

**City Council Workshop & Meeting
Agenda
June 20, 2023
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. Eminent Domain Procedure – Glen Holmes
- B. Citywide program update mailing – Glen Holmes
- C. Lake Grove Park – Phil Crowell
- D. Executive Session – Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Milks

Pledge of Allegiance

- I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 1. **Order 85-06202023***
Re-appointing Jane Costlow to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2026.
 2. **Order 86-06202023***
Confirming Chief Moen’s appointment of George Monteith and Dustin Pepin as Constable with firearm and arrest powers for the Auburn Police Department.
 3. **Order 87-06202023***
Cancelling the Regular City Council meeting scheduled for Monday, July 3, 2023.
- II. **Minutes** – June 5, 2023, Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Communication - Opioid Update
 - Proclamation – World Refugee Day
 - Council Communications (about and to the community)
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 05-06052023

Amending Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places). Public hearing and second reading.

VI. New Business

1. Order 88-06202023

Authorizing the use of \$102,000 in ARPA (American Rescue Plan Act) funds for the Third Space Incentive Program.

2. Order 89-06202023

Approving the Mass Gathering for the Liberty Festival. Public hearing and vote.

3. Public hearing – Agren Warehouse Tax Increment Financing (TIF) District #28.

4. Order 90-06202023

Approving the Agren Warehouse TIF (Tax Increment Financing) #28 Agreement.

5. Ordinance 06-06202023

Amending the Auburn Code of Ordinances, DIV. 12, General Business, Sec 60-500 (2). First reading

6. Ordinance 07-06202023

Amending the Auburn Code of Ordinances, DIV. 13, General Business II, Sec 60-526 (2). First reading.

7. Ordinance 08-06202023

Amending the Auburn Code of Ordinances, DIV 15, Industrial Zoning District, Sec 60-579 (2). First reading.

8. Ordinance 09-06202023

Amending the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban. First reading.

9. Ordinance 10-06202023

Amending the Code of Ordinances, Definitions and Agriculture and Resource Protection District text of Chapter 60, Zoning as shown in Proposal B (attached). First reading.

10. Order 91-06202023

Directing the Planning Board to hold a public hearing and recommend additional changes to Proposal B, Article IV District Regulations, Division 2 Agriculture and Resource Protection District as recommended by the Planning Board.

11. Order 92-06202023

Authorizing the City Manager and/or his designee to execute the final purchase and sale agreement for tax map 211, lot 288 for Fire Engine 2 replacement.

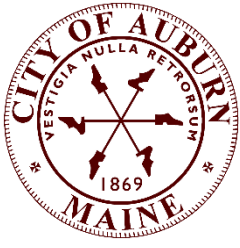
VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

- a. Mayor's Report
- b. City Councilors' Reports
- c. City Manager Report
- d. Jill Eastman, Finance Director – May 2023 Finance Report

IX. Executive Sessions – Labor negotiations (MSEA), pursuant to 1 M.R.S.A. §405(6)(D) with possible action to follow.

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Eminent Domain Process

Information: The Business & Community Development department was asked to provide an overview of the eminent domain process.

City Budgetary Impacts: None

Staff Recommended Action: N/A

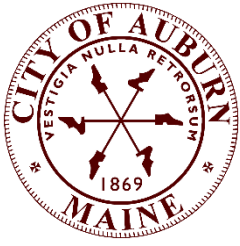
Previous Meetings and History: None

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: ARPA Program Information and Communication Format

Information: The Business & Community Development department is seeking clarity on a previous request for disseminating program information.

City Budgetary Impacts: None

Staff Recommended Action: N/A

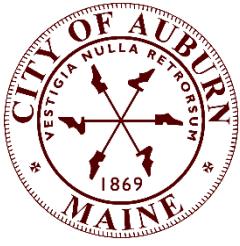
Previous Meetings and History: 6/5/23 – Council discussion on marketing ARPA programs.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Author: Phil Crowell, City Manager

Subject: Lake Grove Park

Information: On December 6, 2021, the City Council allocated \$150,000. of American Rescue Plan Act (ARPA) funds for upgrades at Lake Grove Park that might include new restrooms, wheelchair access, a boat dock, a fountain system, and improvements to the basketball court and parking areas. Having the opportunity to resume swimming at the beach was a high priority.

Based on City Council vision for this area, a conceptual Lake Grove Master Plan has been developed.

Completed and in-progress upgrades at Lake Grove Park include: New playground equipment funded through CIP funds; 3 new pedal boats and life jackets funded through a National Parks & Recreation Association grant; and a new dock system funded through ARPA funds. The Auburn School Department has donated canoes to be utilized at the park. Additionally, CIP funds are being used to upgrade the tennis and pickle ball courts at East Auburn Community School.

The new playground equipment has been a big attraction for not only City of Auburn residents but also for neighboring communities. We are reviewing plans to add 18 parking spaces to accommodate the increase in use.

The Lake Grove Master Plan, which could include a splash pad and other amenities, will create a true “destination” for the East Auburn area.

City Budgetary Impacts: None

Staff Recommended Action: Review Lake Grove Park Master Plan and make recommendations for future funding.

Previous Meetings and History: December 6, 2021

City Manager Comments:

I concur with the recommendation. Signature:

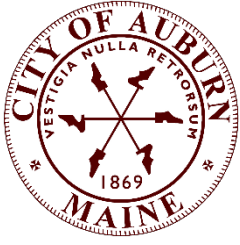
Attachments:

- Lake Grove Park Master Plan

LAKE GROVE PARK MASTER PLAN

SUMMER 2023 ELEMENTS	
01. Concession Stand (Paint, New Doors, Roof)	
02. ADA Accessible Walkway to Playground & Dock	
03. Carry-In/Carry-Out Floating Launch	
04. Kayaks & Canoes Storage	
05. Community Dock	
06. IT - Cameras	
07. Fencing with Electric Gate	
08. Message Board at Park	
09. Signage (At Your Own Risk, Hours Open, etc.)	
10. OP Box (From Festival Plaza to Lake Grove)	
11. Picnic Tables (6 ADA Compliant)	
FALL 2023 ELEMENTS	
12. Additional Parking (Water District Easement & construction)	
SPRING 2024 ELEMENTS	
13. New bathrooms	
14. Splash Pad	
15. New Water Line (Water Service & Meter)	
16. New Sewer Line (Connection & Drain)	
17. New Electricity	
18. Basketball Court	
19. Landscape (Park Entrance/Fountain Area, Parking Area, Shoreline, etc.)	
20. Gazebo	
21. Fountain (Installation & Connection)	
ADDITIONAL FUTURE ELEMENTS	
22. Vendor Patio (Tables, Lounge Furniture, Strung Lights, Lawn Games, etc.)	
23. Future Park Program (Beach Volleyball, Bocce Ball, etc.)	
24. Dam Booms with Signage for Boaters	
25. Adirondack Chairs	
26. EV Charging Stations	





City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

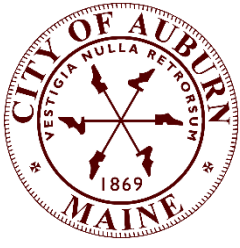
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Order: 85-06202023

Author: Sue Clements-Dallaire, City Clerk

Subject: Re-appointing Jane Costlow to the Sustainability & Natural Resource Management Board (SNRB)

Information: Jane was originally appointed in March of 2022 with a term expiration of 4/1/2023. The standing working groups on agriculture, conservation, the community forest, and sustainability nominate one representative each for approval by the council. The Conservation Working Group has nominated Jane Costlow to serve another term (term expiration 4/1/2026).

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to approve the appointment as nominated by the Conservation Working Group.

Previous Meetings and History: N/A

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



ORDER 85-06202023

City Council Order

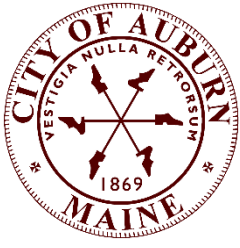
IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Jane Costlow to the Sustainability and Natural Resource Management Board with a term expiration of 4/1/2026.

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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Order: 86-06202023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of George Monteith and Dustin Pepin as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests the City Council appointment of George Monteith and Dustin Pepin as Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of George Monteith and Dustin Pepin as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

N/A



ORDER 86-06202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints George Monteith and Dustin Pepin as Constables with firearm/arrest powers for the Auburn Police Department.

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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Order: 87-06202023

Author: Sue Clements-Dallaire, City Clerk

Subject: Cancelling the Regular City Council meeting scheduled for Monday, July 3, 2023

Information: This item is to consider cancelling the Regular City Council meeting that is scheduled for Monday, July 3, 2023, the evening before the Fourth of July holiday.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage.

Previous Meetings and History: N/A

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:



ORDER 87-06202023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the cancellation of the Regular City Council meeting that is scheduled for Monday, July 3, 2023.

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

IN COUNCIL REGULAR MEETING JUNE 5, 2023, VOL. 37 PAGE 47

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.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 71-06052023*

Appointing Wardens and Ward Clerks for the June 13, 2023 Election.

2. Order 72-06052023*

Confirming Mayor Levesque's appointment of Councilor Rick Whiting to the Airport Board.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage of the two consent items.

Passage 7-0.

II. Minutes

May 15, 2023 Special Joint Meeting (Lewiston and Auburn City Councils)

Motion was made by Councilor Walker and seconded by Councilor Morin to approve the minutes of the May 15, 2023 Special Joint Meeting (Lewiston and Auburn City Councils).

Passage 7-0.

May 15, 2023, Regular Council Meeting

Motion was made by Councilor Milks and seconded by Councilor Walker to approve the minutes of the May 15, 2023 Regular Council Meeting.

Passage 7-0.

I. Communications, Presentations and Recognitions

Council Communications (about and to the community)

Councilor Staples commented on the elimination of the recycling program and has recommended to everyone that has reached out to him to reach out to the Sustainability and Natural Resource Management Board who will be meeting to discuss this topic.

Councilor Milks added to Councilor Staples' recycling conversation, stating that when people are asking why the program was eliminated, it is primarily because it wasn't really "recycling" and it was not achieving the goal of the program and was being landfilled and not cost effective.

City Manager Crowell reported that Cassella has invited elected officials to visit their facility to look at their single stream operation.

Mayor Levesque reported on the Victory Garden program, the LA Chamber of Commerce Awards event that will be held at the Poland Spring Inn on; June 15 at 3pm; the work being done at the Garfield Road ballfields by the National Guard; the ELHS graduation that was held on Saturday night; and the Adult Ed graduation is coming up on June 8th at the ELHS gym.

II. Open Session – No one from the public spoke.

III. Unfinished Business

1. Order 59-05012023

Modifying the Auburn-Lewiston Airport Interlocal Agreement.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment – Mark Blais, Airport Board member, does not feel it is a conflict of interest for a pilot to serve on the board, adding that it is a bad message to send to the pilots.

Motion was made by Councilor Gerry and seconded by Councilor Walker to amend to include a Councilor from the City of Lewiston, a councilor from the City of Auburn and two ex officio members appointed by the board.

Passage 7-0.

Passage of Order 59-05012023 as amended 7-0.

IV. New Business

1. Order 73-06052023

Authorizing the City Manager to execute a donation agreement with Sultan Corporation for the donation of 7 Chestnut Street (Auburn Tax Parcel 250-335).

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

Public comment – No one from the public spoke.

Passage 7-0.

2. Order 74-06052023

IN COUNCIL REGULAR MEETING JUNE 5, 2023, VOL. 37 PAGE 49

Authorizing the City Manager to execute the sale of 188 Chicoine Avenue through Bill Bergeron with Fontaine Family Realty.

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

Public comment – Andy Titus, 24 Rubelite Lane, noted that his concern is regarding the realtor that already has signs posted, adding that he feels it is an unfair advantage.

Scott Berry, 179 Davis Avenue, stated that he had a client that wanted to look at one of the properties but was unable to get in because of unsafe conditions.

Passage 7-0.

3. Order 75-06052023

Authorizing the City Manager to execute the sale of Garfield Road (parcel ID 216-062) through Bill Bergeron with Fontaine Family Realty.

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

Public comment - No one from the public spoke.

Passage 7-0.

4. Order 76-06052023

Authorizing the City Manager to execute the sale of 126 Goff Street through Bill Bergeron with Fontaine Family Realty.

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

Public comment - No one from the public spoke.

Passage 7-0.

5. Order 77-06052023

Authorizing the City Manager to execute the sale of 140 Northern Avenue through Bill Bergeron with Fontaine Family Realty.

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

Public comment - No one from the public spoke.

Passage 7-0.

6. Order 78-06052023

Authorizing the City Manager to execute the sale of Smith Street (parcel ID 198-063) through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Milks and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

7. **Order 79-06052023**

Authorizing the City Manager to execute the sale of South Witham Road (parcel ID 161-009) through Bill Bergeron with Fontaine Family Realty.

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

Public comment – No one from the public spoke.

Passage 7-0.

8. **Order 80-06052023**

Authorizing the City Manager to execute the sale of Union Street (parcel ID 240-169) through Bill Bergeron with Fontaine Family Realty.

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

Public comment – No one from the public spoke.

Passage 7-0.

9. **Order 81-06052023**

Authorizing the City Manager to execute the sale of 18 Western Prom through Bill Bergeron with Fontaine Family Realty.

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

Public comment – No one from the public spoke.

Passage 7-0.

10. **Order 82-06052023**

Authorizing the City Manager to execute the sale of 59 Willard Road through Bill Bergeron with Fontaine Family Realty.

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

Public comment – No one from the public spoke.

Passage 7-0.

11. **Order 83-06052023**

Authorizing the City Manager to execute the sale of 192 Winter Street through Bill Bergeron with Fontaine Family Realty.

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

Public comment – No one from the public spoke.

Passage 7-0.

12. Order 84-06052023

Authorizing the City Manager to execute the sale of 86 Western Avenue through Bill Bergeron with Fontaine Family Realty.

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

Public comment – No one from the public spoke.

Passage 7-0.

13. Ordinance 05-06052023

Amending Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places).
First reading.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 7-0. A roll call vote was taken.

V. Open Session –

Zachary Vickers, 185 Sixth Street, regarding the elimination of the recycling program adding that he feels this is a large step backwards and not the best decision.

Scott Berry, 179 Western Avenue provided handouts to the Council. He said he filed a complaint with HUD against the City's 30% rule in our ordinance stating he feels that it is discriminatory. He also requested that Council carefully deliberate on the capital improvement ordinance and proposed including fees as part of the ordinance.

Katherine Manson, Goff Street commented on the elimination of the recycling program and how it will impact our children and grandchildren.

VI. Reports (from sub-committees to Council)

Mayor Levesque commented on recycling, and the dual enrollment pilot program between ELHS and Central Maine Community College.

Councilor Staples reminded everyone about the upcoming election scheduled for next Tuesday, June 13th and encouraged members of the public to vote.

Mayor Levesque spoke on the remediation bond referendum.

IX. Executive Session – Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Hawes and seconded by Councilor Moring to enter into executive session to discuss an economic development matter, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Passage 7-0.

Time 7:48 pm.

Council was declared out of executive session at 8:10 pm.

Executive Session – Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor Milks and seconded by Councilor Walker to enter into executive session to discuss a personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

Passage 7-0.

Time 8:10 pm.

Council was declared out of executive session at 8:15 pm.

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Gerry to adjourn. Unanimously approved and the meeting adjourned at 8:15 pm.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



Auburn Police Department

Jason D. Moen | Chief of Police

Timothy A. Cogle | Deputy Chief of Police


www.auburnmaine.gov | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: June 14, 2023

To: Phillip L. Crowell Jr. City Manager

From: Chief Jason D. Moen 

RE: COUNCIL OPIOID UPDATE

As requested by Mayor Levesque, here are the current calendar year to date statistics on Auburn's Opioid Epidemic. Moving forward, the data shared will be updated since the previous council update.

Total Overdoses

YTD 2022: 37

YTD 2023: 44

NARCAN Doses Administered by PD (note that civilian use of Narcan has increased significantly in the last year, leading to our use going down)

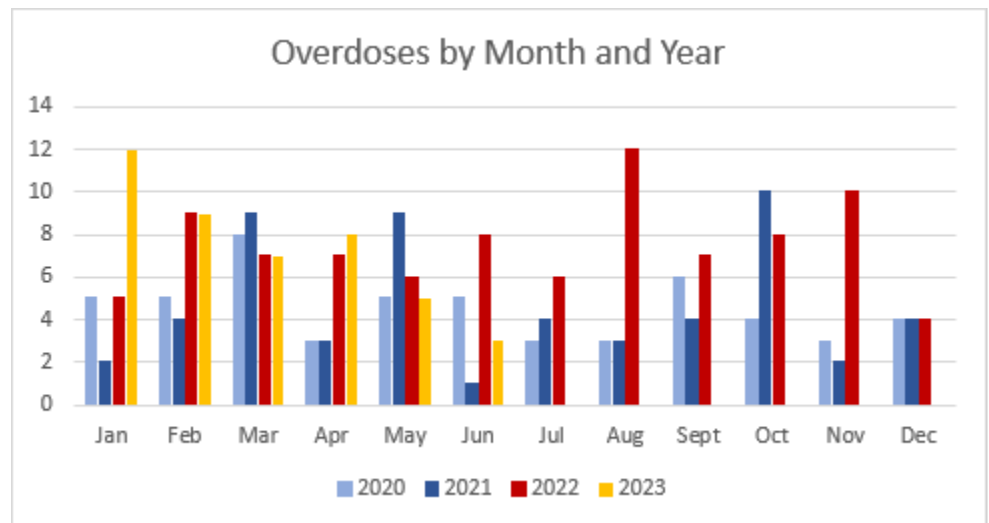
YTD 2022: 35

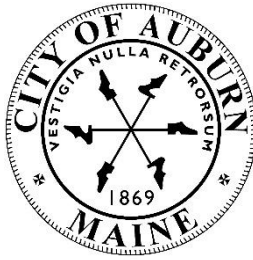
YTD 2023: 28

FATAL Overdoses

YTD 2022: 2

YTD 2023: 4





WORLD REFUGEE DAY PROCLAMATION

WHEREAS, The World Refugee Day was launched by the United Nation to honor the bravery, strength and determination of refugees fleeing war and persecution; and

WHEREAS, refugees in communities across the welcoming state of Maine resettle in the hope of finding peace and safety for themselves and their families; and

WHEREAS, refugee communities from diverse backgrounds, with a variety of skills, abilities and experiences, have been and continue to be woven in the fabric of Maine's vibrant cultural tapestry throughout our states 200 year history; and

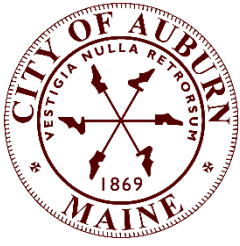
WHEREAS, refugee-led organizations in Maine share in the priority of our state to strengthen communities by engaging with and improving the lives of all Mainers; and

WHEREAS, all of Maine's communities are hoping to stay strong together as we recover from a time of uncertainty, reminiscent of experiences in the diaspora.

NOW, THEREFORE, I, Jason Levesque, Mayor of Auburn, do hereby proclaim June 20, 2023 to be World Refugee Day in Maine and recognize the positive impact and enduring contributions of refugee communities seeking refuge within Maine's borders.

IN WITNESS WHEREOF, I have
hereunto set my hand and caused the
Seal of the City of Auburn, Maine
to be fixed this 20th day of June 2023.

Jason Levesque, Mayor



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Ordinance: 05-06052023

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed amendment to Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places)

Information: Staff is recommending the following amendment to Appendix A to the Code of Ordinances, City of Auburn, Maine – Fees and Charges (Streets, Sidewalks, and other Public Places).

Excavation/Street Opening Permits—per square foot*:

Newly constructed, reconstructed or repaved street 6.00

Paved streets 5.00

Gravel streets and shoulders 3.00

Construction areas (streets scheduled for full-depth construction 5.00

**Applicability Date: Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.*

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of second reading after a public hearing.

Previous Meetings and History: Passage of first reading on 6/5/2023.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



City Council Ordinance

IN CITY COUNCIL

TITLE: Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places)

Be it ordained, that the City Council hereby amends Appendix A to the Code of Ordinances, City of Auburn, Maine – Fees and Charges (Streets, Sidewalks, and other Public Places) as follows:

Streets, Sidewalks and Other Public Places

Display of goods permit—each 0.00

~~Excavation permits:~~

~~Minimum charge—single continuous work area 10.00~~

~~Maximum charge—single continuous work area 500.00~~

Excavation/Street Opening Permits—per square foot*:

Newly constructed, reconstructed or repaved street 6.00

Paved streets 5.00

Gravel streets and shoulders 3.00

Construction areas (streets scheduled for full-depth construction 5.00

**Applicability Date: Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.*

Sidewalk openings—per square foot:

Concrete, brick, bituminous 1.50

Other openings:

1.00 for all other materials

Entrance permit—each 20.00

Private property N/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements 2%

Private streets—as percentage of estimated costs of required public-type improvements 2%

Special exceptions—the greater of:

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 Ordinance

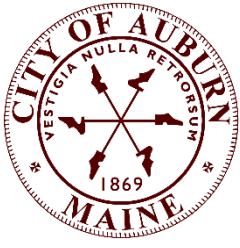
Minimum 200.00

Percentage of public type improvements 2%

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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Order: 88-06202023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: The Third Space Incentive Program (TSIP)

Information:

The City of Auburn is seeking funds from the American Rescue Plan Act (ARPA) funds to promote revitalization of properties in the Downtown District by providing financial assistance to qualified businesses and non-profits to create new public spaces for residents and greater community members to gather. This forgivable loan program is designed to provide incentive funding for new operations or expansion of existing services, thus improving the quality of the neighborhood, improve the sense of place and marketability of the overall area.

City Budgetary Impacts:

The Office of Business & Community Development is seeking \$102,000 in ARPA funds to administer this program.

Staff Recommended Action:

Vote to authorize the use of \$102,000 in ARPA funds for the Third Space Incentive Program.

Previous Meetings and History:

4/18/2023 Councilor Staples presented an overview for staff to work from.
6/5/2023 Council workshop where the initial program design was presented.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

The Third Space Incentive Program Summary



City of Auburn, Maine

Business & Community Development

Glen Holmes, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

The Third Space Incentive Program

Purpose

The purpose of the Third Space Incentive program (TSIP) is to incentivize the creation of new, privately owned locations or privately organized regular events utilizing public space, which are distinct from work and home, where residents can gather. These spaces can have various forms and business models but are characterized by open spaces which promote community gathering, developing new relationships, and hosting community building activities and programming. These spaces have the intention of creating genuine and lasting relationships between community members by providing equalizing and accessible location to socialize. This initiative aligns with goals established within the city's Comprehensive Plan which aims to "attract and retain a wide range of small and medium size businesses in the Auburn and New Auburn Downtowns that promote and enhance a vibrant urban " (Objective I.1) and which "Maintain Auburn's role as a regional economic center with a diverse economic base and support continued strong economic growth that provides diverse opportunities for appropriate business growth and opportunities" (Goal I.2).

Funding

The City of Auburn may allocate \$100,000 from the City ARPA funds for this program to provide funds to qualified applicants. Maximum assistance is \$50,000 per operation for approved expenses. Fund requests will provide a detailed budget and explain how this funding will provide a net increase in social interaction and community building. Funds will be made available as a deferred-payment, 12-month loan. If all conditions are met, the funds will be converted to a grant.

Eligibility

New, start-up Auburn based non-profit or business which will be located within the Downtown, New Auburn or Union St census tracts. These include qualified for-profit or non-profit C-corps, S-corps, partnerships, or sole proprietors. The funds may be used to acquire or upgrade facilities, equipment, purchase supplies, or expand labor as necessary to open a new publicly accessible congregate space including but not limited to restaurants, cafes, activity centers, recreation space etc. which are open to the general public.

Post closing conditions will be reviewed 12 months after closing. If all conditions are met the loan will be converted to a grant. Conditions include copy of 2023 tax returns and evidence of on-going operation.

In order to be eligible to receive funds, all property taxes, real and personal, owed on the property that is the subject of the application must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Sources and Uses	Unit Price	Quantity	<u>Budget</u>
City ARPA Funds =			\$102,000
Total Uses=			\$102,000
Program Administration (1 year)			\$2,000
Forgivable loans	\$50,000	<i>Approx. 2</i>	\$100,000

Application

Applicants will apply through the city Community Development Application portal and will provide all necessary documentation.

<https://portal.neighborlysoftware.com/auburnme/participant>

Select “Community Development Grant”. Select “Service Provider Grant” under section A4 and Name the Project “Third Space Incentive Program” under section B1. Applications will be collected until July 1st, at which time only completed application packages will be reviewed. Failure to provide all needed information will result in applications being denied. The city of Auburn reserves the right to reject any application. Qualified applications will be accepted during the application period, at the end of which all completed submissions will be evaluated against a pre-established review matrix. The top scoring applications will be funded until all funds are completed, or there are no more qualified applicants.

The City of Auburn is committed to accessibility for all applicants. For questions or accommodations completing applications contact the Community Development Office at (207) 333-6601 ex.1332 or emailing CDBG@auburnmaine.gov. Arrangements will be made for non-English-speaking persons and persons with special needs for mobility, hearing and visual impairments, homebound or those needing assistance with technology and/or access.

Applications must include the following:

- Detailed description of the market population and current mix of offerings
- Detailed plan to expand or create new space or offerings
- Approach to improve quality of service & education/marketing of new offerings

- Detailed traffic or sales projections
- Job descriptions of any new staff to be hired with grant funds
- Existing infrastructure and matching funds leveraged to meet stated goals
- Summary of data tracking and financial systems used to manage funds
- A detailed budget including all requested and matching funds with supporting documentation
- Narrative describing how the expansion meets the objectives within the city comprehensive plan.

Management and Oversight

- Written Agreement: The city will enter into a written agreement with the selected businesses describing the amounts and uses of funds.
- A commitment letter and promissory Note will be executed in the amount awarded. In the event the business does not meet the conditions detailed within the agreement the funds will be repaid to the city.



ORDER 88-06202023

City Council Order

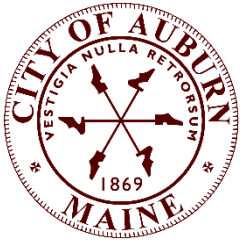
IN CITY COUNCIL

ORDERED, that that City Council hereby authorizes the use of \$102,000 in ARPA funds for the Third Space Incentive Program, which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Order: 89-06202023

Author: Alison F. Pepin, Deputy City Clerk

Subject: Application for Special Event/Mass Gathering – Liberty Festival

Information: The Liberty Festival/Independence Day Committee applied for a Special Event/Mass Gathering Permit. The Festival is scheduled to take place July 4th with a rain date of July 5th at Great Falls, Festival Plaza and surrounding areas.

This is a 4th of July celebration which will include fireworks, vendors and a variety of entertainment venues in Lewiston and Auburn.

City Budgetary Impacts: \$10,000 funded in budget

Staff Recommended Action: Public hearing and recommend approval

Previous Meetings and History: This is a yearly event.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:

- Special Event/Mass Gathering application
- Copy of public hearing notice
- Order

Date received: 6/14/23
Date approved: 6/14/23



CITY OF AUBURN SPECIAL EVENT/MASS GATHERING APPLICATION

Required for any special event on city property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 5/18/23

SPONSOR INFORMATION

Name of Sponsoring Organization: Liberty Festival

Name of Contact Person for Event: Cathy McDonald

Title of Contact Person: President

Mailing Address: PO Box 97, Lewiston, Me 04240

Daytime Telephone: _____ Cell Phone: 207-212-8227

Email Address: liberty.festival@aol.com

Contact Name and Cell Phone Number DURING the Event: Cathy McDonald 207-212-8227

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: 04-3358113

EVENT INFORMATION

Name of Event: Liberty Festival

Type of Event (walk, festival, concert, etc.): festival

Date of Event: July 4th, 2023 Rain Date: July 5th, 2023

Times of Event: Start Time including set-up: 7am Ending time including clean up: 1am

Actual Event Start Time: 5pm Actual Event End Time: 11pm

Estimated Attendance: 2000

Location of Event: Great Falls Plaza, Festival Plaza and surrounding areas

Have you held an event at this location within the last 12 months? Yes No

If the location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved?

Yes No Pending Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Not permitted	CROSS-STREET BANNERS Please note that the city no longer allows cross-street banners.			
Separate fee and permit possible	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages: <u>Food vendors</u> Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: <u>Novelties</u> Note - A peddler permit may be required and must be submitted 14 days prior to the event.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: <u>DJ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	ALCOHOL – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and Permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and Permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate permit required	BURN PERMIT – Will there be any open flame such as a bonfire? If yes, describe activity: Note - A permit from the Fire Department is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: 1 pop up over DJ area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	ELECTRICAL POWER/EQUIPMENT – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? Vending booths, DJ and portable lighting. Ianotti Electric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list: Main & Court, Longley Bridge and Great Falls Plaza area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? Great Falls Plaza lots with manned donation request parking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	TOILETS – Please list amount at event and/or nearest location: 10 regular and 1 HC throughout the festival areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	WASTE DISPOSAL – Please list process and location: City provided trash cans and liners throughout the festival area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: 1 at the port-a-potty area and portable stations at every vendor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	POTABLE WATER – Please list amount at event and location: 1 hook up from TD Bank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	FIRST AID FACILITIES – Please list location at event: Auburn Fire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$	TOTAL FEE INCLUDED – Checks payable to "City of Auburn"			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc., the city requires general liability insurance coverage. The **City of Auburn** is to be named as "additionally insured" for the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed on the Certificate of Insurance (minimum coverage \$1,000,000 Bodily Injury or Death, per occurrence, and \$300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

Signature of Applicant: _____

Printed Name: _____

Date Submitted: _____

Cathy McDonald

5/18/23

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

******FOR STAFF USE******

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector	N/A			
Code Officer/Land Use & Zoning	✓		6/14	
Fire Department	✓		6/14	
Police Department	✓		6/14	
Public Works Department	✓		6/14	
Recreation Department	✓		6/14	

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: 6/20/2023

License Approved/Denied: _____ Date applicant notified: _____

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Auburn City Council on June 20, 2023, at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Special Event/Mass Gathering application for:

Liberty Festival to be held at Great Falls, Festival Plaza, and surrounding areas on July 4th with a rain date of July 5th.

All interested persons may appear and will be given the opportunity to be heard before final action is taken.



ORDER 89-06202022

City Council Order

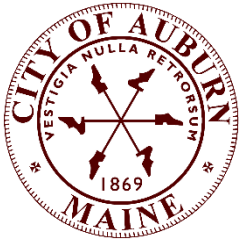
IN CITY COUNCIL

ORDERED, that the Auburn City Council hereby approves the Special Event/Mass Gathering permit for the Liberty Festival to be held July 4, 2023 (rain date July 5, 2023) at Great Falls, Festival Plaza, and surrounding areas.

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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Order: 90-06202023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Tax Increment Financing District #28 Agren Warehouse

Information: Create a new TIF District to capture 100% of the increased value from the new warehouse to be constructed by Agren Appliance. The captured tax dollars can fund projects such as improving adjacent roadways and supporting Public Safety and Economic Development. The Development plan also seeks to provide a Credit Enhancement Agreement returning a portion of taxes paid to the developer to make the project viable in Auburn instead of seeing the developer locate in another location that has shown to be significantly more cost effective for the developer.

City Budgetary Impacts: None

Staff Recommended Action: Approve the order as presented.

Previous Meetings and History: None

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

The Draft TIF #28 Development Plan



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

- a) Hold at least one public hearing,
 - b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
 - c) At the hearing, the legislative body of a municipality or plantation must consider:
 - i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
 - ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evidence to that effect.
-

Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

(e-mailed applications are not accepted)

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD
Refer to “Checklist for Municipal Tax Increment Financing (MTIF) Application” to ensure application completeness
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor’s Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

If applicable,

1. Exhibit J: Project Costs Spreadsheet
Refer to MTIF Application, “Checklist For MTIF Application” for required information
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Table of Contents **

SECTION 1-	COVER LETTER AND APPLICATION COVER SHEET	2
SECTION 2 -	PURPOSE/BASIS ORIGINAL/AMENDED APPLICATION	3
SECTION 3 -	COMPANY/DEVELOPER INFORMATION	5
SECTION 4 -	EMPLOYMENT GOALS/DATA.....	6
SECTION 5 -	DEVELOPMENT PROGRAM	7
	<i>Public Project(s)</i>	7
	<i>Private Project(s)</i>	7
	<i>Program Duration</i>	7
	<i>Original Assessed Value</i>	8
SECTION 6 -	FINANCIAL PLAN	9
	<i>Increased Assessed Value Information</i>	9
	<i>Public Indebtedness</i>	9
	<i>Anticipated Revenues</i>	9
	<i>Credit Enhancement Agreement (CEA)</i>	9
	<i>Development Program Fund and Tax Increment Revenues</i>	11
	<i>Relocation of Person(s)/Business(es)</i>	12
	<i>Transportation Improvements</i>	12
	<i>Environmental Controls</i>	12
	<i>District Operation</i>	12
SECTION 7 -	NOTICE AND HEARING	13
EXHIBIT A -	STATUTORY REQUIREMENTS & THRESHOLDS	14
EXHIBIT B -	ASSESSOR’S CERTIFICATE	16
EXHIBIT C -	MAP OF DISTRICT LOCATION WITHIN MUNICIPALITY	17
EXHIBIT D -	MAP OF DISTRICT BOUNDARIES	18
EXHIBIT E -	ANNUAL REVENUE SPREADSHEET.....	19
EXHIBIT F -	ANNUAL TAX SHIFT SPREADSHEET.....	20
EXHIBIT G -	10-DAY NOTICE OF PUBLIC HEARING	21
EXHIBIT H -	MINUTES OF PUBLIC HEARING.....	22
EXHIBIT I -	RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION.....	23
EXHIBIT J -	PUBLIC PROJECT COSTS	24
EXHIBIT K -	COMPREHENSIVE DOWNTOWN REDEVELOPMENT PLAN.....	25
EXHIBIT L -	TRANSIT-ORIENTED DEVELOPMENT DISTRICT MAP	26
EXHIBIT M -	CREDIT ENHANCEMENT AGREEMENT(S)	27
EXHIBIT N -	MUNICIPALITY TIF POLICY	28

**see “Checklist for Municipal Tax Increment Financing (MTIF) Application” for instructions [to automatically update the Table of Contents](#).



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Section 1- Cover Letter and Application Cover Sheet

1. Name of municipal tax increment financing (TIF) district and development program: #28 Agren Appliance Warehouse
2. This is an original application. If an amendment, what amendment number? 1
3. Is this a Downtown designated TIF? No.
If yes, provide the following information regarding the *Downtown Redevelopment Plan*:
 - a. Name: Agren Appliance Warehouse
 - b. Date approved by municipal legislative body: March 15, 2023

The Downtown Redevelopment Plan must contain the components outlined in the DECD "Downtown Redevelopment Plan Criteria Checklist"

4. Is this development district considered a/an [check the appropriate box(es)]?

Industrial Commercial Transit-oriented Arts

If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)

5. Municipality name: Auburn
6. Municipality address: 60 Court Street
7. Municipality county: Androscoggin
8. Municipal telephone number: 207-333-6601
9. Municipal official's name: Glen E. Holmes
10. Municipal official's title: Director of Business and Community Development
11. Municipal official's e-mail address: gholmes@auburnmaine.gov
12. If different from #9 above, contact person/consultant: Alyssa Tibbetts
13. Municipal contact/consultant phone number: 207-775-7271
14. Municipality contact/consultant e-mail address: atibbetts@jensenbaird.com
15. Municipality's assessor's name: Karen Scammon
16. Municipality's assessor's e-mail address: kscammon@auburnmaine.gov

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

[Signature] _____ 6/14/2023
Signature Date

Glen E. Holmes Director Business & Community Development
Print municipal official's name & title



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, “headline” sentence explaining purpose/basis of this application.**

The Agren Appliance Warehouse Tax Increment Financing District and Development Program #28 (the "Agren Appliance Warehouse District") will enable the construction of a 51,000 square foot warehouse located next to the company's corporate headquarters on Adamian Drive in the City of Auburn.

2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.**

Agren Appliance (the "Company") is a privately held company founded in Auburn, Maine in 1969. The Company has grown into Maine's largest appliance and mattress retailer with six locations and over 130 employees, in addition to its corporate headquarters located in Auburn. Of the Company's 130 employees, approximately 106 are employed in the retail store and corporate headquarters located in Auburn. The Company currently leases a 40,000 square foot warehouse and is outgrowing that space. The lease for this warehouse ends in June 2024 and the Company has evaluated the options to relocate and expand its warehouse, including the purchase of an existing warehouse in Portland. Due to various efficiency, oversight and labor considerations, the Company has decided to construct a new 51,000 square foot warehouse adjacent to its corporate headquarters on Adamian Drive in Auburn. However, the cost of constructing and operating this warehouse in Auburn will be substantial and far exceeds the cost of purchasing an existing comparable property in Portland. The Company has requested a credit enhancement agreement from the City of Auburn to assist with the development of the warehouse to keep the business and employment opportunities within the City. A tax increment financing development district involves creation of a geographically defined district in the City and the "capture" or reinvestment of some of the new increased or "incremental" tax revenues generated by new development and business expansion in the District to pay certain costs of development and certain costs of new public facilities, improvements and programs. The purpose of the Agren Appliance Warehouse District is to utilize a portion of the incremental tax revenues generated by the construction of the new Agren Appliance warehouse as an investment in the commercial development of the property in the District for this purpose. The City desires to retain and support the Company's commercial activity within the City and to increase its commercial tax base and further that goal through the designation of the Agren Appliance Warehouse District. In addition, the District will create more net tax revenue to be retained by the City to fund the public facilities, improvements and programs described herein than would result if such development were to occur without the creation of the District. This favorable situation is the result of the State formulas which, when a Development District is created, shelter the Increased Assessed Value of the District from the increased county taxes and loss of State aid to education and municipal revenue sharing that results when new development occurs without the creation of a Development District. The program described herein will serve the purpose of administering the District as a Municipal Development District and Tax Increment Financing District pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Development Program"). The means and objectives of the Development Program are to provide financing for the public facilities, improvements and programs authorized herein. The City, by adopting this Development Program, finds that the Development Program described herein, consisting of the Public Facilities, Improvements and Programs, will provide significant economic benefit to the City and the State by retaining and providing new employment opportunities and new public infrastructure that will facilitate commercial development, which will significantly improve and broaden the City's tax base and the general economy of the City and the State. Upon approval by the City Council designating the District and



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



adopting this Development Program, the designation of the District and adoption of the Development Program will become final immediately, subject only to approval by the Maine Department of Economic and Community Development.



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Section 3 - Company/Developer Information

A. Business General Information

[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered)]:

1. **Business name:** Agren Appliance
2. **Business address:** 11 Adamian Drive, Auburn, Maine 04210
3. **Business phone number:** 207-330-3873
4. **Business contact person:** Jason Pauley, COO
5. **Business contact person e-mail address:** jpauley@agrenappliance.com
6. **Principal place of business:** 11 Adamian Drive, Auburn, Maine 04210
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Corporation
8. **Place of incorporation:** Maine
9. **Name of Officer(s):** Jason Agren, President
10. **Name of principal owner(s) name:** Click here to enter text.
11. **Address:** Click here to enter text.
12. **Brief project description:** Construction of new warehouse facility to support retail appliance business.
13. **Total amount of project new investment by company/developer:** \$ 10,000,000
14. **Will there be a credit enhancement agreement with this business?** Yes. If so, complete the rest of this section and Section 4.

B. Disclosure, only in cases where a CEA is offered to the above business:

1. Check the public purpose(s) that will be met by the business using this incentive:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> job creation | <input checked="" type="checkbox"/> job retention | <input checked="" type="checkbox"/> capital investment |
| <input type="checkbox"/> training investment | <input type="checkbox"/> tax base improvement | <input type="checkbox"/> public facilities improvement |
| <input type="checkbox"/> other (list): <u>Click here to enter text.</u> | | |

2. Check the specific item(s) for which TIF revenues will be used by the business:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> real estate purchase | <input type="checkbox"/> machinery & equipment purchase | <input type="checkbox"/> training costs |
| <input type="checkbox"/> debt reduction | | |
| <input checked="" type="checkbox"/> other (list): <u>Construction of warehouse facility</u> | | |



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (If a developer, check box , and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical	1		\$80,000
2. Administrative/Clerical Support	3		\$45,000
3. Sales & Service	3		\$62,400
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation	8		\$42,000
Total			Leave blank
B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical	3		\$65,000
2. Administrative/Clerical Support	2		\$45,760
3. Sales & Service	32		\$52,000
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation	29		46600
Total			Leave blank

*See [Occupational Cluster Descriptions](#) for more information.

INSTRUCTIONS

A. Job Creation Goals. Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, “full-time” employment means 30 hours or more; “part-time” employment means less than 30 hours. “Wage level” means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, “type” means “occupational cluster” which refers to the 12 categories listed in the “Occupational Cluster Descriptions.” Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

B. Job Retention Goals. Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Section 5 - Development Program

Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?**
Yes. See Exhibit J.

Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** Yes. If yes, provide a brief, clear description: Company intends to build a new warehouse facility for its appliance business.

Program Duration

3. **Duration of development district (may not exceed 30 years):**
 - a. **District term: Original application:** 30.
If an amendment, adding how many years? Choose a number **totaling how many years?** Choose a number.
 - b. **Start date of** April 1, 2024 **with fiscal year** April 1, 2024.
[Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]
 - c. **End date of** March 31, 2054 **with fiscal year** March 31, 2054.



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Original Assessed Value

4. Provide the taxable assessed value of the development district as of the March 31st of the tax year preceding the property tax year in which the district was designated by the legislative body.

		OAV of Real Property	OAV of Personal Property	As of (complete year)	Total acres	
Original district		\$1,051,500.00	\$0.00	3/31/2023		11.64
Amendment: (If applicable, with any property added/removed)	#1	-			-	
		+		3/31/____	+	
	#2	-			-	
		+		3/31/____	+	
	#3	-			-	
		+		3/31/____	+	
	#4	-			-	
		+		3/31/____	+	
	#5	-			-	
		+		3/31/____	+	
	#6	-			-	
		+		3/31/____	+	
	#7	-			-	
		+		3/31/____	+	
	#8	-			-	
		+		3/31/____	+	
	#9	-			-	
		+		3/31/____	+	
	#10	-			-	
		+		3/31/____	+	
Total	N/A			N/A		

***Municipal Assessor must certify above original assessed value(s) (Exhibit B).



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Section 6 - Financial Plan

Increased Assessed Value Information

1. **Total estimated cost for the development program: \$ 4,222,400** (Should match "total" from Exhibit J)
2. **Municipality will capture 100% of real property only increased assessed value for each year of the district term, to apply to the development program.** [Click here to enter text, if needed.](#)
3. **If #2 above's captured assessed value is less than 100%, besides the district's original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** [Click here to enter % to be deposited in General Fund/Education & Services fund.](#)

Public Indebtedness

4. **Will there be public indebtedness?** Yes, to be determined.
 - a. **If yes, what is the projected amount of public indebtedness to be incurred?** The City will not incur any indebtedness at this time in connection with the Public Facilities, Improvements and Programs authorized herein; however, the City may elect to do so at a future date at the discretion of its City Council.
 - b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** Choose an item. If yes, provide the status, such as years left on bond and amount of outstanding debt. Click here to enter text.

Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** The source of the revenue to be used to pay the costs of the public projects as set forth in this Development Program is the Tax Increment on the Increased Assessed Value of the District. Tax Increment means all Property Taxes assessed by the Town, in excess of any state, county or special district tax, upon the Increased Assessed Value of all real property in the District. Increased Assessed Value means the valuation amount by which the Current Assessed Value of the District exceeds the taxable Original Assessed Value of the real property in the District. Current Assessed Value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property Taxes means any and all ad valorem property taxes levied, charged or assessed against real property by the City. Original Assessed Value means the taxable assessed value of the real property in the District as of March 31, 2023 (April 1, 2022). All Property Tax on the Original Assessed Value shall continue to be deposited in the general fund of the Town.
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** A portion of the Tax Increment from the District as described above will be used to finance a portion of the construction of the Company's new warehouse to be located within the District. The percentage of the Tax Increment will be paid to the Company under the terms of a Credit Enhancement Agreement as set forth below.

Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
 - a. **Will CEAs be offered as part of this development program?** Yes.
 - b. **List name(s) of company/developer to be offered a CEA:** Agren Applicance



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



- i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** 43% of Tax Increment Revenue for up to 30 years, not to exceed \$1,000,000 cumulative payment.
- c. **Is this an omnibus application?** No.
If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s): [Click here to enter text.](#)
- d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Development Program Fund and Tax Increment Revenues

Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and
2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and
2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X *MEH*

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X *MEH*



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Relocation of Person(s)/Business(es)

8. No businesses or persons will be displaced or relocated as a result of the development activities proposed in the District.

Transportation Improvements

9. Except for the Public Facilities, Improvements and Programs contemplated by this Development Program, which include improvements to certain roads, intersections, sidewalks and other transportation infrastructure, the existing transportation facilities of the Town will be adequate to accommodate the improvements contemplated herein.

Environmental Controls

10. The day-to-day operations of the District will require no substantial efforts by the Town, other than staffing and programming primarily conducted by the Town Manager's office and the economic development office, in conjunction with the support of the staff of the Windham Economic Development Corporation funded by this Development Program.

District Operation

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
 - a. **Public capital improvements:** The day-to-day operations of the District will require no substantial efforts by the Town, other than staffing and programming primarily conducted by the Town Manager's office and the economic development office, in conjunction with the support of the staff of the Windham Economic Development Corporation funded by this Development Program.
 - b. **Private capital improvements:** There are no private capital improvements contemplated as of this application. Any such private improvements are expected to be funded by the developers responsible for such improvements. The Town will not be responsible for the operation of private capital improvements within the District.



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Section 7 - Notice and Hearing

- Date of public notice (must be minimally 10 days before the public hearing):** June 10, 2023
For Exhibit G, provide a legible copy of the newspaper page showing the public hearing , newspaper name and date of publication.
- Date of public hearing:** June 20, 2023
For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.
- Date municipal or plantation legislative body approved original district designation:** June 20, 2023
Date municipal or plantation legislative body adopted original development program: June 20, 2023
If an amendment, is it to the:
 - district. Provide date municipal or plantation legislative body approved:** Click to enter a date.
 - development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.
 - district and development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.

date.

For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.
- Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I.



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Exhibit A - Statutory Requirements & Thresholds

**round to second decimal place

SECTION A. Acreage Caps		
1. Total municipal acreage	41,430.00	
2. Acreage of proposed Municipal TIF District (if amendment, proposed updated total acreage)	11.64	
3. Downtown-designation ¹ acres in proposed Municipal TIF district	0.00	
4. Transit-Oriented Development ² acres in proposed Municipal TIF district	0.00	
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF district counted toward 2% limit	11.64	
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)	0.03%	
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ See attached list	Existing	666.55
	Proposed	11.64
	Total	678.19
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district	264.18	
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts	0	
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above:	0	
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit	414.01	
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%)	1.00%	
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	11.64	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		100%

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B must exclude AH-TIF valuation.

⁴ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁵ PTZ districts approved through December 31, 2008.



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



SECTION B. Valuation Cap	
1. Total TAXABLE municipal valuation—April 1, 2022	\$2,171,967,423
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31, 2023 (April 1, 2022)	\$1,051,500
3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: See attached list	Existing \$107,259,700
	Proposed \$1,051,500
	Total \$108,311,200
30-A § 5223(3) EXEMPTIONS	
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district	\$83,168,800
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts	\$0
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts	\$0
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation⁶ Municipal TIF districts	\$0
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:	\$0
9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit	\$25,142,400
10. Percentage of total taxable OAV [=B9+B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%)	1.16%

COMPLETED BY			
PRINT NAME			
SIGNATURE	Alyssa Tibbetts	DATE	
<p style="font-size: small;">If this form has not been completed by the municipal or plantation assessor, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.</p>			
PRINT NAME	<i>K. Scammon</i>		
SIGNATURE	Karen Scammon	DATE	6-15-23

⁶ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Exhibit B - Assessor's Certificate


EXHIBIT B: Assessor's Certificate

**CITY OF AUBURN
CERTIFICATE OF ASSESSOR**

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the Auburn Municipal Tax Increment Financing District #28, the Agren Appliance Warehouse Development District, as described in the Development Program for the District and as identified in more detail below, was \$1,051,500 as of March 31, 2023 (April 1, 2022).

Map/Lot	Address	Acres	Original Assessed Value
121-002	56 Harriman Drive	7.54	\$515,200
109-003	12 Adamian Drive	2.2	\$285,000
109-004	24 Adamian Drive	1.9	\$251,300
	TOTAL	11.64	\$1,051,500

This Certificate has been executed as of this 15th day of June, 2023.


Karen Scammon, Municipal Assessor

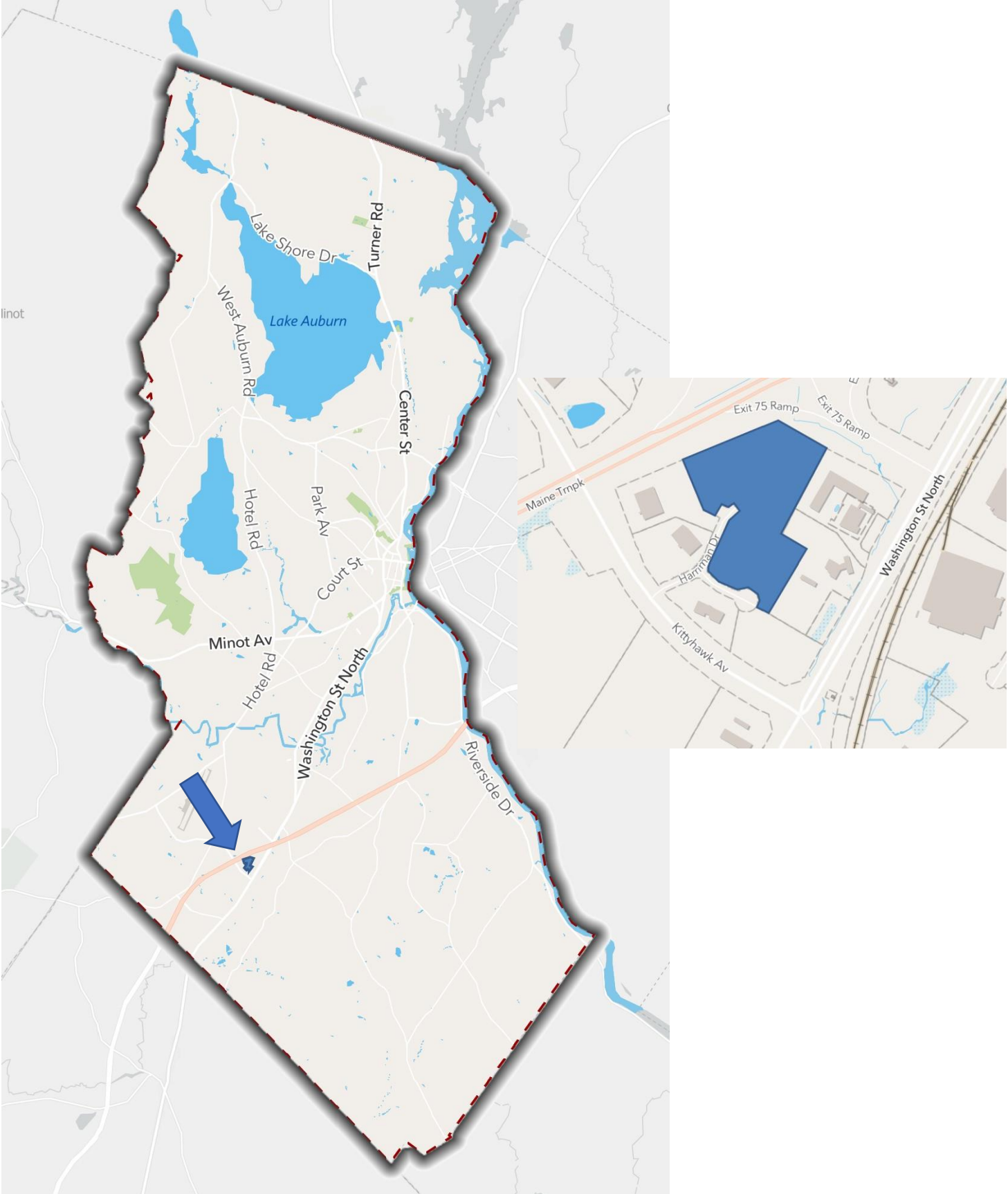


**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Exhibit C - Map of District Location within Municipality

Auburn Municipal TIF District #28, Agren Appliance Warehouse Development District





Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit D - Map of District Boundaries





Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit E - Annual Revenue Spreadsheet

EXHIBIT E: Annual Revenue Spreadsheet

TIF Year	Tax Year April 1,	Fiscal Year (July 1- June 30)	Original Assessed Value (OAV) ¹	Increased Assessed Value (IAV) ²	Captured Assessed Value (CAV) 100% ³	Mil Rate ⁴	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV (100% Sheltered)	CEA Payments to Developer ⁵	Net Tax Revenue on CAV to City
1	2024	2024-2025	\$ 1,051,500.00	\$ -	\$ -	22.75	\$ 23,921.63	\$ -	\$ -	\$ -	\$ -
2	2025	2025-2026	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
3	2026	2026-2027	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
4	2027	2027-2028	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
5	2028	2028-2029	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
6	2029	2029-2030	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
7	2030	2030-2031	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
8	2031	2031-2032	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
9	2032	2032-2033	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
10	2033	2033-2034	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
11	2034	2034-2035	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
12	2035	2035-2036	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
13	2036	2036-2037	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
14	2037	2037-2038	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
15	2038	2038-2039	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
16	2039	2039-2040	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 62,608.00	\$ 82,992.00
17	2040	2040-2041	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00	\$ 60,880.00	\$ 84,720.00
18	2041	2041-2042	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
19	2042	2042-2043	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
20	2043	2043-2044	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
21	2044	2044-2045	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
22	2045	2045-2046	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
23	2046	2046-2047	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
24	2047	2047-2048	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
25	2048	2048-2049	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
26	2049	2049-2050	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
27	2050	2050-2051	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
28	2051	2051-2052	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
29	2052	2052-2053	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
30	2053	2053-2054	\$ 1,051,500.00	\$ 6,400,000	\$ 6,400,000	22.75	\$ 23,921.63	\$ 145,600.00	\$ 145,600.00		\$ 145,600.00
30 Year TIF Total							\$ 717,649	\$ 4,222,400.00	\$ 4,222,400.00	\$ 1,000,000.00	\$ 3,222,400.00
Annual Average									\$ 140,746.67	\$ 58,823.53	\$ 107,413.33

Assumptions:

¹ The OAV of the District is as of March 31, 2023 (April 1, 2022). The District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

² The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. It is expected that the project will be complete by June 2024. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

³ The City intends to capture 100% of both real and personal property within the District.

⁴ The mil rate is based on FY 2022-23 actual rate of 22.75 and held constant for the remainder of the District term.

⁵ The Development Program authorizes the City to enter into a credit enhancement agreement with the developer for a period of up to 30 years to include a reimbursement of 43% of the tax revenue from the increased assessed value from the project, up to a cumulative total reimbursement of \$1,000,000.

⁶ This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit F - Annual Tax Shift Spreadsheet

EXHIBIT F: Annual Tax Shift Spreadsheet

TIF Year	Fiscal Year	Education Shift (Avoided Loss) ¹	Revenue Sharing Shift (Avoided Loss) ²	County Tax Shift (Avoided Increase) ³	Total Tax Shifts	Net Tax Revenue from CAV to General Fund (w/out TIF)
1	2024-2025	\$0.00	\$0.00	\$0.00	\$0.00	\$ -
2	2025-2026	\$44,608.00	\$15,347.67	\$5,840.03	\$65,795.71	\$ 79,804.29
3	2026-2027	\$44,608.00	\$15,347.67	\$6,110.43	\$66,066.10	\$ 79,533.90
4	2027-2028	\$44,608.00	\$4,785.30	\$6,393.34	\$11,178.64	\$ 134,421.36
5	2028-2029	\$44,608.00	\$15,347.67	\$6,689.35	\$66,645.02	\$ 78,954.98
6	2029-2030	\$44,608.00	\$15,347.67	\$6,999.07	\$66,954.74	\$ 78,645.26
7	2030-2031	\$44,608.00	\$15,347.67	\$7,323.12	\$67,278.80	\$ 78,321.20
8	2031-2032	\$44,608.00	\$15,347.67	\$7,662.18	\$67,617.86	\$ 77,982.14
9	2032-2033	\$44,608.00	\$15,347.67	\$8,016.94	\$67,972.62	\$ 77,627.38
10	2033-2034	\$44,608.00	\$15,347.67	\$8,388.13	\$68,343.80	\$ 77,256.20
11	2034-2035	\$44,608.00	\$15,347.67	\$8,776.50	\$68,732.17	\$ 76,867.83
12	2035-2036	\$44,608.00	\$15,347.67	\$9,182.85	\$69,138.52	\$ 76,461.48
13	2036-2037	\$44,608.00	\$15,347.67	\$9,608.02	\$69,563.69	\$ 76,036.31
14	2037-2038	\$44,608.00	\$15,347.67	\$10,052.87	\$70,008.54	\$ 75,591.46
15	2038-2039	\$44,608.00	\$15,347.67	\$10,518.32	\$70,473.99	\$ 75,126.01
16	2039-2040	\$44,608.00	\$15,347.67	\$11,005.31	\$70,960.99	\$ 74,639.01
17	2040-2041	\$44,608.00	\$15,347.67	\$11,514.86	\$71,470.53	\$ 74,129.47
18	2041-2042	\$44,608.00	\$15,347.67	\$12,048.00	\$72,003.67	\$ 73,596.33
19	2042-2043	\$44,608.00	\$15,347.67	\$12,605.82	\$72,561.49	\$ 73,038.51
20	2043-2044	\$44,608.00	\$15,347.67	\$13,189.47	\$73,145.14	\$ 72,454.86
21	2044-2045	\$44,608.00	\$15,347.67	\$13,800.14	\$73,755.82	\$ 71,844.18
22	2045-2046	\$44,608.00	\$15,347.67	\$14,439.09	\$74,394.76	\$ 71,205.24
23	2046-2047	\$44,608.00	\$15,347.67	\$15,107.62	\$75,063.29	\$ 70,536.71
24	2047-2048	\$44,608.00	\$15,347.67	\$15,807.10	\$75,762.77	\$ 69,837.23
25	2048-2049	\$44,608.00	\$15,347.67	\$16,538.97	\$76,494.64	\$ 69,105.36
26	2049-2050	\$44,608.00	\$15,347.67	\$17,304.72	\$77,260.40	\$ 68,339.60
27	2050-2051	\$44,608.00	\$15,347.67	\$18,105.93	\$78,061.61	\$ 67,538.39
28	2051-2052	\$44,608.00	\$15,347.67	\$18,944.24	\$78,899.91	\$ 66,700.09
29	2052-2053	\$44,608.00	\$15,347.67	\$19,821.36	\$79,777.03	\$ 65,822.97
30	2053-2054	\$44,608.00	\$15,347.67	\$20,739.08	\$80,694.76	\$ 64,905.24
30 Year TIF Total		\$1,293,632	\$434,520	\$342,533	\$2,026,077	\$2,196,323
Average Annual		\$43,121	\$14,484	\$11,418	\$67,536	\$73,211

Assumptions:

The tax shifts resulting from the sheltering of valuation from the state school funding formula are based on the state EPS funding model in which a statewide estimated mill rate of 6.97 mills in FY 2023-2024 is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the City avoids having to raise an amount equal to the valuation sheltered x 6.97 mills. The education rate used to calculate the education tax shift is based on the adjusted mill rate of the Auburn Public School District based on the preliminary ED 279 for FY 2023-2024 published 03/28/23.

The tax shifts resulting from the sheltering of valuation from the state revenue sharing formula are based on the most recent data available from Maine Revenue Services for the fiscal year July 1, 2023 - June 30, 2024 published 03/06/2023

The tax shifts resulting from the sheltering of valuation from the County tax assessment are based on the actual Androscoggin County tax assessments for the most recent five years.

1 The OAV of the District is as of March 31, 2023 (April 1, 2022). The District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

2 The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. It is expected that the project will be complete by June 2024. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

These tax shift estimates are based on a captured assessed value of 100% of the estimated increased assessed value for the District.

The projected tax revenue is based on the estimate of increased assessed value multiplied by the FY 2022-23 actual mil rate of 22.75, which is held constant for the remainder of the District term.



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit G - 10-Day Notice of Public Hearing

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on Tuesday, June 20, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #28 the “Agren Appliance Warehouse” Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 11.64 acres, which includes three parcels located on Harriman Drive and Adamian Drive, identified on the City’s tax maps as Map121, Lot 002, Map 109, Lot 003, and Map 109, Lot 004. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new warehouse for Agren Appliance.

The City proposes to offer the developer of this project a reimbursement of 43% of the property taxes paid by the developer on the new assessed property value in the District resulting from the project over a period of up to 30 years, not to exceed \$1,000,000 total. This reimbursement will enable the developer to construct a new warehouse in the District. In addition, the City proposes to allocate the remainder of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City’s use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects.

A copy of the proposed Development Program for the new District is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

...these playoffs, and he became the first player in NHL history to have at least two OT goals in back-to-back postseasons. He had two last year for the Panthers.

“Whenever we get to overtime, just give the puck to Carter Verhaeghe and then usually good things happen,” Florida’s Nick Cousins said. “Yeah, I don’t know what it is. It seems like every time we get to overtime, we always have somebody step up. With our group, it’s definitely pretty special.”

It’s not just Verhaeghe. Matthew Tkachuk has

NOTICE TO CONTRACTORS INVITATION FOR BIDS

The Department of Defense, Veterans and Emergency Management (DVEM) is conducting a competitive bid process for the Lewiston Armory Additional POV Paving Project at the Lewiston Armory in Lewiston, Maine. Bids will be opened and read aloud by the Directorate of Facilities Engineering at 2:00 p.m. on June 29, 2023.

Project consists of the regrading and compaction of the existing gravel base surface and the placement of 2" binder and 1 1/2" bituminous pavement surface on the rear POV parking lot at the Lewiston Armory. Project includes demolition of the existing bituminous drainage structure and the addition of striping for this parking lot. Total area contained in the scope of this project is approximately 1,378 square yards. A mandatory pre-bidding conference will be held at the Lewiston Armory located at 55 Alfred A. Plourde Parkway, Lewiston, Maine at 9:00 a.m. on June 14, 2023.

The detailed Notice to Contractors is on the Bureau of General Services website: <https://www.maine.gov/dafs/bgs/business-opportunities>.

CITY OF AUBURN

NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at **7:00 p.m.** on **Tuesday, June 20, 2023** in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #28 the “Agren Appliance Warehouse” Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. The proposed new District will consist of 11.64 acres, which includes three parcels located on Harriman Drive and Adamian Drive, identified on the City’s tax maps as Map 121, Lot 002, Map 109, Lot 003, and Map 109, Lot 004. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new warehouse for Agren Appliance. The City proposes to offer the developer of this project a reimbursement of 43% of the property taxes paid by the developer on the new assessed property value in the District resulting from the project over a period of up to 30 years, not to exceed **\$1,000,000** total. This reimbursement will enable the developer to construct a new warehouse in the District. In addition, the City proposes to allocate the remainder of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City’s use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects. A copy of the proposed Development Program for the new District is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit H - Minutes of Public Hearing



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit I - Record of District Designation and Development Plan Adoption

ORDER OF THE AUBURN CITY COUNCIL
June 20, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Agren Appliance for the commercial development of certain property within its General Business zoning district located on Adamian Drive; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Agren Appliance Warehouse Municipal Development and Tax Increment Financing District #28 (the “District”) in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk’s Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development (“DECD”) will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

EXHIBIT I: RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION

business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #28 (the “Agren Appliance Warehouse Development District”) as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Agren Appliance Warehouse Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager’s approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit J - Public Project Costs

EXHIBIT J: Public Project Costs

<u>Project</u>	<u>Estimated Cost Over 30 Years</u>	<u>Statutory Citation</u>
(a) Capital costs within the District related to the acquisition or construction of land, structures, fixtures or equipment, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures, and fixtures for public, recreational trail, commercial or transit use, including, but not limited to, site preparation, finishing work, real property assembly costs and other capital costs related to such improvements, such as licensing, permitting, planning, engineering and architectural and legal expenses, and credit enhancement agreement payments.	\$1,000,000	30-A M.R.S. § 5225(1)(A)(1)(a)-(d), §5225 (1)(A)(3)
(b) Capital costs within the District related to the construction of improvements, public ways, transit facilities, and recreational trails, including, but not limited to, pavement, widening, repair and reconstruction of roads, sidewalks and intersections, bicycle lanes, pedestrian safety measures, signage, bus shelters, benches, crosswalks, curb treatments, recreational trails and bridges.	\$517,920	30-A M.R.S. § 5225(1)(A)(1)(a)
(c) Costs of improvements for the construction, alteration or expansion of facilities outside of the District that are required due to improvements or activities within the District, such as improvements, reconstruction, repair or widening of public ways and amenities on streets, sidewalks and intersections, bicycle lanes and pedestrian safety measures, and storm, sanitary sewer and water lines, electrical lines.	\$500,000	30-A M.R.S. § 5225(1)(B)(1)
(d) Costs associated with professional services rendered for projects within the District, including, but not limited to, engineering, planning, licensing, permitting, surveying, design, legal and accounting, and administrative expenses of staff time related to establishing and implementing the District and Development Program.	\$200,000	30-A M.R.S. §§ 5225(1)(A)(4), (5), (7)
(e) Costs of the construction, alteration or expansion of facilities, including, but not limited to, water, sewer, storm water, electrical, telephone, cable, broadband,	\$400,000	30-A M.R.S. §§ (1)(A)(1), (1)(B)(1)

EXHIBIT J: Public Project Costs

and natural gas, that are located within the District or outside the District to the extent they are required due to improvements or activities within the District.		
(f) Costs of public safety improvements to include the acquisition of additional public safety equipment or personnel, or improvements to police and fire stations outside the District as made necessary by the establishment and operation of the District, and costs related to public safety facilities made necessary by economic development activities within the City (not to exceed 15% of the CAV of the District).	\$960,000	30-A M.R.S. §§ 5225(1)(B)(1), (2), (1)(C)(9)
(g) Costs related to economic development programs and activities of the City directed at business retention and attraction, including, but not limited to, economic development staff salaries and/or consultant fees, and costs of funding economic development programs, events or marketing of the City as a business or arts location.	\$580,032	30-A M.R.S. § 5225(1)(C)(1)
(k) Costs associated with administration of the District, including, but not limited to time spent by City employees in connection with the implementation of the Development Program.	\$64,448	30-A M.R.S. § 5225(1)(A)(5)
TOTAL Estimated Project Costs (30 Years)	\$4,222,400	



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit K - Comprehensive Downtown Redevelopment Plan

With completed *Downtown Redevelopment Plan Criteria Checklist*.



**Department of Economic and Community Development
Municipal Tax Increment Financing
Application**



Exhibit L - Transit-Oriented Development District Map



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit M - Credit Enhancement Agreement(s)

CREDIT ENHANCEMENT AGREEMENT

between

THE CITY OF AUBURN, MAINE

and

AGREN APPLIANCE SERVICE

DATE: _____, 2023

TABLE OF CONTENTS

ARTICLE I DEFINITIONS.....	3
Section 1.1. <u>Definitions</u>	3
Section 1.2. <u>Interpretation and Construction</u>	5
ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS .5	
Section 2.1. <u>Creation of Development Program Fund</u>	6
Section 2.2. <u>Liens</u>	6
Section 2.3. <u>Retention of Increment; Deposits into Development Program Fund</u>	6
Section 2.4. <u>Use of Monies in Development Program Fund</u>	6
Section 2.5. <u>Monies Held in Trust</u>	7
Section 2.6. <u>Investments</u>	7
Section 2.7. <u>Reporting Obligations</u>	7
ARTICLE III PAYMENT OBLIGATIONS.....	7
Section 3.1. <u>Company Payments</u>	7
Section 3.2. <u>Failure to Make Payment</u>	7
Section 3.3. <u>Limited Obligation</u>	8
ARTICLE IV FURTHER INSTRUMENTS AND BOOKS AND RECORDS.....	8
Section 4.1. <u>Further Instruments and City Costs</u>	8
Section 4.2. <u>Access to Books and Records</u>	8
ARTICLE V DEFAULTS AND REMEDIES.....	9
Section 5.1. <u>Events of Default</u>	9
Section 5.2. <u>Remedies on Default</u>	10
Section 5.3. <u>Remedies Cumulative</u>	10
ARTICLE VI EFFECTIVE DATE, TERM AND TERMINATION.....	10
Section 6.1. <u>Effective Date and Term</u>	10
Section 6.2. <u>Cancellation and Expiration of Term</u>	10
ARTICLE VII ASSIGNMENT AND PLEDGE OF DEVELOPER’S INTEREST.....	11
Section 7.1. <u>Pledge and/or Assignment</u>	11
Section 7.2. <u>Transfer</u>	11
ARTICLE VIII MISCELLANEOUS.....	11
Section 8.1. <u>Successors</u>	11
Section 8.2. <u>Parties-in-Interest</u>	12
Section 8.3. <u>Severability</u>	12
Section 8.4. <u>No Personal Liability</u>	12
Section 8.5. <u>Counterparts</u>	12
Section 8.6. <u>Governing Law</u>	12
Section 8.7. <u>Amendments</u>	12
Section 8.8. <u>Integration</u>	13

Section 8.9. Dispute Resolution.....13
Section 8.10. Records.....13
Section 8.11. Notices.....13

THIS CREDIT ENHANCEMENT AGREEMENT dated as of _____, 2023, between the City of Auburn, Maine (the “City”), a municipal corporation and political subdivision of the State of Maine, and Agren Appliance Service Corporation (the “Developer”), a Maine Corporation with a principal place of business located at 11 Adamian Drive, Auburn, Maine.

WITNESSETH THAT

WHEREAS, the Developer owns property located on Adamian Drive in Auburn, Maine next to its corporate headquarters (the “Property”), and intends to construct a new 51,000 square foot warehouse on the Property (the “Project”); and

WHEREAS, the City designated the Agren Appliance Warehouse Tax Increment Financing Development District #28 (the “District”) pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, by vote at a City Council Meeting held on June 20, 2023 (the “Vote”), and

WHEREAS, the City received the approval of the District and the Development Program by the Maine Department of Economic and Community Development dated _____; and

WHEREAS, the City authorized the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to an Order of the City Council, adopted on June 20, 2023; and

WHEREAS, the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the credit enhancement agreement contemplated and described in the Development Program; and

WHEREAS, the estimated cost of off-site improvements required in connection with the development of the Property is estimated to be approximately \$10,000,000; and

WHEREAS, the cost to construct the Project and maintain the commercial activity and employment opportunities in the City of Auburn requires financial assistance from the City to ensure completion of the Project; and

WHEREAS, completion of the Project will contribute to the economic growth and well-being of the City, and enable public facilities and improvements to the betterment of the health, welfare and safety of its inhabitants; and

WHEREAS, the City has decided to induce the Developer to undertake the Project through the use of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

“Act” means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

“Agreement” shall mean this Credit Enhancement Agreement between the City and the Developer dated as of the date set forth above, as such may be amended from time to time.

“CEA Year(s)” shall have the meaning given such term in Section 2.3(a) hereof.

“City” shall have the meaning given such term in the first paragraph hereto.

“City Project Cost Subaccount” means that portion of the Project Cost Account of the Development Program Fund set aside for the City uses as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof.

“City Payments” means for each CEA Year the Developer Percentage of the Increased Assessed Value payable in accordance with the terms of this Agreement.

“Commissioner” means the Commissioner of the Maine Department of Economic and Community Development.

“Current Assessed Value” means the then current assessed value of real property within the District as determined by the City Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

“Department” means the Maine Department of Economic and Community Development.

“Developer” shall have the meaning given such term in the first paragraph hereto.

“Developer Percentage” means fifty percent (43%) of the Increased Assessed Value in each Tax Year on which Property Tax payments are made by the City to the Developer as City Payments under the terms of this Agreement.

“Developer Project Cost Subaccount” means that portion of the Project Cost Account of the Development Program Fund set aside for the Developer as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof

“Developer Property” or “Property” means the total of 11.64 acres that comprises the District, consisting of three parcels identified on the City’s tax maps as Map 121, Lot 002, Map 109, Lot 003 and Map 109, Lot 004.

“Development Program” means the development program and financial plan for the District adopted by the City, as amended.

“Development Program Fund” means the Agren Appliance Warehouse Municipal Development and Tax Increment Financing Development Program Fund described in the Financial Plan section of the Development Program and established and maintained pursuant to Article II hereof and 30-A M.R.S.A § 5227(3)(A).

“District” shall have the meaning given such term in the first recital hereto, which is more specifically comprised of approximately 11.64 acres of real property and identified in Exhibits B, C and D to the Development Program and any future improvements to such real property.

“Financial Plan” means the financial plan described in the “Financial Plan” Section of the Development Program.

“Fiscal Year” means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

“Increased Assessed Value” means, for each CEA Year, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in the corresponding CEA Year.

“Incremental Property Tax Payments” means all real property tax payments related to the Increased Assessed Value, inclusive of interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

“Original Assessed Value” means \$1,051,500, the taxable assessed value of the real property within the District as of March 31, 2023 (April 1, 2022).

“Project Cost Account” means that portion of the Development Program Fund for the District as defined in the Financial Plan Section of the Development Program and established and maintained according to Title 30-A M.R.S.A. § 5227(3)(A)(1) and Article II hereof.

“Property Tax” means any and all *ad valorem* property taxes levied, charged or assessed against real property located in the District by the City, or on its behalf.

“State” means the State of Maine.

“Tax Increment Revenues” means that portion of all real property taxes assessed and paid within the District to the City in any Tax Year, excluding any state, or special district tax, including any scheduled payments thereof, interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

“Tax Payment Date” means the date(s) on which property taxes levied by the City are due and payable from the owners of property located within the City.

“Tax Year” shall have the meaning given such term in 30-A M.R.S.A. §5222(18), as amended, to wit: April 1 to March 31. Each Tax Year corresponds to a particular Fiscal Year. Each CEA Year occurs during a Fiscal Year.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

(a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this Agreement, refer to this Agreement, and the term “hereafter” means after, and the term “heretofore” means before, the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

(e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Development Program Fund.

The City shall create and establish a segregated fund in the name of the City designated as “The Agren Appliance Warehouse Municipal Development and Tax Increment Financing District Fund” (hereinafter the “Development Program Fund”) pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5227(3). The Development Program Fund shall consist of the Project Cost Account that is pledged to and charged with the payment of project costs as outlined in the Financial Plan of the Development Program and as provided in 30-A M.R.S.A. § 5227(3)(A)(1). The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S.A. § 5227(3)(B). The Project Cost Account shall also contain two subaccounts designated as the “Developer Project Cost Subaccount” and the “City Project Cost Subaccount.”

Section 2.2. Liens.

The City shall not create any liens, encumbrances or other interests of any nature whatsoever, nor shall it hypothecate the Developer Project Cost Subaccount described in Section 2.1 hereof or any funds therein, other than the interest in favor of the Developer and/or the Trustee hereunder in and to the amounts on deposit.

Section 2.3. Retention of Increment; Deposits into Development Program Fund.

(a) Commencing with the Tax Year beginning April 1, 2024, and for a period not to exceed the term of the District, ending March 31, 2054 (each a “CEA Year” and collectively the “CEA Years” herein), the City shall retain at least the Developer Percentage of the Increased Assessed Value within the District for the benefit of the Developer as set forth herein.

(b) For each of the CEA Years, the City shall deposit into the Developer Project Cost Subaccount an amount equal to the Developer Percentage of each Incremental Property Tax Payment paid on Increased Assessed Value, up to a cumulative amount of \$1,000,000. Such deposits shall be made by the City within 10 business days after the Property Tax due date at the time in effect; currently due semi-annually on each September 15 and March 15. In the event any such payment allocable to the Developer Percentage of Incremental Property Tax Payments is not timely paid to the City, the City shall deposit such payment (plus any allocable interest) within 10 business days of receipt of such payment.

(c) Notwithstanding anything to the contrary contained herein, all allocations to the Developer Project Cost Subaccount and payments to the Trustee for deposit therein shall cease at the conclusion of the term of this Agreement identified in Section 2.3(a) hereof subject to extension as identified in Section 6.1(a) hereof.

Section 2.4. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in the Developer Project Cost Subaccount shall in all cases be used and applied to fund fully the City’s

payment obligations to Developer described in Articles II and III hereof. All monies required to be deposited in the Developer Project Cost Subaccount shall be used by the Developer for construction of the Project.

Section 2.5. Monies Held in Trust.

Except as otherwise provided in this Agreement, all monies required to be deposited with or paid into the Developer's Project Cost Sub-Account of the Development Program Fund are to fund payments to the Developer under the provisions hereof and the provisions of the Development Program for the benefit of the Developer in accordance with the provisions of this Agreement.

Section 2.6. Investments.

Monies in the Developer's Project Cost Sub-Account may be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts so invested are needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Sub-Account of the Development Program Fund.

Section 2.7. Reporting Obligations.

Developer covenants and agrees to provide the City promptly upon request with all documentation reasonably required by the City to confirm the costs and completion of the projects set forth in Section 2.4.

**ARTICLE III
PAYMENT OBLIGATIONS**

Section 3.1. Company Payments.

(a) The City agrees to pay Developer all amounts then on deposit in the Company Project Cost Subaccount, on or before thirty (30) days following the Tax Payment Date.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real property located in the District remain unpaid, because of a valuation dispute or otherwise, the City shall be under no obligation to pay Developer's share of the disputed portion of the Tax Increment Revenues to Developer. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall be applied to taxes due on account of Original Assessed Value and, next to Sinking Fund Account as applicable, to the taxes due on account of the allocation of TIF Revenues for the City Project Cost Subaccount, and next to the taxes due in account of the allocation of TIF revenues for the Company Project Cost Subaccount.

Section 3.2. Failure to Make Payment.

(a) In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Development Program Fund is insufficient to reimburse Developer for the full amount due to Developer under this Agreement the City shall be in breach of the terms hereof, and the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, subject to the limitations of Section 3.3 below.

Section 3.3. Limited Obligation.

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to Developer hereunder, whether or not actually deposited into Company Project Cost Subaccount in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

**ARTICLE IV
FURTHER INSTRUMENTS AND BOOKS AND RECORDS**

Section 4.1. Further Instruments and City Costs.

The City shall, upon the reasonable request of Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by Developer.

Section 4.2. Access to Books and Records.

(a) All non-confidential books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by Developer, its agents and employees.

(b) All non-confidential books, records, lease agreements and documents in the possession of Developer relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by City, its agents and employees.

ARTICLE V DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default”:

- (a) Any failure by the City to pay any amounts due to Developer when the same shall become due and payable;
- (b) Any failure by the City to make deposits into Development Program Fund, including the Company Project Cost Subaccount, as and when due;
- (c) Any failure by the City or Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or Developer to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof;
- (d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the Developer’s affairs shall have been entered against the Developer or the Developer shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Developer or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Developer or the failure by the Developer to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Developer;
- (e) If any secured lender of Developer accelerates the indebtedness owed to it;
- (f) If any written representation or warranty given to the City by Developer is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent; and
- (g) If Developer fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the Developer’s secured lenders and/or

Developer allows mechanics' liens to encumber the Project for a period of more than sixty (60) days.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.9, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.9 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

**ARTICLE VI
EFFECTIVE DATE, TERM AND TERMINATION**

Section 6.1. Effective Date and Term.

This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof and shall expire upon the performance of all obligations on the part of the City and the Developer hereunder or upon any earlier termination as provided in this Agreement.

Upon receipt of such approval, this Agreement shall remain in full force from April 1, 2024 and shall expire March 31, 2036 or sooner upon the payment of all amounts due to Developer hereunder and the performance of all obligations on the part of the City hereunder, unless even sooner terminated pursuant to any other applicable provision of this Agreement.

Section 6.2. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Pledge and/or Assignment.

The City hereby acknowledges that Developer may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank or financial institution to Developer for the Project, although no obligation is hereby imposed on Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishment, perfection and protection of its interest herein. Developer shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Transfer

Except as specified in Sections 7.1 and 8.1 hereof, Developer shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE VIII MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the City or Developer, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from

time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and Developer.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability.

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of the Developer contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of the Developer in his or her individual capacity, and no officer, employee or agent of the Developer shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Amendments.

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.8. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.9. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Auburn, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

Section 8.10. Records.

The City shall maintain a record demonstrating its calculation of the Increased Assessed Value and Tax Increment Revenues within the District as it relates to deposits to the Development Program Fund pursuant to Article II and payments to the Developer under Article III of this Agreement, and shall provide Developer with a copy of the same upon request.

Section 8.11. Notices.

All notices, certificates, requests, requisitions or other communications by the City or Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

Phillip Crowell
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

With a copy to:

Alyssa C. Tibbetts, Esq.
Jensen Baird Gardner Henry
10 Free Street
P.O. Box 4510
Portland, Maine 04112

If to Developer:

Jason Pauley, COO
Agren Appliance
11 Adamian Drive
Auburn, ME 04210

With a copy to:

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

CITY OF AUBURN

By: _____

Name: Phillip L. Crowell, Jr.
Its City Manager Duly Authorized by the City
Council on June 20, 2023

WITNESS:

AGREN APPLIANCE SERVICE CORPORATION

By: _____

Name: Jason Agren
Its: President



Department of Economic and Community Development
Municipal Tax Increment Financing
Application



Exhibit N - Municipality TIF Policy



City of Auburn, Maine

Business & Community

Development Department

Glen E. Holmes, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

TAX INCREMENT FINANCING POLICY AND GUIDELINES

The Business and Community Development Department will follow the following guidelines in establishing Tax Increment Financing (TIF) Districts and reviewing Credit Enhancement Agreement Applications.

I. Purpose and Introduction

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a more significant portion of County taxes. Specific municipal shelter benefits for the term of the TIF include No reduction in State aid for education, no reduction in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. It provides a means of financing Auburn's economic and community development goals as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all

of the incremental property tax revenues derived from new development or expansion of existing development. The captured tax revenues from a TIF District can finance municipal investments and City infrastructure projects. They can also be used to provide incentives or financing to private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines provide guidance and outline standards for developing TIFs and CEAs in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with these guidelines, creating a TIF District or authorizing a Credit Enhancement Agreement is a policy decision of the City to be evaluated by the City on a case-by-case basis. These guidelines or the creation of a TIF District do not create a right or entitlement to assistance by any applicant.

II. Eligibility for Assistance

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of \$1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that offers developers reimbursement of a percentage of the property tax revenue paid on their property's increased assessed value (or incremental value). Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing notice is required to receive public comment on a completed CEA application at least ten days before a meeting at which the CEA is considered for approval by the City Council.

III. Application Process

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing one are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECO). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City. All recommendations for TIF assistance shall be based on the project's merits and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. After approval, they will monitor ongoing investments in the development project.

All applicants for TIF assistance must pay a \$500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District, and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee of 2% of the incremental tax reallocated back to the project will be assessed.

IV. Waiver of Provisions

Under certain conditions, the City of Auburn reserves the right to waive the guideline provisions. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria for considering a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

V. Mandatory Guidelines

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the total capital investments needed to undertake the project
- Project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- Developer is financially capable of undertaking the project

- Developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

VI. Guidelines that Determine the Level of Municipal Participation

Although the applicant/applicant project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities with applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

VII. Transfer of Ownership

Credit Enhancement Agreements are non-transferable without prior approval of the City Council. Suppose the applicant wishes to transfer property ownership in the TIF District subject to a CEA to which the applicant is a party. In that case, the applicant must notify the Director of Business and Community Development in writing before finalizing the transfer. In writing, the prospective new owner must agree to accept the agreement's provisions as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

VIII. Annual Expenditure of TIF Revenues for Municipal Projects

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues, and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.



City Council Order

IN CITY COUNCIL

ORDER OF THE AUBURN CITY COUNCIL

June 20, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Agren Appliance for the commercial development of certain property within its General Business zoning district located on Adamian Drive; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Agren Appliance Warehouse Municipal Development and Tax Increment Financing District #28 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial

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 Order

detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

EXHIBIT I: RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #28 (the "Agren Appliance Warehouse Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Agren Appliance Warehouse Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the

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 Order

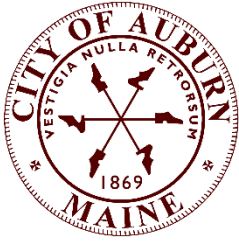
Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

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 of Auburn
City Council Information Sheet**

Council Meeting Date: June 20, 2023

Ordinance: 06-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 12, General Business, Sec 60-500 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the General Business (GB) from 30 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.

From the Cities updated Comprehensive Plan, Future Land Use Chapter: *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 suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage of first reading.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Codification language text amendment DIV 12, General Business, Sec 60-500 (2)



Auburn Planning Board
City of Auburn
60 Court Street
Auburn, Maine 04210

May 5, 2023

RE: Zoning Ordinance Amendments to General Business, General Business II, and Industrial Districts

Dear Planning Board Members:

I am writing in support of the proposed amendments to the General Business, General Business II, and Industrial Districts to increase the total allowed building coverage from thirty percent to sixty percent. I am a Construction Executive with Manganaro Northeast and we operate a manufacturing facility, Prehung Doors, LLC on the property located at 353 Riverside Drive in Auburn. We support the proposed amendment because it is consistent with the City's Comprehensive Plan and it is generally good urban planning to allow higher density in business and industrial zones to encourage economic investments and growth in the City.

In order for our business to remain in Auburn, we need to expand our building. In planning our expansion, we realized that the allowed building coverage for our property is only thirty percent, which seemed low for a general business zone. Because the existing building on our property covers approximately twenty-five percent of the lot, we have very little room left to expand. I imagine that there are other business in our same boat, and some that may have already been forced to leave the City because they outgrew the requirements. The proposed amendments would allow us to construct a meaningful expansion that would allow us to stay and grow as part of the community in Auburn.

We appreciate the Board's time and attention to these amendments and ask that you recommend their adoption to the City Council.

Sincerely,

A handwritten signature in black ink that reads 'Joe Tardif' in a cursive script.

Joe Tardif



City of Auburn, Maine

Economic Development

Jay Brenchick, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601 X1218

Date: April 25, 2023

Re: Proposed Amendment to DIV 12, General Business, Sec 60-500 (2) DIV 13, General Business II, Sec. 60-526 (2) DIV 15 Industrial, Sec. 60-579 (2) to allow for increase of total lot area of 60 percent of commercial or office building density.

For consideration by the City of Auburn, Maine Planning Board:

The Economic Development Department works to retain existing businesses and attract new businesses. As the Director of Economic Development, I have found building density requirements are restricting economic development for the City of Auburn. In addition, changing our density requirement is in line with the City's updated Comprehensive Plan.

The City receives requests from local, national, and international businesses looking to expand or find a new location. These businesses are in the restaurant/retail, manufacturing, biotechnology/life sciences, forest products, marine/aquaculture, food/agriculture, clean energy, and professional services industries. Increasingly, these industries identify local building density requirements as a hinderance for their ability to do business.

Auburn-based businesses looking to expand, such as Prehung Doors, Inc., have pointed to other communities in Maine that do not have density requirements as a major factor when considering staying in Auburn or moving to another community.

When it comes to attracting new businesses, Auburn is in direct competition with Biddeford, Sanford, South Portland, and Waterville. All these localities do not have density requirements which gives them a major competitive advantage over Auburn.

This request is in line with new industry standards, our comprehensive plan, helps keep Auburn competitive, and fosters a business-friendly environment while helping increase our tax base.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Jay A. Brenchick", is written over a light blue horizontal line.

Jay A. Brenchick



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

DRAFT

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on Zoning Text Density Change Applied to General Business, General Business II, and Industrial Zones.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Text Amendment: Consider amending Sec. 60-500 (2), Sec. 60-526 (2), and Sec. 60-579 (2) of the zoning ordinances to increase the maximum building coverage in the General Business (GB) and Minot Avenue (GBII) zoning districts from 30 percent coverage to 60 percent coverage, and increase the maximum building coverage in the Industrial (ID) zoning district from 40 percent coverage to 60 percent coverage as shown on the attached proposed text amendments. This topic is pursuant to Sec. 2-471.- public Hearings.

MOTION: Riley Bergeron makes a motion; David Trask seconds.

I make a motion to make a favorable recommendation to City Council to amend text Chapter 60, Article IV, DIV 12, General Business, Sec 60-500 (2) DIV 13, General Business II, Sec. 60-526 (2) DIV 15 Industrial, Sec. 60-579 (2) to allow for a total lot area of 60 percent of commercial or office building density.

AMENDMENT: Tim DeRoche makes a motion; Darren Finnegan Seconds.

"I make a motion to amend the motion to raise it to 75% of commercial or office building density." **VOTE:** 2-5-0 Motion fails.

VOTE: 7-0-0 Original Motion passes.

Sec. 60-500. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).
- (2) *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
 - f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in

excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)



City Council Order

IN CITY COUNCIL

Amending the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations

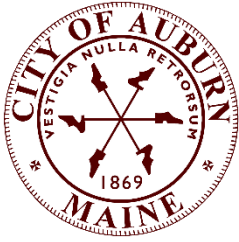
BE IT ORDAINED, that the City Council hereby amends the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~30-60~~ percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2). ¶

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 of Auburn
City Council Information Sheet**

Council Meeting Date: June 20, 2023

Ordinance: 07-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 13, General Business II, Sec 60-526 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the General Business II (GBII) from 30 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.

From the Cities updated Comprehensive Plan, Future Land Use Chapter: *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 suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage of first reading.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Codification language text amendment DIV 13, General Business II, Sec 60-526 (2)

Sec. 60-526. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* No building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).
- (2) *Density.* Not more than 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021)



City Council Order

IN CITY COUNCIL

Amending the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations

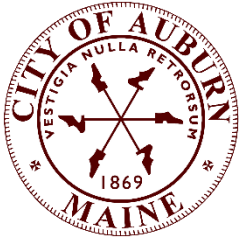
BE IT ORDAINED, that the City Council hereby amends the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

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 of Auburn
City Council Information Sheet**

Council Meeting Date: June 20, 2023

Ordinance: 08-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 15, Industrial Zoning District , Sec 60-579 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the Industrial Zone from 40 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.

From the Cities updated Comprehensive Plan, Future Land Use Chapter: *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 suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage of first reading.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Codification language text amendment DIV 15, Industrial Zoning District, Sec 60-579 (2)

Sec. 60-579. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth.
- (2) *Density.* Not more than ~~40~~ 60 percent of the total lot area shall be covered by buildings.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.
 - d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
 - f. *Open and unbuilt spaces.* Any yard, space or are required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge.
 - g. *Landscaping.* Landscaping shall be provided and maintained as follows:
 1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.
 2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building.
 3. All lots which abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.
 4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet.
 5. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement.

Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section
Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas.

- (4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.71C; Ord. No. 11-03012021, § 36, 3-15-2021)



City Council Order

IN CITY COUNCIL

Amending the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations

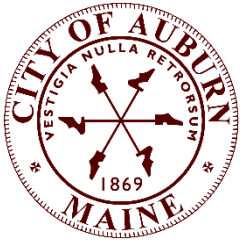
BE IT ORDAINED, that the City Council hereby amends the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~40-60~~ percent of the total lot area shall be covered by buildings. ¶

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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Ordinance: 09-06202023

Author: Planning and Permitting Dept.

Subject: First Reading of Zone Change Petition for 37 Loring Avenue (Parcel I.D. 211-282)

Information: On June 6, 2023, Auburn Planning Board held a public hearing on a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multifamily Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

During the public hearing, Planning Board raised questions about access to and through the property, stating the concern about the entry being only on Loring Ave. They also inquired why the proposal was to change the zone to Multifamily Suburban rather than T-4.2B, anticipating that a zone change covering a larger area to T-4.2B would come before the planning board soon. The applicant submitted a petition to rezone the property to MFS rather than T-4.2B because the property is adjacent to another property which is already zoned MFS, and this zone change would constitute an expansion of an existing zone which would still allow for greater housing density. The Planning Board voted to not accept the zone change. They cited safety and traffic concerns as their reason for not supporting the proposed zone change.

City Budgetary Impacts: N/A

Staff Recommended Action:

Staff originally supported the zone change petition from Urban Residential to Multifamily Suburban because it is a step closer to achieving higher density housing supported in the Comprehensive Plan, providing similar results to T-4.2B. The Planning Board will consider applying T4.2B zoning to a larger area, including this parcel, in July. Staff suggests Council review the Planning Board's findings, discuss, and vote not to pass the Change to Multi-Family Suburban on the first reading.

Previous Meetings and History:

June 6, 2023- Planning Board Public Hearing

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: 6/6/2023 Staff Report, Signed Petition initiating zone change, Chapter 60, Division 7-Multifamily Suburban District, Planning Board Recommendation to Council (Motion).



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

To: Auburn Planning Board

From: John Blais, Deputy Director Planning and Permitting

Re: Zone Change Petition for 37 Loring Avenue (Parcel I.D. 211-282)

Date: June 6th, 2023

I. Proposal: Petition/ Zone Change Request:

Auburn voters submitted a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

Materials:

1. Staff Report
2. Petition, Receipt and Map
3. Division 7 Multifamily Suburban
4. Comprehensive Plan Growth Area (Staff Report)

II. Background:

Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A)

One of the primary tests of a zone change is its conformance with the Comprehensive Plan.

The 2021 Comprehensive Plan provides standards and mechanisms to consider if rezoning the parcel is logical. The first Comprehensive Plan supported option to approach this proposal is to rezone the area of the parcel proposed in the petition as an expansion of an existing historic core as referenced in the Comprehensive Plan: Otherwise known as growth areas:

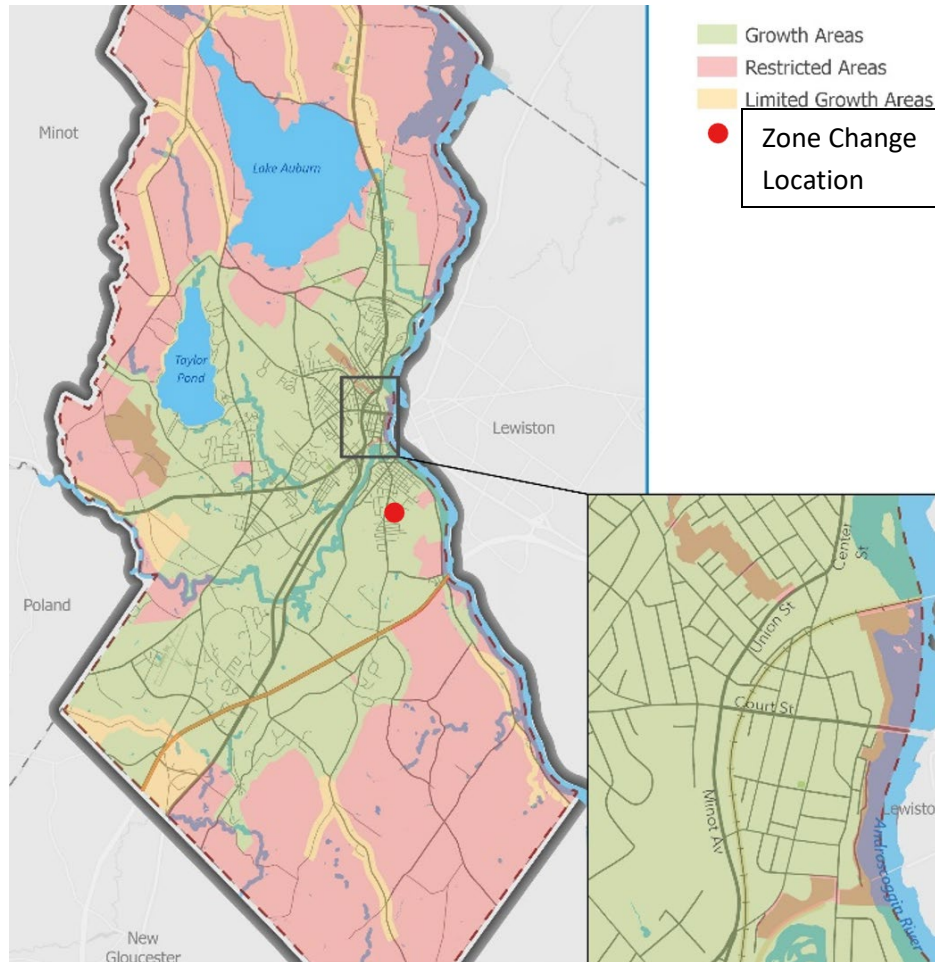


Figure 1—Growth Area —Zone Change Location.

“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 held a 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 provide the most efficient utilization of city services,” (Ch. 2 P. 86).

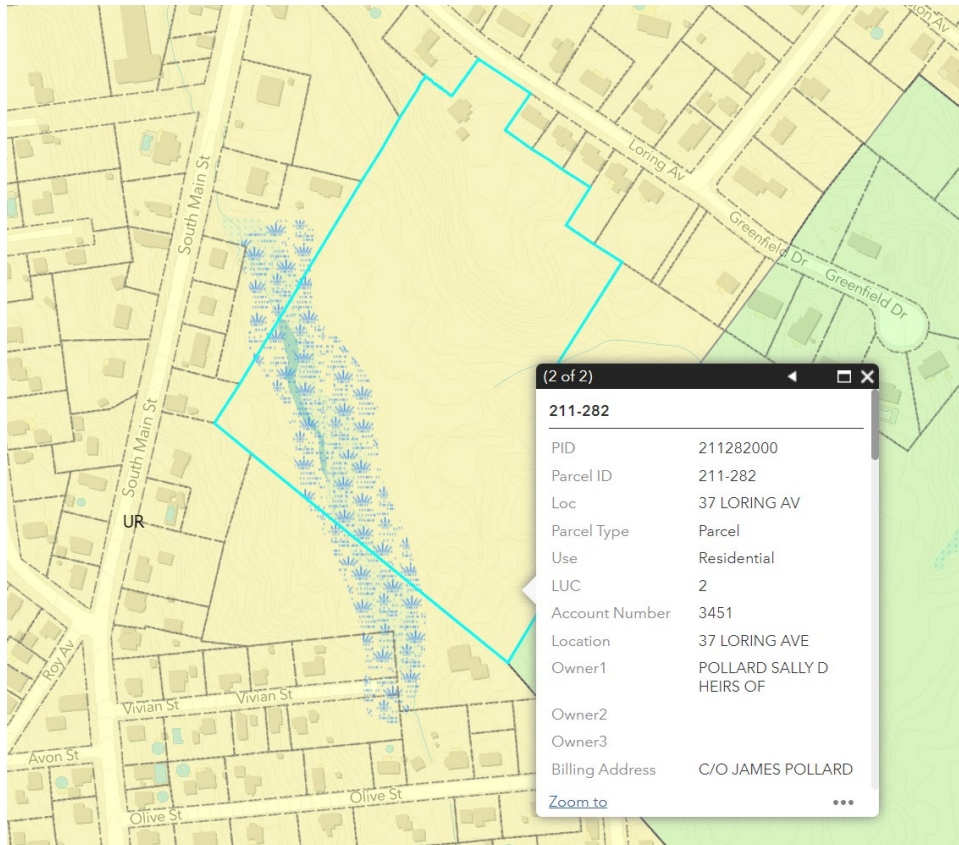


Figure 2—37 Loring Avenue—the change area requested (Urban Residential to Multi-Family Suburban) in the petition.

Planning Board Action:

Staff recommends that the planning board hold a Public Hearing and decide whether it is a good location to change 15.50 acres as petitioned, from Urban Residential to Multi-family Suburban.

III. Suggested Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, City Zoning maps with Parcels identified, 500’ abutters list, on May 9, 2023, thus meeting the time frame and submission standards (Sec. 60-1446).
2. The proposal can be implemented without detriment to city resources.
3. The proposal meets the general future land use plan pattern of development and is consistent with the current comprehensive plan.
4. The zone change will occur outside the Lake Auburn watershed.

V. Suggested Motion:

- A. I make a motion to recommend amending 15.50 acres as petitioned, Urban Residential to Multi-Family Suburban pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

REZONING PETITION

To amend the Urban Residential zoning map (PID 211-282) at 37 Loring Avenue

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 12 TOTAL INVALID 14

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 5/4/2023 Signature of Registrar: Susan Clements-Dunn

DATE & TIME PETITION RECEIVED
5/4/2023
1:59 pm

Total Approved: 25 Signatures

S. Blinn
D. Director Planning & Permi Ang
5.9.23

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Urban Residential (UR) zoning map of the zoning ordinance on (PID 211-282), at 37 Loring Avenue to allow for a 15.50-acre zone change of UR to Multi-Family Suburban (MFS) to support needed higher density opportunities in an otherwise residential zoned neighborhood along Loring Avenue. The abutting lot is currently zoned Multi-Family Suburban or Urban Residential and the lot would be served by public sewer and water.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as a growth area and recent PB workshop discussions included this area as potential formed based code 4.2 or 4.2B. The lot is outside the floodplain.

	Print Name	City of Auburn Legal Address	Signature
NR	1. Jesse Nuzzo	96 Western Ave Apt 2	Jesse Nuzzo
NR	2. Marcel Bolduc	34 TATMON DR	Marcel Bolduc
NR	3. Anita Poliquin	96 WESTERN AVE APT #1	Anita Poliquin
✓	4. WISLAW Chagniere	309 N. Auburn Rd.	Wislawa Chagniere
✓	5. Diane MBryant	75 CRIST AVE Aub.	Diane MBryant
NR	6. Tara Kent	88 Western Ave Aub	Tara Kent
✓	7. Jeffing Daniels	26 Newell Ave	Jeffing Daniels
NR	8. Tony Carter	82 RIVERSIDE DR.	Tony Carter
NR	9. Theresa Lamare	49 Giroux St	Theresa Lamare
NR	10. Jeffrey Lamare	49 Giroux St	Jeffrey Lamare
NR	11. Wanda Gibbs	96 Western Ave	Wanda Gibbs
NR	12. Charles Poliquin	96 Western Ave	Charles Poliquin
✓	13. JAN. BIRON	94 WESTERN AVENUE AUB.	Jan Biron
✓	14. Jaimie Chomick	309 N Auburn Rd	Jaimie Chomick
NR	15. William Chomick	37 Whitney St.	William Chomick
NR	16. Mark Perron	91 Pride Rd 37 Whitney St	Matthew Perron
✓	17. Mark Perron	91 Pride Rd	Mark Perron
NR	18. Tyson Cote	37 Whitney St	Timothy Cote
✓	19. Tyson Cote	37 Whitney St	Timothy Cote
NR	20. Isaac Cote	37 Whitney Street	Isaac Cote
NR	21. Alex Merchant	99 Bradman Rd Auburn	Alex Merchant
✓	22. Sam LeCaron	99 Bradman St Auburn	Sam LeCaron
✓	23. Steve Church	100 Bradman St	Steve Church
✓	24. Cynthia Taylor	333 Park Ave	Cynthia Taylor
✓	25. Donald Taylor	333 Park Ave	Donald Taylor
✓	26. Beth Nuzzo	15 Church St Aub	Beth Nuzzo
	27.		

REZONING PETITION

To amend the Urban Residential zoning map (PID 211-282) at 37 Loring Avenue

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 11 TOTAL INVALID 0

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 5/4/2023 Signature of Registrar: Susan Clements-Dallaire

DATE & TIME PETITION RECEIVED
5/4/2023
1:59 pm

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Urban Residential (UR) zoning map of the zoning ordinance on (PID 211-282), at 37 Loring Avenue to allow for a 15.50-acre zone change of UR to Multi-Family Suburban (MFS) to support needed higher density opportunities in an otherwise residential zoned neighborhood along Loring Avenue. The abutting lot is currently zoned Multi-Family Suburban or Urban Residential and the lot would be served by public sewer and water.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as a growth area and recent PB workshop discussions included this area as potential formed based code 4.2 or 4.2B. The lot is outside the floodplain.

	Print Name	City of Auburn Legal Address	Signature
✓ 1.	MICHAEL SENDEN	10 CLIFF ST.	
✓ 2.	Nicholas LeBlond	35 Lexis Ln	
✓ 3.	Evelyn LeBlond	35 Lexis Ln	
✓ 4.	Peggy Jordan	177 Sixth St.	
✓ 5.	Robby Dawn Davin	192 Summer St	
✓ 6.	William White	1238 Ninth Ave	
✓ 7.	Cody Plester	14 LAKE AUBURN AVE	
✓ 8.	KELSEY JOHN	52 PRESIDENTIAL WAY	
✓ 9.	T. RATE <small>Thomas Platz</small>	100 EVERGREEN	
✓ 10.	Orlye Legasse	211 Summer st Aub	
✓ 11.	Sylvia Fish	261 TOWNSEND AVE. 04210	
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			

REZONING PETITION

To amend the Urban Residential zoning map (PID 211-282) at 37 Loring Avenue

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 1 TOTAL INVALID 0

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 5/4/2023 Signature of Registrar: Susan Clemente-Dallaire

DATE & TIME PETITION RECEIVED <u>5/4/2023</u> <u>1:59 pm</u>
--

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Urban Residential (UR) zoning map of the zoning ordinance on (PID 211-282), at 37 Loring Avenue to allow for a 15.50-acre zone change of UR to Multi-Family Suburban (MFS) to support needed higher density opportunities in an otherwise residential zoned neighborhood along Loring Avenue. The abutting lot is currently zoned Multi-Family Suburban or Urban Residential and the lot would be served by public sewer and water.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as a growth area and recent PB workshop discussions included this area as potential formed based code 4.2 or 4.2B. The lot is outside the floodplain.

	Print Name	City of Auburn Legal Address	Signature
✓ 1.	Marcia White	212 T. Sunderland St. Sunderland	Marcia White
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			

REZONING PETITION

To amend the Urban Residential zoning map (PID 211-282) at 37 Loring Avenue

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 1 TOTAL INVALID 0

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 5/5/2023 Signature of Registrar: Susan Clements-Dallaire

DATE & TIME PETITION RECEIVED
5/5/2023
9:17 AM

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Urban Residential (UR) zoning map of the zoning ordinance on (PID 211-282), at 37 Loring Avenue to allow for a 15.50-acre zone change of UR to Multi-Family Suburban (MFS) to support needed higher density opportunities in an otherwise residential zoned neighborhood along Loring Avenue. The abutting lot is currently zoned Multi-Family Suburban or Urban Residential and the lot would be served by public sewer and water.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as a growth area and recent PB workshop discussions included this area as potential formed based code 4.2 or 4.2B. The lot is outside the floodplain.

	Print Name	City of Auburn Legal Address	Signature
✓ 1.	Judith Prentice	337 Pownal Rd, Auburn, ME 04210	Judith Prentice
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			

28.		
29.		
30.		
31.		
32.		
33.		

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

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

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Multifamily dwellings in existence on September 23, 1988.
- (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
- (5) Farming of field crops, row crops, orchards or truck gardens.
- (6) Shelter for abused persons.
- (7) Accessory uses, buildings or structures.
- (8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
- (9) Municipal uses and buildings.

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

- (1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).
- (2) Off-street parking lot, provided that:
 - a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.

- b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.
- (3) Professional offices.
- a. Shall be in buildings which are listed on the state resource list and/or federal historic register.
 - b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.
 - c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.
- (4) Adaptive reuse of structures of community significance.
- (Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021)

Sec. 60-307. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations.

- (1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:
- a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
 - b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
 - c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.
- (2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

- (3) *Yard requirements.*
- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

-
- b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
- (4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:
- a. Multifamily buildings shall have a maximum height of 45 feet from grade.
 - b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Secs. 60-308—60-332. Reserved.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

DRAFT

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on 37 Loring Ave. Map Amendment proposing changing the parcel from Urban Residence (UR) to Multifamily Suburban (MFS).

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: Auburn voters submitted a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Toni Ferraro makes a motion; Tim DeRoche seconds.

“My motion is not to go forward my findings are (that) if you go down Loring Ave, I really do not understand how you could fit a firetruck down there or the amount of traffic that would come along with a larger development for multifamily (buildings)”. Riley Bergeron clarifies that the reasons to deny the proposal are safety and traffic. Toni Ferraro confirms this is the intention. **VOTE:** Motion passes to not recommend the zone change 7-0-0.

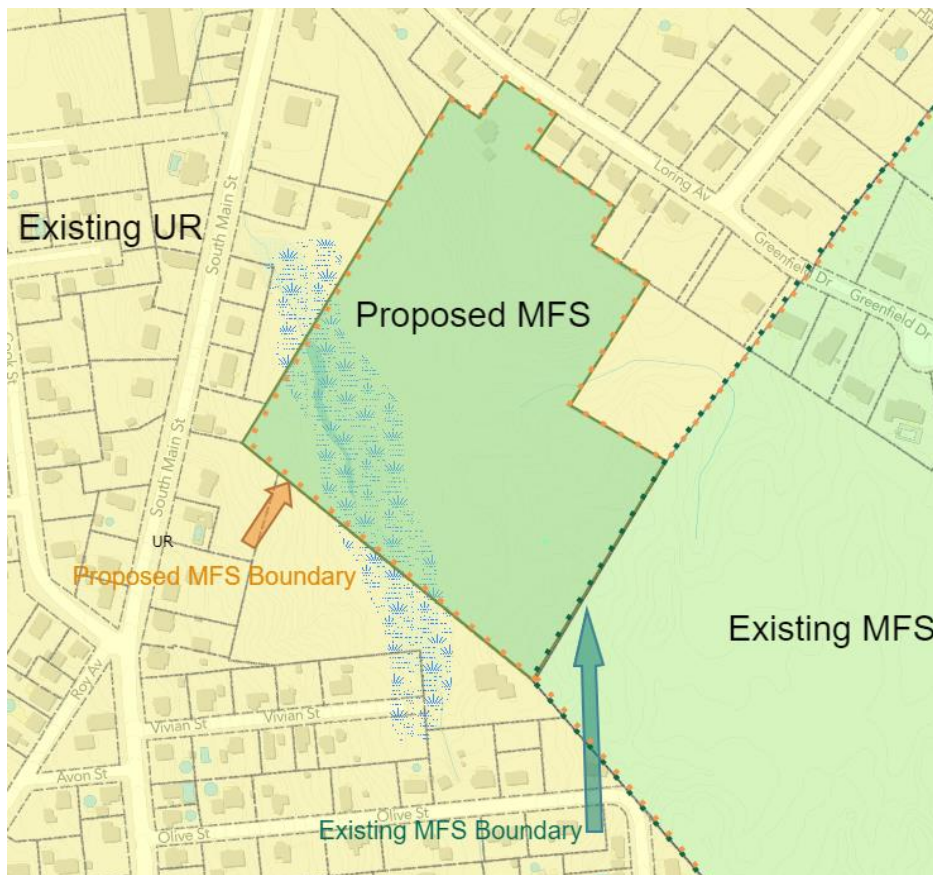


City Council Ordinance

IN CITY COUNCIL

TITLE: Zone Change Petition to amend the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban

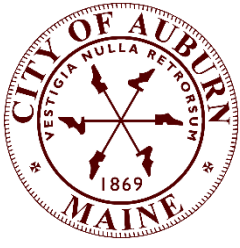
Be it ordained, That the Auburn City Council amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue on Auburn Tax Map Parcel I.D. 211-282 from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district as shown in this packet.



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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023 **Ordinance:** 10-06202023 and **Order:** 91-06202023

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)).

Information: Additional information about the collaboration with various interest groups leading up to this First reading is available in the attached AGRP Staff report to the Planning Board dated 6/6/2023. At the 6/6/2023 Planning Board Public Hearing the Board passed a favorable recommendation on to the City Council to adopt "Proposal B," with recommended amendments to the draft. Those recommended amendments are detailed in the attached memo (Titled: Planning Board recommendation to City Council on AGRP Zone Proposals A and B) from The Auburn Planning Board to the City Council dated 6/6/2023. Staff worked with legal counsel to determine which amendments could be made without a new public hearing at the Planning Board and it is staff's opinion that some are more substantive than others. Our Counsel recommends that all the Planning Board recommended changes to Proposal B should be reviewed at a Public Hearing with the Planning Board prior to adopting the changes to Proposal B. The Council has a choice to reject or adopt Proposal A, Proposal B or adopt Proposal B with changes recommended by Planning Board. We know that the process has taken longer than desired by the Council and we are past the deadline given for the process. One option is to approve Proposal B and then choose to refer some or all of the recommended changes from Planning Board back to the Planning Board for a Public Hearing and then they will return for future consideration by the Council. The draft Proposal B with recommended changes appears to have wide community support. The legal process makes it difficult to adopt all of the changes recommended by the Planning Board tonight and to stay on schedule for a second and final reading on July 10th.

City Budgetary Impacts: None immediately. New homes will come with new costs for services and new tax revenues, but exact numbers will depend on home values and service demands.

Staff Recommended Action: Staff recommends that the Council adopt first reading of Proposal B and refer the Planning Board recommended changes back to the Planning Board for a Public Hearing and future consideration by the Council.

Previous Meetings and History: September 9, 2022—City Council passes Resolve 06-09062022, October 11, 2022—Planning Board is introduced to Resolve 06-09062022, November 7, 2022—City Council passes Order 151-11072022, November 15, 2022—Planning Board holds first workshop to consider Resolve 06-09062022, and Order 151- 11072022. Received recommendation from SNRB, December 5, 2022—City Council responds to

questions submitted by SNRB, December 13, 2022—Planning Board workshop to consider Resolve 06-09062022, and Order 151-11072022, and received SNRB recommendation, January 10, 2023—Planning Board workshop on Resolve 06-09062022, and Order 151-11072022 and decide conservation values and prioritization matrix for mapping and community survey, February 14, 2023— Planning Board workshop on Resolve 06-09062022, and Order 151-11072022/ received survey and mapping results, March 6, 2023—City Council extends recommendation deadline to April 18, 2023, March 28, 2023—Public Hearing on text and map amendments, April 2, 2023—Planning Board delivers Council recommendations, April 18, 2023 Joint PB and CC Workshop drafted Proposal A, May 9, 2023 Planning Board Public hearing and directive to staff to draft Proposal B incorporating public comments and strengthening connection between home and permitted land use, June 6 Planning Board Public hearing and recommendation.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Proposal B, Staff Report to Planning Board 6/6/2023, Planning Board recommendation to City Council on AGRP Zone Proposals A and B



City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP Zone Proposals A and B.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: “Proposal A”, the same proposal considered at the public hearing on May 9, 2023; and “Proposal B”, as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

MOTION: Tim DeRoche makes a motion; Toni seconds.

“I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal “B”, Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agricultural and Resource Protection District as shown in Proposal “B”, and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in “Proposal B.”

The following motions are amendments to the main motion, above.

Motions 1-7 are directly from Evan Cyr’s proposed amendments to Proposal “B”, submitted 6/6/2023.

Motions 8-9 are from AGRP Zone Group public comment from Steve Beale dated 6/5/2023.

1. MOTION: Riley Bergeron; Second: David Trask

Riley Bergeron suggests an amendment for “Sec. 60- 145 (a)(1)(a) to include the language 20% of 2 acres, which ever is less” in reference to lot size. Dave Trask seconds. **VOTE:** Amendment passes 7-0-0

2. MOTION: Riley Bergeron; Second: David Trask

Riley Bergeron offers another amendment that 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses rather than just farming. Dave Trask Seconds. **VOTE:** Amendment passes 7-0-0

3. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron would also like to include an amendment for Section 60-145(a)(1)(b)(vii) to read not be sited in any portion of a parcel that has been classified as being: “a. Enrolled in the State of Maine Farmland Tax Program in the last five years, or” **VOTE:** Amendment passes 6-1-0

4. MOTION: Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for section 60-145(a)(1)(c) which only references Section 60-145(a)(1)(a) but there are also requirements for a residence later in that section. This could be accomplished by reading, “No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements set forth in Section 60-145(a)(1)(a) and Section 60-145(a)(1)(b)(ii) have been presented” **VOTE:** Amendment passes 7-0-0.

5. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron also offers an amendment to Sec. 60-145 (a)(1)(d) for it to read: “which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Section 60-145(a)(1)(b)(ii). **VOTE:** Amendment passes 6-1-0

6. MOTION: Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for Section 60-146(1) to read, “and measuring less than 250 feet in width at the street frontage along a publicly accepted street,” **VOTE:** Amendment passes 4-3-0

7. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron offers an amendment on Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less.

Riley Bergeron clarifies that his amendment refers to where the house should be set on the lot, the same text provided as public comment. David Trask also seconds after this clarification. **VOTE:** Amendment passes 7-0-0

8. MOTION: Tim DeRoche; Second: Riley Bergeron

Tim DeRoche proposes an amendment found in Mr. Beale’s public comment in Section 145(a)(3) that ‘firewood processing and Christmas tree cultivation’ should follow the words maple sugaring.” **VOTE:** Amendment passes 7-0-0

9. MOTION: David Trask; Second: Toni Ferraro

David Trask offers an amendment that in Section 145(b)(8)(a) the words except for approved conservation cemeteries which shall be at least 10 acres in size” should be added. **VOTE:** Amendment passes 7-0-0

10. MOTION: David Trask; Second: Toni Ferraro

David Trask would like to amend where referenced the Lake Auburn watershed to include the Taylor Pond watershed as well. **VOTE:** Amendment passes 7-0-0

MOTION: Tim DeRoche; Second: David Trask

“I make a motion to approve the B option with said amendments (1-10)” **VOTE:** Motion passes 7-0-0.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Public Hearing and Text Amendment on AGRP Zone Proposals A and B

Date: June 6, 2023

I. Proposal:

The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

II. Materials:

1. Staff Report 6/6/2023
2. AGRP District Zoning Text Amendments- Proposal "A"- presented at the Planning Board Public Hearing 5/9/2023.
3. AGRP District Zoning Ordinance Text Amendments- Proposal "B" as directed by Planning Board for Planning Board Public Hearing 6/6/2023
4. Public Comment submitted 5/16/2023
5. Public Comment Submitted 5/30/2023

III. Planning Board Action:

The purpose of this public hearing is to hear from the community, to review the latest draft ordinance text, and to make a recommendation to the City Council on eliminating the income standard (outside Lake Auburn watershed). At the May 9, 2023, Planning Board meeting, the Planning Board held a public hearing on Proposal "A", drafted by the Planning Board and City Council. Staff recommended at the meeting that the Planning Board not approve the proposed text amendments and offered an alternative that a text and/or map amendment changing the zoning to Residential in defined areas in AGRP zone outside the Lake Auburn watershed could meet residential demand with fewer unintended consequences. That combined a modified version of the residential strip map while maintaining the concept of growing outward from the core. It also creates significant new opportunities for housing and leaves much of the AGRP zone functions in place. The option that staff recommended at the May 9, 2023, meeting would have upheld the income requirement in the remaining AGRP zone. Also, during this meeting, staff supported the possibility of an alternative proposal reflecting alternative connections between housing and agriculture as well as other permitted uses, not just traditional farms, as recommended by the Comprehensive Plan.

At the May 9, 2023, meeting, in addition to Proposal “A”, a group of interested residents of Auburn, calling themselves the AGRP zone group, offered an alternative ordinance draft amendment as public comment which also eliminated the income standard, but added criteria to maintain the connection of housing to agriculture. The Board found strengths in Proposal “A” and in the public comment ordinance draft; specifically, that Proposal “A” afforded environmental protections that were not explicitly named in the existing, codified AGRP zone, but also that the public comment ordinance draft maintained a connection to agriculture that Proposal “A” did not. The Board decided to hold a hearing on a draft ordinance text amendment which accomplished the strengths in both Proposal “A” and the public comment ordinance draft. As such, Evan Cyr made a motion to table (the vote on whether to remove the income standard) until the next meeting (June 6, 2023) with direction to staff to create ordinance text amendment options for the Planning Board to review that incorporates the ideas presented in the AGRP zone group draft (presented as public comment during the May 9, 2023 public hearing) regarding tying residences to uses within the AGRP zone that would be congruent with the Comprehensive Plan and Proposal “A” originally presented for the May 9, 2023 meeting.

Staff has responded to this direction by drafting Proposal “B”, which maintains the environmental protections and eliminates the income requirement as introduced in Proposal “A” and maintains the connection of housing to agriculture as a prerequisite for residential development. Proposal “B” goes further to expand the possible connection of housing as accessory to not only agriculture, but also other allowed uses in the AGRP zone including forestry, natural resource uses, and recreational uses. These connections expand the possibility of residential development in the AGRP zone because the range of uses which allow an accessory residential dwelling will be broadened, but it maintains the purpose and much of the fabric of the AGRP zone, while eliminating the income standard. Two proposed ordinance text amendments are before the Planning Board as Proposal “A” presented at the Planning Board Public Hearing 5/9/2023, and Proposal “B” as directed by Planning Board for Planning Board Public Hearing 6/6/2023. We have outlined the differences between the two proposals below.

The differences between Proposal “A” and Proposal “B” are as follows:

1. **Proposal “B”** adds the definition of “natural resource uses” to Sec. 60-2
2. **Proposal “B”** updates Sec. 60-2 by adding the definition of “recreational uses of land” to include sports field complexes larger than one acre in area, health and wellness centers, facilities for wedding or event venues when used for two or more events during a calendar year and includes “major recreational uses of land” and “recreational uses of land, small scale”.
3. **Proposal “B”** adds the definition of “Recreational uses of land, small scale”.
4. In Sec. 60-145(a)(1), **Proposal “A”** strikes the requirement that new dwellings are accessory to farming operations while **Proposal “B”** expands the requirement that new dwellings be connected to agriculture and recreational and natural resource uses, and adds criteria for determining whether the farm, recreational or natural resource use plan is acceptable. Both proposals add specification that residential development must be restricted to 20% of land coverage, and both define what constitutes residential development and introduce environmental restrictions for siting this development. Both also remove the provision that dwellings connected to farm uses must remain connected to such uses.
5. **Proposal “B”** expands Sec. 60-145(a)(3) by including maple sugaring and mushroom cultivation, and other similar forest product uses.

6. **Proposal “B”** expands Sec. 60-145(a)(10) expands on the handling, storage and dale of agricultural products to add “processing” and “forestry products” and removes the provision that such products be derived from the property where the dwelling is sited.
7. **Proposal “B”** adds Sec. 60-145(a)(17) “natural resource uses”.
8. **Proposal “B”** adds Sec. 60-145(a)(18) “small -scale recreational uses of land designed or intended for public use”.
9. **Proposal “B”** changes Sec. 60-145(b)(5) special exception recreational uses are as “non-small scale”.
10. **Proposal “A”** adds the same environmental restrictions as Sec. 60-145(a)(1) to Sec. 60-145 (b)(18) while **Proposal “B”** strikes any lot size distinctions for dwellings on legally existing lots from 6.1 to 10 acres in area.
11. In Sec. 60-146(1)(c), **Proposal “B”** adds the word “lawfully” to specify which lots existing as of October 1, 2017, are buildable, and strikes the requirement that these cases be treated as special exceptions.
12. **Proposal “B”** changes Sec. 60-952(b) prohibits new dwellings in the Lake Auburn Watershed portions of the AGRP zoning district.

IV. Suggested Motion:

I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal “B”, Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal “B”, and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in “Proposal B”.

BE IT ORDAINED, that the City Council hereby approves the amendment of the text and map of Chapter 60, Zoning, of the Code of Ordinances as follows:

-
1. Amend Sec. 60-2 of ARTICLE I, IN GENERAL, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE I. IN GENERAL

• • •

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:

• • •

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

• • •

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

• • •

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, sports field complexes larger than one (1) acre in area, health and wellness centers, motorhome or recreational vehicle parks or commercial campgrounds, and facilities for wedding or event venues when used for two or more events during a calendar year, or facilities for mass gatherings when used for two or more events during a calendar year. See also "Major recreational use of land" and "Recreational uses of land, small-scale".

Recreational uses of land, small-scale means permanent uses of outdoor space that are intended or designed for public use that are smaller or lower impact than other types of recreational uses of land, and include, but are not limited to, trails, water access or boat access facilities, foraging, outdoor education or training facilities, sports field complexes one (1) acre or less in area, and public gardens.

• • •

2. Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS



DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

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~~ Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
 - a. ~~At least 30 percent of the 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 percent of the city's median household income, according the most recent census data. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:~~
 - (i) Residential structures; and
 - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
 - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS - **PROPOSAL "B"** AS DIRECTED BY PLANNING BOARD
Planning Board Public Hearing 6/6/2023

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter;

and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

cb. 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 satisfactory evidence that the

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS - **PROPOSAL "B"** AS DIRECTED BY PLANNING BOARD
Planning Board Public Hearing 6/6/2023

~~requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal officialer charged with authority to issue the certificate of occupancyenforcement are 75 percent completed.~~

- ~~d.~~ 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 lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).~~
- ~~d.~~ ~~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, including, but not limited to, maple sugaring or mushroom cultivation.
 - (4) Field crop farms.
 - (5) Row crop farms.
 - (6) Orchard farms.
 - (7) Truck gardens.
 - (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage or processing and sale of forestry products or agricultural produceproducts 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.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in ~~Ssec.tion~~ 60-1501.
 - (17) Natural resource uses.
 - (18) Small-scale recreational uses of land designed or intended for public use.
- (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:
- (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.

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS - PROPOSAL "B" AS DIRECTED BY PLANNING BOARD
Planning Board Public Hearing 6/6/2023

- 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) Non-small scale Rrecreational 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.
 - 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.

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS - PROPOSAL "B" AS DIRECTED BY PLANNING BOARD
Planning Board Public Hearing 6/6/2023

- (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 6:00 a.m. and 8:00 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.
- (16) Adaptive reuse of structures of community significance.

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS - **PROPOSAL "B"** AS DIRECTED BY PLANNING BOARD
Planning Board Public Hearing 6/6/2023

- (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 (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~Section~~ 60-1501, subject to the following conditions:
- (18) ~~[RESERVED] One family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, 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 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 percent of the city'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 percent 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 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(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.~~
 - ~~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 this chapter.~~
 - ~~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.~~

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS - **PROPOSAL "B"** AS DIRECTED BY PLANNING BOARD
Planning Board Public Hearing 6/6/2023

~~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.~~

- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~sSection~~ 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
 - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under ~~Ssubsection~~ 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
 - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
 - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
 1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
 1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
 1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Section 60-2.
 - c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing ~~greater than 6.1 acres but~~ less than ten acres, only if approved ~~as a special exception~~ pursuant to ~~sub~~Section 60-145(~~ab~~)(~~118~~).

- (2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

3. Amend Sec. 60-952 of ARTICLE XII, ENVIRONMENTAL REGULATIONS, DIVISION 4, LAKE AUBURN WATERSHED OVERLAY DISTRICT, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE XII. – ENVIRONMENTAL REGULATIONS
DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

•••

Sec. 60-952. Use and environmental regulations.

- (a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.
- (b) *Residential dwellings in the agriculture and resource protection zoning district.* ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),~~ New one-family detached dwellings are ~~only permitted prohibited~~ in the Lake Auburn Watershed District as of the date of adoption of amendments to this ordinance evidenced by Ordinance #XXXX ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: 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.~~

•••

BE IT ORDAINED, that the City Council hereby approves the amendment of the text and map of Chapter 60, Zoning, of the Code of Ordinances as follows:

-
1. Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS



DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

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~~ Sec. 60-1010, as set forth in division 6 of 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 all of the following restrictions:
 - a. ~~At least 30 percent of the 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 percent of the city's median household income, according the most recent census data. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:~~
 - (i) Residential structures; and
 - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

- (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
- (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
- (v) Structures accessory to the residential use; and
- (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

- (i) Not be built within the Lake Auburn Watershed Overlay District; and
- (ii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
- (iii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
- (iv) Avoid being sited on wetlands; and
- (v) Avoid being sited on slopes greater than 25%; and
- (vi) Not be sited on any portion of a parcel that is classified as being:
 - a. Currently enrolled in the State of Maine Farmland Tax Program; or
 - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
 - c. Currently enrolled in the State of Maine Open Space Tax Program.

cb. ~~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 satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal officialer charged with authority to issue the certificate of occupancyenforcement are 75 percent completed.~~

de. ~~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 lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).~~

d. ~~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.

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

- (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.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in [Section 60-1501](#).
- (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:
- (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:

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

- 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.
 - 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.

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

- 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 6:00 a.m. and 8:00 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.
- (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~~ Section 60-1010, as set forth in division 6, 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 all of the following restrictions:
- a. At least 30 percent of the 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 percent of the city's median household income, according to the most recent census data; and The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

- (i) Residential structures; and
- (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
- (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
- (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
- (v) Structures accessory to the residential use; and
- (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

- (i) Not be built within the Lake Auburn Watershed Overlay District; and
- (ii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Planning Board that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
- (iii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Planning Board that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
- (iv) Avoid being sited on wetlands; and
- (v) Avoid being sited on slopes greater than 25%; and
- (vi) Not be sited on any portion of a parcel that is classified as being:
 - a. Currently enrolled in the State of Maine Farmland Tax Program; or
 - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
 - c. Currently enrolled in the State of Maine Open Space Tax Program.

cb. 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 satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official or authority to issue the certificate of occupancy charged with enforcement are 75 percent 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:

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

- ~~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 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(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.~~
 - ~~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 this chapter.
- 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 lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(b)(18)(a).~~
- ~~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.~~
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~Section~~ Section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
 - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under Subsection 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

- e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
- f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 - 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 - 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 - 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
 - 4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
 - 1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
 - 1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 - 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 - 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 - 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
 - 1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 - 2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created [after October 1, 2017](#) containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally [existing](#) nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in [Section 60-2](#).
 - c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing [greater than 6.1 acres but less than ten acres, only](#) if approved as a special exception pursuant to subsection 60-145(b)(18).
 - (2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)[\(c\)](#) above.
 - (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, [and having a maximum depth of 30% of the average depth of the lot.](#)
 - (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
 - (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.
-

2. Amend Sec. 60-952 of ARTICLE XII, ENVIRONMENTAL REGULATIONS, DIVISION 4, LAKE AUBURN WATERSHED OVERLAY DISTRICT, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE XII. – ENVIRONMENTAL REGULATIONS

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

• • •

Sec. 60-952. Use and environmental regulations.

- (a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.
- (b) *Residential dwellings in the agriculture and resource protection zoning district.* ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),~~ New one-family detached dwellings are ~~only permitted~~ prohibited in the Lake Auburn Watershed District as of the date of adoption of amendments to this ordinance evidenced by Ordinance #XXXX ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: 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.~~

• • •

To: Auburn Planning Board
FROM: Evan Cyr

RE: AGRP Zoning Test Amendment, Proposal B

I am unable to attend this evening's Planning Board meeting, but would like to provide some comments regarding "Proposal B" in the Planning Board packet under the proposed AGRP zoning text amendment.

I think staff has done a very good job of integrating a tie into agriculture and natural resource uses and that their draft represents the comments a directive given to the by the Planning Board. Overall, I believe that "Proposal B" represents the best solution for eliminating the income standard in the AGRP Zone that I have seen in my time on the Board. It eliminates the income standard while still avoiding conflict with the Comprehensive Plan. Additionally, "Proposal B" maintains much of the natural resource protection language that was first proposed in prior to "Proposal A". I believe "Proposal B" represents a reasonable alternative to the current income standard.

Having said this, I do have the following comments:

1. Sec. 60-145(a)(1)(a) should be reviewed considering some of the very large parcels in the AGRP zone. If a landowner uses the entirety of the 20% allowed, there could be unintended consequences. If a landowner were to do this, they necessarily could not then split their parcel because doing so would create non-conformity with ordinance. Their 20% residential envelope would be more than 20% of their new, smaller, lot. Specifically, the landowner would no longer be able to occupy their home as a residence under Sec. 60-145(a)(1)(d). This should be avoided. The Planning Board should consider identifying a maximum allowed envelope size on lots larger than 10 acres. Using "20% or two acres, whichever is less" could be a reasonable solution.
2. Sec. 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses, rather than just farming. This should also be reflected in the subsections of this same section. There are several agricultural uses allowed in the AGRP zone that are not specifically farming.
3. Sec. 60-145(a)(1)(b)(vii) is superfluous. The original language included a prohibition 10 years after land had been unenrolled. This was meant to disincentivize the quick conversion of specific land types into residential land. I believe this is still worthwhile, but that the current language does not accomplish this goal. I believe the Planning Board should consider adding language that prohibits siting the residential development envelope on land that has been enrolled in one of the three State tax programs within the last 5 years. An example might look like the following:

Sec. 60-145(a)(1)(b)(vii):

“(vii) Not be sited on any portion of a parcel that has been classified as being:

a. Enrolled in the State of Maine Farmland Tax Program within the last 5 years, or..”

4. Sec. 60-145(a)(1)(c) only references Sec. 60-145(a)(1)(a), but there are also requirements for the residence in a later section. Reference to Sec. 60-145(a)(1)(b) should also be made. This could be accomplished by revising to read:

“No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) have been presented...”

5. Sec. 60-145(a)(1)(d) suffers the same deficiency as the section mentioned in number 4 of this list. The Planning Board should consider amending the end of the sentence to read:

“... which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Sec. 60-145(a)(1)(b)(ii).”

6. Sec. 60-146(1) can be confusing. The implication is that the frontage must be on a publicly accepted street, but this may not be obvious to all readers. The Planning Board should consider amending the frontage requirement to read:

“...and measuring less than 250 feet in width at the street frontage along a publicly accepted street,...”

7. Sec.60 146(3) utilizes a maximum depth of 30%. This could be a very deep setback depending on the depth of the lot itself. The Planning Board should consider whether the language should utilize the 30% maximum depth in conjunction with a maximum setback in feet, then require the use of whichever is less. 400ft may be an appropriate number to consider.

From: [Steve Beale](#)
To: ["Katherine Cook"](#)
Subject: June 5, 2023 suggested final amendments to proposal B
Date: Monday, June 5, 2023 4:40:05 PM

Katherine,

In electronic format, here are the suggested changes to Proposal B which we discussed earlier this afternoon.

In Section 145(a)(1)(a) insert the words "...or two acres, whichever is less." After the word "constructed."

In Section 145(a)(1)(b)(ii) insert the words "...or other permitted agricultural,..." after the word "farming."

In Section 145(a)(1)(b)(ii)(a) insert the words "...or other permitted agricultural..." after the word "farming..."

In Section 145(a)(1)(b)(iv) we believe that the State's exclusive authority over the definition of "essential habitat" renders this subsection, which is subject to interpretation and application by the local Code Enforcement Officer, unenforceable and of no legal effect, and that it should therefore be deleted.

In Section 145 (a)(1)(b)(vi) another provision of the City's ordinances contains an absolute prohibition on construction of a residence on any slope of greater than 25 degrees in any of the City's zoning districts and thus makes this subsection, with its less than mandatory language, conflicting and inoperable. It should therefore be deleted.

In Section 145(a)(3) the words "...firewood processing, Christmas tree cultivation..." are recommended for insertion after the words "maple sugaring..."

In Section 145(a) the word "Beekeeping" is recommended as a new subsection (a)(12), with subsequent subsections renumbered accordingly.

In Section 145(b)(8)(a) the words “...except for approved conservation cemeteries, which shall be at least 10 acres in size.” should be added at the end of the present subsection.

From: scncfairchild@aol.com
To: kcook@auburnmaine.gov
Subject: Public comment for Planning Board packet
Date: Monday, June 5, 2023 3:36:09 PM

For public comment/Planning Board packet:

Just as restrictions to development in the Lake Auburn Watershed District are being proposed, so too, the AG/RP land in the Taylor Pond Watershed district should not be developed residentially, in order to help protect the quality of the water, on which the uses and value of the pond and property values to the city depend.

Carol Dennis
Terrace Rd., Auburn



City Council Ordinance

IN CITY COUNCIL

Amending the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District.

Be it ordained, That the Auburn City Council amend the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District as shown in the attached "Proposal B" with an amendment to replace the text "Ordinance #XXXX" on page 10 of Proposal B with the text " Ordinance # 10-06202023. .

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



ORDER 91-06202023

City Council Order

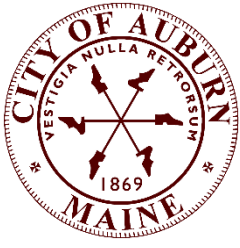
IN CITY COUNCIL

ORDERED, that the City Council directs the Planning Board to hold a public hearing on additional changes to “Proposal B”, Article IV District Regulations, Division 2 Agriculture and Resource Protection District as recommended in the attached memo, Titled: Planning Board recommendation to City Council on AGRP Zone Proposals A and B

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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Order: 92-06202023

Author: Sue Clements-Dallaire, City Clerk

Subject: Authorizing the City Manager and/or his designee to execute the final purchase and sale agreement for tax map 211, lot 288 for Fire Engine 2 replacement.

Information: The acquisition of this 1.08 parcel of land will allow for a new engine 2 station to be built at the current engine 2 address while ensuring continuous operations out of engine 2 during construction. This will also allow for a pull through design meeting the highest safety standards.

City Budgetary Impacts: \$140,000

Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



ORDER 92-06202023

City Council Order

IN CITY COUNCIL

ORDERED, that Auburn City Council authorizes the City Manager and/or his designee to execute the final purchase and sale agreement of the for tax map 211, lot 288 for 1.08 acres for fire engine 2 replacement.

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 of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Phillip Crowell, City Manager

FROM: Jill Eastman, Finance Director

REF: May 2023 Financial Report

DATE: June 20, 2023

The following is a discussion regarding the significant variances found in the City's May financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its eleventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 91.7% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

- A. Revenues collected through May 31st, including the school department, were \$94,032,908, or 87.84%, of the budget. The municipal revenues including property taxes were \$63,992,030 or 90.80% of the budget which is less than the same period last year by 6.74%, however the dollar amount is greater by \$444,712. The accounts listed below are noteworthy.
- B. The current year tax revenue is at 91.89% as compared to 97.96% last year. The 30 day notice of liens were sent out in May and tax liens will be filed at the end of June on any properties that have unpaid taxes.
- C. Excise tax for the month of May is at 97.37%. This is a \$88,835 increase from FY 22. Our excise revenues for FY23 are 5.70% above projections as of May 31, 2023.
- D. State Revenue Sharing for the month of May is 104.94% or \$706/120 more than last year in May.

Expenditures

City expenditures through May 2023 were \$44,241,310 or 86.2%, of the budget. This is 3.38% lower than May of last year.

Noteworthy variances are:

- A. The operating departments are in line with this time last year. The accounts that are lower than last year are due to staffing shortages and timing difference in certain payments.

Investments

This section contains an investment schedule as of May 31st. Currently the City's funds are earning an average interest rate of 3.55%.

Respectfully submitted,



Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of May 2023, April 2023, and June 2022

	May 31 2023	April 30 2023	Increase (Decrease)	UNAUDITED JUNE 30 2022
ASSETS				
CASH	\$ 44,784,526	\$ 61,742,942	\$ (16,958,416)	\$ 25,056,314
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	2,897,201	813,943	2,083,258	1,461,282
TAXES RECEIVABLE-CURRENT	1,296,071	1,738,132	(442,061)	42,636
DELINQUENT TAXES	446,606	446,660	(54)	395,714
TAX LIENS	553,798	580,911	(27,114)	1,297,627
NET DUE TO/FROM OTHER FUNDS	(9,800,701)	(24,116,451)	14,315,750	4,391,622
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL ASSETS	\$ 40,177,500	\$ 41,206,137	\$ (1,028,637)	\$ 32,645,195
 LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ 76,027	\$ (243,940)	\$ 319,967	\$ (824,510)
PAYROLL LIABILITIES	(741,237)	(1,229,880)	488,643	2,948,844
ACCRUED PAYROLL	-	-	-	(263,746)
STATE FEES PAYABLE	(126,199)	(112,906)	(13,293)	(183)
ESCROWED AMOUNTS	(32,412)	(43,565)	11,153	(40,426)
DEFERRED REVENUE	(2,145,010)	(2,613,848)	468,838	(1,585,602)
DUE TO OTHER FUNDS	-	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL LIABILITIES	\$ (2,968,831)	\$ (4,244,139)	\$ 1,275,308	\$ 234,377
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (34,209,853)	\$ (33,963,182)	\$ (246,671)	\$ (29,880,756)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL FUND BALANCE	\$ (37,208,669)	\$ (36,961,998)	\$ (246,671)	\$ (32,879,572)
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL LIABILITIES AND FUND BALANCE	\$ (40,177,500)	\$ (41,206,137)	\$ 1,028,637	\$ (32,645,195)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH May 31, 2023 VS May 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAY 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 52,463,320	\$ 48,207,384	91.89%	\$ 50,042,450	\$ 49,019,518	97.96%	\$ (812,134)
PRIOR YEAR TAX REVENUE	\$ -	\$ 744,093		\$ -	\$ 541,288		\$ 202,805
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,770,000	\$ 1,322,921	74.74%	\$ 1,650,000	\$ 1,290,048	78.18%	\$ 32,873
EXCISE	\$ 4,435,000	\$ 4,318,304	97.37%	\$ 4,425,000	\$ 4,229,469	95.58%	\$ 88,835
PENALTIES & INTEREST	\$ 120,000	\$ 71,833	59.86%	\$ 120,000	\$ 105,007	87.51%	\$ (33,174)
TOTAL TAXES	\$ 58,788,320	\$ 54,664,535	92.99%	\$ 56,237,450	\$ 55,185,330	98.13%	\$ (520,795)
LICENSES AND PERMITS							
BUSINESS	\$ 190,000	\$ 269,187	141.68%	\$ 166,000	\$ 274,608	165.43%	\$ (5,421)
NON-BUSINESS	\$ 195,250	\$ 300,433	153.87%	\$ 300,200	\$ 422,644	140.79%	\$ (122,211)
TOTAL LICENSES	\$ 385,250	\$ 569,620	147.86%	\$ 466,200	\$ 697,252	149.56%	\$ (127,632)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ 419,744	104.94%	\$ 390,000	\$ 421,592	108.10%	\$ (1,848)
STATE REVENUE SHARING	\$ 4,504,100	\$ 5,748,069	127.62%	\$ 3,150,000	\$ 5,041,949	160.06%	\$ 706,120
WELFARE REIMBURSEMENT	\$ 83,912	\$ 79,233	94.42%	\$ 90,656	\$ 65,038	71.74%	\$ 14,195
OTHER STATE AID	\$ 32,000	\$ 16,791	52.47%	\$ 32,000	\$ 15,763	49.26%	\$ 1,028
CITY OF LEWISTON	\$ 182,000	\$ -	0.00%	\$ 228,384	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 5,202,012	\$ 6,263,838	120.41%	\$ 3,891,040	\$ 5,544,342	142.49%	\$ 719,496
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 361,400	\$ 126,458	34.99%	\$ 184,400	\$ 165,218	89.60%	\$ (38,760)
PUBLIC SAFETY	\$ 30,800	\$ 84,877	275.58%	\$ 176,600	\$ 155,950	88.31%	\$ (71,073)
EMS TRANSPORT	\$ 1,350,000	\$ 1,535,590	113.75%	\$ 1,250,000	\$ 1,347,897	107.83%	\$ 187,693
TOTAL CHARGE FOR SERVICES	\$ 1,742,200	\$ 1,746,925	100.27%	\$ 1,611,000	\$ 1,669,065	103.60%	\$ 77,860
FINES							
PARKING TICKETS & MISC FINES	\$ 28,000	\$ 22,265	79.52%	\$ 41,500	\$ 42,136	101.53%	\$ (19,871)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 30,000	\$ 150,443	501.48%	\$ 40,000	\$ 42,622	106.56%	\$ 107,821
RENTS	\$ 75,000	\$ 16,047	21.40%	\$ 125,000	\$ 17,976	14.38%	\$ (1,929)
UNCLASSIFIED	\$ 20,000	\$ 282,365	1411.83%	\$ 20,000	\$ 31,830	159.15%	\$ 250,535
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 52,582		\$ -	\$ 50,315		\$ 2,267
SALE OF PROPERTY	\$ 100,000	\$ 2,487	2.49%	\$ 120,000	\$ 35,235	29.36%	\$ (32,748)
MMWAC HOST FEES	\$ 240,000	\$ 212,768	88.65%	\$ 234,000	\$ 212,768	90.93%	\$ 0
TRANSFER IN: TIF	\$ 1,140,000	\$ -	0.00%	\$ 1,140,000	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 619,000	\$ -	0.00%	\$ 473,925	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		\$ 1,000					
CDBG	\$ 588,154	\$ -	0.00%	\$ 252,799	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 20,000	\$ 7,156	35.78%	\$ 20,000	\$ 17,447	87.24%	\$ (10,291)
CITY FUND BALANCE CONTRIBUTION	\$ 1,500,000	\$ -	0.00%	\$ 475,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 4,332,154	\$ 724,848	16.73%	\$ 2,900,724	\$ 408,193	14.07%	\$ 315,655
TOTAL GENERAL FUND REVENUES	\$ 70,477,936	\$ 63,992,030	90.80%	\$ 65,147,914	\$ 63,546,318	97.54%	\$ 444,712
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 34,826,024	\$ 29,687,796	85.25%	\$ 28,900,061	\$ 25,425,111	87.98%	\$ 4,262,685
EDUCATION	\$ 489,465	\$ 321,537	65.69%	\$ 518,821	\$ 768,278	148.08%	\$ (446,741)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 1,251,726	\$ 31,545	2.52%	\$ 879,404	\$ -	0.00%	\$ 31,545
TOTAL SCHOOL	\$ 36,567,215	\$ 30,040,878	82.15%	\$ 30,298,286	\$ 26,193,389	86.45%	\$ 3,847,489
GRAND TOTAL REVENUES	\$ 107,045,151	\$ 94,032,908	87.84%	\$ 95,446,200	\$ 89,739,707	94.02%	\$ 4,292,201

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH May 31, 2023 VS May 31, 2022

DEPARTMENT	FY 2023 BUDGET	EXP THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	EXP THRU MAY 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 170,500	\$ 157,166	92.18%	\$ 104,850	\$ 104,299	99.47%	\$ 52,867
CITY MANAGER	\$ 510,978	\$ 416,891	81.59%	\$ 447,401	\$ 470,182	105.09%	\$ (53,291)
COMMUNICATIONS & ENGAGEMENT	\$ 218,746	\$ 140,512	64.24%	\$ 911,637	\$ 852,920	93.56%	\$ (712,408)
CITY CLERK	\$ 257,506	\$ 234,477	91.06%	\$ 237,474	\$ 213,075	89.73%	\$ 21,402
FINANCIAL SERVICES	\$ 1,138,802	\$ 1,013,177	88.97%	\$ 810,303	\$ 692,777	85.50%	\$ 320,400
HUMAN RESOURCES	\$ 222,099	\$ 191,413	86.18%	\$ 220,250	\$ 189,056	85.84%	\$ 2,357
INFORMATION TECHNOLOGY	\$ 827,000	\$ 658,870	79.67%	\$ -	\$ -	-	\$ 658,870
TOTAL ADMINISTRATION	\$ 3,345,631	\$ 2,812,506	84.07%	\$ 2,731,915	\$ 2,522,309	92.33%	\$ 290,197
COMMUNITY SERVICES							
PLANNING & PERMITTING	\$ 666,629	\$ 654,908	98.24%	\$ 900,583	\$ 743,226	82.53%	\$ (88,318)
ECONOMIC DEVELOPMENT	\$ 286,598	\$ 253,634	88.50%	\$ 108,469	\$ 107,662	99.26%	\$ 145,972
BUSINESS & COMMUNITY DEVELOPMENT	\$ 671,411	\$ 246,140	36.66%	\$ 512,260	\$ 252,083	49.21%	\$ (5,943)
HEALTH & SOCIAL SERVICES	\$ 119,875	\$ 232,310	193.79%	\$ 119,875	\$ 88,131	73.52%	\$ 144,179
RECREATION & SPORTS TOURISM	\$ 762,440	\$ 569,859	74.74%	\$ 584,056	\$ 507,000	86.81%	\$ 62,859
PUBLIC LIBRARY	\$ 1,084,437	\$ 1,008,560	93.00%	\$ 1,052,163	\$ 964,483	91.67%	\$ 44,077
TOTAL COMMUNITY SERVICES	\$ 3,591,390	\$ 2,965,411	82.57%	\$ 3,277,406	\$ 2,662,585	81.24%	\$ 302,826
FISCAL SERVICES							
DEBT SERVICE	\$ 8,361,254	\$ 8,394,861	100.40%	\$ 7,734,169	\$ 7,652,855	98.95%	\$ 742,006
CAPITAL INVESTMENT & PURCHASING	\$ 672,473	\$ 558,217	83.01%	\$ 677,872	\$ 545,470	80.47%	\$ 12,747
WORKERS COMPENSATION	\$ 698,000	\$ 698,000	100.00%	\$ 642,400	\$ 642,400	100.00%	\$ 55,600
WAGES & BENEFITS	\$ 7,876,393	\$ 5,982,481	75.95%	\$ 7,334,932	\$ 5,888,588	80.28%	\$ 93,893
EMERGENCY RESERVE (10108062-670000)	\$ 461,230	\$ -	0.00%	\$ 461,230	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 18,069,350	\$ 15,633,559	86.52%	\$ 16,850,603	\$ 14,729,313	87.41%	\$ 904,246
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	\$ 5,693,284	\$ 5,002,638	87.87%	\$ 5,446,588	\$ 5,075,894	93.19%	\$ (73,256)
POLICE DEPARTMENT	\$ 4,945,034	\$ 4,201,000	84.95%	\$ 4,343,924	\$ 4,039,150	92.98%	\$ 161,850
TOTAL PUBLIC SAFETY	\$ 10,638,318	\$ 9,203,638	86.51%	\$ 9,790,512	\$ 9,115,044	93.10%	\$ 88,594
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	\$ 5,600,109	\$ 4,862,433	86.83%	\$ 5,077,370	\$ 4,399,305	86.65%	\$ 463,128
SOLID WASTE DISPOSAL*	\$ 1,320,000	\$ 1,096,376	83.06%	\$ 1,089,950	\$ 821,532	75.37%	\$ 274,844
WATER AND SEWER	\$ 792,716	\$ 585,902	73.91%	\$ 792,716	\$ 781,203	98.55%	\$ (195,301)
TOTAL PUBLIC WORKS	\$ 7,712,825	\$ 6,544,711	84.85%	\$ 6,960,036	\$ 6,002,040	86.24%	\$ 542,671
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 205,000	\$ 204,319	99.67%	\$ 177,000	\$ 172,710	97.58%	\$ 31,609
E911 COMMUNICATION CENTER	\$ 1,217,713	\$ 945,912	77.68%	\$ 1,161,479	\$ 1,161,630	100.01%	\$ (215,718)
LATC-PUBLIC TRANSIT	\$ 431,811	\$ 431,811	100.00%	\$ 225,000	\$ 118,715	52.76%	\$ 313,096
LA ARTS	\$ 30,000	\$ 30,000	-	\$ 10,000	\$ 10,000	-	-
TAX SHARING	\$ 260,000	\$ 229,135	88.13%	\$ 260,000	\$ 232,729	89.51%	\$ (3,594)
TOTAL INTERGOVERNMENTAL	\$ 2,144,524	\$ 1,841,177	85.85%	\$ 1,833,479	\$ 1,695,784	92.49%	\$ 145,393
COUNTY TAX							
TIF (10108058-580000)	\$ 2,761,220	\$ 2,761,220	100.00%	\$ 2,611,080	\$ 2,611,080	100.00%	\$ 150,140
OVERLAY	\$ 3,049,803	\$ 2,479,088	81.29%	\$ 3,049,803	\$ 2,867,365	94.02%	\$ (388,277)
	\$ -	\$ -	-	\$ -	\$ -	-	\$ -
TOTAL CITY DEPARTMENTS	\$ 51,313,061	\$ 44,241,310	86.22%	\$ 47,104,834	\$ 42,205,520	89.60%	\$ 2,035,790
EDUCATION DEPARTMENT							
	\$ 55,732,090	\$ 39,284,074	70.49%	\$ 48,341,366	\$ 28,802,070	59.58%	\$ 10,482,004
TOTAL GENERAL FUND EXPENDITURES	\$ 107,045,151	\$ 83,525,384	78.03%	\$ 95,446,200	\$ 71,007,590	74.40%	\$ 12,517,794

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF May 31, 2023**

INVESTMENT		FUND	BALANCE May 31, 2023	BALANCE April 30, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 11,221,356.11	\$ 11,179,976.96	0.80%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,056,507.83	\$ 1,054,490.99	0.80%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 18,682,600.20	\$ 18,525,200.97	0.80%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 52,957.22	\$ 52,857.22	0.80%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 343,059.82	\$ 341,794.84	0.80%
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	\$ 229,062.88	\$ 228,625.64	0.80%
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	\$ 471,091.63	\$ 470,192.39	0.80%
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	\$ 1,003,942.39	\$ 997,763.31	0.80%
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	\$ 28.67	\$ 15,491.55	0.80%
NOMURA 2		ELHS Bond Proceeds	\$ 30,893,209.00	\$ 37,688,301.00	2.08%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.25%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	3.95%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	3.95%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.50%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.40%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.60%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.85%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.70%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.45%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.50%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.85%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.00%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.40%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.20%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.10%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.25%
GRAND TOTAL			\$ 68,953,815.75	\$ 74,554,694.87	3.55%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2022 - June 30, 2023
Report as of May 31, 2023

	Beginning	May 2023					Ending
	Balance 5/1/2023	New Charges	Payments	Refunds	Adjustments	Write-Offs	Balance 5/31/2023
Bluecross	\$ 13,773.42	\$ 8,978.80	\$ (9,474.35)		\$ (297.73)		\$ 12,980.14
Intercept	\$ 400.00	\$ 200.00	\$ (200.00)				\$ 400.00
Medicare	\$ 129,646.21	\$ 156,136.80	\$ (52,460.96)		\$ (79,189.25)		\$ 154,132.80
Medicaid	\$ 45,168.91	\$ 59,206.60	\$ (54,122.58)		\$ (34,239.22)		\$ 16,013.71
Other/Commercial	\$ 79,276.78	\$ 37,734.85	\$ (18,627.10)		\$ (1,082.35)		\$ 97,302.18
Patient	\$ 127,648.32	\$ 20,080.00	\$ (10,650.07)	\$ 1,605.06	\$ 52.95	\$ (14,926.27)	\$ 123,809.99
Worker's Comp	\$ (7,271.78)						\$ (7,271.78)
TOTAL	\$ 388,641.86	\$ 282,337.05	\$ (145,535.06)	\$ 1,605.06	\$ (114,755.60)	\$ (14,926.27)	\$ 397,367.04

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2022 - June 30, 2023
Report as of May 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Totals	% of Total
Bluecross	\$ 2,477.35	\$ 13,307.40	\$ 13,596.80	\$ 13,635.40	\$ 10,192.40	\$ 11,633.60	\$ 13,907.00	\$ 12,001.00	\$ 13,676.80	\$ 7,179.80	\$ 8,978.80	\$ 120,586.35	3.67%
Intercept	\$ 100.00	\$ -	\$ 100.00	\$ 200.00	\$ 200.00	\$ 300.00	\$ 200.00	\$ 200.00	\$ 100.00	\$ 200.00	\$ 200.00	\$ 1,800.00	0.05%
Medicare	\$ 155,398.20	\$ 205,712.40	\$ 155,567.20	\$ 163,526.80	\$ 154,190.50	\$ 190,431.40	\$ 216,896.50	\$ 138,902.80	\$ 196,522.60	\$ 163,176.00	\$ 156,136.80	\$ 1,896,461.20	57.79%
Medicaid	\$ 61,000.80	\$ 82,386.60	\$ 63,625.60	\$ 50,457.40	\$ 68,679.75	\$ 51,541.80	\$ 65,923.00	\$ 49,823.00	\$ 77,619.20	\$ 79,725.80	\$ 59,206.60	\$ 709,989.55	21.64%
Other/Commercial	\$ 38,520.45	\$ 50,549.60	\$ 28,756.00	\$ 21,232.20	\$ 18,577.60	\$ 28,491.40	\$ 26,074.30	\$ 31,940.20	\$ 20,282.80	\$ 20,033.10	\$ 37,734.85	\$ 322,192.50	9.82%
Patient	\$ 8,120.20	\$ 12,558.80	\$ 18,008.60	\$ 32,205.60	\$ 18,078.20	\$ 18,295.40	\$ 19,672.25	\$ 19,312.40	\$ 30,303.00	\$ 19,389.80	\$ 20,080.00	\$ 216,024.25	6.58%
Worker's Comp	\$ 1,803.40	\$ 3,664.60	\$ -	\$ 827.00	\$ 1,805.20	\$ 1,720.60	\$ 1,974.60	\$ -	\$ 2,789.00			\$ 14,584.40	0.44%
TOTAL	\$ 267,420.40	\$ 368,179.40	\$ 279,654.20	\$ 282,084.40	\$ 271,723.65	\$ 302,414.20	\$ 344,647.65	\$ 252,179.40	\$ 341,293.40	\$ 289,704.50	\$ 282,337.05	\$ 3,281,638.25	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2022 - June 30, 2023
Report as of May 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Totals	% of Total
Bluecross	3	13	14	14	11	12	14	12	14	7	9	123	3.39%
Intercept	1	0	1	2	2	3	2	2	1	2	2	18	0.50%
Medicare	170	231	170	180	170	205	237	163	226	173	168	2093	57.75%
Medicaid	65	88	69	55	77	57	75	55	87	89	65	782	21.58%
Other/Commercial	43	54	30	23	21	33	32	37	21	25	42	361	9.96%
Patient	10	13	19	34	20	18	21	22	31	21	22	231	6.37%
Worker's Comp	2	4		1	2	2	2	0	3			16	0.44%
TOTAL	294	403	303	309	303	330	383	291	383	317	308	3624	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of May 31, 2023

	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1928 Vending	1929 Fire Prevention	1931 Donations	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2013 OUI Grant	2014 Speed Grant
Fund Balance 7/1/22	\$ 517,052.67	\$ 6,919.98	\$ 34,914.39	\$ 1,421.68	\$ 3,039.35	\$ -	\$ 4,796.03	\$ 169.19	\$ 2,808.57	\$ 79,868.61	\$ (153,799.68)	\$ -	\$ 4,289.65	\$ 23,595.00	\$ 4,356.29	\$ 5,520.52
Revenues FY23	\$ 61,648.39	\$ 1,310.95	\$ 1,875.71		\$ 10,425.00	\$ 306.00				\$ 200,100.00	\$ 101,027.87	\$ -	\$ 13,474.00	\$ 11,148.75		\$ 3,818.51
Expenditures FY23	\$ 159,120.00	\$ 950.00	\$ 386.10	\$ 1,421.68	\$ 4,361.72	\$ 2,890.39	\$ 4,796.03	\$ 169.19	\$ 600.00	\$ 490,174.67	\$ 48,660.71	\$ -	\$ 3,150.22	\$ 3,157.92	\$ 4,356.29	\$ 3,414.26
Fund Balance 5/31/2023	\$ 419,581.06	\$ 7,280.93	\$ 36,404.00	\$ -	\$ 9,102.63	\$ (2,584.39)	\$ -	\$ -	\$ 2,208.57	\$ (210,206.06)	\$ (101,432.52)	\$ -	\$ 14,613.43	\$ 31,585.83	\$ -	\$ 5,924.77

	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2050 Project Lifesaver
Fund Balance 7/1/22	\$ 409.11	\$ -	\$ (8,205.29)	\$ 1,069,816.45	\$ 30,822.46	\$ -	\$ 46,171.40	\$ 2,560.00	\$ 8,281.24	\$ 20,536.23	\$ 22,850.45	\$ (930.00)	\$ 92,332.26	\$ (1,695.00)	\$ -	\$ 189.35
Revenues FY23	\$ 1,053.34	\$ 211,035.72		\$ 921,562.10	\$ 119.34	\$ 31,165.02	\$ 139,886.60		\$ 2,288.40		\$ 3,360.73	\$ 930.00	\$ 25,242.80	\$ 49,569.53	\$ 12,000.00	
Expenditures FY23	\$ 917.14			\$ 1,024,897.54	\$ 562.00	\$ 1,551.42	\$ 145,958.84	\$ 2,560.00	\$ 7,194.91		\$ 4,593.00	\$ 18,743.13	\$ 4,887.22	\$ 49,569.53	\$ 9,786.95	\$ 189.35
Fund Balance 5/31/2023	\$ 545.31	\$ 211,035.72	\$ (8,205.29)	\$ 966,481.01	\$ 30,379.80	\$ 29,613.60	\$ 40,099.16	\$ -	\$ 3,374.73	\$ 20,536.23	\$ 21,618.18	\$ (18,743.13)	\$ 112,687.84	\$ (1,695.00)	\$ 2,213.05	\$ -

	2051 Project Canopy	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME- PAL	2059 Distracted Driving	2067 Hometown Heros Banners	2068 Northern Borders Grant	2070 Leadercast	2071 Com Engage Spec Events	2077 CTCI Gramt	2080 Futsal Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation
Fund Balance 7/1/22	\$ (9,519.48)	\$ 21,359.27	\$ 170,048.62	\$ 4,911.03	\$ 898.69	\$ 209.00	\$ 178,046.71	\$ (3,500.00)	\$ -	\$ 1,719.02	\$ 25,353.61	\$ -	\$ 12,716,078.13	\$ (1,443.69)	\$ 10,000.00	\$ 232,365.87
Revenues FY23	\$ 7,996.88	\$ (94.59)	\$ 180,860.94		\$ 508.14		\$ 3,500.00	\$ 43,095.00				\$ 5,000.00	\$ 311,528.90	\$ 13,491.68	\$ 72,000.00	\$ 433,475.29
Expenditures FY23		\$ 21,264.68	\$ 50,161.75	\$ 4,911.03	\$ 604.26	\$ 209.00				\$ 1,719.02		\$ 612.33	\$ 1,502,255.90	\$ 20,534.75		\$ 435,803.88
Fund Balance 5/31/2023	\$ (1,522.60)	\$ -	\$ 300,747.81	\$ -	\$ 802.57	\$ -	\$ 178,046.71	\$ -	\$ 43,095.00	\$ -	\$ 25,353.61	\$ 4,387.67	\$ 11,525,351.13	\$ (8,486.76)	\$ 82,000.00	\$ 230,037.28

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt TIF 19	2600 Transport TIF 20	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues
Fund Balance 7/1/22	\$ 78,950.70	\$ 806,274.01	\$ 237,684.12	\$ (519,427.49)	\$ 455,494.65	\$ (900,465.25)	\$ (0.03)	\$ (2,663.69)	\$ 1,120.91	\$ 50,241.31	\$ 84,060.95	\$ 33,113.81	\$ 13,914.35	\$ (102,204.06)	\$ -	\$ 15,168,346.11	
Revenues FY23	\$ 190,974.78		\$ 865,341.00	\$ 157,316.00	\$ 294,264.43	\$ 448,773.33	\$ 48,589.45	\$ 30,616.50	\$ 56,495.08	\$ 48,218.63	\$ 96,002.45	\$ 113,293.40	\$ 35,248.40	\$ 34,426.44	\$ 59,527.65	\$ 5,353,798.54	
Expenditures FY23	\$ 143,231.09	\$ -	\$ 316,334.41	\$ 265,100.00	\$ 126,666.72	\$ 210,923.46	\$ 29,153.68	\$ 56,495.08	\$ 24,109.32	\$ 48,001.22	\$ 174,888.68	\$ 35,248.40	\$ 8,691.46	\$ -	\$ 5,475,940.33		
Fund Balance 5/31/2023	\$ 126,694.39	\$ 806,274.01	\$ 786,690.71	\$ (627,211.49)	\$ 623,092.36	\$ (662,615.38)	\$ 19,435.74	\$ 27,952.81	\$ 1,120.91	\$ 74,350.62	\$ 132,062.18	\$ (28,481.47)	\$ 13,914.35	\$ (76,469.08)	\$ 59,527.65	\$ 15,048,532.91	

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for May 2023



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of May 31, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of May 31, 2023.

Current Assets:

As of the end of May 2023 the total current assets of Ingersoll Turf Facility were \$313,937. This consisted of cash and cash equivalents an increase from April of \$1,333.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of May 31, 2023, were \$61,779.

Liabilities:

Ingersoll had no accounts payable as of May 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through May 2023 are \$144,398. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through May 2023 were \$33,806. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of May 2023, Ingersoll has an operating gain of \$110,592 compared to \$108,487 in April an increase in the gain of \$2,105.

As of May 31, 2023, Ingersoll has an increase in net assets of \$112,202.

The budget to actual reports for revenue and expenditures, show that the revenue for FY23 compared to FY 22.

Statement of Net Assets
Ingersoll Turf Facility
May 31, 2023
Business-type Activities - Enterprise Fund

	May 31, 2023	April 30, 2023	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 228,626	\$ 228,218	\$ 408
Interfund receivables/payables	\$ 85,311	\$ 84,386	925
Accounts receivable	-	-	-
Total current assets	313,937	312,604	1,333
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(748,757)	(748,757)	-
Total noncurrent assets	61,779	61,779	-
Total assets	375,716	374,383	1,333
LIABILITIES			
Accounts payable	\$ -	\$ 1,180	(1,180)
Interfund payable	\$ -	\$ -	-
Total liabilities	-	1,180	(1,180)
NET ASSETS			
Invested in capital assets	\$ 61,779	\$ 61,779	\$ -
Unrestricted	\$ 313,937	\$ 311,424	\$ 2,513
Total net assets	\$ 375,716	\$ 373,203	\$ 2,513

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
May 31, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 144,398
Operating expenses:	
Personnel	490
Supplies	19,005
Utilities	175
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	14,136
Other expenses	
Total operating expenses	33,806
Operating gain (loss)	110,592
Nonoperating revenue (expense):	
Interest income	1,610
Interest expense (debt service)	-
Total nonoperating expense	1,610
Gain (Loss) before transfer	112,202
Transfers out	-
Change in net assets	112,202
Total net assets, July 1	263,514
Total net assets, May 31, 2023	\$ 375,716

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through May 31, 2023 compared to May 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAY 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship	\$	6,300		\$ 25,000	\$ 11,275	45.10%
Batting Cages	\$	14,157		\$ 16,000	\$ 17,336	108.35%
Programs	\$	123,941		\$ 94,000	\$ 49,090	52.22%
Rental Income	\$	-		\$ 138,000	\$ 93,780	67.96%
TOTAL CHARGE FOR SERVICES	\$ -	\$ 144,398		\$ 273,000	\$ 171,481	62.81%
INTEREST ON INVESTMENTS	\$ -	\$ 1,610		\$ -	\$ 539	
GRAND TOTAL REVENUES	\$ -	\$ 146,008		\$ 273,000	\$ 172,020	63.01%

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through May 31, 2023 compared to May 31, 2022

DESCRIPTION	ACTUAL			ACTUAL			Difference
	FY 2023 BUDGET	EXPENDITURES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	EXPENDITURES THRU MAY 2022	% OF BUDGET	
Salaries & Benefits	See Recreation Budget			\$ 133,041	\$ 83,012	62.40%	\$ (83,012)
Purchased Services		\$ 490		\$ 15,750	\$ 5,592	35.50%	\$ (5,102)
Programs		\$ 19,005		\$ 16,300	\$ -	0.00%	\$ 19,005
Supplies				\$ 2,500	\$ 20,890	835.60%	\$ (20,890)
Utilities		\$ 175		\$ 24,150	\$ 21,948	90.88%	\$ (21,773)
Insurance Premiums	\$ -			\$ -	\$ -		
Capital Outlay	\$ -	\$ 14,136		\$ -	\$ 5,556		\$ 8,580
	\$ -	\$ 33,806		\$ 191,741	\$ 136,998	71.45%	\$ (103,192)
GRAND TOTAL EXPENDITURES	\$ -	\$ 33,806		\$ 191,741	\$ 136,998	71.45%	\$ (103,192)



City of Auburn, Maine

Finance Department

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for May 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of May 31, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities, and net assets and shows a comparison to the previous month, in this case, April 30, 2023.

Current Assets:

As of the end of May 2023 the total current assets of Norway Savings Bank Arena were (\$1,063,210). These consisted of cash and cash equivalents of \$281,193, accounts receivable of \$119,925, and an interfund payable of \$1,464,328.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of May 31, 2023, was \$147,691.

Liabilities:

Norway Arena had no accounts payable as of May 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through May 2023 are \$1,025,164. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

The operating expenses for Norway Arena through May 2023 were \$738,508. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

At the end of May 2023, there was an operating gain of \$286,656.

As of May 31, 2023, Norway Arena has an increase in net assets of \$286,656.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is \$97,068 more than in FY22 and expenditures in FY23 are \$118,343 more than last year in May.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
May 31, 2023
Business-type Activities - Enterprise Fund

	May 31 2023	April 30 2023	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 281,193	\$ 281,010	\$ 183
Interfund receivables	\$ (1,464,328)	\$ (1,549,053)	\$ 84,725
Prepaid Rent			\$ -
Accounts receivable	119,925	135,543	\$ (15,618)
Total current assets	(1,063,210)	(1,132,500)	69,290
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	514,999	514,999	-
Land improvements	-	-	-
Less accumulated depreciation	(425,531)	(425,531)	-
Total noncurrent assets	147,691	147,691	-
Total assets	(915,519)	(984,809)	69,290
LIABILITIES			
Accounts payable	\$ -	\$ 1,309	\$ (1,309)
Net OPEB liability	\$ (1,588)	\$ 43,810	\$ (45,398)
Net pension liability	121,707	42,634	79,073
Total liabilities	120,119	87,753	32,366
NET ASSETS			
Invested in capital assets	\$ 147,691	\$ 147,691	\$ -
Unrestricted	\$ (1,183,329)	\$ (1,132,500)	\$ (50,829)
Total net assets	\$ (1,035,638)	\$ (984,809)	\$ (50,829)

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
April 30, 2023

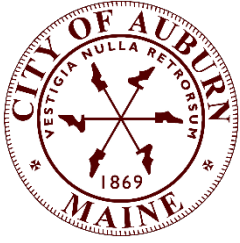
	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 1,025,164
Operating expenses:	
Personnel	344,180
Supplies	41,698
Utilities	160,700
Repairs and maintenance	52,483
Insurance Premium	33,538
Depreciation	-
Capital expenses	69,317
Other expenses	36,592
Total operating expenses	738,508
Operating gain (loss)	286,656
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	286,656
Transfers out	-
Change in net assets	286,656
Total net assets, July 1	(1,322,294)
Total net assets, April 30, 2023	\$ (1,035,638)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through May 31, 2023 compared to May 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAY 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concussions	\$ 16,500		0.00%	\$ 16,500	\$ 12,925	78.33%	\$ (12,925)
Skate Rentals	\$ 6,000	\$ 2,965	49.42%	\$ 6,000	\$ 425	7.08%	\$ 2,540
Pepsi Vending Machines	\$ 2,000	\$ 2,030	101.50%	\$ 2,000	\$ 1,213	60.65%	\$ 817
Games Vending Machines	\$ 3,000		0.00%	\$ 3,000	\$ 1,093	36.43%	\$ (1,093)
Vending Food	\$ 2,000	\$ 1,098	54.90%	\$ 2,000	\$ 354	17.70%	\$ 744
Sponsorships	\$ 230,000	\$ 178,582	77.64%	\$ 185,000	\$ 183,114	98.98%	\$ (4,532)
Pro Shop	\$ 7,000	\$ 4,680	66.86%	\$ 7,000	\$ 5,207	74.39%	\$ (527)
Programs	\$ 20,000		0.00%	\$ 20,000	\$ 2,370	11.85%	\$ (2,370)
Rental Income	\$ 702,000	\$ 726,094	103.43%	\$ 683,500	\$ 639,886	93.62%	\$ 86,208
Camps/Clinics	\$ 50,000	\$ 39,070	78.14%	\$ 50,000	\$ 31,720	63.44%	\$ 7,350
Tournaments	\$ 50,000	\$ 70,645	141.29%	\$ 50,000	\$ 49,789	99.58%	\$ 20,856
TOTAL CHARGE FOR SERVICES	\$ 1,088,500	\$ 1,025,164	94.18%	\$ 1,025,000	\$ 928,096	90.55%	\$ 97,068

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through May 31, 2023 compared to May 31, 2022

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2023 BUDGET	EXPENDITURES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	EXPENDITURES THRU MAY 2022	% OF BUDGET	
Salaries & Benefits	\$ 291,095	\$ 344,180	118.24%	\$ 339,437	\$ 292,480	86.17%	\$ 51,700
Purchased Services	\$ 136,900	\$ 86,021	62.83%	\$ 123,928	\$ 68,934	55.62%	\$ 17,087
Supplies	\$ 76,562	\$ 78,290	102.26%	\$ 79,000	\$ 60,949	77.15%	\$ 17,341
Utilities	\$ 267,000	\$ 160,700	60.19%	\$ 250,350	\$ 195,554	78.11%	\$ (34,854)
Capital Outlay	\$ 50,000	\$ 69,317	138.63%	\$ 42,500	\$ 2,248	5.29%	\$ 67,069
Rent	\$ -	\$ -		\$ -	\$ -		\$ -
	\$ 821,557	\$ 738,508	89.89%	\$ 835,215	\$ 620,165	74.25%	\$ 118,343
GRAND TOTAL EXPENDITURES	\$ 821,557	\$ 738,508	89.89%	\$ 835,215	\$ 620,165	74.25%	\$ 118,343



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: June 20, 2023

Subject: Executive Session

Information: Labor negotiations (MSEA), pursuant to 1 M.R.S.A. Section 405(6) (D).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.