

# City Council Resolve

## IN CITY COUNCIL

**Whereas** the City of Auburn is experiencing tremendous demand upon existing housing stock causing values to significantly increase.

**Whereas** the City of Auburn, State of Maine and most parts of the United States is experiencing a significant housing shortage.

**Whereas** the City of Auburn has over 20,000 acres of under or undeveloped land, with a significant percentage serviced by some infrastructure such as roads, trash, police, and fire protection, which is on average more served than similar rural communities.

**Whereas** there are certain impediments that are restricting natural growth of homes on this privately held land within the Agriculture and Resource Protection Zone or within an arbitrary residential strip of 300' in depth.

**Whereas** the City of Auburn Planning Department has received numerous requests to petition to Planning Board to change zoning in order to construct a residence, these numerous requests must be heard but will produce a significant burden upon staff and Planning Bboard.

**Whereas** the 2018 third party Cross Roads study of the viability of our rural land recommended elimination of the income standard as a condition to build a residence.

**Whereas** the income standard was not repealed but modified from 50% of a family's income to 30% of an individual's income being derived from agriculture activities as a condition to build a residence in 2019 without any increase in number of new farms created.

**Whereas** the Comprehensive plan of 2021 states "it is understood that agriculture and forestry may not be profitable in some areas of the city and the existing Agriculture and Resource Protection zoning, in some cases, eliminates the economic use of private land."

**Whereas** LD 2003 allows the building of 2 units on a parcel located in an area that allows residences. This State law supersedes local ordinance and will be in effect in July of 2023.

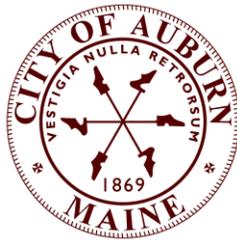
**Whereas** the Lake Auburn Watershed requires conservation measures to protect Lake Auburn and therefore the greater good supersedes the individual's economic benefits unless those within the watershed petition the Planning Board directly for a zone change and can

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



## City Council Resolve

demonstrate that any development will not negatively impact the regions primary source of drinking water.

**Therefore, be it resolved that** the City Council directs the Planning Board after consultation from the Sustainability and Natural Resource Management Board to provide an opinion and deliver recommendations to the City Council no later than March 20, 2023 ~~December 15<sup>th</sup>, 2022~~, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay.

Passage on 9/6/2022 as amended, 5-3 (Councilors Gerry, Whiting, and Staples opposed).

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## Chapter 2 - Future Land Use Plan

The Future Land Use Plan shows graphically how the City's land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that this Future Land Use Plan will guide near-term revisions to the City's zoning ordinance and maps to assure that the City's land use regulations are consistent with the policies set forth in this *Comprehensive Plan*. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate.

This Future Land Use Plan reaffirms the basic objective of land use planning, that development in Auburn should grow out from the historic cores (downtown, Danville, New Auburn, West Auburn and East Auburn) and from older established neighborhoods. This policy was originally set forth in the City's first comprehensive plan over a half century ago and has continued to guide the City's land use planning ever since. We continue to believe that growth out from the downtown core and older established neighborhoods provides the most efficient utilization of city services. This plan does not favor "leapfrog" development in the outlying sections of the City. This pattern is often referred to as "suburban sprawl," and is not considered desirable for Auburn. The effect of continuing this long-standing principle is to guide most new development into the area south of Lake Auburn and Taylor Pond and around potential passenger rail and turnpike exits (**See Section G: Transportation Policies**). Figure 2.1 identifies these areas as the City's Growth Area and Limited Growth Area; they are depicted in the brown and tan colors. **(Please note: Map update is pending and the referenced figures will need to be revised for the final publication).**

The boundaries shown on the Future Land Use Plan are general. They are intended to reflect the general pattern of desired future land use. The allowed uses and development standards set out for each land use designation are intended to serve as guidelines as the zoning ordinance is reviewed and revised. The lists of uses and the discussion of potential development standards are not intended to be all-inclusive. Rather, they are intended to outline the basic character and types of development desired in each land use area to guide the revision of the City's zoning ordinance and other land use regulations. In the preparation of the revised zoning provisions, some of the designations may be combined or rearranged to create a workable number of zoning districts

### Organization of the Future Land Use Plan

The Future Land Use Plan is organized around the concept of growth and rural (or limited growth) areas set forth in the state's Growth Management Law. The state defines a "growth area" as an area that is designated in the city's comprehensive plan as suitable for orderly residential, commercial, or industrial development, and into which most development projected over ten years is directed. The state defines a "rural area" as an area that is designated in the comprehensive plan as deserving of some level of regulatory protection from unrestricted development for purposes such as supporting agriculture, forestry, mining, open space, habitat protection, or scenic lands, and from which most development projected over ten years is diverted. The state also recognizes the concept of "transitional areas," or areas that are suitable to accommodate a share of projected development, but at lower levels than a growth area, and without the level of protection accorded to rural areas.

The terminology of the state law – growth, rural, and transitional – can lead to confusion. The three terms are used to indicate the desired/anticipated level or share of future growth and development that will occur in the three areas -- but the terms do not indicate that in common usage. For example, an undeveloped floodplain within the built-up area might be identified as a non-growth area but labeling it as “rural” can be misleading. Similarly calling an established residential neighborhood a “transitional” area or a “growth” area can also be misleading if the objective is to maintain the neighborhood “as is”.

### **Future Land Use Categories**

For the purpose of the Future Land Use Plan, three basic growth categories are used based upon the standards set out by the state and the desired level of future development in the City (see [Figure 2.1](#) following page):

- 1. GROWTH AREAS** — Areas where the City wants growth and development to occur. The anticipation is that most residential and non-redevelopment over the next ten years will occur in these growth areas.
- 2. LIMITED GROWTH AREAS** — Areas that have limited development potential or that have vacant or under-utilized land where the City desires a limited amount of growth and development over the next ten years.
- 3. NON-GROWTH AREAS** — Areas that are either unsuitable for development or in which the City desires to see little growth and development over the next ten years.

### **Future Land Use Types**

The three categories of growth, limited growth, and non-growth specify where the City wants to accommodate growth and development and where it wants to discourage or prohibit it. The Comprehensive Plan is intended to be a guide upon which zoning ordinances are based and is not intended to serve as a regulatory document. A comprehensive rezoning should be completed after adoption of the Comprehensive Plan to match the suggestions in this plan with flexibility for future changes.

**Type A: Development Areas** – Areas with a significant amount of vacant or underutilized land that are capable of supporting new residential or nonresidential development in accordance with the City’s land use objectives. New development within these areas is generally encouraged.

**Type B: Transition/Reuse/Redevelopment Areas** — Developed areas where the City’s policy is to encourage the type of use and/or pattern of development to change over time. New development, redevelopment, or the reuse of existing land and buildings that moves the area toward the desired future use is encouraged. Some transition areas designated in the Future Land Use Plan identify the desired future use of the area, but the City’s zoning may not be changed until a future point in time when development is appropriate – in a sense these are

“planned future transition areas”. The City’s use of the term transition area differs from the way this term is used by the state in the Growth Management Law.

**Type C: Protection/Reserve Areas** – Largely undeveloped areas that should remain undeveloped for at least the next ten years. These areas include land with significant development constraints that should not be developed, as well as land that is not appropriate for development at this time, but that may be designated for development in the future.

Figure 2.2 on the following page shows the types of land use areas organized by the three growth categories.

### Residential Densities

The Future Land Use Plan sets out the recommended pattern and intensity of development in various areas of the City. The Future Land Use Plan establishes the desired maximum intensity or density of residential development in the various land use designations.

The following table sets out the various categories of density used in the Future Land Use Plan. The maximum allowed density is expressed in the number of housing units per acre based on the gross development density. (An acre is 43,560 square feet – the playing surface of a football field is about 1.3 acres). For each density category, a maximum suggested density is provided to allow some flexibility in the establishment of the revised zoning regulations. This is not to imply that the revised zoning should strive to meet the maximum density.

Residential Density Categories	
Category	Maximum Density
Traditional Neighborhood	16 units per acre
Suburban	8 units per acre
Residential	2 units per acre
Rural	1 unit per 3 acres + additional dwelling unit

### Future Land Use Designations

The following sections outline the various land use designations used in the Future Land Use Plan. The designations are organized by growth category and by the type of area. The description of each designation includes a series of land use districts that define the general pattern of development. Each district includes an **objective** for the general pattern and type of development that is desired together with the general types of uses (**allowed uses**) that are appropriate in the designation and an outline of the **development standards** including the density/intensity of development. The location of these various land use districts are shown on the accompanying Future Land Use Plan Map (see Figure 2.3 on the following page).

In addition to the Future Land Use Map, four detail maps ([Figures 2.4, 2.5, 2.6 , and 2.7](#)) show the future land use designations for specific portions of the community, including Downtown, New Auburn, Minot Avenue, and Center Street.

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***FUTURE LAND USE PLAN VISION STATEMENT:***

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As a model of carefully managed growth, Auburn seeks to **grow outward from the historic cores within our city** and be known for its **strong, vibrant neighborhoods**. The city is committed to making careful, effective, and **efficient use of land and corresponding services, while strengthening the character of our neighborhoods**, ensuring that resources exist to maintain and enhance the quality of life for current and future residents. Auburn’s continued commitment to **strong community connections**, embracing opportunity, and mindful growth should be **balanced with natural resource conservation** and woven into the city’s unique identity.

## 1. GROWTH AREAS –

### Type A: Development Areas

Designation: Residential

#### **TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)**

**Objective** – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water ([see Figures 2.3 and 2.7](#)). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

**Allowed Uses** – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update ([see appendix \\_](#)). The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

**Development Standards** – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should

be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

### **SUBURBAN DEVELOPMENT DISTRICT (SD)**

**Objective** – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water (see Figure 2.3). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

**Allowed Uses** – The Suburban Development District generally follows the boundaries of the Multifamily Suburban and Suburban Residential Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix \_). The following general types of uses should be allowed within the Suburban Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Recreational Uses of Land
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

**Development Standards** – Residential uses should be allowed at a density of up to 8 units per acre with no minimum road frontage required, shared driveways are encouraged. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-20 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

Designation: Nonresidential and Mixed Use

### **FORM-BASED CODE DEVELOPMENT DISTRICT (FBCD)**

**Objective** – Stabilize and promote continued investment in the City's high-density neighborhoods which include a mix of housing types including multi-unit buildings to assure that they remain safe, attractive areas in which residents want to live (see Figures 2.3 and 2.4). To this end, the district should allow property owners to upgrade their properties, and for infill development and redevelopment/reuse to occur, as long as it is compatible with the character of the neighborhood.

**Allowed Use** – The Form-Based Code Development District generally follows the boundaries of the Form-Based Code (Transects 4.1, 4.2, 5.1, 5.2 and 6), in effect at the time of the 2021 Comprehensive Plan update (see appendix \_). The following general types of uses should be allowed within the Form-Based Code Development District:

- Low and High Density Residential Dwelling Units
- Home Occupations
- Civic Uses
- Office/Service Type Uses
- Retail Type Uses

**Development Standards** – The reuse/reconfiguration of existing buildings for residential purposes should be allowed without consideration of density/lot size requirements, provided that

the building will be renovated, be compatible with the neighborhood, and will meet the City's requirements for residential units, including green space and providing the amount of parking appropriate for the proposed use. The other development standards should be established to reflect the existing pattern of development in these neighborhoods. Any parking requirements imposed should allow for flexibility in meeting the need for parking including the use of municipal parking, shared parking, and similar arrangements.

### **COMMERCIAL DEVELOPMENT DISTRICT (GBD)**

**Objective** – Allow for the development of a wide range of uses including those that involve the sales of motor vehicles and/or that generate significant truck traffic (see Figures 2.3 and 2.5) the District should allow for both existing and new residential use at a density of up to 16 units per acre.

**Allowed Uses** – The Commercial Development District generally follows the boundaries of the General Business and General Business II (Minot Avenue) Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix ). The following general types of uses should be allowed in the General Business Development District:

- Low and High Residential Density Uses
- Retail uses including large-scale uses (>100,000 square feet)
- Personal and business services
- Business and professional offices
- Medical facilities and clinics
- Restaurants
- Hotel, motels, inns, and bed & breakfast establishments
- Low and High-Density Residential Uses
- Community services and government uses
- Research, light manufacturing, assembly, and wholesale uses
- Truck terminals and distribution uses
- Contractors and similar activities
- Motor vehicle and equipment sales
- Motor vehicle service and repair
- Recreational and entertainment uses and facilities

**Development Standards** – The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property. The standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require a landscaped buffer along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.

### **INDUSTRIAL DEVELOPMENT DISTRICT (ID)**

**Objective** – Accommodate the development and expansion of a wide range of nonresidential industrial-type uses to create employment opportunities and commerce (see Figure 2.3). The land within the district should be viewed as a limited resource that should be carefully managed so that it is not used for activities that can occur in other areas of the City.

**Allowed Uses** – The Industrial Development District generally follows the boundaries of the Industrial District, in effect at the time of the 2021 Comprehensive Plan update (see appendix ). The following general types of uses should be allowed in the Industrial Development District:

- Industrial uses including manufacturing, assembly, and research and development facilities
- Distribution and storage uses including wholesale sales, warehousing, and truck terminals/distribution facilities
- Transportation facilities including the airport and related uses and transportation terminals and multi-modal facilities
- Office uses
- Building material and lumber yards
- Vehicle and equipment repair facilities
- Hotels and motels
- Community services and governmental uses
- Agricultural uses

Residential uses should not be allowed in this district. Retail and service uses should be limited to activities that primarily support the other uses within the district such as service stations, convenience stores, and restaurants. Other retail and service activities should not be allowed in this district.

**Development Standards** – The development standards within the Industrial Development District should:

- Establish performance standards to assure that uses are good neighbors and do not create adverse impacts on surrounding properties or the community at-large
- Establish buffers where the district abuts residential districts to minimize the impacts on those residential properties
- Establish site design and landscaping standards to assure that development functions well and is visually attractive when viewed from public streets or other public areas

### **COMMERCIAL FORM-BASED CODE GATEWAY DEVELOPMENT DISTRICT (WASHINGTON STREET) (CFBCGD-W)**

**Objective –**

To allow for mixed use development while protecting and providing transitions to the abutting residential neighborhoods. Within this area attractive road fronts should be established that enhance a complete street city gateway and provide the essence of a welcoming, vibrant community, with neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The zone is appropriate in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. The CFBCGD-W should enhance development and design standards to allow this area to evolve into an attractive gateway into the City. Specifically, a portion of this designation pushes a transformation of Washington Street South/Routes 4 and 100 to a two-lane high-speed connector while Washington Street North Routes 4 and 100 becomes a local connector with future Form Based Code Commercial Development. Residential uses should be allowed at a density of up to 16 units per acre provided they are accessory to commercial uses.

**Allowed Uses** – The Commercial Form-Based Code Gateway Development District – W generally follows the boundaries of the existing General Business areas along Washington Street, in effect at the time of the 2021 Comprehensive Plan update ([see appendix](#) ). The Commercial Form-Based Code Gateway Development District – W should allow for medium-scale, multi

dwelling development with up to three stories (plus attic space), with multiple commercial uses allowed that mirror existing form based code within the city to include, but not be limited to general offices, government uses, lab and research facilities, low impact industrial, studios, parks and open spaces, veterinary services, medical and dental clinics, general retail, restaurants, schools, churches, convenience stores with gas stations, specialty shops, auto service stations, care facilities, lodging, clinics and hotels.

**Development Standards** – New development, redevelopment and substantial expansions should be subject to an enhanced set of development and design standards to assure that this area evolves as an attractive gateway. These standards should maintain appropriate setbacks for new development, encouraging shallow or no front setbacks, screen parking areas from Washington Street and provide incentives for the use of shared driveways and curb-cuts. Provisions for on street parking should be encouraged. All uses in this district should be located, sited and landscaped in such a manner as to preserve open space, control vehicle access and traffic and provide adequate buffering and natural screening from Washington Street. This designation is intended for areas near, in, along neighborhood corridors and for transit-supportive densities.

### **COMMERCIAL FORM-BASED CODE GATEWAY DEVELOPMENT DISTRICT (UNION/CENTER/TURNER) (CFBCGD-UCT)**

**Objective –**

To allow for mixed use development while protecting and providing transitions to the abutting residential neighborhoods. Within this area attractive road fronts should be established that enhance a complete street city gateway and provide the essence of a welcoming, vibrant community, with neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The zone is appropriate in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. The CFBCGD-UCT should enhance development and design standards to allow this area to evolve into an attractive gateway into the City. Specifically, a portion of this designation pushes a transformation of the Union/Center/Turner Street neighborhood from a commercial zoning district to a future Form-Based Code Commercial Development District, matching the adjacent Form-Based Code designations. Residential uses should be allowed at a density of up to 16 units per acre provided they are accessory to commercial uses.

**Allowed Uses** – The Commercial Form-Based Code Gateway Development District – UCT generally follows the boundaries of the existing General Business areas along the Union/Center/Turner Street corridor, in effect at the time of the 2021 Comprehensive Plan update (see appendix ). The Commercial Form-Based Code Gateway Development District – UCT should allow for medium-scale, multi dwelling development with up to four stories (plus attic space), with multiple commercial uses allowed that mirror existing form based code within the city to include, but not be limited to general offices, government uses, lab and research facilities, low impact industrial, studios, parks and open spaces, veterinary services, medical and dental clinics, general retail, restaurants, schools, churches, convenience stores with gas stations, specialty shops, auto service stations, care facilities, lodging, clinics and hotels.

**Development Standards** – New development, redevelopment and substantial expansions should be subject to an enhanced set of development and design standards to assure that this area evolves as an attractive gateway. These standards should maintain appropriate setbacks for

new development, encouraging shallow or no front setbacks, screen parking areas from the street and provide incentives for the use of shared driveways and curb-cuts. Provisions for on street parking should be encouraged. All uses in this district should be located, sited and landscaped in such a manner as to preserve open space, control vehicle access and traffic and provide adequate buffering and natural screening from Union/Center/Turner Streets. This designation is intended for areas near, in, along neighborhood corridors and for transit-supportive densities.

### **VILLAGE OVERLAY AREAS (VOA)**

**Objective** – In residential Future Land Use Districts, small commercial operations should be allowed provided they do not exceed the average lot size of the neighborhood (or more than two times the average size of the home). As part of the comprehensive rezoning, the City should identify village overlay areas where these small commercial operations are most appropriate, such as corner lots. Considerations for appropriate areas should include: frontage on a major arterial as defined in the Comprehensive Plan, access to any required parking be located on the arterial frontage, buffering of any parking areas from lot lines and signage limitations.

### **PLANNED UNIT DEVELOPMENTS (PUD)**

**Objective** – As part of the comprehensive rezoning process, the City should continue to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to consider and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations by allowing for Planned Unit Developments for residential, commercial and industrial projects. The type and amount of development permitted should continue to be based on the Planning Board’s evaluation of the development proposal and the purposes set forth in the 2021 Auburn Code of Ordinances. The City should continue with the four types of Planned Unit Developments: Residential, Recreation/Residential, Commercial and Industrial and apply them to the newly proposed Future Land Use Designations after a comprehensive rezoning has taken place.

## **2. LIMITED GROWTH AREAS –**

### **Type A: Development Areas**

Designation: Residential

### **RESIDENTIAL DEVELOPMENT DISTRICT (LDD)**

**Objective** – Allow for the development of residential and community uses at a density of up to 2 units per acre in areas on the fringe of the built-up area where public services can be reasonably provided, but where public sewerage is not available and is not likely to be available in the foreseeable future (see Figure 2.3). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads. Shared driveways should be encouraged by providing a 20% reduction in lot size and road frontage.

**Allowed Uses** – The Residential Development District generally follows the boundaries of the Rural Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update (see appendix ). The following general types of uses should be allowed within the Low-Density Development District:

- Low Density Residential Dwellings
- Home occupations
- Community services and government uses

- Agriculture
- Small retail shops less than 3,000 square feet or 1.5 times the average size of the home within Village Overlay Neighborhoods.

**Development Standards** – Residential uses should be allowed at a density of up to 2 units per acre. Lot frontage requirements on existing collector and other through roads should be around 100 feet but should be reduced for lots that share driveways. In general, the minimum front setback should be 20 feet. Side and rear setbacks should be 15-30 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

### **RURAL DEVELOPMENT DISTRICT (RD)**

**Objective** – Allow for the development of residential uses (primarily detached single family homes) at a density of up to 1 unit per 3 acres with one additional dwelling unit permitted for each home in areas where public/community sewerage and water are not available and not likely to be available in the foreseeable future. New development should be designed to minimize the number of vehicular access points to existing collector and other through roads. Shared driveways should be encouraged by providing for a 50-foot driveway frontage bonus. Setbacks within lots should be maintained.

**Allowed Uses** – The Rural Development district generally follows the boundaries of the Low-Density Country Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update (see appendix [\\_](#)). The following general types of uses should be allowed within the Rural Development District:

- Low Density Residential Dwellings
- Home occupations
- Community services and government uses
- Agriculture
- Small retail shops less than 3,000 square feet or 1.5 times the average size of the home within Village Overlay Neighborhoods.

**Development Standards** – The residential density in the Rural District should be one unit per 3 acres. Lot frontage requirements should be around 200 feet but should be reduced for lots that share driveways. In general, the minimum front setback should be 25 feet. Side and rear setbacks should be 15-25 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

## 3. NON-GROWTH AREAS –

### Type C: Protection/Reserve Areas

Designation: Conservation/Open Space

### **CONSERVATION/OPEN SPACE DISTRICT (COS)**

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

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

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

### **AGRICULTURE DISTRICT (AG)**

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

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

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

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

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

Residential development that is proposed as part of a master planned commercial recreational development should be limited to the same density standard (one unit per 10 acres) as other accessory residential uses, unless necessary for economic reasons to increase the density as a

project incentive. A recreational master plan should be required outlining the scope, scale, and location of residential units and ensuring a cluster development pattern in which the majority of the land is retained as recreation/open space. A conservation easement, or other legally binding preservation measure, should be required to permanently conserve the recreation/open space areas.

As part of the 2021 Comprehensive Plan update, it is understood that agriculture and forestry **may not** be profitable in some areas of the City and the existing Agriculture and Resource Protection Zoning, in some cases, eliminates the economic use of private land. The City should create a mechanism in which private landowners can petition the City for a change of use based on the individual circumstances of their lot(s).

The City also recognizes differences between Agriculture and Resource Protection, and as such it is recommended that the districts be treated separately within the zoning ordinance (Agricultural District and Conservation/Open Space District). This committee acknowledges that in practice there is overlap between Agriculture and Resource Protection, and that the conversation about how to distinguish the two should include a broad group of voices including residents, relevant City Committees (Conservation Commission, Agriculture Committee, etc) and experts who can support the City in meeting its goal to untangle these activities.

# K. Promoting Food Access and Production and Growing the Agriculture Economy Policies

## PURPOSE

The purpose of the Food Access and Production/Growing the Agriculture Economy section is to consider how greater equity in accessing healthy food can be established in Auburn, and to identify tools and strategies for ensuring the continuing existence and growth of the farming and agriculture economy as a way of life in our city, which in turn sustains our population with locally produced and healthy foods. We know that food insecurity is unfortunately a challenge faced by Auburn residents. Income is the greatest indicator of one's health, and US Census data from 2012-2016 indicates on average that 32% of Auburn's population -- nearly 1 of every 3 people -- lives in a household earning less than 185% of the Federal Poverty Level, which is typically the highest threshold for receiving household income-based support such as food assistance and medical coverage (Source: Auburn Economic Data Book, Crossroads Resource Center, 2018). Auburn can work to ensure healthy food is available and accessible to all its residents while also building an economy, including the agricultural sector, which provides households with the adequate wages they need to purchase healthy food.

**Goal K.1:** Ensure that fresh, local food is equitably accessible to everyone regardless of income or geography.

## VISION

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*Local planning and zoning policies can reduce or reinforce structural barriers that prevent our food supply from being as healthy, equitable, affordable, and resilient as we would like it to be. Policy change that promotes greater access to healthy foods can significantly reduce these barriers. Planning and Economic Development staff, boards and committees, and elected/appointed officials can make and implement long-term decisions for the design of the City and the surrounding region to improve healthy food access, food skills of community members, and the surrounding region's food infrastructure. Systematic assessments that identify barriers and track progress over time are essential for informing all of the goals and strategies below. By including food, equity, and health-related policy and systems changes in planning documents and zoning codes, Auburn can establish:*

*\* Support for food and farm enterprises of all sizes*

- \* *Zoning that supports a healthy food infrastructure*
  - \* *Access to and preservation of land for food production*
  - \* *Development of community food assets (such as community gardens, farmers' markets, food hubs, and pollinator-friendly habitats)*
  - \* *Affordable, safe and reliable transportation to food sources*
  - \* *Support for growth of local markets that are critical for farm businesses to succeed*
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## **POLICIES**

### **K.1 FOOD IS EQUITABLY ACCESSIBLE**

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*Goal K.1: Ensure that fresh, local food is equitably accessible to all, regardless of income or geography.*

**Objective K.1.1:**

**Work with organizational partners to gather baseline data about Auburn's food access picture that will help inform future planning.**

*Strategies to achieve this objective:*

*Strategy K.1.1.a:* Compile data from existing resources and if needed, conduct new research on Auburn's food security indicators (refer to inventories).

**Objective K.1.2:**

**Continue to expand the customer base, accessibility, and affordability of the Auburn Farmers' Market**

*Strategies to achieve this objective:*

*Strategy K.1.2.a:* Establish programs for low-income customers, vendor recruitment, marketing/promotion investments, and permanent year round indoor/outdoor locations.

**Objective K.1.3:**

**Support practices that facilitate access to healthy food in residential settings:**

*Strategies to achieve this objective:*

**Strategy K.1.3.a:** Build and encourage partnerships that work to expand residential access to healthy food.

**Strategy K.1.3.b:** Use a food system lens when planning housing developments to inform site layout, landscape design, residential amenities, and access to retail food sources.

**Strategy K.1.3.c:** Ensure that future land use designations provide flexibility for sufficient open space for community gardens and private residential gardening plots.

**Objective K.1.4:**

**Review and simplify or remove regulation of food- and farm-related land uses in order to improve the variety and availability of healthy food outlets.**

*Strategies to achieve this objective:*

**Strategy K.1.4.a:** Support updating local ordinances governing food processing businesses—such as commercial kitchens, flash freezing businesses, small scale home kitchen businesses, and meat processing/butchering enterprises—to increase business growth.

**Strategy K.1.4.b:** Support updating local ordinances concerning food outlets, such as grocery stores, small food stores, farmers’ markets, seasonal food stands, and farm/food trucks to support growth in the types and number of food outlets throughout the City and their hours and locations.

**Strategy K.1.4.c:** Support a buy local food campaign that includes a directory of local food producers, where to purchase goods and highlights the value of buying local for economic benefits. Information and advertising about the campaign should be widely distributed to the public using avenues such as social media/websites, public transportation, city buildings and paper handouts.

**Strategy K.1.4.d:** Support a local food pledge to increase local purchasing by institutions.

**Strategy K.1.4.e:** Work with producers to determine if a “Grown in Auburn” label/logo for their products would be valuable.

**Strategy K.1.4.f:** Collaborate with the Auburn School Department to coordinate and increase local food sourcing, utilizing the following programs created to support this work:

- Maine Harvest of the Month
- Local Produce Fund (matching fund for schools to leverage)
- Maine Farm to School Network

**Strategy K.1.4.g:** Promote Auburn as a regional center for agriculture.

**Strategy K.1.4.h:** Reliable markets are critical to any business. The City’s Economic & Community Development Department should assist in developing local markets for agricultural products. This could include discussions with grocery store chains, discussions with restaurants and efforts to use more locally produced products in Auburn’s school lunch program.

**Objective K.1.5:**

**Improve access to healthy foods by enhancing transportation systems and infrastructure for transit riders, pedestrians, bicyclists, and motorists.**

*Strategies to achieve this objective:*

*Strategy K.1.5.a:* Undertake a systematic assessment of the bicycle and pedestrian routes that connect consumers to healthy food sources, including priorities for snow removal during the winter (because some pedestrian routes disappear altogether after a storm), and address deficiencies through physical improvements to bicycle and pedestrian networks.

*Strategy K.1.5.b:* Assess transportation needs and whether current public transit provides adequate service to stores selling healthy food, and/or farmers markets. Support transit service improvements to connect people at peak times to healthy food sources.

*Strategy K.1.5.c:* Adopt site design standards for food stores that provide safe and convenient pedestrian access to the front door and bicycle parking.

*Strategy K.1.5.d:* Collaborate with regional economic development agencies, such as AVCOG, the LA Metro Chamber, and others, on efforts to improve food distribution infrastructure.

*Strategy K.1.5.e:* Support innovative practices such as mobile food markets and mobile food pantries/food shelves that can bring food closer to under-resourced customers.

## **K.2 FARMING CAPACITY**

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*GOAL K.2 Strengthen and grow Auburn's existing subsistence, community, and commercial gardening and farming capacity.*

**Objective K.2.1:**

**Support the development of ordinance and zoning changes that decrease barriers to food production in all areas of the City.**

*Strategies to achieve this objective:*

*Strategy K.2.1.a:* As part of this initiative particular emphasis should be placed on permitting season-extension structures (e.g. hoopouses), supporting edible and pollinator-friendly landscaping, allowing on-site sale of goods, and allowances for livestock/fowl (e.g. for chickens, ducks, goats, bees, etc.), and any accessory structure they require, that do not conflict with existing residential land uses

**Objective K.2.2:**

**Grow the productive capacity of commercial farms.**

*Strategies to achieve this objective:*

**Strategy K.2.2.a:** Inventory existing commercial farms to identify productive capacity, current needs, and anticipated succession plans to support continuity of production.

**Strategy K.2.2.b:** Work with producers, buyers, and food sector service providers to strengthen existing and develop new local and regional markets, including direct sales, wholesale, and institutional buyers.

**Strategy K.2.2.c:** Establish economic programs that support the viability of existing and new farms such as:

- Establish a low- or no-interest revolving loan fund to assist new and beginning farmers with getting stable access to land and with equipment startup capital by partnering with businesses, government, farming, banking, land trusts and other organizations;
- Establish a voluntary municipal support program to allow for tax incentives and increased investments;
- Adopt policies and economic incentives needed to attract commercial infrastructure such as storage, refrigeration, processing, or any other type of food infrastructure.

### **Objective K.2.3:**

**Continue to support the establishment and maintenance of community gardens throughout the city to provide residents with easy access to healthy food.**

*Strategies to achieve this objective:*

**Strategy K.2.3.a:** Establish clear policy support for community gardens, while determining the appropriate balance between community gardens and land redevelopment.

**Strategy K.2.3.b:** Ensure permanent sites and a “no net loss” policy for community gardening space in underserved areas if relocation is necessary.

**Strategy K.2.3.c:** Where relocation is necessary, strive to relocate in off-seasons, provide clear and early disclosure, and help gardens get established in new locations.

**Strategy K.2.3.d:** Support a process to add community gardens as a permitted use in all residential areas, with clear site and operational standards.

**Strategy K.2.3.e:** Continue to utilize organizational partnerships to proactively support community gardens through soil testing, water provision, and continue leasing publicly owned property to community gardens.

**Strategy K.2.3.f:** Incentivize the integration of community gardens into housing developments and create incentives through density bonuses for community gardens in housing developments.

**Strategy K.2.3.g:** Encourage single-family subdivisions and multi-family development models that incorporate community gardens.

### **Objective K.2.4:**

**Create a land use map that inventories Auburn’s existing and potential food production and processing capacity, which identifies existing food production,**

**processing and sales locations, and determines good locations for future development of food systems activities.**

*Strategies to achieve this objective:*

**Strategy K.2.4.a:** This map would include the following information:

- Prime and statewide significant soils
- Existing farmlands and active farms
- Existing community gardens
- Existing food retail/market/farm stand locations
- Designated areas that are being held for future commercial and industrial development (for more information, refer to Comprehensive Plan Section I.2.3.b)
- Open spaces currently owned by the public, land trusts, or other organizations where farming could take place.
- Possible locations for food processing and other “in demand” agricultural services, based on factors such as available resources needed like utilities, transportation access, and land appropriate for development.

**Strategy K.2.4.b:** Utilize the above map for future land use planning and for identifying priority development locations. This can be used by the City to encourage in-demand food systems development in beneficial areas, and to identify areas where more food production and access can be provided.

## **K.3 DEVELOPMENT OF PROCESSORS OF ALL SIZES**

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***Goal K.3: Facilitate and support the development of processors of all sizes of healthy food, with special focus on developing those that provide a service which is not adequately available within the region (e.g. involves significant transportation distances or time delays).***

### **Objective K.3.1:**

**Support the development of local food-processing businesses.**

*Strategies to achieve this objective:*

**Strategy K.3.1.a:** Develop or expand business grant and loan programs to help with start-up and capital costs .

**Strategy K.3.1.b:** Support efforts and work to clarify and streamline business-licensing processes for food-processing businesses.

**Strategy K.3.1.c:** Review local land use restrictions on food-processing businesses to determine whether additional locational flexibility can be provided under appropriate conditions.

## K.4 FOOD RELATED ECONOMIC DEVELOPMENT

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*Goal K.4 Support food-related businesses and initiatives that equitably advance the development of local and regional economies.*

**Objective K.4.1:**

Seek the establishment of more essential service-providing small scale commercial development in the downtown (such as those that offer a variety of healthy, locally-sourced foods).

**Objective K.4.2:**

Allow production of food on open land, e.g. green spaces, and within/on structures to increase the opportunity for urban farm businesses.

**Objective K.4.3:**

**Pursue activities that both improve healthy food access and advance economic development to include value added venues to existing and new farms.**

*Strategies to achieve this objective:*

*Strategy K.4.3.a:* Support agritourism efforts as a means of enhancing income streams for small farmers and producers.

*Strategy K.4.3.b:* Purchase healthy foods from local food businesses when catering events, meetings, and other gatherings.

*Strategy K.4.3.c:* Review local ordinances to ensure that they do not unduly restrict sidewalk and rooftop dining.

*Strategy K.4.3.d:* Highlight the region's food culture as a community branding strategy.

*Strategy K.4.3.e:* Partner with neighboring communities to pursue a regional food marketing strategy.

*Strategy K.4.3.f:* Support the development of jobs that pay adequate wages ensuring community members can afford to purchase healthy food and support local businesses.

**Objective K.4.4:**

**Take steps to identify and reduce barriers to business creation by other historically marginalized communities (e.g. people of color, low-income, Veterans).**

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

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

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## 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.<sup>1</sup> 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.

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<sup>1</sup> 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 viewsapes, 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 parcel<sup>2</sup> 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:

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<sup>2</sup> 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.<sup>3</sup>

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.

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<sup>3</sup> 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 viewscapes, 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.**<sup>4</sup> 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.

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<sup>4</sup> 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:<sup>5</sup>

- 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

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<sup>5</sup> 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.”

**TRANSMITTAL LETTER—revised**

To: Honorable Mayor and City Council members  
From: Ad Hoc Committee  
RE: Final Report and Recommendations

We wish to present the Final Report and Recommendations of the Ad Hoc Committee and Crossroads Resource Center, (the Consultant). The Ad-Hoc Committee was appointed in October 2017 to support the Consultant’s work and consider recommendations to be made to Council. The ten residents who served on the committee, all volunteers, worked diligently, discussing complex issues and long-standing policy questions regarding the Agriculture and Resource Protection (AGRP) Zone. The shared understanding is that the AGRP area, comprising 45% of the city’s total acreage, is an important resource that requires prudent and responsible future decisions based on sound long-term planning.

The Committee’s process gathered a significant amount of data and information that will be useful for years to come. However, as an Ad Hoc committee, its charge was short-term and limited in scope and capacity. Therefore, Committee outlines in the Report several areas for further work and analysis. It also makes the following two primary recommendations, as further explained in this report:

- **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 initiatives, similar to Agricultural Commissions formed in other communities in Maine and nationwide.**
- **Elimination of the “50% income” rule within the AGRP Zone but replacing that policy only with a fully analyzed, researched, and targeted alternative that will serve long-term goals and priorities for the AGRP Zone and economic sector.**

The members of the Ad-Hoc Committee wish to thank you for this opportunity to serve our city and will, of course, be available to answer any questions.

David Bell	Bell Farms, Riverside Drive
Karen Bolduc	310 Soper’s Mill Road
Kim Finnerty	Whiting Farm/JFM, Summer Street
Joe Gray	9 Third Street
David Haines	384 Butler Hill Road
Rita Mae Morin	150 Sopers Mill Road
Mia Poliquin Pross	14 Hersey Hill Road
Dan Herrick	470 Hatch Road
Mary Sylvester	208 Maple Hill Road
William Sylvester	1128 Riverside Drive

# Final Report

## Study to Support and Enhance Auburn’s Agricultural and Resource Sector

Auburn, Maine

July 16, 2018

**Presented by;  
Ad Hoc Committee  
City of Auburn, Maine**

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## EXECUTIVE SUMMARY

Auburn's Agriculture and Resource Protection Zone (AGRP) was adopted in 1964, with amendments in subsequent years to adopt to Comprehensive Plan changes. Additionally, some significant exemptions have been approved by City Council. Currently, 45% of the city's acreage is in the AGRP Zone: 18,931 of the City's 42,074 total acres. 13,939 acres of the AGRP are now forested.

Issues related to the AGRP Zone are complex and in October 2017, the City of Auburn retained Crossroads Resource Center, a nationally recognized consultant service, to study the District and its local context, interview community stakeholders, and make recommendations. An Ad Hoc Committee was appointed to serve in an advisory role to the Consultants during the contract term and consider recommendations to City Council, the Planning Board and city staff by way of votes of the Committee and offered to Council through a Final Report. Members of the Ad Hoc Committee are volunteers who agreed to serve upon request of the Mayor in the Fall of 2017.

City Council and the community had already identified two provisions of the AGRP as especially problematic:

- Requirement that to build a new house, 50% of one's gross 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 "housetot."

The Consultant's process included regular meetings with the Ad Hoc Committee, assembling substantial relevant data, summarizing approaches and best practices from around the State and Nation, conducting over 58 local stakeholder interviews and reviewing a survey of 55 residents and stakeholders completed last year.

The Consultants provided two reports:

- ***Auburn, Maine Local Economy: Agriculture, Forestry, and Housing. Data Book.***
- ***Auburn's Agriculture and Resource Protection Zoning: Consultant Recommendations***

The Committee advised the Consultants throughout the process and met nine times in public sessions. Committee members reviewed current zoning and comprehensive plan provisions related to agriculture, forestry, natural resources and rural lands, and discussed relevant questions. The Committee also requested the city staff compile data and maps related to land cover, lot size distribution, soils, current use, participation in current use tax programs, housing age and locations. The committee used all this data and their existing knowledge to discuss challenging public policy issues. This research information is now available on the City's website for future use.

### Consultant's Recommendations

Please see pages 24-26 for a summary. The Consultant's full report, *Auburn's Agriculture and Resource Protection Zoning: Consultant Recommendations* is available from the City of Auburn and on the City's website.

### Committee Recommendations

As discussions progressed, it became clear that careful thought and analysis is needed before any significant regulatory changes could be recommended to avoid unintended consequences. The Committee researched similar work underway in nearby communities in Maine and New Hampshire where agriculture committees or commissions have been created to support elected officials in shared goals to strengthen local agricultural economies and promote locally grown foods.

The Ad Hoc Committee unanimously voted to recommend to City Council:

***The City of Auburn should form a permanent residents' body to address the ongoing needs of protecting farms, forestry businesses, farmland, woodlots, and building a stronger food, agricultural, and resource economy in Auburn. This would***

***be structured as an official City Agriculture, Forestry and Resource Commission (AFRC), or Committee, or Board. The forestry component might fit within the purview of an expanded Community Forest Board.***

The Agriculture, Forestry and Natural Resource Commission or Committee, with defining words in any order, should be formed immediately to address critical questions and issues before any policy changes are officially made.

This strong recommendation is supported by the Consultant's recommendations and by work that is underway statewide to strengthen these critical economic sectors in New England.

#### Requirements for the members:

1. There should be 9 voting members and the terms should be 3-year terms that are staggered and renewable
2. The Committee should be benchmarked to and have decision making authority like the Winslow Agriculture Commission and the Auburn Planning Board to the extent necessary to achieve agricultural goals and priorities.
3. 6 out of 9 members must own land in the AGRP zone.
4. All members must meet one of the followings:
  - a: Actively involved in forestry, agriculture or natural resource-based industries; or
  - b: Have expertise in Agriculture, Forestry, Natural Resources, public policy, legal or related economics.

#### Values Statement

The Committee recommended that The City of Auburn adopt the following statement of values:

***The City of Auburn values its agricultural heritage and the protection of the natural beauty of its land. Auburn promotes locally grown food, raising livestock, managing forests, and natural resource-based businesses.***

#### Priorities and Strategic Goals

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

These priorities must be used as filters when decisions are made. For example, if a change doesn't strengthen the agricultural sector of economy, it may not be a change worth making

#### Proposed Additional Activities to Considered for the AGRP District

- Agritourism/Special Events
- Processing or Slaughter facilities should be permitted uses, not special exception
- Value added processing
- Solar/Wind Farms possibly but mixed feelings and concerns with displacing agricultural uses.

- Current greenhouse codes are restrictive due to roof loading requirement. Advocate for amendments to the state building code to allow for exemptions for greenhouses.
- Incubator farming program
- Farm Plot Leases with a simple process that avoids subdivision issues
- A Voluntary Municipal Farm Support Program to allow for tax incentives and increased investments

### Other Questions and Issues for Future Discussion

The Committee identified numerous complex issues that must be addressed. These include:

- Alternatives to 50%-- what is feasible to support agriculture?
- What is the differential between the tax rate in the AGRP zone and RR zoning?
- Is it possible to create exemption from new valuations that would increase taxes when new investments are made on farm buildings?
- If we are going to provide incentives for agriculture, can we also provide incentives for forestry? Additional infrastructure would be helpful. These would offer a positive ROI also.

## **BACKGROUND**

Issues related to Auburn’s AGRP Zone are complex. Currently there are 18,931 acres, constituting 45% of the City’s 42,074 total. To address those issues, in the Fall of 2017, the City of Auburn retained Crossroads Resource Center, a nationally recognized consultant service, to make recommendations on issues associated with the City’s Agriculture and Natural Resources Zone. An Ad Hoc Committee was appointed with a charge to serve in an advisory role to the Consultants during the length of the contract term and consider recommendations to City Council, the Planning Board and city staff.

### Purposes of 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 provisions have been identified as especially problematic:

- 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.”

### Ad-Hoc Committee Members

David Bell	Bell Farms, Riverside Drive
Karen Bolduc	310 Soper’s Mill Road
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Dan Herrick	470 Hatch Road
Mary Sylvester	208 Maple Hill Road
William Sylvester	1128 Riverside Drive

**Staff Coordination:**

Eric Cousens, Deputy Director of Economic and Community Development, City of Auburn

**Crossroads Resource Center Consultants**

Ken Meter, President, Crossroads Resource Center, Inc. (Minneapolis, Minnesota)

Megan Phillips Goldenberg, Principal, New Growth Associates, LLC (Saline, Michigan)

**Crossroads Resource Center Process and Deliverables**

Crossroads Resource Center (The Consultant) met regularly with the Ad Hoc Committee. They also assembled substantial data and best practices from Maine and other communities throughout the U.S. They conducted over 58 local stakeholder interviews and reviewed an earlier survey of 55 residents and local stakeholders.

The Consultant developed two comprehensive reports that were presented to the community during two public meetings.

- ***Auburn, Maine Local Economy: Agriculture, Forestry, and Housing. Data Book***
- ***Auburn’s Agriculture and Resource Protection Zoning: Consultant Recommendations***

The Ad Hoc Committee advised the Consultant throughout the process, reviewed current zoning and comprehensive plan provisions related to agriculture, forestry, natural resources and rural lands, and discussed relevant questions.

**Community Stakeholders and Professional Experts**

The following 58 people made significant time and informational contributions to this study by participating in interviews with consultants and offering insights useful to their research.

First name	Last name	Organization/Association	Position	Location
Ashley	Bahlkow	Somali Bantu Community Assoc.	Advocate	Auburn, ME
Hassan	Barjin	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
Nastasha	Bator	Land Owner in AGRP	Aspiring Farmer	Auburn, ME
David	Bell	Bell Farms	Owner/Farmer	Auburn, ME

Mike	Broadbent	Auburn Water District	Deputy Superintendent	Auburn, ME
Karen	Bolduc	Food Joy; Land Owner in AGRP; LA Good Food Council	Director; Farmer; Chair	Auburn, ME
Anna	Burgess	Whiting Farm	Intern	Auburn, ME
Eric	Cousens	City of Auburn	Deputy Director of Economic and Community Development	Auburn, ME
Peter	Crichton	City of Auburn	City Manager	Auburn, ME
Terry	Dailey	Brickwell Stable; in AGRP	Owner	Auburn, ME
Arlene	Dailey	Brickwell Stable; in AGRP	Owner	Auburn, ME
Bob	Dewitt	Land Owner in AGRP	Retired, lives in Lewiston	Lewiston, ME
Donna	Dewitt	Land Owner in AGRP	Retired, lives in Lewiston	Lewiston, ME
George	Field, Jr.	Field Dairy Farm	Farmer & Owner	Auburn, ME
George	Field, Sr.	Field Dairy Farm	Farmer & Owner	Auburn, ME
Kim	Finnerty	Whiting Farm	Farm Manager	Auburn, ME
Chris	Franklin	Maine Farmland Trust	Farmland Protection Manager	Androscoggin County
Stephanie	Gilbert	Maine Dept. of Ag, Conservation, and Forestry	Farm Viability & Farmland Protection	Augusta, ME
Candace	Gilpatric	Minot Planning Board	Board Member	Minot, ME
Dan	Goyette	City of Auburn	Public Services	Auburn, ME
Ellen	Griswold	Maine Farmland Trust	Policy and Research Program	Statewide
David	Haines	Land Owner in AGRP	Retired	Auburn, ME
Gary	Hammond	Hammond Tractor	Owner	Fairfield, ME
Jim	Hanna	Cumberland County Food Security Coalition	Coordinator	Portland, ME
Sid	Hazelton	Auburn Water District	Superintendent	Auburn, ME
Cathy	Hunnewell	Land Owner in AGRP		Durham, ME
David	Hunnewell	Land Owner in AGRP	Veteran	Durham, ME
Khadijo	Ibrahim	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
Jerry	Ireland	United Veteran Farmers of ME; Ireland Hills Farm	Executive Director; Farmer	Belfast, ME
Kayla	Jones	Cumberland County Food Security Coalition	Intern	Portland, ME

Kristina	Kalolo	Somali Bantu Community Assoc.	Marketing Director	Auburn, ME
Maurice	Keene	Dairy farm	Owner	Auburn, ME
Barbara	Keene	Ricker Hill Tasting Room	Manager	Auburn, ME
Shelley	Kruszewski	Androscoggin Land Trust	Conservation Director	Auburn, ME
Tim	Kugel	City of Auburn	Deputy Chief of Police	Auburn, ME
Adam	Lee	City Council	Council Member; Lawyer	Auburn, ME
Chris	Lewis	Maple Row Farms	Farmer & Owner	Auburn, ME
Muhidin	Libah	Somali Bantu Community Assoc.	Executive Director	Lewiston, ME
Geoff	Low	City of Auburn	Fire Chief	Auburn, ME
Sarah	Marshall	Cultivating Communities	Farm Manager	Lisbon, ME
Mohamed A.	Mohamed	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
Halima	Mohamed	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
RitaMae	Morin	Family Land in AGRP; United Veteran Farmers of ME	Farmer; Member	Auburn, ME
Rosemary	Mosher	City of Auburn	GIS Manager	Auburn, ME
Zach	Mosher	City of Auburn	City Planner	Auburn, ME
Hussein	Muktar	Cultivating Communities	Outreach Director	Lewiston, ME
Ray	Nichols	OakWood Equestrian Center	Owner	Auburn, ME
Mia	Poliquin Pross	St Mary's Nutrition Center; Planning Board; LA Good Food Council	Operations Manager; Member	Auburn, ME
James	Pross	Androscoggin Land Trust, City of Auburn	Board Member; Council Member	Auburn, ME
Mac	Richardson	LA Water Pollution Control Authority	Superintendent	L-A, ME
Andrew	Shultz	Maine Forest Service	Landowner Outreach Forester	Statewide
Mary	Sylvester	Sylvester Strategies; Land Owner in AGRP; Auburn Water District Trustee	Owner; Trustee	Auburn, ME
Bill	Sylvester	Land Owner in AGRP	Forester	Auburn, ME
Dawn	Thilmany McFadden	Colorado State University & USDA ERS	Research	Nationwide

Daoud	Ummah		Veteran Farmer	Portland, ME
Kirsten	Walter	St. Mary's Nutrition Center	Director	Lewiston, ME
Suban	Weladi	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
Nina	Young	Maine Farmland Trust	Designated Broker, Maine Farms Realty	Statewide

*In addition, 55 Auburn residents were surveyed by City staff in 2016.*

### [The Ad Hoc Committee's Work](#)

The Committee met nine times between November 16, 2017 and May 3, 2018. All meetings were held in Auburn Hall. Members of the community were encouraged to attend and engage in discussions as non-voting participants.

The Consultants presented their reports at two widely-promoted and well-attended public sessions in February 2018.

In addition to the information provided by the Consultant and at the request of the Ad Hoc Committee, Auburn city staff compiled data and maps on land cover, lot size distribution, soils, current use, participation in current use tax programs, housing age and locations. The committee used all this data, information provided by the Consultant, and their existing knowledge while debating challenging public policy issues.

### [Local Data, Maps and Other Information](#)

The data, maps and reports are available on the city website; the page is a repository of information for future discussions, decision making, and the dissemination of information to the public.

#### Selected Key Data and Relevant Information

AGRP land cover:	74%	Forested
	13%	Crop
	8%	Open, not in crops
	3%	Developed
	1%	Gravel Pit

Low Density Country Residential zone (LDCR) -- 3-acre min lot size – allows single family – not 2 family

Low Density Rural Residential zone (RR) -----1-acre min lot size – allow 1 & 2 family home

3% of AGRP developed  
 21% of LDCR developed  
 20 % of RR developed  
 61% of RR forested  
 55% of LDCR forested

Note: Definition of developed for mapping purposes is: Any roads, driveways, building footprints, concrete, gravel or asphalt areas that appeared to be impervious and mowed yards or sports fields that appeared to be maintained for uses other than agriculture. Determinations were based on aerial photos, including infrared cover mapping.

## COMMITTEE RECOMMENDATIONS

After receiving the Consultants' reports with research findings and recommendations, the Committee met five times to discuss and consider its own recommendations. Two members of the community contributed specific proposals based on their own research. See Appendix Two. Although the Committee agreed that the 50% income rule must be changed, and discussed possible alternatives based on the Consultants' recommendations, none were formally endorsed. Below are listed the Ad Hoc Committee's specific recommendations.

### City of Auburn Values Statement:

The Committee recommended that The City of Auburn adopt the following statement of values:

***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.***

### Community Priorities

- 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

### Community Strategic Goals

The following strategic goals were identified:

- Strengthening the agriculture and natural resource sector of the Auburn economy is important and would yield multiple benefits to the overall community.
- Open space and rural character are valued in our community.
- Need to educate the community about contribution of agriculture.
- The 50% income rule should be changed, however the alternative guidelines to replace it are not simple.
- It's difficult to earn a living farming in an unpredictable environment and incentives are needed. Find the best incentives available.
- Increasing local food sales as share of grocery purchases can be a priority. Note: The Good Food Council is working on a complimentary initiative and strongly endorsed the importance of the Ad Hoc Committee's efforts to support local agriculture.

These priorities and goals must serve as filters when decisions are made. For example, if a change doesn't strengthen the agricultural or forestry sector of economy, it may not be a change worth making

### Additional Activities to Permitted

- Agritourism/Special Events

- Processing or Slaughter facilities should be permitted uses, not special exception
- Value added processing
- Solar/Wind Farms possibly but mixed feelings and concerns with displacing agricultural uses-may have undesirable consequences
- Partnerships
- Encourage farm or support/processing infrastructure
- incubator farming program
- Farm Plot Leases with a simple process that avoids subdivision issues
- It is important to encourage infrastructure
- Create incentives for agricultural investment -Voluntary Municipal Farm Support Program should be pursued to allow for tax incentives

### Additional Activities--Concerns

- Minimum house size – 700 SF is restrictive. State code recently updated tiny houses; that might provide a temporary solution to farm labor housing if allowed. This should be considered by the Planning Board
- Don't want houses every 250 feet
- Greenhouse codes are restrictive for roof loading requirements. Explore amending the state building code to allow for exemptions for greenhouses

### PRIMARY RECOMMENDATION to COUNCIL

After nine meetings including extended debates on many topics the following **primary recommendation** was formed:

The City of Auburn should form a permanent residents' body to address the ongoing needs of protecting farms, forestry businesses, farmland, woodlots, and building a stronger food, agricultural, and resource economy in Auburn. This would be structured as an official City Agriculture, Forestry and Resource Commission (AFRC), or Committee, or Board. The forestry component might fit within the purview of an expanded Community Forest Board.

The Committee strongly agreed that the makeup and membership of the new committee must include a majority of members who are taxpayers with a vested interest in agriculture in Auburn. Other members would bring additional experience and/or expertise in agriculture, agricultural policy and law. Some members might not be taxpayers if they bring significant required experience or expertise. Its first task would be to propose updated policies for the AGRP Zone as outlined in our Committee's deliberations to date. The Ad Hoc Committee voted unanimously at its May 3<sup>rd</sup>, 2018 meeting to recommend the following committee structure/makeup:

1. The Commission should be Council appointed and established by ordinance or Charter
2. The members should serve 3- year terms that are staggered so there is some continuity and the terms should be renewable to retain experienced membership in good standing
3. There should be 9 voting members and at least 6 of which must own AGRP Land and be actively engaged in agriculture to ensure they have a vested interest in the work and outcomes
4. Membership should include people with expertise in agriculture, forestry and policy related issues with the allowance for up to 3 members that may not own land in Auburn but bring such expertise from the state or region.
5. The committee should have decision making authority like the Auburn Planning Board and Winslow Ag Commission (Voluntary Municipal Farm Support) to the extent necessary to achieve agricultural goals and priorities
6. All members must meet one of the following:
  - a. Actively involved in forestry, agriculture or natural resource-based industries
  - b. Expertise in agriculture, forestry, natural resources, public policy, law, or related economies.

It was agreed that the knowledge and experiences of several of the Ad-Hoc Committee members could be useful. Some members expressed an interest in continuing this work.

The Ad Hoc committee agreed that the first priorities should be:

1. Addressing alternatives to the 50% income standard;
2. Considering incentives for agricultural investment and for the creation of lacking infrastructure;
3. Reviewing the 10-acre minimum lot size requirement;
4. Looking at residential strip depth in rural areas;
5. Using the Ad Hoc Committee's and Consultant's recommendations as a workplan to move forward on other issues.

## **ADDITIONAL QUESTIONS and ISSUES**

Alternatives to 50%-- what is feasible to support agriculture?

What is the differential between the tax rate in the AGRP Zone and RR zoning?

Is it possible to create exemption from new valuations that would increase taxes when new investment are made on farm buildings?

If we are going to provide incentives for agriculture, can we also provide incentives for forestry? Additional infrastructure could be helpful to both sectors and offer a positive ROI.

What is the current basis and process for City Council decisions when considering exemptions in the AGRP Zone? Are there other considerations that might be used?

Additionally, the Committee noted that the requirement that livestock must have access to a certain number of acres of land can cause difficulties.

How will data be kept up-to-date?

How can we sustain working farms in Auburn? Some farmers say they lease the land they currently farm and have no hopes of buying additional land since it priced too high. The City will need to develop ways of holding land at its agricultural values.

## **Highlights: Data Book**

## **AUBURN'S LOCAL ECONOMY: AGRICULTURE, FORESTRY, and HOUSING**

*Highlights of the Data Book prepared by Crossroads Resource Center and New Growth Associates*

### **Steady State Economy**

Auburn is an excellent example of a "steady state" local economy. That is to say, the City features a stable set of industries that are not changing greatly, at least at this time. The same could be said about Androscoggin County as a whole.

The population of Auburn peaked in 1960 at 24,449, just before the Agricultural Zone Ordinance was passed. Population has fallen slowly ever since, and now stands at 22,943.

The stability of the City population is reflected in mobility patterns for Auburn residents. Most (82%) remain in their current home, while nearly one in five (18%) moves in a given year. The number of Auburn residents who choose to stay has increased slowly over the past decade, while the number that choose to move has fallen slightly.

Most of those who relocate to Auburn come from somewhere else in Androscoggin County, often moving within the City itself. The number of residents moving to Auburn from elsewhere in Maine, or from other states, have fallen steadily over the past decade, while a small number of residents move in from abroad.

### **Stable Employment, but Also Poverty**

The employment base in the City of Auburn is stable, with 17,666 workers, 11,277 of which live in the City itself (EMSI, 2016). The unemployment rate is 4%, and the median household income is \$46,976. Nevertheless, nearly one of every three people lives in a household earning less than 185% of the Federal Poverty Level. Nine percent of the City's residents do not have health insurance. About half of these residents without insurance (1,373) are employed (Federal Census, 2012-2016).

In Androscoggin County, public sources account for 35% of all income earned. This includes transfer payments such as retirement benefits and SNAP benefits, as well as government jobs (including education).

### **Food Industries are Critical to the Local Economy**

Three of the top 12 industries in the County involve food, with restaurants and supermarkets hiring 3,274 workers, or 6% of the County workforce. However, while Auburn residents spend about \$66 million each year purchasing food, nearly all of this is sourced outside the City, creating considerable financial loss.

### **Viable Farms Require Supportive Infrastructure**

Although the AGRP was formed to protect agriculture in the City, external forces have conspired to squeeze Auburn farmers dramatically. Notably, the City adopted no policies in 1964 that work to promote agricultural markets in Auburn, nor has it invested in infrastructure that would support the farms operating inside the City. It will be difficult for farming to survive in Auburn without such supportive infrastructure and policies.

While we found no data that documented economic conditions for those farming in the City itself, considerable data is available for farmers in Androscoggin County. These 463 farmers lost a combined \$15 million in 2016 — Earning \$42 million less than in 1969, despite doubling productivity.

Currently the largest source of net farm income is renting out land to others who farm, not actually producing crops and livestock. There are notable exceptions with several farms thriving in the City, yet these typically are farms that purchased land or established strong businesses at a time when farming was more profitable, or could draw upon wealth earned independently of farming. Most farm families rely on someone working off the farm to collect health benefits, or to even out the cycles inherent in a seasonal industry shaped by global markets.

As the economics of farming have declined, Auburn has also seen an increase in poverty, as noted above. Tragically, more money comes into Androscoggin County through SNAP benefits (formerly known as food stamps) than from farming itself. SNAP benefits rose from \$2 million in 1969 to \$29 million in 2016 after peaking at \$44 million in 2011.

### **Vegetable Farming and Direct Sales are the Rising Sectors**

Nonetheless, there are signs of new vitality in the farm economy. The main farm sector that is growing right now is vegetable production. This appears to be connected to heightened interest among wholesale buyers to feature “locally grown” (New England) produce across the region.

A number of farms are also selling direct to household consumers. In Androscoggin County, the number of farms selling direct rose nearly tripled from 65 in 2002 to 171 in 2012. This suggests there is strong interest from Androscoggin County consumers in purchasing food direct from nearby farms. Moreover, the City's adoption of a Food Sovereignty Ordinance in 2017 established a commitment from the City to promote community food trade.

### Prime Farmlands are Scattered Throughout the City

Currently, there are 18,931 acres in AGRP Zoning, a considerable portion (45%) of the City's 42,074 acres. City maps available at the Ad Hoc Committee's web site show that prime farmlands are scattered throughout the City, and throughout the AGRP District. However, several interviewees pointed out that some of the best farmland in the City has already been taken out of agriculture for commercial and industrial development.

### Most of the land in the AGRP is now forested

As earlier studies pointed out, the decline of the farm economy encouraged several land owners to let their fields go to forest. This has been the main reason for the loss of farmland since 1964. Currently 74% of the land in the AGRP is forested, with only 13% cropped, as Table 23 shows. This table also shows that the AGRP has successfully restricted development within the District, although considerable land has been removed from the District to allow development so it no longer shows up in these tallies. Data resources are available at:

<http://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy> . Interactive Mapping of land cover, housing development, building ages and other map based data was developed as part of the committees work is available at:

<http://auburnme.maps.arcgis.com/home/webmap/viewer.html?webmap=b9a31e60df3f45b186f2c101013b4b40> . An example of that is below and the interactive map is of a higher quality resolution.

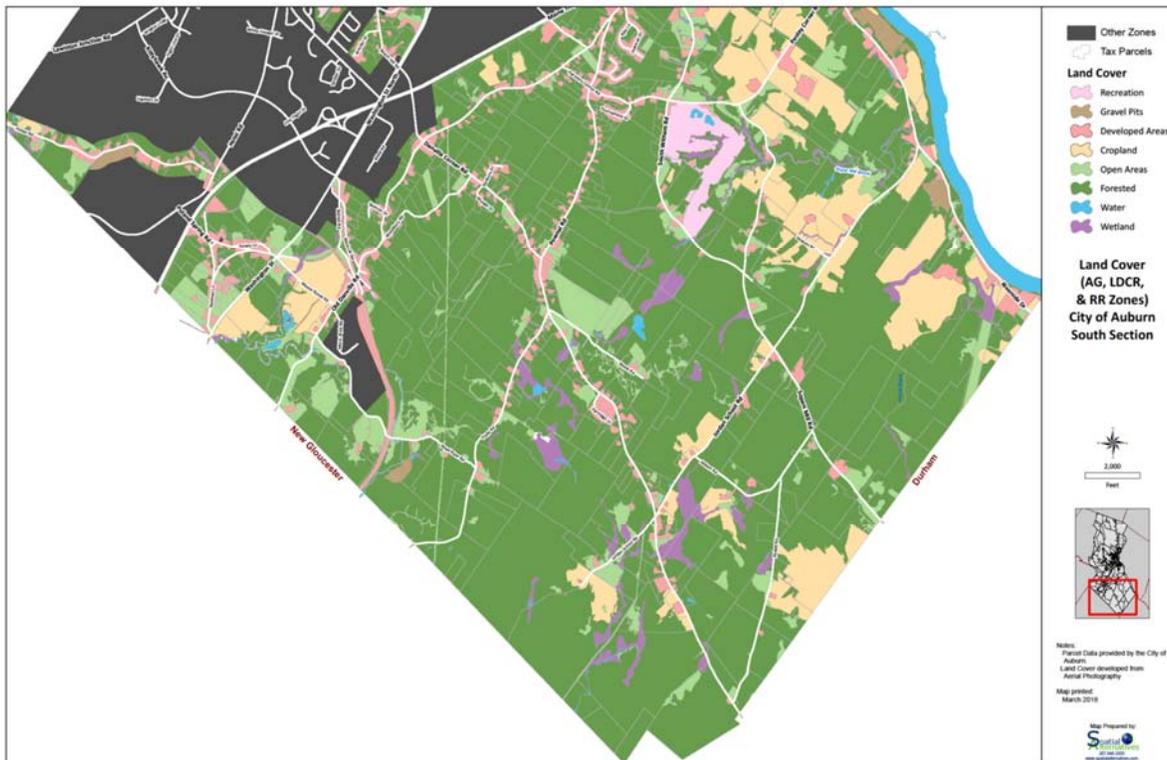


Table 1: Land Cover in Auburn's Outlying Zones<sup>1</sup>

<b>Zone</b>	<b>Land Use</b>	<b>Acres</b>	<b>% of Zone</b>
Ag & Resource Protection	Crop	2,429	13%
	Open	1,494	8%
	Developed	657	3%
	Forested	13,939	74%
	Gravel Pit	194	1%
	Recreation	217	1%
	Total	18,931	100%
Low-Density Country Residential	Crop	206	11%
	Open	166	9%
	Developed	389	21%
	Forested	998	55%
	Gravel Pit	52	3%
	Recreation	10	1%
	Total	1,822	100%
Rural Residential	Crop	298	5%
	Open	600	10%
	Developed	1,145	20%
	Forested	3,550	61%
	Gravel Pit	1	0%
	Recreation	233	4%
	Total	5,826	100%

*Total: 26,579 acres*

*Source: City of Auburn, 2018, based on analysis of 2006 aerial photos.*

City data (Table 24) also show that average lot sizes within the AGRP Zone are quite varied. While lots of 20-50 acres make up the most prevalent parcels, there are nearly as many that are from 1-5 acres.

Table 2: Lot Sizes within Ag & Resource Protection Zone<sup>2</sup>

<b>Lot Size (acres)</b>	<b># of Lots</b>
<1	106
1 - 5	150
5 - 10	113
10 - 20	128
20 - 50	167
50 - 100	85
> 100	34

<sup>1</sup> Note that Table numbers cited here are those used in the original data book.

Source: City of Auburn, 2018, based on 2017 data.

### Forestry in Auburn

Employment in the forestry and fishing sector has remained steady at about 300 for 16 years.

The City of Auburn has 2,681 acres of forestland that have been enrolled in state programs, as detailed in Table 17, below. This includes 41 acres of softwood, 1,368.36 acres of mixed forest, and 173.9 acres of hardwoods on 33 properties that have been registered with the State Farmland Protection program. This land has a total value of \$652,419. Another 1,097.98 acres of Auburn land, including 310.7 acres of softwood, 441.92 acres of mixed forest, and 345.36 acres of hardwoods have been placed into the Tree Growth Program. These combined lands have a combined valuation of \$445,468. It is important to note that these acre classifications are not dictated by zoning but instead by current use, so these data do not reveal which lands are actually in the AGRP Zone.

Table 3: Auburn Properties Enrolled in State Tax Programs, 2017<sup>3\*\*</sup>

	<b>Farmland Program</b>	<b>Tree Growth Program</b>
Orchard (acres)	182.82	-
Cropland (acres)	35.00	-
Pastureland (acres)	1,547.26	-
Hort1 (acres)	10.25	-
Hort11 (acres)	21.20	-
Blueberry (acres)	1.00	-
Softwoods (acres)	41.00	310.70
Mixed Woods (acres)	1,368.36	441.92
Hardwoods (acres)	173.90	345.36
Open Space (acres)	123.60	-
Valuation of Open Space (\$)	\$155,700.00	-
Valuation of Farmland (\$)	\$615,801.00	-
Valuation of Woodland (\$)	\$652,419.24	\$445,468.20
Valuation of Classified Land (\$)	\$1,222,563.24	\$445,468.20

<sup>3</sup> Note that Table numbers cited here are those used in the original data book.

Source: City of Auburn Assessor's Office, 2017. Note that this table covers only land in the City that is registered with the state program, and does not refer to land within the AGRP Zone itself.

The value of land enrolled in Tree Growth is fixed by the Maine Revenue Services, whereas farmland valuations are determined by a local assessor based on state recommendations.

Timber harvest information has limited availability and is likely under estimated due to privacy concerns for landowner information but the sector is significant and could be encouraged to expand or add value. It should be noted that if there were fewer than 3 harvests the data was not included to protect landowner privacy. At the current time there are approximately 30 active forest notifications in Auburn. A harvest summary is on the following page.

**Summary of Timber Harvest Information for the town of: Auburn**

YEAR	Selection harvest, acres	Shelterwood harvest, acres	Clearcut harvest, acres	Total Harvest, acres	Change of land use, acres	Number of active Notifications
1991	95	10	0	105	0	4
1992	351	0	0	351	0	12
1993	255	40	0	295	0	7
1994	309	65	2	376	2	12
1995	243	14	0	257	8	8
1996	235	25	57	317	67	18
1997	155	40	51	246	19	11
1998	256	90	23	369	26	20
1999	668	140	38	846	61	38
2000	204	43	0	247	15	32
2001	591	22	0	613	0	30
2002	505	0	0	505	59	26
2003	349	0	0	349	10	31
2004	777	0	0	777	30	26
2005	342	3	5	350	32	31
2006	539	90	0	629	9	31
2007	524	191	0	715	6	23
2008	587	19	0	606	0	19
2009	705	0	5	710	0	27

2010	627	30	0	657	53	31
2011	511	0	0	511	40.515	35
2012	406.5	58	0	464.5	30	23
2013	396	33	0	429	24	21
2014	105	15	0	120	18	22
2015	381	114	0	495	94	25
2016	487	55	0	542	65	23
Total	10603.5	1097	181	11881.5	668.515	586
Average	408	42	7	457	26	23

Data compiled from Confidential Year End Landowner Reports to Maine Forest Service.

Department of Agriculture, Conservation and Forestry - Maine Forest Service

***\* To protect confidential landowner information, data is reported only where three or more landowner reports re***

### Mineral Extraction, Mining, and Gravel Pits

Mineral extraction, or mining, is largely accounted for in “gravel pit” acres. These include clay, sand, and gravel production, largely for Morin Brick and Auburn Concrete. 10 parcels classified as “Gravel Pit” have an assessed value of \$2,047,876, and generated \$47,080.67 in taxes in 2017, based on information provided by the City of Auburn in early 2018.

### Recreation Uses

According to the Outdoor Industry Association, outdoor recreation generates 76,000 direct jobs, \$8.2 billion in consumer spending, \$2.2 billion in wages and salaries, and \$548 million in state and local tax revenue Maine (Outdoor Industry Association, 2018). Outdoor recreation/ tourism includes, camping, fishing, hunting, trail sports, off-roading, biking, water sports, and snow sports; there are many subcategories in all of the previously listed activities and available research deals more specific activities (Outdoor Industry Association, 2017; Rosenberger, R. et al., 2017).

In addition to direct economic impact, based on consumer spending, as well as the environmental and social benefits listed above there is also a tracked perceived value of the outdoor recreation experience of an individual or group. The economic values that people hold for specific recreation activities are recorded in the Recreation Use Value Database, updated through 2016 and is maintained by Oregon State University.<sup>4</sup> These values can range from \$17 per person per day (backpacking) to over \$100 per person per day (non-motorized boating) depending on the activity (Rosenberger, R. et al., 2017), and are further described in Table 25.

The City of Auburn has already considered the importance of open space for recreation use in an earlier study regarding the Maine Army National Guard Training Facility & Mount Apatite Park from 2010 to 2013. The study was specifically conducted to identify and resolve incompatible land use of the National Guard Training Facility and the Mount Apatite Park, which is a significant outdoor recreation area for Auburn. In this study, recreational statistics were used for mountain biking at the national level, and a regional mountain bike trail system located in East Burke, Vermont, called the Kingdom Trail. This trail contributes an estimated \$5 million a year to the local economy between trail passes, lodging, food, and gear. Maine data for snowmobiling was also consulted. Snowmobiling is an estimated \$325 million dollar industry for the state of Maine. In 2013, season trail registrations topped 44,897 residents and 11,108 non-residents; 3-day non-resident passes exceeded 1,000 (Integrated Planning Solutions, 2013).

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<sup>4</sup> More information on the Recreation Use Value Database can be found here: <http://recvaluation.forestry.oregonstate.edu/database>

Table 4: Economic Value of Some Recreational Activities, Per Person Per Day<sup>5</sup>

<b>Activity</b>	<b>Mean value estimate</b>
Backpacking	\$17.04
Biking	\$98.94
Cross-country skiing	\$36.84
Developed camping	\$22.99
Downhill skiing	\$77.63
Fishing	\$72.63
Hiking	\$78.19
Hunting	\$76.72
Motorized boating	\$42.48
Nature related	\$63.46
Non-motorized boating	\$114.12
Off-highway vehicle use, snowmobiling	\$60.61
Other recreation	\$62.06
Picnicking	\$31.98

*Source: Summary statistics for average recreation economic value estimates of consumer surplus per primary activity day per person from recreation demand studies, values in 2016 dollars, (Rosenberger, R. et al., 2017). Note that these data are not specific to the City of Auburn.*

### Tourism

It is well known that tourism and particularly outdoor recreational tourism is an important economic driver, nationally, at the state level, and locally (Rosenberger, et. al. 2017; Outdoor Industry Association, 2017). Many states funnel millions of dollars towards tourism campaigns and see substantial returns, while local chambers of commerce and tourism bureaus also support tourism for many rural and recreational rich communities. Tourism contributes approximately 21% of the gross state product, which is over \$10 billion, and generates over \$250 million in sales taxes, but these benefits are largely generated by “the 3 L’s- Lobsters, Lighthouses, and L.L. Bean.” That is to say, the ocean communities are generating these economic impacts, and the potential for interior tourism has been largely untapped (Strauss, 2010). Indeed, one evaluation of sports tourism for the Auburn Lewiston area identified a lack of tourism infrastructure and promotion services as a significant weakness of the area (HuddleUp Group, 2018).

### Tax Base Considerations

Farming and forestry tend to require few municipal services, generating far more in property tax receipts than is required to service residential housing development. Table 22 shows the results of studies completed by the American Farmland Trust:

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<sup>5</sup> Note that Table numbers cited here are those used in the original data book.

Table 5: Median Cost of Community Services Provided Per Dollar of Tax Revenue Raised, US, 2016<sup>6</sup>

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

*Source: Farmland Information Center, 2016*

Crossroads Resource Center’s reports state that residential developments, even in dense subdivisions, require more public service than they generate in tax revenue. As the table above demonstrates, the residential cost of community services provided per dollar of tax revenue raised is three times higher than other land uses.

### Historical Perspective

Even as the Auburn population was peaking, one important planner predicted tremendous growth for the city. The 1958 Blackwell Report predicted that the city population would rise to “45,000-50,000 or more by the year 2000.” To accommodate this rise in population, the report recommended allowing housing development along major roadways in rural areas, as well as in the urban center.

To protect the rural quality of life in Auburn, Blackwell recommended setting aside farm and forest areas.

“Generally, farming as a way of life has been declining,” the report stated on page 16. It did not address how the City could protect farmlands in the face of this presumed decline. No specific provisions were offered for agriculture, nor did the report address whether local farms ought to increase production to meet the consumer demand from the population he felt was going to double.

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

The report noted that the “Turner Centre Creamery...north of Auburn, was once one of the largest in New England,” and that the cannery at Skilling’s Corner had closed [page 17-18].

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

Further, the Blackwell report stated that “More future population growth can be expected within Auburn municipal boundaries than in Lewiston, we suggest, because there was in 1957 so much more attractively developable acreage in Auburn, both for industry and for residence” [Page 96].

Section IX of the Blackwell report offers “An Urban Renewal Program for Auburn.” Nothing regarding agricultural or forestry economic development is mentioned [page 110].

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<sup>6</sup> Note that Table numbers cited here are those used in the original data book.

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

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

## Summary of Consultants’ Recommendations:

*Drawn from the Executive Summary of Consultants’ Recommendations Report*

### 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.

Since this report was written, consultants have also concluded that the City may wish to separate its definition of what constitutes a “farm” from decisions about the circumstances under which new homes can be built within AGRP lands. It may wish to develop a set of specific standards that determine when, if ever, a new home may be built, including a possible requirement that for any prime agricultural lands taken out of production, similar farmland must be protected elsewhere in the City.

## **COMMITTEE COMMENTS**

1. On page 9, an Ad Hoc Committee member has noted that Auburn has provided AGRP landowners with an existing and significant tax incentive to help support farms.
2. On page 10, an Ad-Hoc Committee member questions the Consultant's statement that the largest source of farm income is derived from renting out land.

3. Regarding the table on page 13, several Ad Hoc Committee members note that the AGRP property tax rates are so favorable that landowners have little to no incentive to enroll in the state's tax programs. Therefore little of this land is enrolled in programs that offer permanent protections.
4. Page 18, several Ad Hoc Committee members take special note of the information that residential developments, even in dense subdivisions, require more public service than they generate in tax revenue.

## CONCLUSIONS

the option of forming a permanent Agricultural Commission was suggested to the Consultants by Stephanie Gilbert, the Farm Viability & Farmland Protection official with the Maine Department of Agriculture, Conservation, and Forestry. In her professional work, Gilbert has worked with communities across New England.

Her professional experience showed her that communities that had an ongoing Commission (or Committee) to address agricultural concerns were better able to:

- Protect farmland
- Respond to changing conditions over time, and
- Keep agricultural issues visible in the civic discussion.

The Committee endorsed this approach, recognizing that there are no simple answers in any effort to reconfigure agricultural protection. This is true for several reasons:

- The policies to be enacted depend on the purposes the City wishes to uphold by protecting farmland. Policies may aspire to diverse, often competing, goals:
  - To retain legacy farm families on family land we should consider an allowance for family housing
  - To protect historical rural/farming settlements
  - To enable new farmers to launch new farms
  - To create supportive infrastructure that encourages more profitable farms
  - To strengthen existing forestry enterprises
  - To foster new forestry enterprises
  - To protect water quality
  - To protect open space
  - And many more...
- Policies that promote specific goals might frustrate other goals. Tradeoffs are likely, and should be considered carefully with an eye to long-term consequences and fairness.
- Many of the most outspoken advocates for a given land protection policy are often guided primarily by immediate self-interest, while the purpose of the AGRP was to define a set of public interests in protecting farm and resource lands. An ongoing citizen's group must define this public vision and hold policy to it.
- As the AGRP history shows so vividly, regulations that were thoughtfully made at one point in time are likely to require refinement as conditions change. Having a group of residents develop expertise in protecting agriculture and farmland will make it easier to respond effectively to these changes over time. To do this in the future we must also be open to taking advantage of opportunities to access outside or regional expertise in crafting agricultural policies.

As the discussion progressed it was clear that additional careful thought and analysis is needed before significant regulatory changes could be recommended in order to avoid unintended consequences. Given the frustration many residents have felt about some of the decisions about how farmland has been protected (or not protected) in Auburn in the past, the Committee believes that it is not wise to rush into hasty decisions regarding new policies. Any new policies must be thoroughly considered, fair to all concerned, and broadly supported

## REFERENCES

All agendas, minutes, maps, reports, and supportive data are posted on the City of Auburn web site:

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

### Consultants' Reports:

Meter, K. & Goldenberg. M.P. (2017). Auburn's Local Economy: Agriculture, Forestry, and Housing Data Book. Prepared for the Ad Hoc Committee, City of Auburn, Maine, by Crossroads Resource Center and New Growth Associates.

Meter, K. & Goldenberg. M.P. (2018). Recommendations. Prepared for the Ad Hoc Committee, City of Auburn, Maine, by Crossroads Resource Center and New Growth Associates.

## APPENDIX ONE

### **Results of Committee Meetings:**

#### November 16, 2017

Committee Members were introduced to each other.

Initial scoping of Committee's work.

A chairperson and vice chair were elected

#### December 7, 2017

Purposes of Committee was discussed.

Framework for Committee meetings was approved.

Committee voted 6 - 3 to invite one delegate from the Somali Bantu community of farmers {this person declined to participate}.

#### January 18, 2018

Committee narrowed list of priority purposes for reconfiguring AGRP Zoning.

Committee identified priority issues to be addressed.

Committee considered provisions of the Auburn Comprehensive Plan that would need to be addressed.

- Flexibility in Home location on Ag/Residential split zoned lots – This went to Planning Board and then Council. Planning Board drafted a proposal that was recommended to the Council but the Council decided not to act on this change until we had an Ag Study.
- Agriculturally-related businesses including retail and service activities and natural resource industries should be permitted. Consider existing and propose any new related uses.
- The reuse of existing agricultural buildings should be allowed for low-intensity non-agriculture related uses. Consider possible reuse ideas.
- (See 4.B) Residential uses should continue to be limited to accessory residential development as part of a commercial agriculture or natural resource use, not just traditional farms. The criteria for determining when an accessory residential use is permitted should be based on updated standards that take into account the economic realities of today's commercial agricultural activities, including outside sources of income and part-time and small-scale commercial operations. Reviewing individual proposals to determine accessory status could be a role of the AFRC.

- Residential development may also be part of a commercial recreational use as part of a planned development in which the recreational open space is permanently preserved.

February 1, 2018 — Public Hearing

Consultants Presented Auburn Economic Data (Available on Committee web site).

Committee members asked questions about the presentation.

Those is attendance asked questions about the presentation.

February 15, 2018 — Public Hearing

Consultants Presented Recommendations (Available on Committee web site).

Committee members asked questions about the presentation.

Those is attendance asked questions about the presentation.

March 15, 2018

Committee reviewed new maps produced by Auburn GIS staff:

- Zoning Maps
- Current Use Taxation Maps
- Building Age Maps
- Agricultural Soils Maps
- Land Cover Maps

Committee discussed how to make use of economic data and Consultant’s recommendations.

Committee discussed alternatives to the 50% income rule.

Recognition that much of the AG zone and residential zones that allow commercial agriculture are forested:

AGRP land cover	74%	Forested
	13%	Crop
	8%	Open not crop
	3%	Developed
	1%	Gravel Pit

Low Density Country Residential zone (LDCR) – 3-acre min lot size – allows single family – not 2 family

Low Density Rural Residential zone (RR) - 1-acre min lot size – allow 1 & 2 family home

Other data presented at the meeting:

3% of AGRP developed

21% of LDCR developed

20 % of RR developed

61% of RR forested

55% of LDCR forested

April 5, 2018

Committee polled its members to determine which uses should be allowable/not allowed in the AGRP in the future.

Activities the committee would like to see in the AGRP:

\*Agritourism/Special Events

\*Processing or Slaughter facilities should be permitted uses, not special exception

- \*Value added processing
- \*Solar/Wind Farms possibly but mixed feelings and concerns with displacing agricultural uses-may have undesirable consequences
- \*Partnerships
- \*Encourage farm or support/processing infrastructure
- \*incubator farming program
- \*Farm Plot Leases with a simple process that avoids subdivision issues
- \* It is important to encourage infrastructure
- \* Create incentives for agricultural investment -Voluntary Municipal Farm Support Program should be pursued to allow for tax incentives

Activities we don't want to see in the AGRP:

- \*Minimum house size – 700 SF is restrictive – state code recently updated tiny houses, might provide a temporary solution to farm labor housing if allowed but this should be considered by the Planning Board
- \*don't want houses every 250 feet

Concerns: Greenhouse codes restrictive for roof loading requirements –Explore amending the state building code to allow for exemptions for greenhouses

April 19, 2018

Committee further discussed alternatives to the 50% income rule and 10-acre rule.

Committee identified key points and agreements from previous meetings:

- Any changes to the AGRP zone must recognize the overall need to strengthen the agriculture and natural resource economies in Auburn.
- Market is a necessity for any ag business.
- Open space and the rural character of the community are highly valued.
- Land Values are established by real estate market sales.<sup>7</sup>
- Many Maine communities are creating updated agriculture-friendly zoning and Agriculture Commissions (or standing Committees)

Accomplishments by the Committee:

- Agree that strengthening agriculture, forestry, and natural resource sectors of the local economy is important.
- Open space and rural character are important to our community.
- Need to educate community about agriculture.
- Agreement that 50% rule should be changed and voted to change it; no resolution of alternatives though.
- It's difficult to earn a living farming in an unpredictable environment and incentives are needed; must find the best incentives available.
- Data baselines established by the Consultant – How can we increase local food sales as share of grocery purchases (Good Food Council working on a complimentary initiative)

Committee voted to recommend to Council that Auburn create an Agriculture Commission.

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<sup>7</sup> Consultants noted, however, that the price of agricultural land has been kept low through the AGRP policies, and that since the potential development value of the land in the AGRP — if it were developed — is so much higher values.

Committee/Board to address:

1. 50% income standard replacement
2. 10 Acre minimum lot size
3. residential strip depth in rural areas
4. Then use Consultant recommendations as a workplan to move forward on other issues w/ commission

May 3, 2018

Committee discussed strategy for gathering public input on its recommendation to establish a new Agriculture Commission/Committee/ Board.

## **APPENDIX TWO**

[Handout from Terry Dailey, Presented to the Ad Hoc Committee 5.3.18](#)

### **Sec. 60-146.- Dimensional regulations.**

All new single family dwellings in this district shall be subject to to the following minimum lot area requirements:

- The lot must be an existing lot as of December 31st, 2017 consisting of no less than ten acres.
  - The Parcel ID Number, already assigned, will identify the existing lot.
  - An existing lot may consist of acreage that is in another zone.
- Only one single family dwellings is allowed per lot.
- If an existing lot already has an existing single family dwelling on it, a new single family dwelling could be built if the existing single family dwelling was torn down.
- Minimum lot width at street: 250 feet,
- Minimum yard setbacks to building(s):
  - Front: 25 feet
  - Side: 15 feet
  - Rear: 25 feet
- Maximum height of single family dwelling: two and one-half stories with a maximum height of 35 feet from grade.
- Maximum height of any other structures: 65 feet from grade provided the setbacks are increased one foot for each foot above 35 feet.

- If an existing lot is broken into more than one lot the following rules apply:
  - The minimum lot size for each lot must consist of no less than ten acres.
  - The minimum lot rules must be met (such as width    j).
  - All new lots will require a survey by a licensed surveyor and the deed and description will need to be registered with the county.
  - Each lot would be assigned a unique Parcel ID Number.
  - Subdivision rules may apply
  
- If an existing lot is broken into more than one lot, only one single family dwelling will be allowed every 5 years.
  - For example, if an existing 40 acre parcel was divided into 3 new lots each of no less than ten acres, only one of the 3 lots would be eligible to build a single family dwelling the first year. The second lot would not be eligible for 5 more years and so on.
  
- A non-conforming lot is a lot consisting of less than 10 acres.
  
- If two non-conforming lots have the same ownership and are abutting each other, they are still considered separate lots unless the owner makes them one new lot.
  - All new lots will require a survey by a licensed surveyor and the deed and description will need to be registered with the county.
  - The new lot would be assigned a single Parcel ID Number.
  - All new lots must consist of no less than ten acres.

## Build-able Lots:

These are existing lots as of December 31st, 2017 consisting of no less than ten acres. All have an existing ParceiiD Number. Lots that consist of acreage that is in another zone that is already approved for a single family dwelling is not address . Note: A non-conforming lot is a lot consisting of less than 10 acres.

- Jordan Hill Road (between Riverside Drive and Sopers Mill Road): 4 lots plus 2 non- conforming.
- Jordan Hill Road (between Sopers Mill Road and Pownal Road): 3 lots plus 1 non- conforming.
- Jordan Hill Road (past Pownal Road): 4 lots plus 1 non-conforming.
- Sopers Mill Road (from Penley Corner Road to Jordan School Road): 5 lots plus 5 non- conforming.
- South Witham Road (end to end): 1 lot plus 3 non-conforming.
- Penley Corner Road (end to end): 3 lots plus 1 non-conforming .
- Riverside Drive (end to end): 2 lots plus 3 non-conforming.
- Fickett Road (end to end): 7 lots plus 4 non-conforming.
- Pownal Road (end to end): 5 lots plus 2 non-conforming.
- North River Road (end to end): 7 lots plus 1 non-conforming .
- Deer Rips Road (end to end): 1 lot, no non-conforming .
- East Waterman Road (end to end): 2 lots plus 1 non-conforming .
- Turner Road- Route 4 (end to end): 1 lot plus 4 non-conforming.
- Deer Rips Road (end to end): 1 lot, no non-conforming.
- Lake Shore Drive (end to end): no lots, no non-conforming.
- Wilson Hill Road (end to end): 1 lot, no non-conforming .
- Holbrook Road (end to end): 1 lot plus 3 non-conforming.
- Brighton Hill Road (end to end): 2 lots, no non-conforming .
- Hatfield Road (end to end): 1 lot plus 2 non-conforming.
- Perkins Ridge Road (end to end): 6 lots, no non-conforming.
- Jackson Hill Road (end to end): 2 lots, no non-conforming.
- Youngs Corner Road (end to end): 1 lot plus 1 non-conforming.
- Summer Street (end to end): 5 lots plus 2 non-conforming.
- Hatch Road (end to end): 2 lots plus 4 non-conforming.
- West Auburn Road (end to end): no lots, 1 non-conforming.
- Butler Hill Road (end to end): 2 lots, 2 non-conforming .
- West Hardscrable Road (end to end): 4 lots, 1 non-conforming.
- Trap Road (end to end): 3 lots, no non-conforming.
- Royal River Road (end to end): 1 lot, 2 non-conforming.
- Old Danville Road (end to end): 3 lots, no non-conforming.
- Brown's Crossing Road (end to end): 2 lots, 3 non-conforming.
- Moose Brook Road (end to end): 1 lot, no non-conforming.
- Washington Street- Route 4 (end to end): 2 lots, 1 non-

conforming. Total: **85 Build-able Lots** plus 50 non-conforming lots

At least 10 of the build-able lots are in Tree growth, 3 are apple orchards owned by Wallingford, 2 are owned by Morin Brick, 1 is the end of Lost Valley and 1 or more are gravel pits. **Meaning 85 minus 17 would equal 68 Build-able Lots.**

[Handout from Peter Moore and David Landmann, Presented to the Ad Hoc Committee 5.3.18](#)

Start with Economic Building Blocks:

What are Economic Building Blocks?

They are the combination of both tangible and non-tangible resources available in the community from which we can create economic activity and create economic value for ourselves and others in the community. They include physical resources, financial resources, intellectual resources, and demographic realities.

Here is an example:

- Forested land, trees, and their by-products
- Agricultural land – tillable soil, soil nutrients, organic matter in the soil
- Water resources – streams, rivers, lakes and ponds, and reliable annual rainfall
- Proximity and access to substantial population bases (City, county, state, country, international)
- The know-how of land owners, current farmers, other operators with a desire to locate in Auburn
- Existing demand for high quality locally grown and processed products. (Farm to table movement)
- Government support from local, state, and national organizations: (USDA, Maine DECD, Extension Services, Community Colleges and Universities, and others)
- Private non-profit organizations helping to advance an agricultural and forest economy: (Maine Woodland Owners Association, Maine Farmland Trust, other land trusts, MOFGA, Northern Forest Center, Coastal Enterprises Inc., Maine Technology Institute, educational institutions, Maine Community Foundation, various trade/producer organizations, others)
- Private for profit organizations in business to support agriculture and forestry and related enterprises. (Banks, credit unions, Farm Credit, private investors, professional service providers, and more)

How we use these resources, the Economic Building blocks, and how they are used on the land in the Ag Zone is really what this zoning ordinance discussion is all about. Some in the community don't want anything to change, while others want changes immediately. Reaching some kind of consensus about how to meet many, if not most of, the committee member's desires, as well as the goals of the City Council in convening this committee, is the work we are doing now.

AGRP Zone - Proposed Changes:

This list presumes the income or sales test is abolished. Further it presumes that Terry’s model of “one house, per lot, per every 5 years, is adopted.

In addition to the existing permitted or special exception uses currently in the ordinance:

Permitted uses, not related to density:

1. All existing farming, forestry, and agricultural activities.
2. All existing approved uses, under the exceptions provisions of the ordinance.
3. Add, on farm slaughter facilities for livestock raised on the farm. (Cattle, pigs, sheep, goats, chickens, turkeys, geese, ducks, etc.)
4. Add, aquaculture ventures, especially where good water resources exist.
5. Rustic individual campsites and group campsites, year round use for short-term stays.
6. Semi-permanent individual “glamping” cabins and tent platform sites, for short term stays.
7. Put in and take out facilities for water based recreation, such as float tubes, kayaks, canoes, drift boats, etc.
8. Solar energy farms for use on site and with neighboring farms and residential or business participants – sometimes referred to as “Community Solar”.
9. Add, business enterprises that use the onsite economic building blocks of the land: Such as forest related products, stone or quarry products, manufactured food products, fiber products, maple sugar products, woven fiber products, clay products, vermaculture, composting operations, smoked food products, and many others. \_\_\_\_\_.

Permitted uses, subject to special exception *review*:

1. Seasonal tent, RV, or “glamping” campgrounds, with accessory uses, including seasonal uses such as:
  - a. Manager’s quarters and staff housing.
  - b. Maintenance and support facilities.
  - c. Utility hookups.
  - d. Store / snack bar.
  - e. Shower house.
  - f. Sauna, pool, hot-tub, etc.
  - g. Recreational waterfront, for swimming and boating.
  - h. Hiking, nature, or fitness trails.
  - i. Playgrounds and athletic facilities.
  - j. Group event facilities
  - k. Music venues
  - l. Other \_\_\_\_\_.
2. Marinas with dockage, fueling, pump-out stations, and off-season storage, including accessory uses such as: convenience stores for marine related items.
3. Waterfront restaurants and snack bars.
4. Clustered *single* family homes, provided that:
  - a. The overall underlying density is not increased, and
  - b. The undeveloped acreage, used to establish the underlying density, is permanently preserved as either open space, working agricultural land, working forest land, or another permitted use by a non-development easement held by a third party – such as Maine Farmland Trust.

5. Value added enterprises, such as: an events venue, agri-tourism, sawmills and kilns, and related products from the primary agricultural production, and forestry activities.
6. Youth oriented summer camps..

To: Auburn Planning Board  
From: Megan Norwood, City Planner  
Re: Proposed Amendment to the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from a Width of 450 feet to a Width of 750 feet from the centerline of the roadways.  
Date: November 9, 2021

- I. **PROPOSAL:** The Planning Board tabled this item at the September 14, 2021 meeting. There were several members of the public present and some members of the Board wanted more time to think through how this will work in tandem with the updates to the Comprehensive Plan. One possible concession was to use criteria #1, #2, #3 and #6 (see below) to eliminate extending zones out around specific subdivisions and Taylor Pond.
- II. **BACKGROUND:** At the May 17, 2021 City Council meeting, the Council voted to request a recommendation from the Planning Board to expand the residential strips abutting the Ag-Zone from a width of 450 feet to a width of 750 feet from the centerline of the roadways.

The city has several residential strips, primarily in northern and southern areas that split parcels of land between two zoning districts – Agriculture/Resource Protection and either Rural Residential or Low-Density Country Residential. This allows property owners to have a residence in the front of the property, zoned residential, and reserves the back portion of the property as Ag-land. Below is an example in the Trapp Road/Pownal Road area of a Rural Residential strip on either side of the roadways.



By increasing the width of these strips an additional 300 feet, it will provide more buildable area for residential uses in these neighborhoods.

One of the reasons the strips were set to 450 feet was to prevent subdivisions such as the one below on Partridge Lane which essentially cuts off access to the back agriculturally zoned land.



**III. DEPARTMENT REVIEW:**

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

**IV. CRITERIA FOR DELINEATION OF 750 FEET RESIDENTIAL STRIPS**

- a. Setting the boundary to 750 feet on properties that have residential road frontage but wrap behind/around lots less than 750 feet in depth.
- b. Extending the boundary to 750 feet on lots that do not have required minimum road frontage in the residential zone.
- c. Stopping the residential zone boundary at road Right-Of-Way boundary for lots less than 750 feet deep that abut AG/RP zoned roads.
- d. Do not extending zones out to 750 feet from pre-established subdivisions with city roads located in a current residential strip.
- e. Do not extending the zone of Low-Density Country Residential zone out from 250 feet to 750 feet along the west shore of Taylor Pond.
- f. Expand the residential zone to 750 feet along western boundary only along Riverside Drive and update the boundary on the east side of Riverside Drive to match the FEMA 2014 Flood Insurance Rate Maps
- g. 450 feet as is, but if the lot extends beyond 450 feet go to the lot line or 750 feet, whichever comes first.

**V. Other Considerations: Comments & Discussion from the July 27, 2021 Agriculture Committee meeting:**

- Prime Soils (PS) and Soils of Statewide significance (SoSS). Possible ways to accomplish this:
  - Avoid expansion of strips in areas with substantial PS/SoSS. Example area on west side of North and West Auburn Road
  - If expanded without adjustment for soil types, establish avoidance standards for permitting impacts to areas with PS/SoSS
  - Fragmenting Impacts - Driveway Example on Riverside Drive - Proposed location would split active agricultural field into two segments making it difficult to use far side of field resulting in loss of

productive agricultural land. Locating driveway near end of field is possible and would provide access for home and allow farming to continue most of the land.

- Total area of land changed from AG/RP to residential with PS/SoSS should be calculated when maps are completed for consideration while making decisions.
- Total area of AG/RP Land should be calculated when maps are completed for consideration while making decisions.
- Are we moving too fast to consider all impacts? Comp Plan Updates and Lake Auburn Study coming soon.
- Forest Land is also important.
- In areas where Residential/AG boundary is based on old floodplain maps the group generally supports that being updated to new flood maps and using the flood boundary in appropriate areas rather than a blanket 750 feet. This maintains the resource protection aspect of AG/RP and protects active farmland. Examples that came up: Riverside Drive (Androscoggin River Floodplain) and Fletcher Road/West Hardscrabble Road (Little Androscoggin River Floodplain) areas.
- How does this affect hunting?
  - New residence further from roads will have a 300' perimeter of prohibited firearms discharge for hunting per State Law, without owner's permission.
  - Will this cause the city to expand the Prohibited Firearms Discharge area? Not immediately, but possibly over time if density increases and new residents express concerns about hunting with firearms.
- Cemeteries
- Increased Valuation (see below)

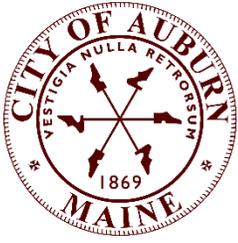
Address	483 W. Auburn Rd	480 W Auburn Rd
<b>Current lot size</b>	9.31	47.09
<b>Residential zone</b>	2.39	4.5
<b>AG zone</b>	6.92	42.59
<b>Land value</b>	54,400	91,200
<b>2020 mil rate</b>	0.02375	0.02375
<b>2020 taxes (attributed to land only)</b>	\$1,292	\$2,166
<b>Estimated value with zoning change</b>		
<b>Lot size</b>	9.31	47.09
<b>Residential zone</b>	4.75	15.2
<b>AG zone</b>	4.56	31.89
<b>Estimated land value</b>	61,600	115,400
<b>2021 mil rate</b>	0.02382	0.02382
<b>2021 taxes (attributed to land only)</b>	\$1,467	\$2,749
<b>Estimated increase in tax dollars</b>	<b>\$175</b>	<b>\$583</b>

**V. PLANNING BOARD ACTION/STAFF SUGGESTIONS:** Using the Criteria for Delineation and other considerations, Staff suggests the Planning Board hold a public hearing, propose any amendments the Board deem necessary and make a favorable recommendation to City Council to expand the Rural Residential and Low-Density Country Residential strips an additional 300 feet to provide more flexibility for residential uses in these areas where feasible.

Mapping Resources:

<https://auburnme.maps.arcgis.com/apps/View/index.html?appid=c9743c4f00524df19dd04ab9704835ab>

<https://www.arcgis.com/apps/dashboards/b5801c2265b142498553d32e96b350a4>



**City of Auburn  
City Council Information Sheet**

**Council Communications Meeting Date:** November 15, 2021.

**Order:** XX-07192021

**Author:** John Blais, Deputy Director Planning & Permitting Department and Eric Cousens, Director of Planning and Permitting

**Subject:** Proposed Amendment to the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from the center line of the roadway to a Width of 450 Feet to a width of 750 Feet or the rear property line, whichever is less. (**workshop**)

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**Information:** At the May 17, 2021 meeting, the City Council voted to request a recommendation from the Planning Board to increase the width of the residential strips abutting the Ag-Zone from 450-feet to 750-feet.

The Planning Board discussed and tabled this item with a vote of 6-1 pending answers to the following questions by the City Council:

- Why was a fixed width utilized instead of following the boundaries of lots that are not as deep as 750-feet and how was the depth of 750-feet identified? **Answer:** See the CC Order that clarified that it was 750' or the rear property line, whichever is less.
- How does this zoning amendment fit with the stated vision in the Comprehensive Plan and in the Comprehensive Plan update to develop from the core out and in a village pattern? **Answer:** The [Supporting Maine's Small Businesses](#) Council and PB have made a significant inventory of walkability market house lots available with recent Form Based Code expansions. This is an attempt to offer additional Privacy Market Rural house lots in Auburn. See attached Salim Firth Memo from Mercatus.
- Why are we discussing this now given that we are going to be receiving a Comprehensive Plan review and corresponding zoning amendments that will address these items? **Answer:** We should not stop ordinance update progress supported by the Com Plan while we wait for the update process unless there is a good reason to do so. Existing and draft Comp Plans support greater flexibility in siting buildings in existing strip areas.

After the Planning Board meeting, Staff began researching the answers to some of these questions and found a recommendation in the 1995-2005 Comprehensive Plan that states the following:

“Low Density Residential “Bands” along Rural Roads.” Some of the “bands” or “strips” of low-density residential development along rural roads have been retained, while others are eliminated or extended. The intent is to reduce the depth of these bands from 1,500 feet to 800 feet to prevent “bubble” subdivisions throughout the rural area.

Amend the Zoning Ordinance by changing the depth of low-density residential district bands along rural roads from 1,500 feet to 800 feet (400 feet each side of the road), except as otherwise noted in specific areas of the Future Land Use Map.”

The 1995-2005 plan further goes on to describe specific neighborhoods within the City and how the “bands” should or should not be adjusted, for example:

“Daville Corner/Pownal Road/Harmons Corner Low Density Residential (South Auburn, Danville)

(Continue Low Density Residential designation with 400 feet of road; retain Agriculture/RP adjacent to Turnpike and in Woodbury Road/Woodbury Hill area; change land more than 400 feet from roads to AG/RP). There has already been low density residential development in this area, including Joatmon Estates and Winchester Heights. It provides opportunities for rural living close to the City, although most future development is expected to be strip development. Water and sewer services are not available or anticipated for the foreseeable future. Development should not be encouraged in interior areas.”

The city has several residential strips, primarily in northern and southern areas that split parcels of land between two zoning districts – Agriculture/Resource Protection and either Rural Residential or Low-Density Country Residential. This allows property owners to have a residence in the front of the property, zoned residential, and reserves the back portion of the property as Ag-land. Below is an example in the Trapp Road/Pownal Road area of a Rural Residential strip on either side of the roadways.

By increasing the width of these strips an additional 300 feet, it will provide more buildable area for residential uses in these neighborhoods.

One of the reasons the strips were set to 450 feet was to prevent subdivisions such as the one below on Partridge Lane which essentially cuts off access to the back agriculturally zoned land.

## **CRITERIA FOR DELINEATION OF 750 FEET RESIDENTIAL STRIPS**

- a. Setting the boundary to 750 feet on properties that have residential road frontage but wrap behind/around lots less than 750 feet in depth.
- b. Extending the boundary to 750 feet on lots that do not have required minimum road frontage in the residential zone.
- c. Stopping the residential zone boundary at road Right-Of-Way boundary for lots less than 750 feet deep that abut AG/RP zoned roads.
- d. **Do not extending zones** out to 750 feet from pre-established subdivisions with city roads located in a current residential strip.
- e. **Do not extending the zone** of Low-Density Country Residential zone out from 250 feet to 750 feet along the west shore of Taylor Pond.
- f. Expand the residential zone to 750 feet along western boundary only along Riverside Drive and update the boundary on the east side of Riverside Drive to match the FEMA 2014 Flood Insurance Rate Maps
- g. 450 feet as is, but if the lot extends beyond 450 feet go to the lot line or 750 feet, whichever comes first.

### **Other Considerations: Comments & Discussion from the July 27, 2021 Agriculture Committee meeting:**

- Prime Soils (PS) and Soils of Statewide significance (SoSS). Possible ways to accomplish this:
  - Avoid expansion of strips in areas with substantial PS/SoSS. Example area on west side of North and West Auburn Road
  - If expanded without adjustment for soil types, establish avoidance standards for permitting impacts to areas with PS/SoSS

- Fragmenting Impacts - Driveway Example on Riverside Drive - Proposed location would split active agricultural field into two segments making it difficult to use far side of field resulting in loss of productive agricultural land. Locating driveway near end of field is possible and would provide access for home and allow farming to continue most of the land.
- Total area of land changed from AG/RP to residential with PS/SoSS should be calculated when maps are completed for consideration while making decisions.
- Total area of AG/RP Land should be calculated when maps are completed for consideration while making decisions.
- Are we moving too fast to consider all impacts? Comp Plan Updates and Lake Auburn Study coming soon.
- Forest Land is also important.
- In areas where Residential/AG boundary is based on old floodplain maps the group generally supports that being updated to new flood maps and using the flood boundary in appropriate areas rather than a blanket 750 feet. This maintains the resource protection aspect of AG/RP and protects active farmland. Examples that came up: Riverside Drive (Androscoggin River Floodplain) and Fletcher Road/West Hardscrabble Road (Little Androscoggin River Floodplain) areas.
- How does this affect hunting?
  - New residence further from roads will have a 300' perimeter of prohibited firearms discharge for hunting per State Law, without owner's permission.
  - Will this cause the city to expand the Prohibited Firearms Discharge area? Not immediately, but possibly over time if density increases and new residents express concerns about hunting with firearms.
- Cemeteries
- Increased Valuation (see below)

This information (together with comments from the City Council) should help provide context to the Planning Board on why this change is recommended and how certain figures were determined.

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**City Budgetary Impacts:** Potential Increased Taxable Value from Additional Dwellings.

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**Planning Board Recommended Action:** The Planning Board recommends that the City Council should not approve the Amendment to the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from the center line of the roadway to a Width of 450 Feet to a width of 750 Feet or the rear property line, whichever is less. The Board voted 5/2 to provide this negative recommendation. This will be scheduled for Public Hearing and Action at an upcoming Council Meeting.

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**Previous Meetings and History:** May 17, 2021 – City Council meeting, June 8, 2021 – Planning Board Meeting July 13, 2021, September 14, 2021, November 9, 2021.

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:** Planning Board Staff Report; November 8, 2021

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

**Pledge of Allegiance**

**I. Consent Items - None**

**II. Minutes – November 15, 2021, Regular Council Meeting**

Motion was made by Councilor Milks and seconded by Councilor Walker to approve the minutes of the November 15, 2021, Regular Council meeting.

Passage 7-0.

**III. Communications, Presentations and Recognitions**

- Communication from Kennebec Behavioral Health
- Communication from Mayor Levesque - Comprehensive Plan-Future Land Use & Strip zone information
- Presentation recognizing the service of Councilor Lasagna (2 terms), Councilor Boss (1 term), Councilor Carrier (2 terms), and Councilor MacLeod (1 term).
- Council Communications (about and to the community)

**Councilor Lasagna** – wanted to give thanks to members of the community that have shown up time after time in support of the work they’ve done. She noted that it has been extremely meaningful and educational for the Council to hear from them.

**IV. Open Session – No one from the public spoke.**

**V. Unfinished Business**

**1. Ordinance 31-07192021**

Amending the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone from the current depth of 450 Feet from center line of the roadway to a depth of 750 Feet from the centerline of the roadway or the rear property boundary, whichever is less. Public hearing and second reading.

Motion was made by Councilor MacLeod and seconded by Councilor Boss for passage.

Public hearing:

Thomas Shields, Maple Hill Road had a number of questions regarding the proposed amendment. Why did Planning Board vote no on this? If a lot expanded 450 from road and add another 300 if the land allows, what is the purpose of that? How many houses and septic systems are going to be put there? He noted that adding further density to those kinds of places is difficult. He also wanted to know many house lots are on the map on the Maple Hill Road and Dillingham Hill Road area.

Fred Holler, 352 West Auburn Road, stated that this was the third time he has attended a public hearing on this and he hasn’t heard anyone that has talked in favor of this proposed amendment.

He said that he feels it is a major change for the city and would like more concern to be given on this matter.

Michael Heskanen, 380 Youngs Corner Road supports the Planning Board's recommendation to not approve this amendment.

Cynthia Alexander, 582 West Auburn Road, thanked the Council for all of the work they do and the time they put in. She stated that she agrees with all of the comments that have been made thus far. Comprehensive plan is focused on growth but doesn't consider all residents and where they are at. She stated that she values her privacy and would not want neighbors to build behind her home, and she would like to know how to get an exemption if this were to pass.

Sid Hazelton, 121 Conant Avenue and Auburn Water District Superintendent, spoke in opposition to the proposed amendments to the Lake Auburn Watershed overlay zone. It would put the filtration waiver at risk. A study was done, and the zone changes were discouraged. A filtration system would cost approximately 40 million dollars.

Susan Brown, 152 Dillingham Hill Road stated that she was grateful that Sid Hazelton spoke.

Scott Alexander, 582 West Auburn Road stated that his land is not suitable for leach field, so his leach field is on someone else's land. By expanding his land to be buildable lot when it is not a buildable lot to begin with. He stated that his taxes would go up but there would be no value to him. He stated that he is very concerned, and very frustrated adding that a lot of thought should be given to how it will be developed.

Mike Parent, 275 Dillingham Hill Road said that he thinks this proposed amendment is discriminating to people who chose to buy and live in those areas.

Kathy Shaw, 1200 Sopers Mill Road said that she has talked to a lot of longtime residents of the city, one person told her that when she first moved here 35,000 acres were protected in the agriculture resource protection zone, now we have approximately 18,000 acres that are protected and they are talking about removing another 1,000 acres. She said she understands why people are frustrated - they are seeing land being taken from them to raise taxes.

Bill Sylvester, 1128 South River Road said he Feels this should be in the comprehensive plan. He serves on the Agriculture Committee and they did not recommend a zone change. He stated that this is a poor time to be making decisions about zoning in any town or city due.

Dan Herrick, 470 Hatch Road stated that he is also frustrated and feels the agricultural resource protection areas are being squeezed out.

Steve Damian, 703 South Witham Road stated that the Planning Board did a good job voting against passing this at this time, adding that he is opposed to the proposed change.

Michael Morrissey, 825 Perkins Ridge Road stated that he is opposed to the proposed change, adding that the proposed changes in the watershed protection zone will poison our water system.

Carl Skilling, 1425 Riverside Drive, stated that people use his land to recreate. He said he did not buy the property to have a bunch of houses around him and he would like the things to stay as is.

Chuck Naum, 968 Perkins Ridge Road stated that he is already at the 750 feet but he does not support proposal adding that we should listen to our Planning Board.

Motion was made by Councilor Gerry and seconded by Councilor Boss to postpone this item indefinitely.

Passage to postpone indefinitely, 4-3 (Councilors Walker, Milks, and Carrier opposed). A roll call vote was taken.

**2. Ordinance 38-11152021**

Amending the Code of Ordinances, Chapter 2, Sec. 2-25 Salaries (Mayor) effective 12/18/2023. Second reading.

Motion was made by Councilor Boss and seconded by Councilor MacLeod for passage.

Public comment – No one from the public spoke.

Motion was made by Councilor Carrier and seconded by Councilor Lasagna to amend by including an effective date of 1-1-2022.

The vote was 3-3-1 (Councilors Boss, MacLeod, Gerry opposed, Councilor Milks abstained) resulting in a tie vote and in accordance with the City Charter, Article III, Section 3.3, the Mayor voted to break the tie vote, voting in favor of the amendment. Amendment passes.

Passage of the ordinance as amended 4-3 (Councilors Gerry, MacLeod, and Milks opposed). A roll call vote was taken.

**3. Ordinance 39-11152021**

Amending the Code of Ordinances, Chapter 2, Sec. 2-382 Salaries of school committee members. Second reading.

Motion was made by Councilor Carrier and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Motion as made by Councilor Carrier and seconded by Councilor Boss to include an effective date of 1-1-2022 and the full amount of \$4,000 annually.

Passage 5-2 (Councilors MacLeod and Gerry opposed).

Passage of the ordinance as amended 6-1 (Councilor Gerry opposed). A roll call vote was taken.

**4. Ordinance 40-11152021**

Amending Chapter 2 - Administration, Division 4 – Planning Board, Sec. 2-466 by adding section (f) compensation of Planning Board members. Second reading.



POLICIES	STRATEGIES	RESPONSIBILITY/DATE
<b>FUTURE LAND USE MAP</b>		
<p>1. <u>Future Growth</u>. Provide an overall framework for guiding future growth and enacting and administering City ordinances.</p>	<p><u>Future Land Use Map</u>. Utilize the Future Land Use Map (shown at the back of this plan) to guide future growth, to establish/revise zoning districts, and to enact, revise, administer and enforce other ordinances. The Future Land Use Map is described on pages 45 through 54 with particular reference to changes to current land use practices.</p>	<p>Planning Board/City Council/Ongoing</p>
	<p>A. <u>General Changes and Provisions</u></p>	
	<p>1. <u>Flood Plains</u>. All flood plains along the Androscoggin and Little Androscoggin Rivers, Taylor Brook, Bobbin Mill Brook and Lapham Brook, except in the core of the City, are included in a Conservation Zone.</p>	
	<p>Amend the City's Zoning Ordinance to include a Conservation Zone and to prohibit residential, commercial, industrial uses and other buildings in the Conservation Zone.</p>	<p>Planning Board/City Council/1996</p>
	<p>2. <u>Village Districts</u>. Three Village Districts are established to support neighborhoods that are remote from the built-up areas of the City, to support the development of traditional New England villages, and to maintain the historic and cultural values of these areas.</p>	
	<p>Amend the Zoning Ordinance to include three distinct Village Zones. Allow citizens in the respective village areas to have input in the types of uses to be allowed in each village consistent with the natural resource limitations of each area. Allow for a different range of uses in each village area.</p>	<p>Planning Board/City Council/1996</p>
	<p>3. <u>Agriculture and Resource Protection District</u>. The Agriculture and Resource Protection District is retained, although the boundaries of the district are reconfigured in a number of areas.</p>	
	<p>Retain the Agriculture and Resource Protection District, but revise district boundaries in accordance with the Future Land Use Map, so as to retain the rural character of the community, to provide a growth control mechanism in order to contain the costs of extending City services, to protect the watersheds and thereby the water quality of Lake Auburn and Taylor Pond, to protect delicate ecological systems (rivers, streams, flood plains, wetlands, aquifers) and to allow resource-based uses such as farming, sawmills, large scale recreation areas, gravel pits and composting facilities which would not be compatible with more urban areas.</p>	<p>Planning Board/City Council/1996</p>
	<p>Change the name of the Agriculture and Resource Protection District to more accurately reflect the broad purposes of the district, while not placing specific emphasis on agriculture.</p>	<p>Planning Board/City Council/1996</p>

POLICIES

STRATEGIES

RESPONSIBILITY/DATE

4. Unique Commercial Corridors. A number of distinct and unique commercial corridors are established. In some cases, these are located in areas designated "cluster development" on the current zoning map. The purpose of these areas is to recognize the development that has occurred, and allow for limited types of development consistent with the uniqueness of each area. (These are now designated in more detail under paragraph B, below).

Planning Board/City Council/1996

Amend the Zoning Ordinance to create distinct, separate commercial corridor districts, with a range of uses and limitations appropriate to each area (for example, allow a wide range of commercial activities on Center Street; prohibit automobile dealerships altogether on Minor Avenue, limit commercial growth on Washington Street to low impact, low density uses until public water and sewer are extended into the area). Address access, parking and screening from abutting uses.

5. Low Density Residential "Bands" along Rural Roads. Some of the "bands" or "strips" of low density residential development along rural roads have been retained, while others are eliminated or extended. The intent is to reduce the depth of these bands from 1500 feet to 800 feet to prevent "bubble" subdivisions throughout the rural area.

Planning Board/City Council/1996

Amend the Zoning Ordinance by changing the depth of low density residential district bands along rural roads from 1500 feet to 800 feet (400 feet each side of the road), except as otherwise noted in specific areas of the Future Land Use Map.

6. Industrial Zones. A number of industrial zones have been created or expanded to meet the City's short and long range needs for high quality, accessible industrial property and to recognize that through the City's efforts, Auburn is becoming one of the most important and successful industrial centers in Maine. The intent is that those areas which are fully served be developed more intensively than areas which are not or will not be similarly served.

Planning Board/City Council/1996

Amend the Zoning Ordinance to create additional Industrial Districts to reflect the range of industrial opportunities, and the limitations of some industrial property shown on the Future Land Use Map.

Planning Board/City Council/1996

Amend the Zoning Ordinance to reduce setbacks along active rail lines for all uses.

Planning Board/City Council/As Needed

If a Turnpike exit and/or a connector road is developed, consider other areas for industrial/commercial development, which areas are currently beyond the planning horizon envisioned by the Future Land Use Map. These areas include the area south of the Turnpike and west of Riverside Drive where utilities can be expected to be extended.

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## FUTURE LAND USE MAP

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- B. Specific Areas on Future Land Use Map - Explanation and Justification. Numbers correlate to numbers on Future Land Use Map on the following page. (Neighborhoods shown in parenthesis in headings)

Explanation/Justification

1. Foster Road/Christian Hill Agriculture/RP (Christian Hill)

(Change from Industrial to Agriculture and Resource Protection). The McKay Farm is located here. This area is not suitable for industrial development because of steep topography, shallow depth to bedrock, the poor condition of Foster Road, and the difficulty of extending services to this area. This area is an important approach to the Airport which should not be threatened by incompatible industrial and residential buildings. This area may be subject to rock mining, an allowed use in the Ag/RP zone.

2. Poland Spring Road Industrial (Christian Hill)

(Continue as Industrial but change small area at foot of Foster Road to Low Density Residential). This is an existing industrial area which has continued to develop. A repair garage and the SPCA are located here, and it is adjacent to an industrial area in Poland. It is capable of being served by utilities extended from either Tambrands or the Kittyhawk Industrial Park, both of which are located nearby.

3. Outer Washington Street, East Side to Stream, Industrial (Danville)

Change from Agricultural/RP to Industrial. This area is adjacent to an industrial area in New Gloucester and has convenient access to a major arterial (Washington Avenue/Rt. 100), the Airport, and the Turnpike. Rail is close by. The topography is good, and there are few development constraints (Moose Brook, which flows to the Royal River, is the only known natural constraint).

4. Outer Washington West, South of Railroad, Industrial (Danville)

(Rural Residential to Industrial). This area is also adjacent to the New Gloucester industrial area, and is home to the ash landfill, a State highway garage, and the I.T. Miller salvage yard. There is good access to the Turnpike and Airport, and the Route 122 bridge provides good access to Hotel Road. The topography is suitable for industrial development. The area along the Turnpike would not be desirable for residential development. This area is best suited to low impact industrial users because utilities will not be available in the near future.

5. Turkey Lane Low Density Residential (Danville)

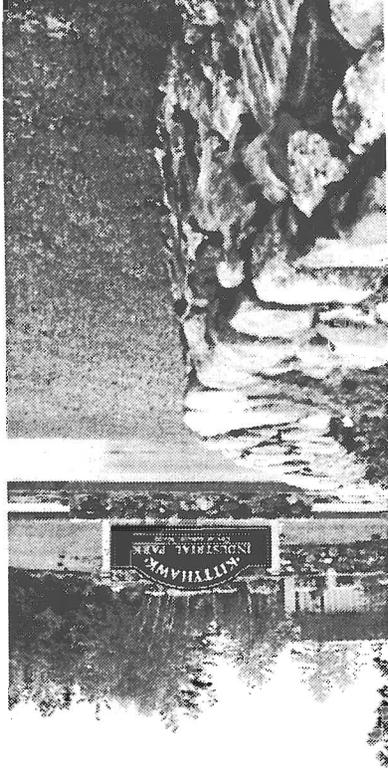
(No Change). This is a well established residential area which includes some neighborhood businesses. It should continue to be a residential area.

6. Turkey Lane/Danville Road Low Density Residential Area (Danville)

(Extend Residential to City limits). This area, which would extend south to the New Gloucester line, already contains several houses. A residential designation would allow additional residential growth in the Danville Junction area.



7. **Morin Brick Industrial Area (Danville)**  
 (No change - retain existing Industrial). The Morin Brick plant is located in this area.
8. **Danville Village Area (Danville)**  
 (Change from Agricultural/RP and Rural Residential to Village). This area currently contains a wide range of uses and other commercial centers and many residents travel to a convenience store in New Gloucester, it would be desirable to allow small convenience stores and similar commercial activities.
9. **Exit 12 Danville Industrial Area (Danville)**  
 (Change from General Business to Industrial and continue as Industrial). This area currently contains a number of industries including Allied Container, Gates Formed Fiber and the Kittyhawk Industrial Park. It is bounded on the south by the St. Lawrence and Atlantic Railroad, and is bisected by the Maine Central Railroad. The area has excellent transportation access including the Turnpike Interchange, Washington Street, and the Kittyhawk spur. It is near the Airport, and water and sewer services are available at the Kittyhawk boundary.
10. **Airport Industrial (Christian Hill, Airport, Marston's Corner)**  
 (Continue Industrial, change small CD area near Turnpike and AG area between Hardscrabble and Little Androscoggin to Industrial). This area already contains a fully developed industrial park, the Airport, the Intermodal Transfer Facility, VPS and P-Con. The topography is flat, there is a full range of transportation services, and sewer and water are available.
11. **Exit 12 Commercial (Danville, South Auburn, Rowe's Corner, Marston's Corner)**  
 (Continue Commercial designation; change CD to Commercial). This area already has a number of businesses including a TV station (Channel 8), the Auburn Inn, Mid State Business College, the Auburn Business Park (a 7-lot commercial park), Oxford Insurance and Hartman Associates. The area is near Exit 12 and would thus be ideal for transportation-related developments. It has a full range of utility services.
12. **Danville Corner/Pownal Road/Harmons Corner Low Density Residential (South Auburn, Danville)**  
 (Continue Low Density Residential designation within 400 feet of road; retain Agriculture/RP adjacent to Turnpike and in Woodbury Road/Woodbury Hill area; change land more than 400 feet from roads to AG/RP). There has already been low density residential development in this area, including Joannon Estates and Winchester Heights. It provides opportunities for rural living close to the City, although most future development is expected to be strip development. Water and sewer services are not available or anticipated in the foreseeable future. Development should not be encouraged in interior areas.
13. **South Auburn Agriculture/RP (South Auburn, Danville)**  
 (Continue Agriculture/RP; reduce low density residential areas along Riverside Drive, Pownal Road and outer Trapp Road. This area is largely rural and undeveloped. The roads are in poor condition. Extensive linear strip development along roadways would result in demands for costly road improvements and other City services. Future growth can easily be accommodated in other parts of the community. If a new Turnpike exit is established, the area adjacent to the Turnpike might be suitable for industrial use.



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## FUTURE LAND USE MAP

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**14. Riverside Drive - Turnpike to Penley's Corner, Low Density Residential (South Auburn)**

(No Change). This is an existing, stable, low-density residential area out to Penley's Corner. The road is in good shape, and the right-of-way is wide. The composting facility is located beyond Penley's Corner. The right-of-way is narrow beyond Penley's Corner.

**15. Carrier Court High Density Residential (Rowe's Corner)**

(No Change). This area is an existing residential area occupied by single family dwellings on small lots. The area was developed as the Carrier Court Subdivision prior to 1971. A neighborhood store is also located here.

**16. Deleko Agricultural Zone (Rowe's Corner, New Auburn)**

(Continue Agricultural). There is a large, active farm which takes up the entire zone inclusive of an area used for a farm implement dealership.

**17. Huston's Field/Winter Oaks Subdivision High Density Residential (New Auburn, Rowe's Corner)**

(No Change). The upper portion of this area has been subdivided into a 181-lot subdivision and a 45-lot subdivision. From a service standpoint, this area can support high density residential development (it is the only area in South Auburn that can support such development). The land is flat, and there are no development constraints. This area would also be an excellent location for a recreational district park.

**18. Ten Commandments High Density Residential (New Auburn)**

(No Change). This is a stable, high-density residential neighborhood with little potential for future growth. The topography is steep, and lots are relatively narrow (100 to 150 feet wide) and deep (1,000 feet).

**19. Riverside Drive/Caron Concrete Commercial (New Auburn)**

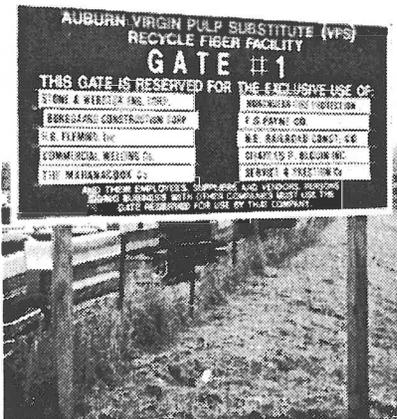
(No Change). There are a number of auto-oriented commercial uses in this area including two body shops and a pizza shop. Traffic volume is too high for residential development. There are two industries in this area (Caron Concrete and a window manufacturer), but it is not suitable for industry because of its mixed use nature including some residential properties and its proximity to the Androscoggin River.

**20. New Auburn Heights High Density Residential (New Auburn)**

(Small Change). This is a stable neighborhood consisting of a mixture of single-family, two-family and multi-family dwellings, a scattering of small retail businesses, and the New Auburn Community Center. This is Auburn's most densely developed residential area. It is also a cultural enclave of Franco-Americans.

**21. New Auburn Central Business District (New Auburn)**

(No Change). This area consists of stable businesses including Curran Bean Sprouts, Cable TV, Barker Arms residential facility, the Auburn Housing Authority offices and the core retail and service business area of Vincent Square are also located in this area. There is little room for expansion, but there may be some opportunities for re-use and redevelopment of existing properties.



22. South Main Street Corridor High Density Single Family Residential (New Auburn, Rowe's Corner)  
 (No Change). This is a predominantly single family, fully serviced, stable neighborhood that is almost completely developed. There are a few businesses in this area that are located in a neighborhood business district, as well as Sherwood Heights School and the reservoir.
23. Broad Street/Vickory Road Low Density Residential (New Auburn, Rowe's Corner)  
 (No Change). This area is largely undeveloped, and consists of fairly rough topography (the area on the other side of Vickory Road was shown on the 1986 land use map as Agricultural). A portion of this area is adjacent to the golf course. Providing road access and services to this area would be costly and difficult. The best use of the area may include clustered pods of residential development. If a new Turnpike access is built, access to the area would be improved, and it would be suitable for higher density development.
24. Prospect Hill Golf Course Agriculture/RP (Rowe's Corner)  
 (Change from Low Density Residential to Agriculture/RP). Changing this area to Agriculture/RP is logical because golf courses are allowed in that zone and it would be adjacent to other agricultural areas.
25. Hackett Road/Witham Road Industrial (Rowe's Corner)  
 (Retain existing Industrial on one half, change the other half from Low Density Residential to Industrial.) Although there are a few homes in this area, as well as Agway and a metal fabricating plant, it is largely undeveloped and would be suitable for a second tier of industrial development after the land to the south has been developed. The Hackett Road area is generally quite flat, and the Witham Road area is gently rolling. Proposed water and sewer expansions would go down through the middle of this area. The Maine Central Railroad is accessible.
26. Beach Hill Road/Hardscrabble Road Medium to Low Density Residential (Beech Hill, Marston's Corner)  
 (No Change). This area, which is served by utilities, offers many opportunities for infill development. Most of the newer development in this area has been medium density development. The topography provides scenic vistas. This area is within a secondary Airport flight path.
27. Martindale Golf Course Agriculture/RP (Beech Hill)  
 (Continue Agriculture/RP, Change Low Density Residential to Agriculture/RP). This area consists of a flood plain and is thus not suited for more intensive development. A golf course is a permitted use in an Agriculture/RP zone.
28. Outer Minot Avenue Low Density Residential (Mt. Apatite)  
 (No Change but reduce depth of zone to 400 feet on either side of road). This area is a stable, low density residential area that has no services. It is bordered by the flood plain of the Little Androscoggin River and does not offer much opportunity for more intensive development.



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## FUTURE LAND USE MAP

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**29. Minot Avenue/Merrill Road Commercial (Mt. Apatite, Littlefield's Corner)**

(Change from Cluster Development to Commercial). This area has a number of scattered commercial businesses, and offers potential for additional development. The topography is suitable (generally flat) and services are available.

**30. Fletcher Road Low Density Residential (Littlefield's Corner)**

(No Change). This area, which is in the flight path of the airport, already consists of low density residential development and, despite the rolling topography, there is the potential for similar, additional development. The area is served by septic tanks, although sewer has been extended as far as Merrow Road. Water has been extended to this area.

**31. Industry Avenue/Merrow Road Industrial (Littlefield's Corner, Mt. Apatite)**

(No Change). There are a number of industries in this area including Pepsi, a gravel pit, salvage yards, Bottoms U.S.A., Shawnee Step, Superior Concrete, a glass recycling plant, and Morris and Sylvester. The land is flat, it is serviced by water and sewer, and Merrow Road provides good transportation access. There are a number of wetlands in this area, but there is room for expansion.

**32. Lewiston-Auburn Railroad Industrial (Rodman, Pride Hill)**

(No Change). There are a number of industries located in this area including Pioneer Plastics, Safe handling, MMWAC, Hammond Lumber, Food Handling, NE Public Warehouse, Consolidated Freight, Saxonville USA, and a CMP substation. While there are some drainage problems, the land is flat, and there is a lot of available land for rail-related industries. The area is served by Washington Street and the Lewiston-Auburn Railroad. All utilities are available.

**33. Washington Street Divided Highway Commercial (Washington Street)**

(No Change). This area consists of mixed use, scattered development. There are no services, and the volume of uses are too low to justify service extensions. The commercial designation recognizes that this area is not suitable for residential development, but would be suitable for low density, scattered site commercial development.

**34. Poland/Manley/Hotel, High Density Single Family Residential (Rodman, Littlefield's Corner)**

(No Change). This is a developing, lower income neighborhood with a number of problems including drainage, flooding, and streets in poor condition. There is a commercial cluster which is inconsistent with the residential nature of the area. The area is served by water and sewer, and there are opportunities for additional development. The City is rebuilding several streets with CDBG funds.

**35. Minot Avenue/Garfield Road Commercial (Stevens Mills, Littlefield's Corner, Mt. Apatite)**

(Change from Cluster Development to Commercial). This is an existing commercial area that includes Trustworthy Hardware, a number of small businesses, and Morton Builders. With the exception of several lots, this area is entirely developed. The area is generally flat and is served by water and sewer. Future development would be limited to the re-use of existing sites.

36. **Minor Avenue/Rodman Road Commercial (Stevens Mill, Pride Hill, Littlefield's Corner, Rodman, Parson's Mill)**  
 (No Change). This is an existing commercial area with some opportunities for infill on Rodman Road. There is a 13-lot commercial subdivision on Rodman. Existing commercial uses include AAA, C.W. Hayden, Hodgkins Company, a car wash, the Taylor Brook commercial area, and the future site of Shaw's Supermarket. Other uses include the Central Fire Station, the Council of Governments, and a Post Office. There are also some clusters of residential development. This area is served by water and sewer and is relatively flat.
37. **Pride Hill Medium Density Residential (Pride Hill)**  
 (No Change). This is a well established, fully developed, medium density residential neighborhood. Continuation of this designation simply recognizes what is already there.
38. **Rotary to Brickyard Circle Commercial (Washington Street, Downtown, Goff Hill)**  
 (No Change). This area is occupied by a number of businesses including Ness Oil, Crystal Springs Bottling, Hodgkins Engineering, and SW Construction. The City owns the old Morin Brickyard, a property which may have major redevelopment potential.
39. **Taylor Brook to First Street - High Density Single Family Residential (Six Corners)**  
 (No Change). This is a fully developed, well established, single-family residential neighborhood. Continuation of this designation simply recognizes what is already there.
40. **Minor Avenue, Taylor Brook to Rotary Commercial (Six Corners, Parson's Mill, Washington Street, Merrill Hill)**  
 (No Change). This is a mixed use area which contains some commercial businesses and a number of large, older homes.
41. **Stevens Mills/Hotel Road High Density Single-Family Residential (Stevens Mills, Merrill Hill, Taylor Pond, Mt. Apatite)**  
 (Continue High Density Residential on western portion, change from Medium to High Density Residential on eastern portion). This emerging, established residential area is fully serviced with water and sewer. More single family development has occurred in this area over the past 15 years than in any other part of Auburn, and there is room for additional development. All but a small portion of the area is outside the Taylor Pond watershed.
42. **Central Auburn High Density Residential (Merrill Hill, Lake Street, Parsons Mills, Six Corners, Union, Center Street, Turner Street)**  
 (No Change except small area of Suburban-Residential to High Density). This is the central, high density residential core of Auburn, consisting of high density single-family and multi-family developments. The growth of this core area was characterized by higher density development towards the central portion, and lower density development towards the outer portions. Many of the City's schools are located in this area. There are a number of large open spaces in this area including Pettingill Park. There is the potential for additional, infill development.

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## FUTURE LAND USE MAP

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**43. Central Business District Commercial (Downtown, Uptown)**

(No Change). This is a stable commercial area which is the heart of Auburn's downtown. There are several vacant parcels which could be used for additional growth, or an urban park for such activities as the balloon festival.

**44. Hatch Road/Garfield Road Agriculture/RP (Mt. Apatite, Taylor Pond, Perkins Ridge)**

(Change Jackson Hill Road from Low Density Residential to Agriculture/RP; reduce Low Density Residential District along Garfield Road to 400 feet each side of road). Mt. Apatite and the National Guard are located in this area. This is an environmentally sensitive area due to topography, shallow depth to ledge, extensive wetland areas, and the potential that any development would increase phosphorus concentrations in Taylor Pond and Lake Auburn. This area is also far from City services, and is thus not desirable as a growth area.

**45. Perkins Ridge Agriculture/RP (Perkins Ridge, West Auburn)**

(Retain AG/RP; reduce bands of Low Density Residential to 400 feet each side of road except for the westerly side of the ridge occupied by the apple orchards). There are a number of orchards in this area that rely on potential residential opportunities to assure financial stability. Areas currently allowed for this potential under apple orchards should be retained. It is poorly suited to development due to the lack of sewer and water services, the poor condition of roads, the use of chemicals in spraying orchards, and the potential that any development would increase phosphorus concentrations in Taylor Pond and Lake Auburn. This area is also far from City services, and there is very little room for additional residential growth. The proposed designation will help Auburn retain its rural character, as well as important view corridors.

**46. West Auburn Road Low Density Residential (West Auburn)**

(No Change but reduce depth of Low Density Residential District to 400 feet each side of road.) This area already contains low density residential development. It is unlikely that this area will undergo much additional development, as many of the residences are located on large parcels (10 or more acres).

**47. North Auburn/Lake Auburn Watershed Agriculture/RP (North Auburn, West Auburn)**

(No Change, but reduce Low Density Residential District along North Auburn Road, and Skillings Corner Road to 400 feet each side of road. This area is within the Lake Auburn watershed. Rather than allow linear roadside development, which would channel runoff directly to the lake, it makes more sense to allow a small village area at the head of the lake (see #48). The Skillings Corner Road is unsuitable for development; land on both sides of the North Auburn Road is part of an active farming operation. Development of this area would be detrimental to water quality, as fields slope to the lake and there are no City services. This area is served by dirt roads which are not conducive to development. Maintaining an agriculture designation will also help preserve The Basin.

48. North Auburn Village (North Auburn)  
 (Change from Low Density Residential to Village). There is a small, mixed use village here consisting of two churches, several small businesses, and a number of homes. A village district could allow a fishing-related business, and a small store in an existing building, but, due to the proximity of the lake, no petroleum products.
49. Lake Shore Drive Agriculture/RP (North Auburn)  
 (No Change). Tabers Driving Range is located in this area. This area is totally within the Lake Auburn watershed. Topography problems, and the lack of any infrastructure, make this area unsuitable for residential development.
50. Maple Hill Road Low Density Residential (North Auburn)  
 (No Change, but reduce Low Density Residential District to 400 feet each side of road). Low density residential development already exists along this road, and there is very little potential for additional growth.
51. Auburn Plains Agriculture/RP (Auburn Plains, North Auburn)  
 (Continue Agriculture/RP designation and change Low Density Residential District along Turner Road and Stone Road to 400 feet each side of road). The existing agriculture area is in the Lake Auburn watershed and is not suitable for residential development. The Turner Road change is based on the existence of a tot lot and cemetery, extensive wetlands, unsuitable topography, and the fact that Gannon Landscaping and Composting is also located in this area. The Stone Road change is based on the fact that Stone Road is a dirt road, it would support little additional residential development, and infrastructure costs would be too high.
52. Old Turner Road Low Density Residential (Auburn Plains)  
 (No Change but reduce Low Density Residential District to 400 feet each side of road). This area is currently characterized by low density residential development, including the 13-lot Chickadee Subdivision.
53. Waterman Road/Gulf Island Agriculture/RP (Auburn Plains)  
 (Continue Agriculture/RP designation and reduce Low Density Residential and Rural Residential along Turner Road to 400 feet each side of road. This is an existing agriculture area (Androscooggin Pond Farm) composed primarily of rolling topography. Central Maine Power owns most of the land. This area cannot easily be provided with services and, because of the extensive provision of commercial areas elsewhere in the community, it would not be suitable for strip commercial development. Efforts are currently underway to focus pedestrian and bicycle facilities in this area.
54. Blanchard Road/Turner Road Low Density Residential (East Auburn, Auburn Plains)  
 (No Change but reduce Low Density Residential District to 400 feet each side of road). This area is currently a low density residential neighborhood with potential for several additional dwellings. The area represents a reduction from the Oak Hill Road area, primarily because there is poor access from Oak Hill Road and therefore no potential for development.

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## FUTURE LAND USE MAP

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**55. North River Road Agriculture/RP (East Auburn, Auburndale)**

(Continue Agriculture/RP designation and change except Low Density Residential along Oak Hill Road to AG/RP). There are several major farms in this area (Keene's, Blackmore's), as well as the Deer Rips Dam and Gulf Island Dam. The topography provides good views, but is not well suited for development. There is virtually no potential for water or sewer services in this area. Efforts are currently underway to focus pedestrian and bicycle facilities and nature trails in this area.

**56. Water District Agriculture/RP (East Auburn)**

(No Change). This area is owned by the Lake Auburn Watershed Commission and is used for fishing. There is one camp on the property. This property is held by the Commission for the protection of Lake Auburn.

**57. East Auburn Village**

(Change from current designation to Village). This is a small mixed use village consisting of a number of clustered dwellings, a school, ballfields, a private club, and a small block that includes Rainbow Bicycle Center.

**58. Central Maine Technical College Medium Density Residential (East Auburn, Gracelawn)**

(Change a small area of Cluster Development to Medium Density Residential and a larger area from Cluster Development to Commercial). This is an existing, stable, compact residential area that also contains Central Maine Technical College, a mobile home park, and the water supply pump stations for Auburn and Lewiston. There is not much potential for additional development in this area.

**59. Gracelawn Road/Summer Street Agriculture/RP (Gracelawn, Lake Auburn)**

(Continue Agriculture/RP designation and change a small area of Cluster Development to AG/RP). This area contains the City's two largest vegetable producing farms, the landfill/brush dump, the City's largest gravel pit, and a cemetery. The area is within the watershed of Lake Auburn, and thus would not be suitable for future residential development.

**60. Hotel Road/Lake Street Low Density Residential (Taylor Pond, Merrill Hill, Lake Street, Lake Auburn)**

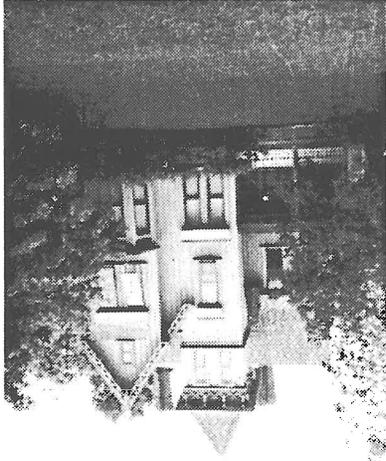
(No Change). This is a largely undeveloped area that is not served by utilities, and is protected by the City's Watershed Protection regulations. A major collector, Hotel Road, passes through the area. The topography is somewhat rough, but there is some potential for low density residential development.

**61. Park Avenue/Summer Street Low Density Residential (Lake Auburn, Gracelawn)**

(Continue Low Density Residential on half; change the other half from High Density to Low Density Residential). There are no utilities in this area, and the extension of sewers would require a pump station. The topography does not favor development and there are drainage problems, particularly in the vicinity of the cemetery. There are a number of old gravel pits in the area.

FUTURE LAND USE MAP

62. Taylor Pond East High Density Residential (Taylor Pond)  
 (No Change). The is a highly developed, fully sewerd area with very little expansion potential. The area is served by a summer water system. The high density designation recognizes what is already in place.
63. Taylor Pond West Low Density Residential (Taylor Pond)  
 (No Change except small areas of wetlands to be Agriculture/RP). This area, which begins at Val-View Drive, contains numerous wetlands. It would not be suitable for high density development.
64. Auburn Mall Commercial (Center Street, Auburndale, East Auburn, Turner Street, Gracelawn)  
 (Continue commercial and change portion from Cluster Development to Commercial; expand slightly to west to include triangle formed by Mount Auburn Avenue and Gracelawn Road). This is one of the City's major commercial areas which includes the Auburn Mall, the K-Mart shopping plaza, BJ's, the City garage, Wal-Mart, and a number of automobile dealerships. Sewer is available to this area. Most of the undeveloped land is located on the east side of Center Street. Stetson Road and North River Road would be good locations for office developments; both roads have water, sewer and gas. The City of Auburn is directing all major commercial activity to this area, in part to discourage commercial strip development.
65. Center Street Strip South of Memorial Bridge - Commercial (Center Street)  
 (No Change). This area is already developed, and utilities are already in place. There is no room for expansion, but there are opportunities for redevelopment. The commercial designation recognizes what already exists.
66. The Highlands High Density Residential (Center Street)  
 (No Change). This is a stable residential area which has several of the City's highest density residential developments. It is fully serviced, and the rolling hills provide good potential for apartment buildings. There are opportunities for infill development in this area.
67. Bradman High Density Single Family and Two Family Residential (Auburdale)  
 (No Change). This is a small, stable single family neighborhood. The Synagogue is the predominant use in this area.
68. Uptown Auburn High Density Residential (Downtown, Uptown)  
 (No Change). This is a fairly stable residential neighborhood characterized by high density multi-family dwelling units. The area is somewhat run-down, and is a Community Development Block Grant target area. There is no potential for infill.



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## LONG RANGE PLANNING

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### GOALS

1. Keep the Auburn Comprehensive Plan up-to-date.
2. Make sure that all City land use ordinances reflect the goals, policies and strategies of this Plan.
3. Insure that public utility providers utilize this Plan to guide any line extensions.
4. Coordinate planning efforts with adjacent towns as appropriate.



*"The densely built-up urban center of Auburn has all the problems of Maine manufacturing cities: dense housing, some of it deteriorated; obsolescent downtown industrial and shopping sites; narrow streets; some fire hazards; some traffic and parking problems, and some surprises in beautiful trees and buildings."*

*1919 Auburn  
Comprehensive Plan*

**LONG-RANGE PLANNING CONSIDERATIONS**

**RESPONSIBILITY/DATE**

**POLICIES**

**STRATEGIES**

1. Comprehensive Plan Implementation. Ensure that mechanisms are developed to oversee implementation of the Comprehensive Plan on a continuing basis.
2. Coordination. Coordinate land use changes with adjoining communities.
3. Ordinance Update. Update municipal ordinances to better plan for the growth of the community.

A. Ongoing Comprehensive Plan Review. Prepare a written report on the yearly implementation of the Comprehensive Plan.

Community Development Staff/Yearly

A. Zoning Changes. Amend the Zoning Ordinance to require that prior to any public hearing on a zoning change that abuts or is in close proximity to an adjacent municipality's border, a copy of the proposed amendments will be sent to the appropriate community with a request for their comments.

Planning Board/City Council/1996

A. Cluster Development. Delete the cluster development zone from the Zoning Ordinance, as this provision has not worked well and is seldom used.

Planning Board/City Council/1996

B. PUD Revisions. Modify the Planned Unit Development Ordinance to be integrated into the existing Zoning Ordinance.

Planning Board/City Council/1996

C. Site Plan Review. Amend the City's Site Plan Review procedures as follows: 1) provide provisions which are more consistent with the provisions of the State's Site Location of Development Law, thus providing a more efficient local review process for administering the Site Law at the local level; 2) Require that building facades be submitted for review so that the Planning Board may comment on signage, building materials, building height and aesthetics; 3) Require that adjacent parking lots be linked, and height and height and or bicycle paths be provided and linked to similar facilities on adjacent properties.

Planning Board/City Council/1996

D. Subdivision Ordinance. Update cross-references to the Zoning Ordinance, and include provisions allowing the Planning Board to require that adjacent parking lots be linked, and that sidewalks or bicycle paths be provided and linked to similar facilities on adjacent properties.

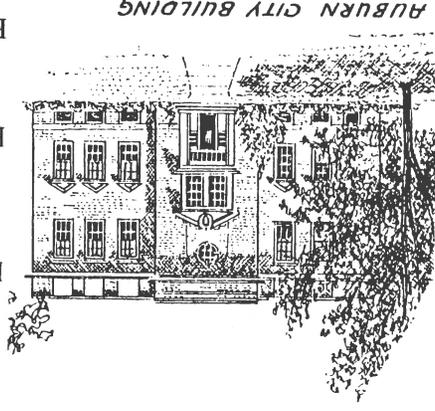
Planning Board/City Council/1996

E. Zoning Ordinance. Update cross-references to the Subdivision Ordinance.

Planning Board/City Council/1996

F. Application Forms. Modify all development forms to better inform applicants of the development review process.

Community Development and Planning/1996



Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDINANCE 16-11182019

**Be it Ordained**, that the Auburn City Council hereby adopts the second and final reading of the proposed amendment to Chapter 60 Section 60-2 Definitions as attached.

#### Sec.60-2. - Definitions

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

*Farm* means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

**Passage of first reading on 12-2-2019, 5-2 (Councilors Gerry and Lasagna opposed).**

**Passage of second reading on 12-9-2019, 5-1-1 (Councilor Gerry opposed, Councilor Walker abstained).**

Sec.60-2. - Definitions

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

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

~~At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and~~

~~At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.~~

Proposed language to accomplish changes recommended by the Planning Board

Sec. 60-145. - Use regulations.

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

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
  - a. At least 30 percent of the total gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30% of Auburn's Median Household Income, according the most recent Census data.
  - b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are ~~substantially~~ 75% completed.
  - cb. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
  - de. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
- (15) Marijuana manufacturing accessory to a licensed cultivation site.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

Proposed language to accomplish changes recommended by the Planning Board

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

Proposed language to accomplish changes recommended by the Planning Board

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

Proposed language to accomplish changes recommended by the Planning Board

- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the total gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30% of Auburn's Median Household Income, according to the most recent Census data: and,

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75% completed: and,

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel can reasonably accommodate the proposed farm.

3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:

4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of Farmland in Title 36 M.R.S.A, section 1102, subsection 4, per year from the sales value of agricultural products as defined in Title 7 M.R.S.A., section 152, subsection 2 in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

Proposed language to accomplish changes recommended by the Planning Board

5. The proposed residence shall be accessory to farming.

6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of Chapter 60 Zoning.

e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019)





## City of Auburn, Maine

Economic & Community Development

Michael Chamings, Director

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# DRAFT

## Planning Board Report to the City Council

To: Mayor Levesque and Members of the Auburn City Council

From: Auburn Planning Board

Re: Proposed text amendments to the Agriculture and Resource Protection zoning District and the Lake Auburn Overlay District

Date: December 3, 2019

The Auburn Planning Board met on December 3, 2019 and held properly noticed Public Hearings on each of the below ordinance amendments; Four members of the public spoke at the hearings. After deliberation the Board provides the following comments and recommendation to the City Council.

Through workshops and review of the Comprehensive Plan in May and June of this year, the Board established five objectives that any amendment to the Agriculture and Resource Protection Zoning District should meet. The Board reaffirmed those objectives for use in reviewing the current proposed amendments at the December 3<sup>rd</sup> meeting.

The Planning Board Objectives for this review are as follows:

1. A Reduction in the 50% income rule should be addressed – it is not appropriate in this era.
2. It does not promote residential use – must remain accessory to agriculture.
3. It must not spur sprawl or growth in rural areas of the City.
4. It must not favor either small-scale or large-scale agriculture – neither should be negatively impacted by a change in the code.
5. Forestry and other conservation use may need to be considered differently, as the unintended consequences have resulted in 75% forested land that is now home to wildlife populations. Large “tree farming” and/or development will push wildlife into farming operations and/or urban areas, resulting in dramatic loss of wildlife populations and hunting grounds.

**Sec. 60-2 Definitions**

Motion by Brian Carrier, 2<sup>nd</sup> by John Engler Vote: 6/0

# DRAFT

Agreement with the proposed definition that is simpler and more easily integrated into overall farm use.

**Sec. 60-145 Use Regulations (a)1. Permitted Uses** Motion by Katherine Boss, 2<sup>nd</sup> by Mathieu Duval Vote: 6/0

The Board finds that proposed language and reduction to 30% meets objectives 1 and 2 but 30% number is not tied to a specific metric or data and is somewhat arbitrary. More information (Farm income data) is needed to determine if objectives 3, 4 and 5 are affected by the changes. The Board recommends that there be consistency in language to define both household and farm income as either gross or net and that information about Auburn specific farms be used in decision making.

**Sec. 60-145 Use Regulations (b)18. Special Exception Uses** Motion by John Engler, 2<sup>nd</sup> by Brian Carrier Vote: 6/0.

The 30% income comments above also apply to this section. With the changes noted below, the Board supports the proposed amendment. The Planning Board finds that the proposed language meets objective 1 and would better meet 2 if amended and should be amended as shown below:

60-145(b)(18)C.3 should be amended to require compliance with the proposed State income standard for Farmland in the two calendar years preceding the date of application for a residence.

60-145(b)(18)C.3 should further be amended to reference the sales amount found “within the definition of Farmland in Title 36 M.R.S.A, section 1102, subsection 4” instead of specifically stating \$2000 so that the \$2000 sales amount remains consistent with the State program if the State changes the dollar amount in the future.

60-145(b)(18)d should be amended to change the January 1, 2018 date to the date of the Mayoral Proclamation for Appointments to form the Ad-Hoc Committee for Auburns Agriculture and Natural Resource Economy. (Staff reviewed the file and that occurred in October of 2017)

Further information would be needed to determine if objectives 3,4 and 5 are affected by the changes. There is a need to look at available income data, specifically considering net vs. gross measurement of income, to inform decision makers.

**Sec. 60-146. Dimensional Regulations** Motion by Brian Carrier, 2<sup>nd</sup> by John Engler Vote: 6/0

The Planning Board objectives do not really apply to this section. The Board recommends that the Council accept this section as written with an amendment that changes section (1)c such that the January 1, 2018 date to the date of Mayor LaBonte’s Appointments to form the Ad-

# DRAFT

Hoc Committee for Auburns Agriculture and Natural Resource Economy. (Staff reviewed the file and that occurred in October of 2017)

**Sec. 60-952. - Use and environmental regulations.** Motion by Brian Carrier, 2<sup>nd</sup> by Mathieu Duval Vote: 6/0

The Board recommends the adoption of this section with an amendment that clarifies that “Residential dwellings” in this section means “Residential Dwellings in the Agriculture and Resource Protection Zoning District” and finds that it protects the drinking water supply as intended.

## Additional Recommendations:

1. That the Council direct the City Manager to implement an evaluation process to track development and land use in the Agriculture and Resource Protection Zoning district moving forward, with the Agricultural Committee. Motion by Katherine Boss, 2<sup>nd</sup> by Mathieu Duval Vote: 6/0
2. That the Council direct the City Manager to have staff review growth and land use changes in the Agriculture and Resource Protection Zoning district with the Agricultural Committee and report to the Council on an annual basis. Motion by Brian Carrier, 2<sup>nd</sup> by Katherine Boss Vote: 6/0
3. That the City Council review all references to “income” in the ordinance and that income be defined in a way that is both clear and consistent. By consistent, this means that if “gross farm” income is used, it should be measured against “gross household” income; If “net household” income is used, it should be measured against “net farm” income.

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Evan Cyr  
Chairperson, Auburn Planning Board



## IN COUNCIL SPECIAL MEETING DECEMBER 9, 2019 VOL. 35 PAGE 114

Mayor Levesque called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All City Councilors were present.

### Pledge of Allegiance

I. **Communications** – Review of Planning Board Agricultural Zone Recommendations presented by Eric Cousens and Evan Cyr.

### II. Unfinished Business

#### 1. Ordinance 19-12022019

Amending Chapter 60, Article XII. Division 4, Lake Auburn Watershed Overlay District, Sec.60-952 & Sec.60-953. **Public hearing and second reading.**

Motion was made by Councilor Fournier and seconded by Councilor Titus for passage.

Public hearing – James Pross, Hershey Hill Road spoke on behalf of the Lake Auburn Watershed Protection Commission in support of this ordinance amendment with the proposed clarifying language as recommended by the Planning Board.

Motion was made by Councilor Fournier and seconded by Councilor Hayes to amend Section 60-952 (b) by accepting the modification recommended by the Planning Board by changing “Residential dwellings” to “*Residential dwellings in the Agriculture and Resource Protection Zoning District*” and by adding that “*at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses*”.

Passage 5-0-2 (Councilors Walker and Gerry abstained).

Passage as amended 5-1-1 (Councilor Gerry opposed, Councilor Walker abstained). A roll call vote was taken.

#### 2. Ordinance 16-11182019

Amending Chapter 60, Sec. 60-2 Definitions in the Agriculture and Resource Protection District (AGRP). **Public hearing and second reading.**

Motion was made by Councilor Fournier and seconded by Councilor Titus for passage.

Public hearing - no one from the public spoke.

Passage 5-1-1 (Councilor Gerry opposed, Councilor Walker abstained). A roll call vote was taken.

#### 3. Ordinance 17-11182019

Amending Chapter 60, Sec.60-145 Use Regulations in the Agriculture and Resource Protection District (AGRP). **Public hearing and second reading.**

Motion was made by Councilor Fournier and seconded by Councilor Titus for passage.

Public hearing - no one from the public spoke.

Motion was made by Councilor Titus and seconded by Councilor Hayes to accept the changes recommended by the Planning board providing clarity by replacing “*total*” (in regards to income verification) to “*gross*”.

Passage 5-1-1 (Councilor Gerry opposed, Councilor Walker abstained).

Motion was made by Councilor Young and seconded by Councilor Hayes to amend Section 18 by changing “*containing greater than five, but less than ten acres*” to “*greater than 6.1 acres, but less than ten acres*”.

Passage 4-2-1 (Councilors Lasagna and Gerry opposed, Councilor Walker abstained).

Motion was made by Councilor Hayes and seconded by Councilor Lasagna to amend Section 18 (d) by changing the effective date from “*January 1, 2018*” to “*October 1, 2017*”.

Passage 5-1-1 (Councilor Gerry opposed, Councilor Walker abstained).

Motion was made by Councilor Hayes and seconded by Councilor Lasagna to amend Section 18 (C) (3) from:

*“The parcel must contribute to a gross income per year of at least \$2,000 per year from the sales value of agricultural products as defined in Title 7 M.R.S.A, section 152, subsection 2, in two of the five calendar years preceding the date of application for Special Exception use approval. Gross income can include the value of commodities produced for consumption by the farm household”* to:

*“The parcel must contribute to a gross income per year of at least the amount required to meet the definition of Farmland in Title 36 M.R.S.A, section 152, subsection 2, in the two calendar years preceding the date of application for special exception us approval. Gross income includes the value of commodities produced for consumption by the farm household”.*

Passage 4-2-1 (Councilors Gerry and Titus opposed, Councilor Walker abstained).

Passage as amended 5-1-1 (Councilor Gerry opposed and Councilor Walker abstained). A roll call vote was taken.

**4. Ordinance 18-11182019**

Amending Sec. 60-146 Dimensional Regulations in the Agriculture and Resource Protection District (AGRP). **Public hearing and second reading.**

Motion was made by Councilor Fournier and seconded by Councilor Hayes for passage.

Public hearing - William Sylvester, South River Road and a licensed Forester with the State commented that we should not forget forestry in this economic equasion.

Motion was made by Councilor Fournier and seconded by Councilor Titus to amend by changing the “*total*” income to “*gross*” where referenced in this section.

Passage 5-1-1 (Councilor Gerry opposed, Councilor Walker abstained).

Motion was made by Councilor Young and seconded by Councilor Hayes to amend Section 60-146 (1) (c) by changing from “*greater than five, but less than ten acres*” to “*greater than 6.1 acres, but less than ten acres*”.

Passage 4-2 (Councilors Gerry and Lasagna opposed, Councilor Walker was out of the room during the vote).

Motion was made by Councilor Titus and seconded by Councilor Fournier to amend by changing the effective date from “*January 1, 2018*” to “*October 1, 2017*”.

Passage 5-1 (Councilor Gerry opposed, Councilor Walker was out of the room during the vote).

Passage as amended 5-1-1 (Councilor Gerry opposed, Councilor Walker abstained).

**5. Ordinance 20-12022019**

Adopting the Agricultural Committee Ordinance. **Public hearing and second reading.**

Motion was made by Councilor Gerry and seconded by Councilor Hayes for passage.

Public hearing –

Steven Beal, owner of a parcel of land in the Lake Auburn Watershed District, pointed out a grammatical error in Section 2-485.2 – Committee established where it states:

*“An Agriculture Committee is hereby established to consist of nine members, seven members shall be appointed by the City Council and shall be residents of the city with highest priority given to selecting members who are actively engaged in agriculture or forestry”* suggesting that it be worded:

*“An Agriculture Committee is hereby established to consist of nine members, of whom seven members shall be appointed by the City Council and shall be residents of the city with highest priority given to selecting members who are actively engaged in agriculture or forestry”*.

Bill Sylvester, South River Road, commented on membership of the committee and if all members should be Auburn residents.

Motion was made by Councilor Lasagna and seconded by Councilor Fournier to amend by adding “*of whom*” as suggested by Mr. Beal.

Passage 6-0-1 (Councilor Walker abstained).

Motion was made by Councilor Titus and seconded by Councilor Young to amend Section 2-485.4 – Powers and Duties subsection 12 by changing from:

*“Should any project in the City require the submission of a farm plan, the committee shall review the farm plan and provide a recommendation to the Planning Board within 30-60 days of submission”* to:

*“Should any project in the City require the submission of a farm plan, the committee shall review the farm plan and provide a recommendation to the Planning Board within 60 days of submission”.*

Passage 6-0-1 (Councilor Walker abstained).

Passage as amended 6-0-1 (Councilor Walker abstained).

### III. New Business

#### 1. Order 141-12092019

Approving the liquor license application for Dee Samer LLC, DBA Aan-Chun Asian Fusion, located at 730 Center Street, Auburn, Maine. Public hearing.

Motion was made by Councilor Lasagna and seconded by Councilor Walker for passage.

Public hearing – no one from the public spoke.

Passage 7-0.

#### 2. Order 142-12092019

Extending the term expiration date for the Recycling Ad-hoc Committee to May 1, 2020.

Motion was made by Councilor Walker and seconded by Councilor Fournier for passage.

Public comment – no one from the public spoke.

Passage 7-0.

#### 3. Order 143-12092019

Approving the temporary liquor license for the New Year’s Eve Auburn Event to be held on 12/31/2019.

Motion was made by Councilor Walker and seconded by Councilor Fournier for passage.

Public comment – no one from the public spoke.

Passage 7-0.