

PROTECTING FARMLAND PROTECTION:  
THE CASE OF AUBURN, MAINE

by

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ABSTRACT. Farmland protection legislation varies in form and effectiveness. Many of the more successful measures are likely to be exposed to increased political pressure when development is curtailed for extended periods of time. This study examines the Auburn, Maine Municipal Agricultural Land Protection Zoning Act that has significantly restricted urban sprawl for twenty years, evaluates the political changes that threatened to destroy its usefulness and reviews the court judgment that protected the development controls.

The encroachment of urban development into agricultural areas is a significant problem in many areas of North America. Continued erosion of the farm sector results in a reduction of the region's ability to produce food and fiber, diminishes the aesthetic character of the rural countryside and may lead to a loss of all farmers if the number of operating units drops below the critical mass needed to support various farm services and markets.<sup>1</sup> A wide variety of farmland protection techniques have been developed to reduce the rate of agricultural land loss. Furuseth and Pierce offer an excellent discussion of the various approaches used in Canada and the United States.<sup>2</sup> Detailed analysis of the problems of implementing farmland preservation in Connecticut<sup>3</sup> and Massachusetts<sup>4</sup> suggest that the major problem is getting legislation enacted. This study examines the difficulty of retaining a program once it has been proven effective as a means of protecting the agricultural land resource.

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Maine does not face the scale of urban growth that confronts more populated regions. An air photo analysis indicates about three-fourths of the State's farmland loss between the 1960's and 1980's was to forest encroachment rather than development pressure.<sup>5</sup> However, many communities in southern and central Maine are experiencing the same level of urbanization common to southern New England.<sup>6</sup> Auburn, Maine is one of these political units.

The City of Auburn is part of the Lewiston-Auburn Standard Metropolitan Statistical Area. It is the shiretown of Androscoggin County (Maine's most agriculturally productive in terms of dollar value). Auburn experienced a population decline between 1960 and 1980 (Table 1). However, the number of households increased during this same period (Table 2). In addition to the housing pressure, Auburn experienced significant industrial and commercial impact as it responded to greater demand from the rapidly growing county population.

By Maine standards, Auburn is a relatively large municipality (39,470 acres) with extensive agricultural activity (Table 3). The rural character of much of Auburn is certainly one of its appealing attributes.

During the early 1960's concern for the cost of urban sprawl and farmland protected resulted in the enactment of a city zoning ordinance that placed large tracts of farmland in an Agricultural and Rural Resource Zone. This 1964 law has been effective in protecting the farm community from extensive urban invasion. The loss of farmland has been slower in the protections zone. The

TABLE 1  
POPULATION TREND

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	<u>1960</u>	<u>1980</u>
Auburn	24,449	23,128
Lewiston-Auburn S.M.S.A.	70,295	72,378
Androscoggin County	83,312	99,657

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Source: U.S. Census 1960 and 1980.

TABLE 2  
HOUSEHOLD TREND

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	<u>1960</u>	<u>1980</u>
Auburn	7,580	8,491
Lewiston-Auburn S.M.S.A.	20,252	23,451
Androscoggin County	26,253	35,233

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Source: U.S. Census 1960 and 1980.

TABLE 3  
AUBURN AGRICULTURE

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<u>TYPE OF OPERATIONS*</u>	(A farm may have more than one activity.)
Dairy	11
Poultry	3
Orchard	3
Fresh Vegetables	3
Beef	2
Small Fruits	1
Other Crops	3
Other Livestock	2

  

<u>PROPERTY VALUATION OF AUBURN'S FARMS**</u>	
Total Value	\$3,107,200.00
Total Property Tax	\$ 77,444.28

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Sources: \*Author, Farmer Survey, 1984 (N=17).

\*\*City of Auburn, Tax Records, 1983 (N=24).

Agricultural Zone contained 43% of the farmland in 1964 but represented only 28% of Auburn's loss to 1980 (Table 4). Only 10% of the farmland in the protection area was lost compared to 17% in the Rural Residence Zone and 25% in other areas (Table 5).

During the two decade period local support from both the urban and rural segments of the population was significant as indicated by the stability of the law. No major changes were passed by the City Council and the farmland protection theme remains an important element of the comprehensive (master) plan. The farm community support is especially important. A 1984 survey suggests that most farmers think the zoning regulations benefit their operation (Table 6). The City of Auburn symbolizes the effectiveness of farmland protection zoning at the local level.

In 1984 shifts in the political character of the City Council resulted in a major threat to the zoning ordinance. Pressure from developers and an orchard owner to open extensive areas of rural land to development resulted in a major attack on the law.<sup>8</sup> The apple farmer was elected to the Council and led a battle to weaken the law. The Planning Board fought to keep the ordinance in its current form. However, when three Board terms expired the Council failed to reappoint members most opposed to changes in the law. These removed members included a dairy farmer who had been effective in protecting the zoning regulations. The three openings were filled by people who appeared more inclined to support the opening of rural areas to development. However, the new Planning Board failed to support changes encouraged by the Council. In the summer of 1985 the Council declined to following the recommendation

TABLE 4  
OPEN AGRICULTURAL LAND USE CHANGE  
IN AUBURN, MAINE 1964-80

ACRES + PERCENT BY ZONE\*

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<u>USE</u>	<u>AR</u> <sup>1</sup>	<u>RR</u> <sup>2</sup>	<u>OTHER</u> <sup>3</sup>	<u>TOTAL</u>
Open Agricultural 1964	2,339(43%)	1,853(34%)	1,252(23%)	5,444(100%)
Lost to Forest	-235(34%)	-307(45%)	-141(21%)	-683(100%)
Lost to Development	- 15( 7%)	- 25(11%)	-177(82%)	-217(100%)
Land Cleared	+ 6(21%)	+ 17(58%)	+ 6(21%)	+ 29(100%)
Open Agricultural 1980	2,095(46%)	1,538(34%)	940(20%)	4,573(100%)
Net Loss	-244(28%)	-315(36%)	-312(36%)	-871(100%)

\*NOTE: In 1964 13% of the City of Auburn was cleared farmland and in 1980 the value was 11%. Forty-one percent (17,715 acres) of Auburn is in the Agricultural and Resource Protection Zone as of March 5, 1984.

<sup>1</sup>Agriculture and Resource Protection Zone

<sup>2</sup>Rural Residence Zone

<sup>3</sup>All other zones

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Source: Air Photo Analysis.

TABLE 5  
OPEN AGRICULTURAL LAND USE CHANGE IN AUBURN, MAINE  
PERCENT WITHIN ZONES\*

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<u>USE</u>	<u>AR</u> <sup>1</sup>	<u>RR</u> <sup>2</sup>	<u>OTHER</u> <sup>3</sup>	<u>TOTAL</u>
Open Agricultural 1964	100%	100	100	100
Lost to Forest	-10%	-17%	-11%	-13%
Lost to Development	-<.5%	- 1%	-14%	- 4%
Land Cleared	+<.5%	+ 1%	+<.5%	+<.5%
Open Agricultural 1980 (1964 base)	90%	83%	75%	84%
Percent Change	-10%	-17%	-25%	-16%

\*NOTE: Total may not equal 100% due to rounding.

<sup>1</sup>Agricultural and Resource Protection Zone

<sup>2</sup>Rural Residence Zone

<sup>3</sup>All other zones

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Source: Air Photo Analysis.



TABLE 6  
FARMER SUPPORT FOR THE  
AUBURN FARMLAND PROTECTION LAW

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<u>RESPONSE</u>	
Yes	10
To some extent	3
No	2

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Source: Author, Farmer Survey, 1984 (N=15).

of the Planning Board and opened large acreages of rural Auburn to development. A citizens group, Citizens to Protect Auburn, was formed to combat the move by the Council. This group argued that (1) the city failed to adhere to its own and statutory public notice requirements in adopting the new zoning ordinance (this was probably a harassing tactic) and (2) rezoning significant areas of agricultural land for housing development is against the intent of Auburn's master plan. Legal action by Citizens to Protect Auburn resulted in a September 1985 court injunction against the Council plan.<sup>9</sup>

In October, Androscoggin county Superior Court Justice R. W. Clifford ruled that (1) the Council had not provided for adequate public notice relative to the ordinance changes and (2) opening portions of Auburn's agricultural zone for residential development was not consistent with the city's comprehensive plan.<sup>10</sup> Thus, the effort of the council to weaken the agricultural protection aspect of the plan failed.

This court decision is a major ruling in Maine in that it confirms the important status of the comprehensive plan as a guide to development and land use control. Municipal governments must adhere to their own comprehensive plan. city administrators often argue that developers and private citizens propose projects that are contrary to the master plan, however, in this example a group of citizens suggested that a municipality was not following its own plan. This decision adds legal significance to the comprehensive

plan in Maine. Some planners think local governments and citizens will view master plans with greater interest than has been the case in the past.<sup>11</sup> With this greater legal weight more thought and careful planning should be focused on local comprehensive plans in the State. Well developed plans are critical to the protection of land use regulations.

The situation in Auburn, Maine represents the complex interplan associated with an effective farmland protection policy and local political action. Programs that are not effective are unlikely to generate much political opposition. The two decades of rural development constraint resulted in the growth of significant pressure for change. Strategies need to be developed to deal with these changing conditions. As more of our farmland protection laws move into their third decade problems such as those confronted by Auburn, Maine will probably become more widespread.

REFERENCES

- <sup>1</sup>For a discussion of the general problem see: M.Lapping, 1980, Agricultural Land Retention: Responses, American and Foreign. In A. Woodruff (ed.), The Farm and the City: Rivals or Allies. Englewood Cliffs, NJ: Prentice-Hall, Inc., pp. 145-178, and J. Timmons, 1979, Agricultural Land Retention and Conversion Issues: An Introduction. In M. Schnepf (ed.), Farmland, Food and the Future. Ankeny, Iowa: Soil Conservation Society of America, pp. 1-11.
- <sup>2</sup>O. Furuseth and J. Pierce, 1982, "A Comparative Analysis of Farmland Preservation Programs in North America," Canadian Geographer 26 (3) pp. 191-206.
- <sup>3</sup>T. Rickard, 1985, "Problems of Implementing Farmland Preservation Policies in Connecticut", Paper presented at conference on Management of Rural Resources: Problems and Policies, Guelph, Ontario.
- <sup>4</sup>United States Department of Agriculture, 1982, Citizens' Handbook of Farmland Retention Techniques for Massachusetts. Boston, MA: Soil Conservation Service.
- <sup>5</sup>J. Benson and P. Frederic, 1982, A study of Farmland Conversion in Nineteen Maine Communities. Augusta, ME: Maine State Planning Office, p. 3.
- <sup>6</sup>P. Frederic, 1985, "Community Characteristics and Farmland Loss in Maine", Paper presented at conference on Management of Rural Resources: Problems and Policies, Guelph, Ontario.
- <sup>7</sup>Auburn, 1985, Year 2000 Plan, Auburn, ME: Department of Community Development and Planning.
- <sup>8</sup>The conflict was debated in the press with vigor. See: S. Pellitier, 1984, "Orchards or Houselots?" Maine Times, 16 (49) pp. 1-5 and B. Washuk, 1984, "Ag Zone Has Saved Auburn Farmland" Lewiston Sun (June 26), p. 5.
- <sup>9</sup>C. Watson, 1985, Planner, Department of Community Development and Planning, Auburn, Maine. Interview.
- <sup>10</sup>Maine, 1985, Clayton Hackett, et al. vs. City of Auburn. Auburn: Androscoggin County Superior Court, p. 17.
- <sup>11</sup>R. Miller, 1986, Director, Department of Community Development and Planning, Auburn, Maine, Interview.