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## Opportunities for Food Sovereignty and Urban Agriculture in Lewiston

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# **Opportunities for Food Sovereignty and Urban Agriculture in Lewiston**

**Larsen Schuster, Eliza Blood, and Oaklea Elfström**

**In Partnership with Jesse Tannanbaum and the Good Food Counsel of Lewiston and Auburn  
As part of the Local Foods Local Places Action Plan**

*May 1, 2020*

## **Executive Summary**

Although there is heightened attention being paid to the importance of access to good, healthy, and locally produced food, there are many barriers and challenges faced by growers in Lewiston's food system. Many of these barriers are in the form of federal, state, and municipal regulations surrounding licensing, permitting, zoning, and land use. Two of the biggest tools available to municipalities to increase flexibility and accessibility in food systems are urban agriculture and food sovereignty legislation. Urban agriculture legislation works towards an increase in food accessibility on the zoning and land use while food sovereignty deals with the licensing and permitting end of food systems. In this report we examine food sovereignty and urban agriculture examples from other municipalities in combination with stakeholder interviews in order to develop a set of recommendations for food sovereignty and urban agricultural reform in Lewiston.

In interviews with local stakeholders, including farmers and other producers, we identified baseline barriers they face in their businesses. We then examined food sovereignty ordinances that have been passed in other Maine municipalities in response to Maine's Food Sovereignty Act. This research informed our drafting of a food sovereignty ordinance for Lewiston by allowing us to identify the vital parts of other municipalities' ordinances. Additionally, we explored multiple cities' zoning and land use codes related to urban agriculture from around the country and compared them with Lewiston's to inspire potential reforms.

We identified several large opportunities for increasing the accessibility of zoning codes in Lewiston including increasing the flexibility of density and setback requirements for bees and chickens on residential properties. Additionally, we recommend the addition of the term "market garden" to Lewiston's zoning codes in order to bridge the barrier between agriculturally zoned areas and residentially zoned areas. We also believe that the creation of an urban agricultural overlay with solid guidelines to limit residents complaints, would allow for agriculture to thrive in this urban setting. The suggestions outlined in this report and in our deliverables are meant to guide the Good Food Council of Lewiston and Auburn and eventually Lewiston city staff towards making improvements in food accessibility, the local agricultural economy, and food security within the city.

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## **Introduction**

Over recent years in the United States there has been an increasing amount of attention paid to the importance of local food and local food movements. The conversation surrounding food systems has recently become more about the inalienable rights of every citizen to have access to healthy, locally produced food. We've seen movements aimed at getting SNAP benefits accepted and even incentivised at farmers markets, community share programs, and other programs designed to make locally produced food accessible for communities nationwide (SNAP). Climate change and growing global populations are posing challenges to the ability of global food systems to feed the world. Given this, local food systems have begun and will continue to grow in importance as main sources of food for many communities. Additionally, the current crisis of COVID-19 at hand has also increased the need for accessible local foods, especially within cities (Schipani). During times like these, where even walking into a supermarket can put you and your family at risk, the world is realizing how valuable the right to grow and access locally produced, safe, and healthy foods is to everyone, regardless of peoples' background.

Despite the increased attention surrounding local food, there are many barriers limiting its accessibility, both in terms of food production and consumption. Many of these barriers are the unintended consequences of regulatory legislation implemented by federal, state, and local governments. Much of this legislation was designed with good intentions, such as public health regulations to protect the purity and safety of locally-grown food. However, many of these regulations, backed by large-scale agricultural corporations, may have underlying goals of limiting the expansion of small farms in order to reduce competition. Whether intended or not, these barriers make it very difficult for some local food systems to thrive. For instance, the cost of licensing to build greenhouses and hoop houses in many towns is so prohibitive that it limits the production capacity of many small and medium sized farms bringing in less revenue to support the future of these operations. Additionally, many prohibitive zoning laws prevent even small scale gardening or the raising of livestock for subsistence or commercial purposes on residentially zoned land.

The biggest tools that are accessible to municipal governments are already in place to lift some of these barriers are food sovereignty and urban agriculture legislation. Food sovereignty legislation, under the Maine Food Act, deals with the deregulation of licensing and permitting laws. Urban agriculture deals more with zoning laws that can be amended or changed to better suit this priority within Lewiston. Together, these tools can be implemented in order to achieve targeted deregulation, lifting barriers in local food systems.

### Maine

On November 1<sup>st</sup>, 2017, Maine became the first state in the nation to enact a Food Sovereignty Act (Linnekin). Known as “An Act To Recognize Local Control Regarding Food System,” its mission is to localize food systems by allowing municipalities to regulate food production, processing, consumption, and producer to consumer exchanges (Bayly). It allows homeowners and farmers to sell non-meat products out of their home without having to receive a license from the state (Bayly).

Prior to the enactment of the Maine Food Sovereignty Act, the Maine Department of Agriculture, Conservation, and Forestry was in charge of enforcing and promoting food safety and distributing licenses to homeowners and farmers (SNAP). Drafted with large farms and processing facilities in mind, this old legislation required all farmers to have an on site processing facility to sell poultry, and a dedicated milking room to sell milk (Wright).

The Maine Food Sovereignty Act places the liability of ensuring that food being sold is safe on the municipality and expedites the licensing process. The Food Sovereignty Act has allowed many small farmers to sell dairy products, produce, baked and canned goods, and cider without having to invest in a costly processing facility or milking rooms. While meat and poultry are still required to be processed in a state licenced slaughterhouse, farmers with less than 1,000 birds are allowed to process and sell poultry (Wright). Previous food legislation in Maine was drafted to appeal to large scale food producers which had many unintended consequences on small scale producers. The Food Sovereignty Act essentially scales this process back and amends existing legislation.

## Lewiston

Since 2017, the Food Sovereignty Act has been adopted by 74 municipalities in Maine including Auburn (Bayly). Despite its adoption by other Maine municipalities, Lewiston has not enacted the Food Sovereignty Act. In Lewiston, it was reported that over 22% of people fall below the federal poverty level in Maine (SNAP). Food security is a problem in Lewiston and the amount of people eligible for SNAP benefits is double that of the state average (SNAP). One study of Lewiston commented on the inaccessibility to economical fruits and vegetables within the city (SNAP). Lewiston is mainly characterized by urban areas, therefore urban agriculture has been identified as a potential way to increase access to fruits and vegetables, and thus, to increase overall food sovereignty. In Lewiston there are many barriers in the local food systems that we will discuss later in the report. Our community partner, Jesse Tannanbaum, had his farmstand taken, preventing him from selling his produce onsite. The legal infringement that was cited was parking as there was no on site parking lot. Laws like this make it difficult for farmers and other producers to grow food and to reach customers in Lewiston.

## **Our Project**

The groundwork for the move towards food sovereignty in Lewiston has already been laid by the diligent work of the Good Food Council of Lewiston Auburn and Jesse Tannanbaum. Additionally, in 2018 a comprehensive food policy audit of Lewiston was conducted by another Bates College capstone group providing a context for the current state of food system related policies in Lewiston. The Local Foods, Local Places Community Action Plan in Lewiston and Auburn sets out to create more economic opportunities for local farmers and businesses, better access to healthy, local food, especially among disadvantaged groups and to revitalized downtowns, main streets, and neighborhoods (Androscoggin). The second broad goal of this plan is to integrate local food and agriculture into city planning and economic development strategies. This project sets out to tackle two of the actions under this goal; action 2.1, to pass a food sovereignty act for Lewiston, and action 3.3, to pass an urban agriculture ordinance for Lewiston.

**Aim**

- To use information gathered through stakeholder meetings and previous food sovereignty examples to propose a legislative strategy to cite a Lewiston specific food ordinance to benefit growers and other producers.

**Objectives**

- To identify avenues, opportunities, and conflicts in creating a Lewiston Food Sovereignty Act.
- To identify avenues, opportunities, and conflicts in creating a Lewiston Urban Agriculture Zone.

**Deliverables:**

- Draft language for local food sovereignty and urban agriculture ordinance for Lewiston that reflects the perspectives and interests of the entities described above.
- Produce a body of recommendations for how to achieve this legislative framework.

**Methodology**

Community Partner: Jesse Tannenbaum from Eli's Homestead:

Our community partner Jesse Tannenbaum is a member of the GFCLA (Good Food Council of Lewiston Auburn) and owner of the local farm Eli's Homestead. Three in person meetings were held with Jesse and further communication took place over the phone or email. Jesse laid the foundation for our project by providing us with first hand examples of zoning legislation that is restrictive to local farmers and matched us with other Lewiston farmers and officials to speak with.

### The Intersection of Food Sovereignty and Urban Agriculture:

In order to move forward with the project, it was crucial that all group members gained an understanding of food sovereignty and urban agriculture and how the two interact. Food sovereignty was researched, initially on a broad scale, then refined down to Maine's Food Sovereignty Act and municipalities that have instituted the act. Furthermore, urban agriculture as an avenue that promotes food sovereignty was researched.

### Contacting Local Farmers:

After compiling a list of Lewiston farmers, food processors, and other related informants, the informants were contacted via email asking them to participate in a survey. Julia Harper provided us with a list of additional local farmers from the GFCLA's database. The survey consisted of six questions where informants could express challenges surrounding municipal land use restrictions, licensing requirements, or other restrictive ordinances (Appendix 1). Informants were also given the option to answer the questions over the phone if they preferred.

### Research Lewiston's Food System:

While farmers were able to voice challenges related to Lewiston's zoning, permitting, or health codes, further research was required to fully understand Lewiston's food system. Relevant ordinances were reviewed in order to highlight restrictions to local producers. Furthermore, The Lewiston Food Policy Audit was analyzed to gain a better understanding of conflicts to create a Lewiston specific Food Sovereignty Act.

### Research Maine Municipalities with Existing Food Sovereignty Legislation:

Today, there are 74 Maine municipalities that have enacted a Food Sovereignty Act. Of these 74, Auburn, Brownfield, Fairfield, and Bucksport were selected for closer examination based on their proximal geographical locations to Lewiston or similar population size. After acquiring the contact information of several Auburn farmers from the GFCLA, an Auburn specific survey was sent out to these farmers in order to identify the strengths and weaknesses of

Auburn's food sovereignty ordinance (Appendix 2). Food sovereignty ordinances from each municipality were analyzed and compared, to inform Lewiston's legislative process.

#### Urban Agriculture Ordinances:

Somerville, Massachusetts; Madison, Wisconsin; Cleveland, Ohio; and Buffalo, New York were noted as locations that have effective existing Urban Agriculture models. Urban agriculture ordinances from each city were analyzed and compared. Deletions, amendments, and additions that these new urban agriculture ordinances made to establish themselves were noted to inform the implementation of a similar ordinance in Lewiston.

#### Categorizing Findings:

Findings from interviews, surveys, food sovereignty ordinance comparisons, and urban agriculture ordinances were categorized based on common themes. Throughout our interview process notes and transcripts from our interviews were electronically recorded for later analysis. During the analysis process, themes from interviews were identified and grouped together to qualitatively code the responses. Doing so allowed us to provide supported evidence on the needs and desires of food producers in Lewiston. Findings from food sovereignty ordinances were categorized based on similarities between the documents in terms of language, content, and structure to be referred to when drafting Lewiston's food sovereignty legislation. Urban agriculture ordinances were coded based on the specific zoning or permitting codes and subjected to a comparative analysis. For example, Somerville's Urban Agriculture Ordinance states that hoop houses and greenhouses are exempt from the permitting process if they have a removable roof and are less than 6 ½ feet tall, whereas hoop house and greenhouse restrictions are different in Madison, Cleveland, Buffalo, or Lawrence. These intricacies were coded by the municipality in order to compare each strategy and in order to develop ones that will be most effective in Lewiston.

### Contacting Lewiston City Officials:

Before drafting Lewiston Food Sovereignty legislation, we spoke with Lewiston lawmakers involved in zoning or food code in order to understand the process of proposing potential legislation. Through these conversations we identified additional roadblocks to the development of a Lewiston Food Sovereignty Act. Furthermore, developing a relationship with these officials puts food sovereignty on their radar and increases the likelihood of this ordinance being enacted.

### Draft Ordinances and Recommendation:

Bringing together the knowledge that we have gained through background research on food sovereignty legislation in other municipalities around Maine, analysis of the current state of food-related legislation in Lewiston, interviews with local producers, and discussions with lawmakers we drafted a Lewiston Food Sovereignty Act. In order to do this, we identified the places where the needs of producers and the requirements of the legislative body of Lewiston have potential to meet in a collaborative space. We then drafted language for a food sovereignty act and our recommendations moving forward with food sovereignty and urban agriculture reforms in Lewiston.

## **Results and Discussion**

### **Lewiston and Auburn Food Accessibility Survey**

As stated in our Methods, we conducted two surveys: one for Lewiston producers and residents and one for Auburn producers and residents. Our Lewiston survey provided us with a greater understanding of what Lewiston residents consider to be limitations and barricades to urban agriculture and food sovereignty in the city in order to orient our research moving forward. Our Auburn survey allowed us to understand the impact of the enactment of Auburn's food sovereignty ordinance from the perspective of growers and consumers.

### Lewiston Food Accessibility Survey

While we did not end up getting a large number of responses from the participants whom we emailed, we did gain some valuable knowledge from these interviews. From the Lewiston survey results there were issues with on-site food sale, the ‘legal’ building of hoop houses and food delivery, that were cited by a member of the New Roots Cooperative and by a Bates Dining staff member.

These two interviewees also expressed their frustration for the lack of consideration that the city of Lewiston pays to small scale farms and food processors. New Roots discussed their interest in eliminating restrictions that limit the raising of livestock, food processing and packaging and limit the allowance of having a home on agricultural land.

### Auburn Food Sovereignty Survey

We only had 2 responses from the Auburn Farmers Food Survey. These two farmers expressed their awareness and support for the passing of Auburn’s food sovereignty ordinance. These farmers stated that this ordinance has allowed them to create more markets for their produce as well as give them a better image and community-wide support for locally produced food. While this synthesis of this data is not extremely in depth, it emphasizes how the enactment of Auburn’s food ordinance has been positive and helpful to producers and processors, as it could also be within the city of Lewiston.

### Conclusions Drawn From Both Surveys

While we did not receive the number of responses that we were hoping to receive from both of these surveys, we were able to supplement some of this feedback with interviews that we had with Lewiston city staff members, our community partner, Jesse, Lewiston planners and Auburn city staff members. From all of this data, we determined that there is a need for changes in Lewiston’s zoning code when it comes to urban agriculture and food-sale, as stated previously. Additionally our survey responses lead us to believe that the food sovereignty

ordinance that was enacted in Auburn has increased consumers' accessibility to local food and in turn allowed for a more healthy, communal food system to exist within this municipality.

This encouragement from Auburn farmers provides hope for the changes that can happen if Lewiston adopts a food sovereignty ordinance.

## **Urban Agriculture**

As previously mentioned in our report, Lewiston has regulations in its city code that have prevented it from passing a Food Sovereignty Ordinance. In a similar way, these regulations have also limited the city's ability to offer more urban agricultural opportunities to the community. Our results section of this report will identify and synthesize these barriers and roadblocks that exist within the Lewiston city code.

### Land Use Regulations:

The Lewiston Food Audit highlighted many barriers that producers and growers face in Lewiston. Many of them are related to limitations in land-use regulations. For instance, the zoning tools do not include language to support commercial urban agriculture operations on small plots and residential lands. This provides limitations to developing small-scale urban agricultural projects from flourishing in Lewiston.

Similarly, there are no tax incentives for working farmland, meaning that potential and existing farmers are motivated to invest their time and money into agriculture. On top of this, there is limited flexibility for food processors to engage in minimal on-site processing, meaning that they have to find off-site markets where they can sell their goods. This off-site sale requires the producer or processor to own a car or have access to public transportation that can bring them to their market. Additionally, this means that these producers' may struggle to gain a loyal followership.

The final land use regulation that was cited by the Audit was the fact that Lewiston's zoning tools do not include language to support non-commercial community gardens on private land. This means that non-commercial community gardens can only exist on public land, if allowed by the state. All of these land use regulations discourage Lewiston residents and

producers from investing their time and money into urban agriculture for fear of having their operations be shut down by the town.

#### Business and Food Sale Regulations:

The business and food sale regulations present in Lewiston’s city code are also very discouraging to existing or prospective producers and processors within the city. Similar to the land use regulations stated above, this section of the code restates that Lewiston does not allow for on-site sale of products by urban agricultural operations. Again, this means that producers and processors must find off-site markets where they can sell their goods, instead of setting up farm stands on their property. This drags the consumer away from the source of their food, which can alter the relationship that consumers have with their locally sourced food, as they don’t necessarily know where it's coming from.

To complement this regulation the code also does not allow for the sale of value-added products on residential property, which again emphasizes the requirement of access to off-site markets. On the topic of value-added goods, the code does allow for the sale of value-added products, but does not allow for the sale of unprocessed farm products. This is noted for food safety purposes as these unprocessed farm products do not have a food safety inspection before they are sold, meaning that they can infringe on their consumers' health.

The last regulation cited in this Audit had to do with the practice of Beekeeping. Lewiston’s zoning code does not allow for small-scale beekeeping on residential land. This means that beekeeping can only exist on agriculturally zoned land which limits the number of beekeeping operations, thus limiting the number of available bee-produced products to the public sector.

Figure 1. Urban Agriculture Comparison

Land Use	Lewiston	Cleveland	Madison	Buffalo	Summerville
<b>Community Garden</b>	- Permitted in all districts besides the Resource Conservation District - No larger than 2,000 sq. ft. unless in Rural Ag. District	N/A*	- Permitted - No other information available	- Permitted in all residential districts - No other information available	- Permitted in all residential districts - No sale of produce allowed

	- Sale of produce is not permitted - Permit required				
<b>Market Garden</b>	N/A	N/A*	- Conditionally permitted in residential districts	- Permitted for single family dwellings	N/A- However, sale of produce is allowed as an accessory use of a residential property
<b>Cold Frames and Hoop Houses</b>	N/A	N/A	N/A	- Permitted - Must comply with accessory uses and standards	- Permitted in all districts - No taller than 6.5 ft - 1 ft setback from lot line - covers must be removed when not in use
<b>Farm Stands/On-Site-Sale</b>	- Only permitted in the Rural Agricultural Zone - May 1st - December 1st - Must be less than 500 sq. ft.	- Conditionally permitted in all districts - No more than 2% of land - Must be 18 inches from property line	- Permitted or conditionally permitted in all districts	- Permitted in most districts up to 10 hours per week - limited to 1 stand	- All districts - May - October, 3 days per week and less than 25 days a year - less than 50sqft and cannot disrupt pedestrian/traffic flow - 6 sq ft
<b>Chickens</b>	- 6 hens per lot (no roosters) - Only permitted in single family dwellings - Must be 20ft from property line - No sale of products - Must be fenced in at side or back of property	- 1 hen for every 800 sq ft - 5 ft from side property line and 18 inches from back property line	- Hens permitted in all districts	- 1 hen for every 1,000 sq ft - 10 ft from dwelling and 5ft from interior or side property line - 4sqft foraging space and 2sqft coop space per hen	- 6 hens per lot in any residential lot - must comply with accessory setback requirements
<b>Bees</b>	- 2 hives per quarter acre and no more than 8 on an acre or more - at least 100 ft from any dwelling not occupied by beekeeper - Freshwater must be kept on site	- 1 hive for every 2,400sqft for residential zones - 5 ft from property line and 10 feet from dwelling in other parcel - freshwater must be on site	- 6 hives per lot in all residential zones - 3 ft from property lines, 10 ft from sidewalk, 25 feet from dwelling in other parcel - freshwater must be on site	- Must be 500sqft of unobstructed ft per hive in all residential lots - 5 ft from property line	- Permitted in all residential lots - 3 ft from property lines and 20ft from dwelling in another lot

This figure examines the different land use codes across Lewiston, Cleveland, Madison, Buffalo, and Summerville. \*Cleveland does allow for both market and community gardens in their Urban Garden District.

In order to identify opportunities for change in Lewiston's current land use zoning codes we highlighted several important land use activities and compared Lewiston's codes on these

land uses and compared them to other municipalities (Figure 1). The most predominant trend we identified was that Lewiston's land use zoning codes tend to be more limiting than the other municipalities we examined. These limits include strict politics surrounding setbacks, animal density, and on site sale. Though many of the municipalities we explored have higher population densities than Lewiston (though we do recognize that areas of Lewiston have the highest density in Maine), many of their land use policies are far more accessible than Lewiston's. For instance, Lewiston required a 100 ft setback from a bee colony to a dwelling in another parcel, where Cleveland only requires a 10 ft setback and Madison a 25 foot setback.

#### What does an 'Agricultural' zone mean to Lewiston?

Lewiston is zoned in a way in which agriculture and producer-to-consumer goods can only be processed and produced on land that is zoned for "Agriculture." Additionally, the produce and goods that are created on this land can only be sold on land that is zoned for commercial use, meaning that there can not be any on-site sale of goods and produce by producers.

Despite the fact that Lewiston has these strict zoning regulations in place, there is one exception to these: community gardens. Community gardens are allowed to exist in commercial and residential spaces, making them an effective form of urban agriculture. Below is a very specific definition for "community gardens" as they are defined in Section 4 of Appendix A of Lewiston's Zoning and Land Use Code (A XII: 16-A XII:17.)

"Sec. 4. Community garden standards.

The following standards shall apply to the establishment or creation of any community garden in City of Lewiston:

1. A community garden may be located in any zoning district with the exception of the Resource Conservation district.
2. Unless located in the Rural Agricultural district, a community garden may be no larger than 20,000 square feet.
3. Unless permitted by the underlying zoning district, on-site sale of community garden products shall be prohibited.

4. The site shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining onto streets or adjacent properties.
5. Accessory structures including buildings or signs shall comply with requirements of the underlying zoning district.
6. Cultivated areas shall be prevented from encroaching onto adjacent properties.
7. The property shall be maintained free of high grass, weeds, and debris. Dead garden plants shall be removed no later than November 30th of each year. This is not intended to prohibit composting or soil enhancing cover crops.
8. Use of mechanical equipment shall be limited to that customary identified as household lawn and garden equipment. Use of said equipment shall be restricted to the hours 7:00 a.m. to 7:00 p.m.
9. The community garden shall be subject to applicable odor provisions contained in article XII, section 19(4).
10. It shall be the responsibility of the property owner that uses a lot or a portion thereof as a community garden meets the above referenced performance standards. If leased or used by other individuals or organizations, it shall be the responsibility of the property owner to ensure the above referenced performance standards are met.
11. It shall be the responsibility of any person, including, but not limited to, the property owner, their agent, individuals, organizations, or other person having an interest in establishing a community garden on a lot(s) or a portion thereof for a community garden to obtain a Use Permit from the City prior to commencing said use of land.”

(Ord. No. 12-04, 04-05-12)

## **Food Sovereignty**

### Comparing Food Sovereignty Ordinances:

As mentioned in our Methodology, there are 74 municipalities in Maine that have created food sovereignty ordinances for their respective towns. Out of these 74 towns, we compared the ordinances of Brownfield, Bucksport, Camden and Fairfield due to their population sizes and geographic locations that are similar to that of Lewiston’s. By comparing these four ordinances we were able to pull out the main motifs and themes found in these documents that will help shape our drafting of Lewiston’s ordinance.

### Title

The ‘Title’ introduces ordinance for particular municipalities.

### Preamble

The ‘Preamble’ contains the town’s declaration of food sovereignty and the people’s right to enjoy and have access to healthy food in the given town. This section also encourages townspeople to educate themselves on food before they purchase and consume it.

### Purpose

The ‘Purpose’ states the multiple reasons for the ordinance in a given town. These usually include idea’s like supporting small-scale local agriculture, increasing food security, allowing for the exchange of food and money between different players in town, giving producers a more localized approach to their food productions and so on.

### Definitions

The ‘Definitions’ section that discusses different vocabulary found in this document. This section is one of the most important parts of these documents. Definitions give transparency to the interpretation of food ordinances for city or town staff members, processors, producers and for the public. In our presentation, we chose to examine the varying definitions of the term “Local food” in the four different ordinances.

We chose to look at this term as we believed that it was a colloquial term that should be outlined in every food ordinance. That being said, Bucksport did not define this term. At the same time, both Brownfield and Fairfield had identical definitions of this term and Camden had a much longer, more unique definition for “local food.” Other terms that were pretty common in these ordinances included “Agriculture,” “Food or food products,” “Patron,” “Processor” and “Producer.” We see value in containing definitions that are specific and unique when drafting Lewiston’s food ordinance, like that of Camden. This simple definitional comparison illustrates the variability of terminology across the Maine Food Act.

### Authority

The ‘Authority’ section which states that the specific legal documents that allow for the enactment and publication of this ordinance often include: The Declaration of Independence, Article 1 - Constitution of Maine, Title 7 and Title 30-A of Maine Revised Statutes.

### Statement of Law Exemption

The ‘The Statement of Law Exemption’ which discusses the licensure and inspection of food. Given that food safety is a highly contested topic within Maine’s food industry this section may have to be reworked and reworded to fit a model of food licensing that is agreed upon by different players who have a role in the city’s food system. Other parts of this section also cite the Right to Self-Governance, Right to Acquire and Produce Food and Meat and Poultry.

### Civil Enforcement

The ‘Civil Enforcement’ states that everyone in town must abide by ordinance.

### Effect

The ‘Effect’ clause states that the ordinance is effective immediately.

### Severability

The ‘Severability’ clause states that if anything in the ordinance is found to be invalid and not useful the section can be removed from ordinance.

### Repealer

The ‘Repealer’ clause suggests that any existing laws or restrictions to the ideas set out in this ordinance will be eliminated or amended. This section is also very important to Lewiston. As we know, Lewiston has very specific, strict restrictions within its city code that limit things that we’ve mentioned before like: producer and processor on-site sale and farming on residential land.

All of these sections outlined above are critical to the functioning of food sovereignty ordinances. Given our understanding of the main sections of these documents, we are able to create a food sovereignty ordinance for Lewiston that abides by the main principles of the Maine

Food Act, while also including sections and phrasing that favors the food safety concerns and unique zoning code of the city.

### **Barriers not under municipal jurisdiction**

In our conversation there were barriers in the local food system brought to our attention that cannot be solved with municipal legislation. While this project cannot directly address these barriers, they are significant for many members of the community and so we have included them here so they can be kept in mind in case of future action.

There are two federal programs that were brought to our attention as causing a great deal of difficulty for small and mid size farmers in Lewiston. The federal GAP Audit and the Food Safety Modernization Act are two pieces of federal legislation that are designed for large scale farms and prove to be large roadblocks for the operation of small and mid-sized farms.

Another obstacle for many farmers is land access. This was identified to us as one of the biggest issues, especially for immigrant and first generation farmers in Lewiston. There are a lot of issues not only with accessing close and farmable land, but also in keeping it when it is rented land from a landlord who has no obligation to keep their tenants.

## **Recommendations**

### **Recommendations for Rethinking Lewiston Food System Policies**

Through our conversations with stakeholders and research into the zoning codes of other municipalities around the country we've identified several opportunities for possible revisions to Lewiston's urban agriculture related land use policies, especially within residentially zoned areas. We realize that many of the existing city policies in Lewiston were developed with the best interest of the citizens of Lewiston in mind, however we believe the many community benefits attributed to urban agriculture will only enhance Lewiston's community and local

economy. We are not suggesting that all regulations be lifted, but rather that some be re-examined and adjusted to suit the needs of growers and producers.

### Market Gardens

Market gardens are urban gardens and small farms used explicitly for commercial purposes. These can be for profit or not for profit. They can be run by either an individual or by a group. The term “Market Garden” does not appear anywhere in Lewiston’s codes and we think it could be a really good way to bridge the space barrier between agricultural zones and residential zones in Lewiston and could provide urban agriculture opportunities for producers.

### Farm Stands and On-Site-Sale

As it stands, farm stands and onsite sale of produce is only permitted in the rural agricultural zone. The inability for farmers to sell their products on site can drastically decrease their profits. We feel that allowing for farm stands and onsite sale of produce in more extensive areas of the city would benefit producers, consumers, and general city economics. Several municipalities have limited farm stands to a certain amount of selling days per week and year. For example, Sommerville allows for three days a week, but no more than 25 selling days per year. Implementing limitations on business days would minimize the impact that a farm stand could have on traffic and neighbors.

### Chickens

Currently, chickens are only allowed to be kept on single family zoned lots. This excludes most residential lots in Lewiston. We believe this policy as well as the setback and density requirements for the keeping of chickens should be adjusted to support local food systems. In order to avoid some of the issues chickens have caused in the past in Lewiston we recommend that strict care practices be enforced. These could include sound barriers and cleaning requirements to keep the smell down.

### Bees

The policies surrounding keeping bees in Lewiston is quite restrictive in terms of density and setback requirements and we believe deserves some re-thinking. Cities like Cleveland, Ohio have much more lenient setback policies than Lewiston, only requiring 10 feet between a colony and a dwelling in another lot, where Lewiston requires 100 feet. Due to Lewiston's high density, this setback policy excludes the majority of residents from having bees. We believe that with the addition of more strict care requirements to mitigate neighborhood pest complaint, density and setback requirements can be more accessible.

### Clarity in Policies

We feel that there is a certain amount of ambiguity within Lewiston's codes that are problematic for growers trying to start up in Lewiston. For instance, while it is necessary to get a permit for constructing hoop houses and cold frames in Lewiston, there is no actual mention of them in the code. Also, there are times where there can be exemptions from certain licencing and permitting costs, but those are not easily available to the public to see. When reviewing urban agriculture in other cities, we noticed that several cities have published guides to promoting urban agriculture in the city. We recommend that not only the path producers need to take to grow in different districts is made clearer and more accessible for citizens.

### Strategies for Urban Agriculture in Lewiston

Three strategies for the implementation of urban agriculture in Lewiston were identified and ranked. The strategies were ranked based on the feasibility of applying them in Lewiston and their effectiveness in supporting urban agriculture. The first approach would be to alter existing city codes to specifically allow for on-site sales, bee-keeping, chickens, market gardens, and to alter zoning laws of farm structures on residentially zoned land. Given that all of Lewiston's land is already zoned, this would be the least productive and effective option. The second strategy is creating an "urban ag zone", which allows for certain agricultural practices outside of the traditional agricultural zone. The creation of an urban agricultural zone is effective because zoning codes and permitting requirements can be adjusted to promote agriculture within this zone without having to alter codes and permitting requirements for the entire city. While both

Cleveland and Madison are larger cities, they serve as examples where an urban agriculture zone has been successfully implemented. The final, and most effective strategy for Lewiston would be the establishment of an “urban agricultural overlay zone.” An overlay zone is where an additional layer containing specific regulations is applied to previously zoned districts or multiple zoning districts. These additional regulations work in conjunction with the municipalities pre-existing codes for that district. We saw effective models of urban ag overlays in our research on Cleveland and Buffalo. This approach would be the most effective in Lewiston; it does not require any alterations to existing regulations in Lewiston and only places additional ones. Furthermore, codes in an overlay zone would be able to include specific nuances that are crucial to creating a comprehensive set of urban agriculture codes.

### Food Sovereignty Ordinance for Lewiston

Moving forward, passing a Lewiston specific food sovereignty ordinance will require the backing and support of a strong coalition from the community as well as support from within city council. Passing a Food Sovereignty Ordinance in Lewiston would allow local small-scale farmers and processors to thrive by attracting more local consumers. After analyzing our survey results and talking to a few Auburn residents, we noticed that the common takeaway from the enactment of this city’s ordinance was that it increased transactions between local people and local producers. This ordinance has allowed Auburn to create a greater community around healthy, sustainable food that will continue to grow and prosper overtime.

When drafting the Food Sovereignty Ordinance for Lewiston we followed the template distributed by the Local Food Local Rules site:

(<https://savingseeds.files.wordpress.com/2011/03/localfoodlocalrules-ordinance-template.pdf>).

While Lewiston’s drafted ordinance may not look much different than that of other Maine municipalities, its benefits and impact will be felt throughout the city. We believe that the passing of this ordinance will not only allow urban agriculture to thrive in Lewiston, but it will tackle the main issues inherent within Lewiston’s food system such as, food insecurity, food accessibility and the right to subsistence agriculture.

We also believe that along with the publication of this ordinance there should be a statement, in the form of an email or pamphlet, released to the public regarding food safety and food accessibility under this food sovereignty ordinance. This is an easy way for Lewiston residents to educate themselves on the purpose of this ordinance and how it will impact their lives. Furthermore, a publication would promote urban agriculture and would allow more people in Lewiston to reap the social and economic benefits of urban agriculture. This statement gives transparency to this ordinance and it will also clarify any questions or misconceptions surrounding the rules and regulations stated in Lewiston's city code.

### Conclusion

As previously mentioned, the purpose of these recommendations is to achieve urban agriculture and food sovereignty in Lewiston. This section of our report is meant to be a tool that will guide the success of improving Lewiston's existing food system. We understand that each of the recommendations discussed in this section may take a significant amount of time and effort to achieve. We feel strongly that if other municipalities around the country, each with their own political, social, and economic struggles, can make food sovereignty and urban agriculture reforms, Lewiston can too. We do not suggest that Lewiston mirror the initiatives taken by any other the cities discussed in this report, but rather uses them as inspiration while focusing on the specific contexts of Lewiston. These changes are very important to the Lewiston community as they resolve issues that inhibit residents from living longer, better, and healthier lives.

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## Appendices

### Appendix 1: Survey that was sent to Lewiston Farmers

#### Lewiston Food Accessibility Survey

1. What is your name? (Your name will not be used without your permission, it is only for our personal reference)

2. Please briefly describe your business (eg. What are your primary products? What is the size of your business?)

3. Where and who do you sell your product(s) to? If there are multiple locations/markets, please list them all.

4. What are the biggest challenges that your farm/food business faces?

5. Are there municipal laws in Lewiston (e.g. zoning or land-use restrictions, licensing requirements, or other local codes/ordinances) that pose a challenge to your farm or food business as it is now, or would be a barrier to growing your business in the future? If yes, please elaborate.

6. In what ways could Lewiston's municipal laws (e.g. policies, codes, ordinances, or programs) be revised to better support your farm or food business?

**Appendix 2: Survey the was sent to Auburn Farmers**

1. Have you been made aware of Auburn's Food Sovereignty Act?

[Redacted]

2. What changes have you noticed since the enactment of the Food Sovereignty Act in Auburn?

[Redacted]

3. In what ways has the Auburn Food Sovereignty Act benefited your business?

[Redacted]

4. As a producer, what would you recommend be added to the Auburn Food Sovereignty Act?

[Redacted]

5. Were you active in expressing your support of the act?

[Redacted]

### Appendix 3: Variations of Definition of Municipal Zoning Language

<b>Term</b>	<b>Cleveland Definition</b>	<b>Buffalo Definition</b>	<b>Madison Definition</b>
<b>Community Garden</b>	An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.	N/A	An area of land or space managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members
<b>Market Garden</b>	An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.	N/A	An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit
<b>Greenhouse</b>	a building made of glass, plastic, or fiberglass in which plants are cultivated.	A temporary or permanent structure, typically made of glass, plastic, or fiberglass, in which plants are cultivated.	An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies.
<b>Hoop House</b>	a structure made of PVC piping or other material covered with translucent plastic, constructed in a	A structure, typically made of piping or other material covered with translucent plastic in a	N/A

	“half-round” or “hoop” shape.	half-round or hoop shape, in which plants are cultivated.	
<b>Cold Frame</b>	means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.	N/A	N/A
<b>Farm Animals</b>	“Farm animal” means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not an “exotic animal” as defined in Section 603A.02 and is not a house pet such as a dog, cat or similar animal.	N/A	N/A
<b>Coop and Cage</b>	“Coop” and “cage” mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.	A structure where hens are kept	N/A
<b>Enclosure</b>	“Enclosure” means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.	N/A	N/A