



November 24, 2014 Special City Council Workshop and Meeting Agenda

5:30 P.M. Workshop

- A. Conservation Commission and Tree Harvesting – Denis D'Auteuil (60 minutes)
- B. Agriculture Zone Study Plan – Doug Greene (60 minutes)

After each workshop item is presented, the public will be given an opportunity to comment.

7:30 P.M. Special City Council Meeting

Pledge of Allegiance

I. Executive Session

- Discussion regarding a personnel matter, pursuant to 1 M.R.S.A. §405(6)(A) with possible action to follow.

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 of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- 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. Labor contracts
- E. Contemplated litigation
- 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 in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 11/24/2014

Author: Denis D'Auteuil

Subject: Conservation Commission and Tree Harvesting

Information: City staff will present two new ordinances for consideration by the City Council as well as recommended updates to an existing ordinance. The ordinances would create a conservation commission and establish improved standards for the management and maintenance of city owned trees, forests, and parks.

Advantages:

- With the changes of our Parks and Recreation Advisory Board being re-focused on recreation and special events the conservation commission would provide needed focus on the city of Auburn's parks, open spaces, shade trees, and forests.
- By establishing a conservation commission there are opportunities to build plans for conserving Auburn's natural resources, as laid out in the comprehensive plan, and place a focus on forests in the city of Auburn.
- The conservation commission would set its work plan based on broader policy issues related to parks, open spaces, shade trees, and forests. These issues would be reviewed and managed under one committee, rather than the possibility it could be multiple committees.
- Some of the pending issues would be addressed holistically, including providing recommendations on policies regarding the maintenance and harvesting of all city shade trees, parks, and forests in the City of Auburn, and how the city should pursue forest management.
- The tree maintenance ordinance would aide in the protection of all city owned trees and create an appeals process for residents.
- Adoption of the tree maintenance ordinance would establish a process for proper allocation of revenues produced from the maintenance or harvesting of any city owned tree or forest.

Disadvantages:

- The current structure of the Lewiston and Auburn Forest Board is focused on the trees and forests within the city of Auburn owned by the city. With the recent changes in the Parks and Recreation Board focusing on Recreation and Special Events this leaves no oversight from any board or committee on our city parks and open spaces.
- The current tree maintenance ordinances do not have an appeals process for decisions made by the City Arborist, nor do they address the issues around the tree harvesting revenues.
- As we continue to look at policy issues revolving around natural resources, as laid out in the comprehensive plan, implementation of these policies could be slowed down by needing to work with multiple committees.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Conservation Commission Ordinance and the Tree Maintenance Ordinance be adopted by the City Council. Staff also recommends that current Tree Maintenance ordinance be updated and adopted with the proposed language.

Previous Meetings and History:

- April 1, 2013 an ordinance proposed by our Lewiston/Auburn Forest Board was presented to the City Council. The Forest Board presented a very similar ordinance in Lewiston and the Lewiston Council adopted the ordinance. No action was taken by the Auburn City Council.
- On December 16, 2013 the City Council passed a resolve that placed a 6 month moratorium on all tree harvests in the city. They passed the resolve on December 16, 2013 and the moratorium expired on June 14, 2014.
- August 5, 2013 the Mayor submitted a memo to the City Council that outlined changes to the Parks and Recreation Board and this resulted in the creation of the Recreation and Special Events Advisory Board. Along with those changes staff was asked to create a Conservation Commission.

Attachments:

1. Proposed Tree Maintenance Ordinance
2. Summary of Community Cords program revenues and expenses
3. Current Tree Maintenance Ordinance with proposed changes
4. Memo on Public Services Committees dated August 5, 2013
5. Proposed Conservation Commission Ordinance
6. State Statute on Conservation Commissions
7. Resolve establishing Lewiston/Auburn Community Forest Board
8. Comprehensive Plan – Advances Goals/Strategies laid out in Part A : Natural Resources

City of Auburn Shade Tree Ordinance

Section 1 – Preamble.

The City of Auburn hereby adopts the following shade tree maintenance ordinance in order to regulate the removal, pruning, and planting and maintenance of trees within or upon the limits of any city road or public right of way and of trees located on public property.

Section 2 – Authority.

This ordinance is enacted pursuant to the Home Rule Authority granted to the city in accordance with the provisions of 30-A M.R.S.A. §3001.

Section 3 – Definitions.

- 3.1 Person-Any individual, person, firm, corporation, association, partnership or organization
- 3.2 Public Trees-All trees located upon any public property owned by the city, including public property currently used by any individual departments.
- 3.3 Public Shade Trees-All trees within or upon the limits of any city road, public right of way, or any highway within the meaning of 30-A M.R.S.A. §3281.
- 3.4 Municipal Arborist-An official of the city appointed by the city manager who shall have the care and control of all public shade trees upon and along city roads and public rights of way and in the parks and public lands of the city, and that official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees. Any term or word of this ordinance which is not defined in this section shall have a meaning consistent with Title 30-A, M.R.S.A., to the extent that such term is defined in that Title; any terms that are not defined in that Title shall have a meaning consistent with common usage.

Section 4 - Appointment of municipal arborist.

The city manager shall appoint the municipal arborist who shall administer this ordinance in coordination with such other municipal agencies/departments as now or may in the future share in the responsibility of caring for and maintaining the community forest. The municipal arborist shall have appropriate training and skill in performing urban forestry. The municipal arborist shall at all times during his or her employment hold a valid arborist's license issued by the State of Maine.

Section 5 – Harvest revenues.

If and when revenues generated from any timber harvests exceed the expense of conducting that harvest, the surplus revenues will be deposited in a dedicated Public Shade Tree Revenue account. Proposed expenditures of funds from this account shall be presented to the city council each fiscal year during the annual budgetary process. Expenditures related to the maintenance, replacement and improvement of public shade trees and the Community Cords Program should be given priority while budgeting for expenditures from the Public Shade Tree Revenue account.

Section 6 – Prohibition.

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the municipal arborist for those actions.

Section 7 - Request for consent from municipal arborist.

7.1 Written Request- Any person who intends to prune, plant, cut down, remove, or alter a public shade tree or public tree shall make a written request to the municipal arborist and shall state specifically the action intended to be taken by that person concerning a public shade tree or public tree.

7.2 Written Decision- Within ten (10) days of receipt of a written request pursuant to section 7.1 the municipal arborist shall approve the request, approve the request with conditions, or deny the request in a written decision mailed or hand delivered to the person making the request.

The municipal arborist shall have the authority to deny or impose reasonable conditions upon approval of the request in order to preserve and maintain the health and beauty of public shade trees or public trees and the places where such trees are located; and in order to protect the public safety and the safety and convenience of the city roads, highways, public rights of way, and public lands. Any permit granted shall contain a definite date of expiration and may contain conditions attached thereto by the municipal arborist.

Section 8 – Appeal.

In the event that a person is aggrieved by the decision of the Municipal Arborist, then such a person shall have the right to appeal the notice of the municipal arborist to the city council within ten (10) days of the date of the notice of the municipal arborist. The appeal shall be made in writing and shall set forth specifically the basis for the appeal.

Upon receipt of the written appeal by the city council, the city council may delegate the responsibility for hearing appeals under this ordinance to another city administrative board or city staff member.

Section 9 - Guidelines for cutting or altering of public shade trees.

After a public hearing, the conservation commission shall have the authority to adopt, amend, or modify guidelines for pruning, planting, cutting, removing or altering of trees, and thereafter, the Municipal Arborist shall use those guidelines in making decisions pursuant to this ordinance.

Section 10 – Violations and penalties.

- a) Any violator of any provision of this article shall be subject to a civil penalty payable to the city. Each act of violation shall constitute a separate offense.
- b) Should any public tree be destroyed, the person causing the destruction shall also make restitution to the city in an amount equal to the cost to the city of removing the destroyed tree plus its replacement value.
- c) Whenever the municipal arborist determines there are reasonable grounds to believe there has been a violation of any provisions of this article, he/she may initiate enforcement proceedings in accordance with the citation system established in article VIII of chapter 2.
- d) In addition to the remedies set forth above, the municipal arborist, on behalf

of the city, may seek an abatement of the violation, or injunctive relief, including an award of penalties and reasonable attorney fees, from the district court or the superior court.

- e) The court also may order a violator of this article to reimburse the city for the cost of any action that was necessary to correct violations of the ordinance. If the city is the prevailing party in an enforcement action, it shall be awarded reasonable attorney's fees and costs.

Section 11 - Severability.

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

Section 12 - Other laws and ordinances.

This ordinance shall not prohibit or prevent the city from pruning, cutting, altering, or removing trees when the pruning, cutting, alteration, or removal is ordered by the city council for the following purposes:

- a) To layout, alter or widen the location of city roads or highways;
- b) To lessen the danger of travel on city roads or highways; or
- c) To suppress tree pests or insects.

The consent of the municipal arborist is not required for pruning, cutting or removal of trees by the city for the foregoing purposes set forth in Section 13 of this ordinance. The consent of the municipal arborist is also not required for pruning, cutting or removal of trees in connection with routine maintenance of public park and other public facilities which are managed by the public services department of the city. The city shall, however, conform to any guidelines adopted pursuant to Section 10 of this ordinance in any actions taken for the foregoing purposes.

History of Community Cords

Fiscal Year	Revenues		Expenditures		Annual Balance	Cummulative Balance	Beginning Balance
						\$ 2,985.00	
2010	\$ 4,443.00	\$ 257.90	\$ 4,185.10	\$ 7,170.10	\$ 7,170.10		
2011	\$ 1,087.60	\$ 2,462.94	\$ (1,375.34)	\$ 5,794.76	\$ 5,794.76		
2012	\$ 19,215.47	\$ 5,168.42	\$ 14,047.05	\$ 19,841.81	\$ 19,841.81		
2013	\$ 15,574.23	\$ 9,942.27	\$ 5,631.96	\$ 25,473.77	\$ 25,473.77		
2014	\$ 6,682.16	\$ 8,767.67	\$ (2,085.51)	\$ 23,388.26	\$ 23,388.26		

Sec. 56-19. - Tree maintenance.

The public works director or persons acting under his direction and control may enter upon private property at reasonable times for the purpose of detecting the presence of tree disease and carrying out control measures. Whenever a tree is found upon private property infected with the disease, or whenever a tree is found upon private property ~~which~~ that creates a hazard to the safety of persons or property, the public works director shall give notice in writing to the property owner advising him of the dangerous condition, ~~and~~ requesting him to demanding that the property owner have the tree removed within 30 days of receiving such notice, and notifying the property owner that if the requested action is not taken within the 30-day period the tree may be removed by the City at the expense of the property owner. If the requested action is not taken within the 30-day period, and if the public works director determines that immediate action is necessary to protect persons or property from the dangerous tree, he, or persons acting under his direction, may enter the premises and cause the dangerous tree or part thereof to be removed at the expense of the property owner. A property owner may appeal the public works director's notice to remove the tree within 30 days of receiving such notice to the Board of Appeals. An adverse decision of the Board of Appeals may be appealed to the Superior Court within 30 days of the decision.

City of Auburn, Maine

Office of the Mayor



TO: Members of the Auburn City Council
FROM: Jonathan P. LaBonte, Mayor
RE: Public Services Committees

August 5, 2013

Earlier this year, the City Council held a workshop to discuss a possible new policy committee structure that was designed to streamline the review of initiatives and policies by having a half a dozen Council oversight committees (Community and Economic Development, Public Health and Safety, etc). The more than two dozen existing committees within the city would report through those Council committees. At the time, the Council believed creating new committees would create more work in their schedules so it was tabled.

As part of the restructuring of service delivery and administration in several departments, the time is appropriate to review again the Council and public's policy-making structure for the services delivered by those departments. With well organized and well informed committees advising it, workshop and meeting time of the whole City Council will be more effectively used and more input, especially from residents, will result.

If Councilors, residents or even staff are going to be encouraged to propose policies, projects or services (new, improved or elimination of any of those three areas), there needs to be a defined process for how those ideas are vetted and recommendations brought forward to the full Council. In addition, committees that meet regularly to review the status of plans and projects and review performance in various departments will allow more transparency and greater accountability to taxpayers and the public.

Given the limited interest previously in creating new, overarching Committees for policy areas, the recommendation now is to review and refine existing committee purpose and structure so that is it efficiently aligned with the departmental structure and most helpful for advising the City Council on policy. This approach, if followed, will still allow for more formal Council committees advising on full departments, but that step is not being taken now.

The matrix that follows highlights the existing Committees within the proposed Public Services Department and their areas of jurisdiction. Supporting documents are included as well that highlight existing authorization of committees either at the local or state level. The initial focus is on the parks, recreation, open space, special events and recycling because of a number of emerging efforts from the budget as well as on-going studies.

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It is recommended that the Parks and Recreation Advisory Board, which currently is noted to have jurisdiction over parks management and maintenance as well as recreation programming citywide be more narrowly focused on recreation programs and special events. With the consolidation of Parks and Recreation into Public Services, and parks staffing support shifting within that reporting structure, this will help to reduce overlapping staff support for a committee. In addition, the Council's interest in better reviewing special event support, including the use of the \$20,000 allocated in the FY14 budget, and the future of special revenue accounts makes this a strong fit. A Recreation and Special Events Advisory Board could review the performance of existing programs (both for revenue and participation), review requests for city support for other events, and engage with partners around programming, all with the goal of providing recommendations to the City Council. This would also include facility utilization, which is central to the Athletic Field assessment.

The Lewiston-Auburn Community Forest Board, established through a resolve 13 years ago, has had overlapping jurisdiction with the current Parks and Recreation Advisory Board. For example, there is currently a Joint Land Use Study underway for Mt. Apatite. Mt. Apatite is a city park. Mt. Apatite is a city forest. Which of the two committees has oversight of this area? The same could be said of Pettingill Forest and several other locations in Auburn that are either city parks or wooded areas with trails connected to our schools. Legislation was passed nearly 25 years ago to encourage the creation of Conservation Commissions at the municipal level. This replaced the Parks Commission language that was in state law previously. Given the number of cemeteries under Auburn's management, small parks, and larger forested city parks, it is prudent to better define how a Committee could advise the Council and engage partners and residents about parks and open space needs and their management.

Finally, the Council has approved a budget with a directive for staff to begin negotiating a contract for a new recycling program. Without an existing City Committee in place to advise on that effort, I am proposing a Mayor's Committee on Solid Waste Management that would be established as an ad-hoc committee to support the staff work on developing recommendations for single sort recycling for Auburn and promoting its roll out. I've included some further details in the attached spreadsheets.

There are a number of other committees that would fall under Public Services, in particular those around transportation. Rather than have too many plates in the air at once, I recommend we walk refining these committees to a conclusion before tackling others. Should the Council be comfortable with these first committee descriptions, I am prepared to engage quickly with the existing Community Forest Board to discuss adapting its charge, it is my understanding that staff could initiate preparing language for refining the Recreation Advisory Board, and appointments to a Solid Waste Management Committee would be made by our next Council meeting date.

Name	Origin	Areas of Jurisdiction
Parks and Recreation Advisory Board	Established through ordinance	<p>(1) The review of existing programs of the parks and recreation department and the planning of revised, supplementary or new programs to meet the present and future needs of the city.</p> <p>(2) Coordination with volunteer and charitable organizations and those of other governmental units.</p> <p>(3) Developing recommendations for more efficient use of present facilities and personnel.</p> <p>(4) Improving communication regarding recreational needs</p> <p>(5) Investigation for financial assistance and the development of recommendations regarding participation</p>
Lewiston-Auburn Community Forest Board	Established through a resolve of the Auburn City Council	<p>(1) Advocate for the community forest</p> <p>(2) Develop a plan for and management community forest</p> <p>(3) Educate the communities</p> <p>(4) Raise funds</p> <p>(5) Develop and advise on policy changes for approval by the City Councils</p> <p>(6) Advise and consult on community forest issues and projects</p>

		(7) Communicate and coordinate to avoid duplication of efforts and to combine resources to meet goals.
Energy Committee (no longer established)	Established previously as a Mayor's Committee	To advise on energy efficiency and energy options for public facilities and programs to support these areas for individual homes and businesses
Recycling Committee (no longer established)	Established previously as a Mayor's Committee	To advise on an approach to solid waste management in Auburn and to encourage residents to recycle
Other Committees within Public Services		
Bicycle-Pedestrian Advisory Committee		
Lewiston-Auburn Transit Committee		
Androscoggin Transportation Resource Center		
Auburn-Lewiston Municipal Airport		
Lewiston-Auburn Railroad Company		

Recommended Committee Functions

Name	Former Name	Areas of Jurisdiction
<p style="text-align: center;">Recreation and Special Events Advisory Board</p> <p><i>Would be important to consider having at least one Councilor on this Committee. In addition, the involvement of the School Department and partner organizations should be considered (YMCA, CMCC, Balloon Festival, Dempsey Challenge, etc)</i></p>	<p style="text-align: center;">Parks and Recreation Advisory Board</p>	<p>(1) The review of existing recreation programs and special events supported by the City and the planning of revised, supplementary or new programs to meet the present and future needs of the city.</p> <p>(2) Coordination with volunteer and charitable organizations and those of other governmental units that provide special events or recreation programming in the City.</p> <p>(3) Developing recommendations for more efficient use of present facilities and personnel.</p> <p>(4) Improving communication regarding recreational needs</p> <p>(5) Investigation for financial assistance and the development of recommendations regarding participation</p>
<p style="text-align: center;">Parks and Conservation Commission (could be a joint board with Lewiston)</p> <p><i>Would be important to consider having at least one Councilor on this Committee. In addition, the involvement of the School</i></p>	<p style="text-align: center;">Lewiston-Auburn Community Forest Board</p>	<p>(1) Advocate for parks, conservation and open space in the community</p> <p>(2) Develop a plan for stewardship of community parks and forests</p> <p>(3) Educate the community</p> <p>(4) Raise funds</p> <p>(5) Develop and advise on policy</p>

<p><i>Department and partner organizations should be considered.</i></p>		<p>changes for approval by the City Councils</p> <p>(6) Advise and consult on community forest issues and projects</p>
<p>Mayor's Committee on Solid Waste Management</p> <p><i>This Committee, to be made up of no more than seven (7) residents will, ideally, include a at least one Councilor, at least one representative of Auburn's schools, with the remainder being residents that bring expertise and energy to the topic of solid waste management and improving Auburn's recycling.</i></p>	<p>Established previously as a Mayor's Committee</p>	<p>To advise on an approach to solid waste management in Auburn and to encourage residents to recycle. Serve as advisors to city staff in the development of a contract for services for solid waste management/recycling and facilitate gathering of public input. And to serve in a leadership capacity engaging the community during the roll-out of the program. Staffing for the Committee will be at the Manager's discretion.</p>

CITY OF AUBURN

CONSERVATION COMMISSION

Section 1. - Commission established.

A conservation commission is hereby established pursuant to 30-A M.R.S.A. §§ 3261-3263 to consist of seven (7) members appointed by the city council, all of whom shall be residents of the city. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this Ordinance shall be such that the terms of no more than three (3) members shall expire in any single year. For that purpose, the city council shall initially appoint three members for terms of one year, two members for terms of two years, and two members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. There shall be two (2) ex-officio members of the board consisting of the public works director or his/her designee and the municipal arborist.

Section 2. - Purpose.

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the city.

Section 3. - Qualifications.

All members of the commission shall be selected upon the basis of their knowledge of or interest in conservation, environmental science or related fields.

Section 4. - Powers and duties.

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the city council;
- (b) Shall conduct research, in conjunction with the planning board, into local land areas, which shall be initiated by majority votes of both the commission and the planning board;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) May keep an index of all open areas within the city, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the city council or to any Board

of the city or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;

- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (f) Shall undertake any other conservation or environmental activity referred to it by the city council.
- (g) May recommend to the city council the acceptance of gifts in the municipality's name for any of the commission's purposes.
- (h) Shall develop a plan for and provide advice to city staff and agencies regarding the management of the community forest including the anticipated impact of proposed development;
- (i) Shall raise community awareness regarding the importance of the community forest;
- (j) May raise funds to establish a community forest trust fund;
- (k) Shall adopt by-laws to govern the internal affairs of the commission; and
- (l) May perform such other functions as are permitted by this Code.

Section 5. - Officers, meetings and records.

- (a) The members shall annually elect from their membership a chairperson, a vice-chairperson and a secretary.
- (b) All meetings of the commission shall be open to the public, and notice, if required by law, should be provided to the public about such meetings.
- (c) Minutes shall be kept of all meetings.

Section 6. - Limits of authority.

Nothing contained within this section shall supersede the provisions of the Charter or contrary provisions of the Code. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.

**Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL
1987, C. 737, PT. A, §2 (NEW)**
Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)
**Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS HEADING: PL
1987, C. 737, PT. A, §2 (NEW)**
**Chapter 157: PARKS, TREES AND PLAYGROUNDS HEADING: PL
1987, C. 737, PT. A, §2 (NEW)**
**Subchapter 2: CONSERVATION COMMISSIONERS HEADING: PL
1987, C. 737, PT. A, §2 (NEW)**

§3261. Conservation commissions

Unless otherwise provided under their home rule authority, municipalities may establish conservation commissions as provided in this section. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Appointment of commissioners. The municipal officers may appoint at least 3, but not more than 7, conservation commissioners. Members shall initially be appointed for terms of one, 2 and 3 years, such that the terms of approximately 1/3 of the members will expire each year. Their successors shall be appointed for terms of 3 years each. Members shall serve until the appointment of their successors.

The commission may recommend to the municipal officers that associate members be appointed to assist the commission as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, 2 or 3 years.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Duties of commission. The commission shall:

A. Keep records of its meetings and activities and make an annual report to the municipality; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Conduct research, in conjunction with the planning board, if any, into the local land areas; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Seek to coordinate the activities of conservation bodies organized for similar purposes; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Keep an index of all open areas within the municipality, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements.

(1) Any body politic or public agency of the State conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify that conservation commission of all plans and planning operations at least 30 days before

implementing any action under that plan. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Powers of commission. The commission may:

A. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

B. Have the care and superintendence of the public parks and, subject to the approval of the municipal officers, direct the expenditure of all money appropriated for the improvement of those parks; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

C. Acquire land in the municipality's name for any of the purposes set forth in this section with the approval of the municipal legislative body; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

D. Receive gifts in the municipality's name for any of the commission's purposes and shall administer the gift for those purposes subject to the terms of the gift. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Park commission under previous law. This section does not require a municipality which has previously created a park commission under prior law to establish a conservation commission. Any such park commission previously created may continue to operate as originally established.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD) .

City of Auburn

City Council, Auburn, Maine

Date: October 5, 2009

TITLE: RESOLVE – COMMUNITY CORDS PROGRAM

Be It Resolved by the Auburn City Council that the Community Cords Program be approved as described below:

Name: Community Cords Program

Purpose: This program is established to provide available resources to the Health and Human Services Director to assist qualifying applicants with heating assistance. A qualifying applicant is one who, in the determination of the Human Services Director, who may not qualify for assistance under the City's General Assistance Ordinance, though has demonstrated a financial need.

Funding: The program will be funded from at least two sources: selling wood from city tree maintenance and also the harvesting of city forests. The City may take receipt of charitable contributions as well.

Procedure: The procedure for cutting city trees and distributing the wood will be in accordance with city ordinances, city policies, and applicable state statutes, including but not limited to Title 23 M.R.S.A § 2702 and Title 30-A, M.R.S.A § 3291.

Donations: Donations made to this fund will be used for heating fuel assistance for Auburn residents.

Approval: The Auburn City Council voted and approved of this program on October 5, 2009.

Motion for acceptance: Raymond Berube

Seconded by: David Young

Vote: 6 Yeas, No Nays (Councilor Mennealy out of the room)

Action by the City Council: Passed

Date: October 5, 2009

Attest: 
City Clerk

A. NATURAL RESOURCES POLICIES

PURPOSE

The purpose of the Natural Resources section is to identify environmentally significant resources and establish objectives and strategies for their preservation, protection, enhancement, and utilization.

VISION

Auburn continues to protect its natural resources. The community maintains and enhances its protections of surface waters to ensure the safety of the water supply, and to protect the flora and fauna of its ponds, rivers, and streams. The community strives to preserve its watersheds and to protect its network of wetlands, water bodies, floodplains, and aquifers. These serve a vital role in controlling floodwaters, recharging ground water, and filtering pollutants from upland uses.

Large unfragmented blocks of open space provide wildlife habitat, recreational opportunities, stormwater retention, and protection for critical and unique plants and species. In addition, Auburn continues to make its natural open space available for recreational uses, while protecting landowner rights and protecting the resource for the benefit of future generations.

Natural Resource Goals:

Goal A.1: Maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment.

Goal A.2: Protect the water quality in Taylor Pond to maintain the environmental and economic value of the pond.

Goal A.3: Protect the water quality and shoreline of Auburn's rivers to preserve the environmental and economic value of these resources.

Goal A.4: Protect significant streams and brooks in Auburn to preserve water quality in the watersheds.

Goal A.5: Protect floodplains in Auburn to limit the potential for flood damage.

Goal A.6: Improve the quality and manage the quantity of stormwater discharged to surface waters.

Goal A.7: Protect the quality of groundwater in aquifers as part of efforts to preserve the overall health of watersheds.

Goal A.8: Protect the function and value of wetlands.

Goal A.9: Protect significant wildlife habitats and provide wildlife corridors to link habitat blocks.

POLICIES

In looking at Auburn's natural resources, the topic of surface water, in particular surface water quality, stands out. Therefore, the natural resources section is divided into two subsections, surface waters and other significant natural resources.

The surface water discussion includes Lake Auburn and Taylor Pond (and their respective watersheds), the Androscoggin and Little Androscoggin Rivers, and the City's brooks and streams. In addition, floodplains and stormwater management are addressed as they protect water quality and overall surface water health. There are goals, objectives, and strategies for each of the surface water features.

The significant natural resources section looks at goals, policies, and strategies for the management of the City's aquifers, wetlands, and wildlife habitats.

SURFACE WATERS

A. 1 LAKE AUBURN

Goal A.1: Maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment.

To minimize future threats to the water quality and maintain current drinking water standards, the City, Auburn Water District (AWD), Lake Auburn Watershed Protection Commission (LAWPC), and Lake Auburn watershed residents need to continue to protect the lake from contamination that could affect water quality or trigger the need for additional treatment. If additional treatment becomes necessary then all options should be considered for the most cost effective solution.

PUBLIC USES

The City, the Auburn Water District (AWD), and the Lake Auburn Watershed Protection Commission (LAWPC) have a long history of protecting Lake Auburn from inappropriate public uses. For example, the "no body contact" regulation prohibits swimming in the lake, and the Restricted Zone limits public access to protect the water supply. The AWD also has numerous contingency plans in place to protect the lake's water quality should accidental contaminant spills occur.

The City, AWD, and LAWPC support efforts to develop appropriate, low intensity recreational uses such as boating, walking/hiking, nature observation, fishing, picnicking, cycling, cross-country skiing, snowshoeing, and snowmobiling in designated areas in and around the lake.

Objective A.1.1:

Minimize the negative impacts of water-related activities and public use of the watershed on the quality of Lake Auburn's water supply.

Strategies to achieve this objective:

Strategy A.1.1.a:

Support the Lake Auburn Watershed Protection Commission (LAWPC) in its work to prevent the introduction of invasive species into the lake and control the growth of existing invasive species through:

- » Continued use of benthic barriers in the basin and the northern portion of the lake to control the growth of existing invasive species
- » Continued efforts to educate the public on how to spot and report invasive species
- » Continued boat monitoring efforts to limit the potential introduction of invasive species into the lake.

Strategy A.1.1.b:

Support efforts of the Auburn Water District (AWD) and LAWPC to:

- » Consider removing or modifying the existing MEDOT Route 4 rest area to address public safety and water quality concerns,
- » Relocate the parking facility within the boat launch area, in order to better manage inappropriate activities by controlling access and use, and
- » Develop a trail along the site to promote appropriate public use in this area.

Strategy A.1.1.c:

Promote low-impact recreational opportunities around the lake that limit the potential for erosion, such as walking/hiking, nature observation, fishing, picnicking, cycling, cross-country skiing, snowshoeing, and snowmobiling, by working with the LAWPC to develop appropriate recreational opportunities on designated LAWPC land, and supporting LAWPC efforts to eliminate/reduce "inappropriate" use of these properties.

Strategy A.1.1.d:

Support efforts by AWD and LAWPC to address existing erosion concerns along portions of Route 4 and Lake Shore Drive through the installation and maintenance of designated parking areas and the stabilization of eroded areas.

EXISTING DEVELOPMENT

Existing private and commercial properties influence the Lake Auburn watershed. Septic systems, impervious surfaces, and landscaping can affect the lake's water quality. The City should continue to provide information and education about land use impacts and develop programs to help property owners deal with the management and maintenance of activities that may affect water quality.

Objective A.1.2:

Minimize the negative impacts of existing development within the watershed on the quality of Lake Auburn's water supply.

Strategies to achieve this objective:

Strategy A.1.2.a:

Minimize, to the greatest extent practical, environmental pollution by reducing the pollutant loading from changes to existing properties associated with impervious surfaces, lawn care, driveways, access roads, and subsurface wastewater disposal systems.

Strategy A.1.2.b:

Provide financial support to property owners in the Lake Auburn watershed whose existing subsurface wastewater disposal systems need to be replaced:

- » Continue to use Community Development Block Grant (CDBG) programs to help qualifying homeowners replace aging or failing disposal systems. Prioritize funding to focus on qualified Lake Auburn watershed homeowners.
- » Facilitate the development of a subsurface wastewater disposal system replacement loan program for all other watershed property owners.

Strategy A.1.2.c (Also Strategy A.1.4.c):

Establish a Technical Review Committee to review the Lake Auburn Overlay (LAO) District provisions dealing with subsurface wastewater disposal systems based on current technology and make recommendations, with input from the AWD and LAWPC, to the City Council and Planning Board on possible changes/improvements to the requirements. This committee should include experts in the field of on-site wastewater technologies.

Strategy A.1.2.d (Also Strategy A.2.2.b):

Address issues such as erosion and runoff by updating the Lake Auburn Watershed Overlay (LAO) District to allow expansion and reconstruction projects but require that such projects that alter or increase impervious surfaces to meet Low Impact Development (LID) standards.

Strategy A.1.2.e (Also Strategy A.1.4.e and A.2.2.c):

Update the City's Phosphorous Control Ordinance to reflect current best management practices, to coordinate the ordinance with state standards, and to limit the use of fertilizers containing phosphorous within two hundred feet of the lake and any tributary brooks, streams, or other watercourses.

Strategy A.1.2.f:

Continue to ensure the on-going maintenance of subsurface wastewater disposal systems in the watershed.

Strategy A.1.2.g:

Develop an educational program and related materials to inform current property owners and residents about the potentially harmful impacts of various individual activities on water quality -- such as fertilizer and pesticide use and the disposal of pharmaceuticals and personal care products -- and encourage ways of limiting use and/or promoting safer alternatives and disposal techniques.

Strategy A.1.2.h:

Consider a requirement that any subsurface wastewater disposal systems within the LAO be inspected upon the transfer of property ownership and that they be corrected, replaced, or connected to the public sewer system if necessary.

NEW DEVELOPMENT

The City's current land use regulations -- Agriculture and Resource Protection (AG/RP), Shoreland Overlay, and Lake Auburn Overlay (LAO) Districts and the Phosphorous Control Ordinance -- limit new development in the Lake Auburn watershed in an effort to protect the water quality of the lake and the natural resources within the watershed. When considering changes to regulations, the City should promote the continued protection of natural resources within the watershed.

Objective A.1.3:

Limit the potential for additional development within the Lake Auburn watershed.

Strategies to achieve this objective:

Strategy A.1.3.a:

Support continued efforts by the LAWPC, the Androscoggin Land Trust (ALT), and other conservation organizations to purchase additional land, conservation easements, and/or development rights within the watershed for the purposes of conservation and/or recreation.

Strategy A.1.3.b:

Make the acquisition of land, conservation easements, and development rights in the Lake Auburn watershed a priority in future City efforts to acquire open space or conservation lands. This should include efforts to work with other communities in the watershed to protect critical areas outside of the City's boundary.

Strategy A.1.3.c:

Continue to limit the potential for additional development in the watershed by designating most of the undeveloped land in the watershed as Agricultural/Rural (see Chapter 2. Future Land Use Plan) except for areas along existing roads that are designated for low density

residential use in accordance with the criteria for "Rural Residential Road Strips" (see Section J.3).

Objective A.1.4:

Assure that when new development does take place within the Lake Auburn Watershed, the impacts on lake water quality are minimized to the greatest extent possible.

Strategies to achieve this objective:

Strategy A.1.4.a:

Minimize, to the greatest extent that is practical, environmental pollution by minimizing the pollutant loading associated with impervious surfaces, lawns, driveways, access roads, and subsurface wastewater disposal systems.

Strategy A.1.4.b:

Support LAWPC, the Androscoggin Land Trust (ALT), and other conservation organizations in their work with surrounding watershed towns to purchase land, limit allowable land uses, and promote site plan review and development standards, to mitigate the impact of development on the watershed.

Strategy A.1.4.c (Also Strategy A.1.2.c):

Establish a Technical Review Committee to review the Lake Auburn Overlay (LAO) District provisions dealing with subsurface wastewater disposal systems based on current technology and make recommendations, with input from the AWD and LAWPC, to the City Council and Planning Board on possible changes/improvements to the requirements. This committee should include experts in the field of on-site wastewater technologies.

Strategy A.1.4.d:

Update Lake Auburn Overlay (LAO) District regulations to require that new development projects within the watershed meet Low Impact Development (LID) standards. These standards minimize erosion/runoff problems through the use of best practices for the construction and maintenance of driveways and access roads, and the provision of vegetative buffer strips to minimize runoff from the property.

Strategy A.1.4.e (Also Strategies A.1.2.e and A.2.2.c):

Update the City's Phosphorous Control Ordinance to reflect current best management practices and the latest state standards. The revision should include limitations on the use of fertilizers containing phosphorous within two hundred feet of the lake and any tributary brooks, streams, or other watercourses.

Strategy A.1.4.f:

Develop a Lake Auburn watershed property owner education program to inform new and potential landowners about the purpose and objectives of the community's existing

watershed protection program, land use regulations, low impact development standards, and conservation subdivision approaches.

MONITORING AND EVALUATION

A number of factors influence water quality in Lake Auburn. While the community has a number of regulations and programs in place to protect Lake Auburn, there is a need to regularly monitor the effectiveness of these activities and to review and revise these efforts as necessary.

Objective A.1.5:

Assure that community regulations and programs to protect Lake Auburn are regularly monitored for their effectiveness and reviewed and revised as necessary.

Strategies to achieve this objective:

Strategy A.1.5.a:

The AWD and LAWPC should continue to monitor the water quality in the lake and its tributaries to determine the effectiveness of the various pollution prevention programs. If concerns are identified, AWD and LAWPC should immediately identify the source of the concerns and take the necessary and appropriate actions to eliminate or minimize, to the greatest extent possible, any adverse impact resulting from such concerns. This may require proposing changes or additions to the community's programs and City's regulations.

Strategy A.1.5.b:

Encourage LAWPC to continue to monitor statewide trends in watershed protection through contacts with the Maine Drinking Water Program and the Maine Water Utilities Association's Water Resources Committee. The focus should be on strengthening the community's watershed protection programs, including dealing with emerging threats to water quality such as the disposal of pharmaceuticals and personal care products.

A.2 TAYLOR POND

Goal A.2: Protect the water quality in Taylor Pond to maintain the environmental and economic value of the pond.

Taylor Pond is valuable as a wildlife habitat area, as an important recreational area, and as a significant property tax base. Preserving and enhancing water quality will help to maintain the environmental and economic value of the pond. Threats to the pond's water quality include the potential for invasive species infestations, as well as contamination from existing and new development. The introduction of invasive plants into the relatively small, shallow Taylor Pond would reduce the value of the pond as a recreational resource, as a high quality wildlife and fish habitat, and as a source of property tax revenue.

EXISTING DEVELOPMENT

Homeowner education is a key to dealing with threats from existing developments. The City should support the efforts, such as those of the Taylor Pond Association, to educate pond residents on sound environmental practices. Local residents can also play an important role in invasive species monitoring - including identifying and removing any potential threats from boats and the shoreline.

Objective A.2.1:

Minimize the negative impacts of existing development within the Taylor Pond watershed.

Strategies to achieve this objective:

Strategy A.2.1.a:

Support measures to inform property owners about the appropriate use and maintenance of their property:

- » Promote the Taylor Pond Association's education and outreach efforts.
- » Promote programs, such as LakeSmart, to educate property owners on maintenance and development practices that help to protect water quality.

Strategy A.2.1.b:

Support efforts, such as those by the Taylor Pond Association, to vigorously control/limit the potential for invasive species infestations through activities such as:

- » Educating local residents on identifying invasive species,
- » Programs geared toward removal of invasive species including boat and shoreline inspections, and
- » Developing an approved plantings list for the Taylor Pond area to reduce the likelihood of inadvertent cultivation of invasive species.

Strategy A.2.1.c:

Update land use regulations in the Taylor Pond watershed to require that expansion/reconstruction projects within the watershed meet Low Impact Development (LID) standards that address erosion/runoff problems, particularly with regard to the construction and maintenance of driveways and access roads, and the provision of vegetative buffer strips to minimize runoff from the property.

Strategy A.2.1.d:

Review and revise the current requirements for connecting to the public sewerage system to increase the number of properties in the watershed that are connected. Require that a property be connected to public sewer, wherever financially feasible, when:

- » Existing subsurface wastewater disposal systems need to be replaced or
- » The redevelopment or expansion increases the design sewage flow of a property served by a subsurface sewage disposal system

In addition, the City should use CDBG funds to provide low/no interest loans to help qualified homeowners tie into existing sewer lines.

NEW DEVELOPMENT

The City's land use regulations - Agriculture and Resource Protection (AG/RP), Shoreland Overlay, and Taylor Pond Overlay (TPO) Districts and the Phosphorous Control Ordinance - limit new development in the Taylor Pond watershed in an effort to protect the water quality of the pond and the natural resources within the watershed. When considering changes to existing regulations, the City should promote the continued protection of natural resources within the watershed.

Objective A.2.2:

Minimize the negative impacts of new development within the Taylor Pond watershed.

Strategies to achieve this objective:

Strategy A.2.2.a:

Continue to limit additional development in the unsewered portions of the watershed by designating most of the area (except for the developed area adjacent to the lake) as Agricultural/Rural (see Chapter 2. Future Land Use Plan).

Strategy A.2.2.b (Also Strategies A.1.2.d):

Address issues such as erosion and runoff by updating the Taylor Pond Overlay District to require that all expansion and reconstruction projects and projects that alter or increase impervious surfaces meet Low Impact Development (LID) standards.

Strategy A.2.2.c (Also Strategies A.1.2.e and A.1.4.e):

Update the City's Phosphorous Control Ordinance to reflect current best management practices, to correlate with state standards, and to include limitations on the use of fertilizers containing phosphorous within two hundred feet of the pond and any tributary brooks, streams, or other watercourses.

Strategy A.2.2.d:

Revise the shoreland zoning provisions to include significant wetlands and other areas unsuitable for development within the Taylor Pond watershed as Resource Protection areas.

Strategy A.2.2.e:

Require that new developments within the Taylor Pond watershed tie into the public sewerage systems when financially feasible.

Strategy A.2.2.f:

Develop, in conjunction with the Taylor Pond Association, a Taylor Pond watershed property owner education program to inform new and potential landowners about the purpose and objectives of the community's existing watershed protection program; existing land use regulations; low impact development standards; and conservation subdivision approaches.

A.3 ANDROSCOGGIN AND LITTLE ANDROSCOGGIN RIVERS

Goal A.3: Protect the water quality and shoreline of Auburn's rivers to preserve the environmental and economic value of these areas.

ANDROSCOGGIN RIVER

The water quality of the Androscoggin River is not as good as it should be. Its water quality is affected by activities within in the City, within municipalities upstream, and by industries such as NextEra Energy Resources and paper mills. Auburn should continue to work with surrounding communities on efforts to improve the quality of the river.

Objective A.3.1:

The state's water quality classification for the river should be increased from a Class C to a Class B by 2012.

Strategies to achieve this objective:

Strategy A.3.1.a (Also Strategy A.3.2.a):

Support the Maine Department of Environmental Protection (DEP) in its efforts to improve water quality throughout the Androscoggin River Corridor.

Strategy A.3.1.b (Also Strategy A.3.2.b):

Work with the Androscoggin Land Trust and other conservation organizations to purchase land and/or conservation easements along critical portions of the Androscoggin River.

Strategy A.3.1.c (Also Strategy A.3.2.d):

Support and assist organizations such as the Androscoggin River Alliance, the Androscoggin Land Trust, Maine Rivers, and the Atlantic Salmon Federation in their efforts to improve the Androscoggin River and restore fish populations.

Strategy A.3.1.d:

Continue funding efforts to eliminate the remaining Combined Sewer Overflows (CSOs).

Strategy A.3.1.e:

Collaborate with major industries and landowners to develop land/trail management plans to protect the river and establish adjacent recreational areas to enhance public access.

Strategy A.3.1.f:

Continue to limit additional development in the undeveloped portions of the watershed (including most of areas along North River Road and Riverside Drive) by designating these areas Agricultural/Rural in the Future Land Use Plan.

LITTLE ANDROSCOGGIN RIVER

Water quality concerns along the Little Androscoggin River include potential threats from surrounding urban and industrial land uses. Protections around the river include Shoreland Zoning and Resource Protection Zoning. Auburn should continue to work on efforts to improve the quality of the river.

Objective A.3.2:

The state's water quality classification for the river should be increased from a Class C to a Class B by 2012 to protect the natural and scenic quality of the Little Androscoggin River shoreline.

Strategies to achieve this objective:

Strategy A.3.2.a (Also Strategy A.3.1.a):

Support the Maine Department of Environmental Protection (DEP) in its efforts to improve water quality throughout the Androscoggin River Corridor.

Strategy A.3.2.b:

Include undeveloped 100-Year floodplains along the River upstream of Taylor Brook in the Resource Protection District.

Strategy A.3.2.c (Also Strategy A.3.1.b):

Work with the Androscoggin Land Trust and other conservation organizations to purchase land and/or conservation easements along critical portions of the Little Androscoggin River.

Strategy A.3.2.d (Also Strategy A.3.1.c):

Support and assist organizations such as the Androscoggin River Alliance, the Androscoggin Land Trust, Maine Rivers, and the Atlantic Salmon Federation in efforts to improve the Little Androscoggin River and restore fish populations.

A.4 OTHER SURFACE WATERS: STREAMS AND BROOKS

Goal A.4: Protect significant streams and brooks in Auburn in order to preserve water quality in the watersheds.

Current shoreland zoning provisions regulate development adjacent to major streams and brooks in Auburn. The AG/RP Zone and Lake Auburn Overlay District as well as the Phosphorous Control Ordinance protect most surface waters.

Objective A.4.1:

Ensure that all significant streams and brooks in Auburn are adequately protected.

Strategies to achieve this objective:

Strategy A.4.1.a:

Continue to include Auburn's significant streams in the Shoreland Overlay Zoning District.

A.5 FLOODPLAINS

Goal A.5: Protect floodplains in Auburn to limit the potential for flood damage.

The management of development in the City's floodplains currently meets state and federal standards. The City should continue existing protections of floodplains and update its requirements, as needed, to meet new state and federal standards.

Objective A.5.1:

Continue to maintain floodplain management requirements and protect flood prone areas from potential flood damage.

Strategies to achieve this objective:

Strategy A.5.1.a:

Continue to meet state and federal standards for the management of development within the 100 Year Floodplain.

Strategy A.5.1.b:

Update floodplain requirements, as necessary, to meet state and federal standards and ensure continued protection of area properties.

Strategy A.5.1.c:

Prohibit harmful activities such as filling within the mapped floodways.

Strategy A.5.1.d:

Review the published FEMA floodplain maps using the City's topographic data from the 2-foot contour aerial maps to identify potential discrepancies in the 100 Year Floodplain, and work with FEMA to update the maps to accurately depict the floodplain.

A.6 STORMWATER

Goal A.6: Improve the quality, and manage the quantity, of stormwater discharged to surface waters.

The City has been working steadily to remove Combined Sewer Overflows (CSOs) since the implementation of the 1995 Comprehensive Plan. Aggressive local measures to remove existing CSOs and reduce the amount of discharge into the river should be continued. The current plan for eliminating CSOs is slated to be completed in 2012, effectively removing all CSOs from the City. Funding and implementation of this plan should remain a priority. The City should continue to implement the newly adopted stormwater management requirements and develop watershed management plans to address issues of stormwater and protect water quality.

Objective A.6.1:

Continue to support efforts to minimize negative impacts from stormwater runoff.

Strategies to achieve this objective:

Strategy A.6.1.a:

Implement existing CSO removal projects and make the funding for these projects a priority.

Strategy A.6.1.b:

Ensure that the City complies with the National Phase II Stormwater Requirements.

Strategy A.6.1.c:

Develop watershed management plans for watersheds with impaired water quality in an effort to proactively protect these water bodies from stormwater threats.

SIGNIFICANT NATURAL RESOURCES

A.7 AQUIFERS

Goal A.7: Protect the quality of groundwater in aquifers as part of efforts to preserve the overall health of watersheds.

In the bedrock below Auburn's watersheds, there are a series of sand and gravel aquifers. These natural water storage units can yield as much as 10 to 50 gallons of drinking water per minute. At present, no aquifers are used for public water supply. However, they are tapped for private use. Aquifers are susceptible to pollutants that leach into the ground. Land uses above these areas are monitored for ground contamination.

Most of Auburn's significant aquifers are currently within AG/RP Districts and are protected from most development pressures. The City should continue to protect aquifers, as they are an important source of potable water.

Objective A.7.1:

Continue to protect significant aquifers through resource protection measures.

Strategies to achieve this objective:

Strategy A.7.1.a:

Maintain current regulatory measures to prohibit new gravel mining activities from taking place around Townsend Brook.

Strategy A.7.1.b:

Review information on the possible location of aquifers in the community to allow any additional sand and gravel aquifers to be identified and mapped. If any additional

significant aquifers are identified that are not located within the AG/RP District, provide appropriate protection for these resources.

Strategy A.7.1.c:

Revise the development review requirements to require that information on significant aquifers be provided as part of applications for subdivision and site plan review, and that the protection of these resources be addressed in the review process.

A.8 WETLANDS

Goal A.8: Protect wetlands in order that their function and value be retained.

Auburn regulates development in and around non-forested freshwater wetlands over 10 acres in size through local shoreland zoning provisions. Currently the City is undergoing an update of its Shoreland Zoning to comply with changes required by the State. As part of this, the City must include significant freshwater wetlands with high to moderate value for inland wading bird and waterfowl habitat within Shoreland Zoning, and designate areas upland of these wetlands as Resource Protection.

One threat to wetlands is the cumulative effect of small development projects that do not require state permits. These projects can have a large impact on wetlands preservation as they slowly shrink the resource. Wetland reduction can lead to reduced water quality, increased flooding, and loss of wildlife habitats.

Objective A.8.1:

Maintain the function and value of wetlands, and minimize the impacts of development and other land uses on significant wetlands.

Strategies to achieve this objective:

Strategy A.8.1.a:

Strengthen the City's development review standards, including site plan and peer review requirements, to assure that the delineation of wetlands is done by a qualified professional and that new development is designed to avoid wetlands where possible. When avoidance is impossible, then the standards must minimize the impact.

Strategy A.8.1.b:

Develop flexible wetlands regulations, to the extent feasible, that allow development to occur within the urban areas similar to the reduced urban setbacks provisions in the Shoreland Overlay Zone.

Strategy A.8.1.c:

Update the Shoreland Zoning Regulations

- » Create an RP district around state-identified high-to-moderate value wading bird and waterfowl habitat wetlands.
- » Update the Shoreland Zoning Map to include all state-identified wetlands within the Shoreland Zoning Overlay District.

Strategy A.8.1.d:

Explore the potential for creating a local wetlands mitigation program in partnership with the Androscoggin Land Trust and other conservation organizations.

A.9 WILDLIFE HABITATS

Goal A.9: Protect significant wildlife habitats and provide wildlife corridors to link habitat blocks.

Habitat protection in Auburn falls into two categories – critical habitats identified by the state, and significant local habitats. Shoreland zoning provisions currently protect state-identified rare and endangered habitats. The City will be updating its shoreland zoning provisions to meet new state standards that protect inland waterfowl and wading bird habitat. Significant local habitats include deer wintering areas and large unfragmented habitat blocks¹. These large blocks are important for wildlife, for outdoor recreational activities, and for maintaining the rural character of the community.

The value of an unfragmented habitat block typically increases with the size of the block. As a general principle, the larger the block of unfragmented habitat, the greater the diversity of the animal and plant population that can be supported. A block of 150 acres or more has the potential to be used by most species in Auburn. Deer wintering areas can often be found within these blocks. In Auburn, unfragmented habitats of this size are typically included in the AG/RP districts. Development in rural areas fragments these “blocks” and reduces their value as wildlife habitat.

In isolation, the value of unfragmented habitat blocks is limited. For habitat to function properly, it must function in context with the surrounding landscape. Therefore, wildlife corridors² are needed to link the individual “habitat blocks” into a network. Ensuring a well-connected wildlife habitat network helps to maintain rural community character and the region’s biodiversity. Limiting development to the edges of these areas helps to ensure that

¹ Unfragmented blocks are large, contiguous areas of natural woodland with little or no human disturbance essential for maintaining a diverse and healthy population of wildlife.

² A wildlife corridor is generally a linear area that connects two or more areas or blocks of wildlife habitat and serves as an avenue of connectivity for animal movement.

animals in the interior are protected from development activities and maintains the area's environmental integrity.

Objective A.9.1:

Protect significant wildlife habitats and corridors.

Strategies to achieve this objective:

Strategy A.9.1.a:

Update the Shoreland Zoning Map to include state-identified high-to-moderate value inland waterfowl and wading bird habitat, and other critical habitats as defined by *Beginning with Habitat*.

Strategy A.9.1.b:

Inventory and protect key unfragmented habitat blocks and wildlife corridors. Include significant habitats in the Resource Protection District or Agriculture/Rural District where feasible.

Strategy A.9.1.c:

Establish community education programs to make landowners and the community aware of the value of these habitats.

Strategy A.9.1.d:

Require documentation of responsible forestry practices to protect wildlife habitats as part of the development review process.

Strategy A.9.1.e:

Establish a voluntary protection/landowner advisory program to work with property owners interested in voluntary conservation activities, such as the Androscoggin Land Trust, other conservation organizations, and small woodlot/farm trust owners.

Strategy A.9.1.f:

Create a wildlife corridor improvement program that works with landowners to enhance the habitat value of identified corridors.

Strategy A.9.1.g:

Update City zoning to include protections for identified deer wintering areas beginning with those located on City-owned land.

Strategy A.9.1.h:

Encourage the use of cluster or conservation developments to preserve the integrity of unfragmented habitat blocks.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 11-24-2014

Author: Doug Greene, City Planner

Subject: Council Initiation of a Study of the Agricultural and Resource Protection Zone

Information: After nearly 60 years, it's time to take a hard look at the City of Auburn's Agricultural and Resource Protection Zone policies and regulations. The Agriculture and Resource Protection (AG/RP) Zone has been in place since the early 1960's and has done an impressive job of achieving its goals of limiting sprawl development, protecting Agricultural lands and environmentally sensitive areas and reserving land for future development. Earlier this year, a citizen petition was filed for a text amendment in the AG/RP zone to allow the transfer of residences from a rural residential strip zone to the rear agriculturally zoned portion of a property. The text amendment was not approved but raised a number of important issues and questions.

- What is the impact of current AG/RP zone regulations on land value and how the land is used?
- What is the state of farming in Auburn and do current regulations hinder agriculture?
- What is the cost of services in the agricultural zone?
- Is the 50% income rule for new homes in the AG/RP a barrier to agriculture?

The Planning and Development Office was asked to initiate a study to examine the current state of the AG/RP zone and explore what, if any, steps might be taken to create an optimum solution for farming and the city in general. A proposed study is attached with this Workshop Request Sheet.

Advantages: Performing a comprehensive study of the City's Agricultural Zone will provide important data on existing conditions regarding how the AG/RP zone is being used and its relation to the rest of the city. It will generate alternatives that will be helpful in guiding any changes if warranted. The study could lead to an increase in agricultural activities. The study could spark interest in areas designated for future growth.

Disadvantages: The study will require hard work and time from staff. The study may generate strong feelings from supporters of the current AG/RP policies and those who want to see changes. The study may result in changes to the rural nature of the AG/RP zone.

City Budgetary Impacts: The Study itself will not require significant funding. Modest appropriations will be helpful for public notices in local papers, printing costs for meeting materials and drafts for public distribution. A \$1,000 will cover those estimated costs. The long range financial implications could be substantial and will be an important consideration of the study.

Staff Recommended Action: A positive motion to initiate the proposed Ag Study and timeline.

Previous Meetings and History: The citizen based Ag Text Amendment was heard by the Planning Board on 12/10/13 and 1/14/14 with the Planning Board taking action on 2/11/14 (approved 4 to 3) to move the text amendment on to the City Council. The text amendment was heard at the March 3, 2014 Council workshop, then 1st reading on May 19, 2014 and then at the June 3, 2014 meeting, the Council turned down an Ag Text Amendment and directed the staff to make plans to study the City's Agricultural and Resource Protection Zone.

Attachments:

1. Memo dated 10/2/14
2. June 2, 2014 Council Minutes
3. Draft Ag Study Proposal from June 2, 2014 Council Meeting
4. Revised Ag Study Process Outline and Task List
5. Memo dated 11/19/2014 from Eric Cousens

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Mayor LaBonte and the Auburn City Council

From: Douglas M. Greene, AICP, RLA; City Planner *DMG*

Date: October 29, 2014

RE: Study of the Agricultural Zone in Auburn

At its regular meeting on June 2, 2014, the Auburn City Council failed to approve a Zoning Text Amendment to the Agricultural and Resource Protection (AG/RP) Zone. While not in the meeting minutes (Attachment 1), after the vote, the Council directed the staff to initiate a Study of the Agricultural and Resource Protection Zone, based on a proposed outline presented to the Council by staff that evening in the meeting packet (Attachment 2).

Concerns about the AG/RP Zone continue to be raised on a regular basis and staff would like to begin the Study based on an updated process outline (Attachment 3). The Study will start with a kick-off meeting titled "Agriculture in Auburn" and feature government and non-profit leaders in agriculture from the state, regional and local areas. These speakers can provide an outside perspective on trends in agriculture in Maine. Time would also be made for citizen comments at the kick-off meeting to begin the receiving local input. A series of monthly topical workshops would follow the kick-off meeting to allow detailed discussions and input from stakeholders on issues important to the future of our Agricultural and Resource Protection Zone. Based on input from these workshops, draft changes would be considered for adoption.

The Planning and Development Staff would like to ask the City Council to support starting the study and recommends the creation of a working committee be formed after the kick-off meeting that might include the Planning Board, farmers, realtors and interested citizens. The staff would like your endorsement of this important planning effort and we look forward to any comments you might have.

C: Clinton Deschene, Auburn City Manager
Roland Miller, Director, Planning and Development
Eric Cousens, Deputy Director, Planning and Development
File

Attachment 1

- Melissa Dunn, tenant organizer for the Neighborhood Housing League in Lewiston, Howa Abdil, resident of Auburn delivered a message from a tenant in Auburn regarding living conditions.

IN COUNCIL REGULAR MEETING JUNE 2, 2014 VOL. 34 PAGE 37

- Peter Rubins and Jarrod Lussier of Grow LA and Androscoggin River task force on upgrading the use of the Androscoggin River for recreational and aesthetic purposes.
- Jim Tierney, Drummond Street on crossing at walkways, pedestrian right of ways, and wanted to encourage planting fruit and nut trees, Whitewater Park that Westbrook is establishing.

VI. Unfinished Business

13. Ordinance 03-05192014

Approving the zoning text amendment to the Agricultural and Resource Protection Zone (ZOMA 1180-2013). Public hearing and second reading.

Motion was made by Councilor Lee and second by Councilor LaFontaine on approving the zoning text amendment to the Agricultural and Resource Protection Zone (ZOMA 1180-2013).

Public hearing - no one from the public spoke, the motion failed 0-6 with all Councilors present opposed. A roll call vote was taken.

14. Resolve 06-05052014

Adopting the Appropriations Resolve for Fiscal Year 2015, second reading.

Motion was made by Councilor LaFontaine and seconded by Councilor Lee who clarified that the motion was made without the two enterprise accounts that were included in the packet.

Motion was made by Councilor LaFontaine and seconded by Councilor Lee to amend by adding the two enterprise accounts included in packet (Norway Arena, and Ingersoll Arena as provided in the agenda packet). Passage 6-0.

Motion by Councilor Gerry and seconded by Councilor Walker to reduce the FY15 LATC budget by \$23,996 and use the \$23,996 funds saved toward other transport improvements in Auburn. Passage 5-1 (Councilor Hayes opposed).

Motion was made by Councilor Gerry and seconded by Councilor LaFontaine to amend FY15 Municipal budget to fund the 3 snowmobile clubs who operate in Auburn (Snow Gypsies, Andy Valley, and New Auburn Snowmobile Clubs) by reducing the other State aid line by \$3,000 and to create a new budget line in the amount of \$3,000 for snowmobile grant clubs to be used solely on projects in Auburn. Motion failed 3-4 (there was a tie vote 3-3 with Councilors LaFontaine, Hayes, and Lee opposed, and in accordance the City Charter, Article III, Section 3.3 the Mayor voted to break the tie vote, he voted in opposition).

Attachment 2

DRAFT

A Proposal for a Comprehensive Study of the Agricultural and Resource Protection Zone

Current Situation:

The Agriculture and Resource Protection Zone has been in place since the early 1960's and has done an impressive job of achieving its goals of limiting sprawl development, protecting Agricultural lands and environmentally sensitive areas and reserving land for future development. Recently, a petition was made amend the AG/RP zone to allow the transfer of residences from a rural residential strip zone to the rear agriculturally zoned portion of a property. While this particular idea was recommended in the Comprehensive Plan, it does not address issues lying at the core of the Agricultural zone. Rather than take a piecemeal approach; the City Council (and others) expressed an interest in a comprehensive review of the 2010 Comprehensive Plan's policy on agriculture and resource protection.

This study can have long term, far reaching impacts on the future of Auburn. It must be carefully planned and executed. It will chart the course for the City's future for Agriculture, Housing, Infrastructure and Land for Future Development to name a few.

Some Possible Issues, Topics and Questions:

- Land use, tax rates and land values.
- State of farming in Auburn, is it viable under current regulations?
- Statewide trends in agriculture and forestry.
- Should Agriculture be part of the City's economic development policy?
- What is the cost of services in the agricultural zone?
- Is the 50% income rule for new homes in the AG/RP a barrier to agriculture?
- What role should environmental protection play?
- Consider cluster development or transfer of development rights.
- Where should new homes be located? What should the minimum lot size be?

The Process:

Due to existing projects already underway or committed to by staff, the review of the Agriculture and Resource Protection Zone is proposed to take place in two phases.

Phase 1: Preliminary Ground Work (will take 6 months, June to November 2014)

- Staff will generate an inventory of Agricultural lands and compile all Agricultural goals, objectives and recommendations from the 2010 Comprehensive Plan.
- Work with and seek out outside Agricultural entities for technical assistance to evaluate Auburn's existing Ag conditions and help in developing the study.
- Assign the Planning Board regular work sessions to help in the phase 1 development of goals and an action plan for Phase 2.

Phase 2: The Study (will take 6 months, December 2014- May 2015)

- Planning Board hosts a series of workshops and public hearing to get public input and information from outside experts on the future of the Agricultural and Resource Protection zone.
- Develop a series of alternatives that address different aspects of the City's Agricultural policies, based on the public input and review by outside entities.
- The Study will create a final proposal possibly amending the Comprehensive Plan and or make any changes to the Zoning Ordinance.

May 21, 2014

Attachment 3

A Proposed Study of The Agriculture and Resource Protection Zone Process Outline and Task List (w/ tentative timeline dates)

1. Staff inventory of Agricultural Zone (Present through end of October)
 - a. Land Values Map.
 - b. Zoning map.
 - c. Future Land Use map.
 - d. Existing Land Use map
 - e. Soils and Active Farms map.
 - f. Map of rural residential units, vacant land.
 - g. Identify all Agricultural related 2010 Comprehensive Plan goals and references.
 - h. Zoning purposes, regulations.
2. Plan Kick off Meeting in November 2014.
 - a. Press releases, reserve Council Chambers.
 - b. Invited speakers (see agenda)
 - c. General Public
 - Local Farmers- Use List from City Assessor's Office.
 - Realtors
 - Land Owners
 - d. Planning Board
 - e. City Council and Mayor
 - f. Post draft agenda on city website
3. Kick off meeting- in November 2014 (Late afternoon or early evening) 3 ½ hours (1-4:30 pm) 3 ½ hours "summit"
 - Arrange for staff help for sign-in table.
 - Reserve Council Chambers.
4. Kick off meeting follow up.
 - a. Consolidation of comments distribute meeting summary.
 - b. Formation of Steering Committee- Led by Planning Board representatives.
 - c. Initial meeting of the Steering Committee prior to starting workshops.
5. Based on kick off meeting and Steering Committee input, set up a series of monthly Ag. Study Workshops. (Possible topics could include)
 - a. Current Land Use Regulations- Comp Plan, Zoning and/or City Policies. (TBD)
 - b. Agriculture, Forestry and Mineral Extraction in Auburn/Maine. (TBD)
 - c. Land Value/ Assessment/ Future Land Use. (TBD)
 - d. Smart Growth: A Balanced Approach to City and Country. (TBD)

Note: Promote each workshop then evaluate afterwards.
6. Draft Options and Alternatives- Include any changes to Comprehensive Plan and Zoning.

October 1, 2014

Attachment 3

7. Public Meeting on Draft Changes and Implementation Strategy.
 8. Send any amendments to the Planning Board for review and recommendations to the City Council.
 9. Public Hearing and Final Consideration/Adoption by City Council.
-

Draft Agenda for Ag Study Kick off Meeting
November 2014 (Tentative)
Council Chambers

1. Introductions and opening remarks
2. Short Presentation by City Staff on Auburn's Agricultural and Resource Protection Zone.
3. Presentations by: (Devote 1 hour to this)
 - a. Stephanie Gilbert, Maine Dept. of Agriculture, Conservation and Forestry Representative. (Invite the Commission and Deputy Commissioner)
 - b. John Piotti, President and CEO or Marla O'Byrne, Vice President, Maine Farmland Trust, State Non-Profit.
 - c. Craig Lapine, Executive Director, Cultivating Community, Regional Non-Profit.
 - d. Penelope Jordan, Jordan's Farm, Cape Elizabeth, ME., "Local" Non-Profit.
4. Open Mike- Citizen statements or questions to panelists. (Suggest 3 minute limit per person)

October 1, 2014

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Honorable Mayor and City Councilors

From: Eric J. Cousens, Deputy Director of Planning and Development

Re: Ag Zone Study

Date: November 19, 2014

I apologize for not being available in person for the workshop on November 24th but can be available by phone and I know you are in very good hands with City Planner Doug Green. This workshop item is a follow up from the Council's directive to review the Agricultural Zone Standards in a comprehensive way after Michael and Darlene Reardon organized a petition to amend the zoning ordinance to allow flexibility in the location of dwellings on split zoned residential/agricultural zoned parcels. There are a number of changes contemplated in the Comprehensive Plan for the City's Agricultural zone and it would be helpful to have input from all affected residents, business people, farmers and other natural resource based users on the land as well as some outside experts in agriculture and economic opportunities. Doug has organized and outlined a process that we think will provide a great opportunity to hear from a wide range of interests, educate all involved in the discussions on current issues and trends and help Staff and the Planning Board provide a well informed set of recommendations for the Council in making decisions to change, or not to change the policies or ordinances. We hope that Planning Board members and City Councilors will be part of the public discussions from the beginning and can help position Auburn for efficient and fiscally responsible growth, preserve vital land resources for long term economic benefits as well as take advantage of agriculture, recreational and natural resource based industry (forestry, gravel mining, etc) opportunities. It may seem that our agricultural and downtown areas are far apart in distance and on the scale of land uses in Auburn, however, at the Grow Smart Maine conference last month John Piotti, President and CEO of Maine Farmland Trust highlighted some exciting synergies that can be created between farms and downtown economic development and how each can help the other thrive. We can see that possibility here with Four Seasons Market opening in New Auburn and local restaurants featuring local meats and produce.

This workshop is the beginning of a discussion and we hope the Council will provide input on the study plan and outline and express any concerns or offer any ideas on what is important with respect to goals of the discussion. The Agricultural and Resource Protection Zone has been used for much more than just agriculture and has been very effective in accomplishing it's purpose.

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 outlined 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. (Chapter 60, Auburn Ordinance, AG/RP zone purpose)

This study is important for the City of Auburn. The Ag zone was a very forward thinking tool to manage growth and direct it to where it can be efficiently served more than 50 years ago under the “Farm and Forest Zone” name at the time. It was also very effective in reducing the tax burden of active farms and allowing large undeveloped pieces of forest land to exist free from an escalating tax burden that forced many farms in southern Maine and around the country to carve out house lots and slowly reduce their ability to continue with farming as they lost land with each sale. The only reason that the farms in Auburn did not have to compete with residential land values is because residential uses were not an option in the Ag zone and without that market, the values per acre stayed lower than residential land. That reduced value is not necessarily bad for the City because farms and forest lands do not put many kids in the school system or add much traffic to our roads and do not require much for municipal services. The tax benefits to farmers may not be as relevant now as they were then with State Current Use Tax Programs for Tree Growth and Agriculture but making informed choices with an understanding of the cost of serving new development in remote areas is as important today as it ever has been.

Staff recommends the following goals be considered during this discussion and we hope that the Council will provide input at the workshop if a goal should be removed or any additional goals should be added:

1. Grow in a fiscally responsible way – ensure new development service costs don’t grow faster than new development tax revenues and maximize the use of existing infrastructure before building new infrastructure.
2. Promote agriculture and support natural resource based industries in appropriate locations in a way that supports and enhances our residential and downtown urban areas.
3. Others from Council?

This list will help staff ask the right questions during the public input and study process. At a minimum the study will aim to provide a recommendation on the following:

1. Are there areas that should be released from the restrictions of the Agriculture and Resource Protection District and that could accommodate some growth without burdening existing taxpayers.
2. Should there be a separate or nuanced zone created for each purpose of the Ag zone? For example protecting flood plains, reserving land for future industrial growth, growth control for fiscal or service cost reasons, promotion of agriculture or natural resource based industries?
3. Income requirements for a home accessory to an agricultural use. Is the 50% of household income outdated and is it actually preventing modern farms or agriculture

from taking root? Having one person farm with a spouse working off the farm earning a steady wage and providing insurance may be necessary if we want to see new farms. How can we make it possible for this to happen without seeing substantial residential growth in areas that would be costly to serve.

4. Flexibility in home locations on split zoned parcels.
5. The Comprehensive plan recommends a number of changes to zoning district boundaries and some residential expansion. We aim to package those for recommendations and consideration.
6. Are there further changes to the Zoning Ordinance and Comprehensive Plan that could promote the goals of the Council?

For today we ask the Council to provide input on the goals and process presented tonight and help staff add or edit the process so that a final version can be presented for a resolve at an upcoming meeting. With the City Manager transition and existing initiatives it may be helpful to bring in some outside help with agricultural and cost of community services expertise. As the process moves forward we plan to identify gaps in information and request funding in the upcoming budget for consultant services. Those contracted services may not be critical, but would help speed the process, avoid delays on other projects and ensure that we (Staff, the Planning Board and the Council) have everything we need to make informed recommendations and decisions. It would also allow us to better assist the Manager over the coming months.

Residents, Staff and business people count on the Comprehensive Plan as a document that can help them invest time and money with a policy document in place that provides for predictability of outcomes. This discussion will be one of the most important land use discussions that current staff and the Council have worked on together. I am excited that we have a lot to gain from it and optimistic that Auburn is better positioned than most communities for agricultural growth due to the protections afforded by the existing AG zone. This discussion is timely and there is room for improvements that could help promote agriculture. The trick will be to carefully and thoughtfully consider any unintended consequences that could hurt Auburn in the future.

Please provide input on the goals and process presented on the 24th and help staff add to or edit the process so that a final version can be presented for a resolve at an upcoming meeting.



City Council Information Sheet

City of Auburn

Council Meeting Date: 11/24/2014

Subject: Executive Session

Information: Discussion regarding a personnel matter, pursuant to 1 M.R.S.A. Section 405(6)(A).

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.