

NOTICE TO APPLICANTS FOR NEW DEVELOPMENT PROJECTS ON ORDINANCE REQUIREMENTS FOR SOIL QUALITY & FERTILIZER USE

In November 2020, the South Portland City Council approved amendments to Chapter 32 of the City's ordinance. The new [Landcare Management Ordinance](#) includes minor changes to the existing pesticide use provisions, now under Article I, and an entirely new section for fertilizer use under Article II. All of these amendments became effective in early December 2020.

In addition to regulating fertilizer applications on existing lawns and turf, Chapter 32 also includes soil quality requirements for new development projects¹. These requirements include:

- Sub-soil compaction at the site must be broken up to a depth of at least 10 inches below the surface.
- The site must have at least 6" of topsoil containing a minimum of 5% organic material and a pH level between 6 and 6.5 for areas that will have turf, vegetation, and/or plantings.
- Any fertilizer applied to the topsoil in project area must be organic² and must be incorporated to a depth of 2-3 inches.

Soil compaction, topsoil depth and proper fertilizer incorporation into the topsoil will be confirmed by a City inspector. Applicants for new development projects will be required to cover these inspection costs through an escrow account administered by the Planning Department.

Fertilizer use provisions for new development projects include:

- Applications of organic starter fertilizer for new development may contain phosphorus without a soil test.
- Two fertilizer applications are permitted for one calendar year from the date of first application only.
- For each application, total nitrogen and phosphorus may not exceed 1 lb. per 1,000 square feet.

¹ New development projects are defined as any alteration of land for the purposes of construction or reconstruction that results in soil disturbance and/or compaction, vegetation removal, and/or regrading.

² There is a waiver process for the use of synthetic fertilizer under certain circumstances

A waiver may be granted to use synthetic fertilizer for new development, prior to the actual use of the synthetic fertilizer, if one or more the following conditions exists:

- The soil temperature is less than 55 degrees Fahrenheit and reasonable grounds exist to justify fertilizer use at that location and at that time.
- A suitable organic product that meets the nutrient needs of the soil while promoting plant growth is unavailable.

For more information on the waiver application process please visit the [Grow Healthy South Portland website](#) or contact the Sustainability Office at 347-4148.