

**CITY OF BELFAST CITY COUNCIL  
SECOND READING & PUBLIC HEARING  
TUESDAY, APRIL 17, 2018 7:00 PM  
COUNCIL CHAMBERS OF BELFAST CITY HALL**

**PROPOSED AMENDMENTS  
CITY CODE OF ORDINANCES  
CHAPTER 66, GENERAL PROVISIONS (Definitions)**

**AMENDMENTS ASSOCIATED with NORDIC AQUAFARMS PROJECT**

**Notes to Public**

**1) Background Information and Explanation of Proposed Amendments**

Nordic Aquafarms, a Norwegian company, conducted a press conference in Belfast on January 30, 2018 to announce their plans to construct a major land based salmon aquaculture farm near Reservoir #1 on the Little River. The proposed farm would be located on a 40 acre site now owned by the Belfast Water District (about 28 acres) and Sam Cassida (about 12 acres). Nordic Aquafarms has stated that the project represents an initial investment of \$150 million and when all phases of construction are completed, a \$400 - \$500 million investment. Nordic Aquafarms has stated that it will employ about 60 persons by 2020 and more at full build-out.

City Code of Ordinances, Chapter 66, General Provisions, establishes specific definitions for many of the terms used in the land use regulation section of City Ordinances. In reviewing existing terms, the City believes it is appropriate to better define and differentiate various forms of aquaculture operations, and is proposing three separate definitions of aquaculture operations. This proposal also identifies a specific definition for a significant groundwater well and a significant water intake or significant water outfall/discharge pipe, neither of which terms were previously defined. Nordic Aquafarms has stated their intent to operate one or more significant groundwater wells to support their salmon aquaculture farm, and their intent to operate a water intake and water discharge pipe from the site to Belfast Bay.

**2) Explanation of Public Process for Council Consideration of Proposed Amendments.**

Introduction of Amendments. The Council considered the Introduction of the proposed amendments at its meeting of March 6, 2018, and at this same meeting, scheduled the First Reading of the amendments for its meeting of March 20. The purpose of the Introduction is to inform the public of the proposed purpose and scope of the amendments and the public review schedule for Council consideration of the amendments. It is noted that State law and the City Charter do not require the Council to conduct a formal Introduction of proposed Ordinance amendments at a public meeting.

First Reading of Amendments. The Council conducted the formal First Reading of the amendments at its meeting of March 20, and also conducted a public hearing at this same meeting. The main purposes of the First Reading are to present the proposed amendments to the Council and the public and to provide the Council an opportunity to identify any amendments that would be presented as part of the formal Second (final) Reading. The Council also scheduled the Second Reading and public hearing on the amendments for its meeting of April 17, 2018. State law and the City Charter requires that the Council conduct a First Reading of any proposed amendments to a City land use Ordinance.

Second Reading of Amendments. The Council is scheduled to conduct the formal Second Reading of the proposed amendments at its meeting of Tuesday, April 17, beginning at 7:00 pm in the Council Chambers of Belfast City Hall. The Council also will conduct a public hearing at this same meeting. The Council, at this meeting and after conducting the public hearing, has the authority to take one of the following actions on the proposed amendments: adopt the amendments as proposed, to reject the amendments as proposed, to make changes to the proposed amendments, or to take no action on the amendments at this meeting. If the Council makes significant changes to the amendments, the Council must conduct a new duly noticed public hearing at a follow-up Council meeting.

### **3) How to Offer Public Comment on the Proposed Amendments.**

The public may offer comment on or by the date of the April 17 public hearing on the Second Reading proposal in one of three ways:

- You can attend the April 17 public hearing and offer verbal comment to the Council at the hearing.
- You can submit comment in writing to: Wayne Marshall, Code and Planning, City of Belfast, 131 Church St, Belfast, ME, 04915.
- You can submit comment via email to: [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org).

All comment that is provided in writing or via email will be provided to the Council at the hearing. If you chose to submit comment in writing or via email, we ask that you do so by 4:00 pm on April 17 so that copies can be made for the Council in advance of the 7:00 pm public hearing. Also, the Council gives equal consideration to all forms of comment that are offered.

Questions regarding the proposed Ordinance amendment should be directed to Wayne Marshall, Director, Code & Planning at 338-1417 x 125 or at [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org).

### **4) Format of Amendments**

All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 102, Zoning. **All text shown in red font** is new language that is proposed to be added, and **~~all text shown in blue and strike-through font~~** is language that is proposed to be deleted.

## TEXT OF PROPOSED AMENDMENTS

### Chapter 66. General Provisions

#### Sec. 66-1. Definitions.

- (a) The purpose of this section is to provide a list of terms and their meanings so as to assist applicants and others in understanding the terms used in subpart B, Land Use Regulations. Unless incorporated by reference in another chapter or another city ordinance, the definitions in this section are not controlling.

Further, definitions that are unique to a specific chapter of subpart B, Land Use Regulations, can typically be found in that specific chapter rather than this chapter. For example, definitions unique to Chapter 78, Floods, and Chapter 82, Shoreland, can be found in said chapters. Applicants and others are encouraged to consult the other chapters of subpart B, Land Use Regulations, for a list of terms and their meanings that may apply to a specific chapter.

- (b) In the interpretation and enforcement of subpart B, all words shall carry their customary dictionary meanings. For the purpose of subpart B, certain words and terms are defined as follows:
- (1) City means The City of Belfast.
  - (2) Municipal officers means the City Council.
  - (3) Tense and number. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
  - (4) Shall, may. The word "shall" is always mandatory; the word "may" is permissive.
  - (5) Person. Includes a firm, association, organization, partnership, trust, company, corporation, or other legal entity, as well as an individual.
  - (6) Lot. The word "lot" includes the words "plot", "**property**", and "parcel."
  - (7) Building. The word "building" includes the word "structure."
- (c) The following words, terms and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

**ACCESSORY RETAIL SALES.** The on-site retail sale of products that an industrial or manufacturing use produces on site and sells as an accessory use to the industrial or manufacturing use. The retail sales area is limited to the lesser of 20 percent of the floor space of the manufacturing or industrial use or an area that is no greater than 5,000 square feet in size.

**AQUACULTURE, LAND BASED.** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in an onshore land based facility. Said facility may involve the intake of marine waters or discharge of waters to marine waters and be considered a land based aquaculture operation.

**AQUACULTURE, FRESHWATER.** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in a freshwater waterbody; such as a stream, river or pond. Said facility may involve the intake of marine waters or discharge of waters to marine waters and be considered a freshwater aquaculture operation.

**AQUACULTURE, MARINE.** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species **entirely within a marine environment, such as Belfast Bay.**

**SIGNIFICANT GROUNDWATER WELL.** A well, wellhead, excavation, or other structure, device or method used by a private person to obtain groundwater that is:

- (1) Withdrawing at least 75,000 gallons during any week or at least 50,000 gallons on any day and is located at a distance of 500 feet or less from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well not owned or controlled by the private person (applicant), or river, stream or brook; or
- (2) Withdrawing at least 216,000 gallons during any week or at least 144,000 gallons on any day and is located at a distance of more than 500 feet from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well now owned or controlled by the private person (applicant), or river, stream or brook.

Withdrawals of water for firefighting or preoperational capacity testing are not applied to the above thresholds.

**SIGNIFICANT WATER INTAKE OR SIGNIFICANT WATER DISCHARGE/OUTFALL PIPE.** A water intake or discharge/outfall pipe used by a private person to service at least 50,400 gallons during any week and 36,000 gallons on any day that originates onshore and crosses above or below ground in or through a waterbody or land area identified on the City Official Shoreland Zoning Map or Official Zoning Map and that is subject to Shoreland regulation.