives for buyers to purchase from local suppliers.”

“People build McMansions and don’t understand what comes with being in the country.”