



## City of Auburn, Maine

Office of Planning & Permitting

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Date: October 10, 2023

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

**Re: Staff Report on proposed ordinance text changes within the Lake Auburn Watershed Overlay District**

- I. **Workshop/ Text Amendment:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by City Council and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.
- II. **Background:** Since January 2022, several amendments have been proposed to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District. These amendments include 1.) changes to the private subsurface wastewater disposal system design and siting standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer width from Lake Auburn and its tributaries and streams; and 3.) eliminating new non-hobby animal farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn by updating septic standards and environmental regulations to meet current best practices. These amendments are important to maintain the quality of Auburn's and Lewiston's drinking water supply and maintain the existing waiver from filtration. All amendments are at various stages of review and approval by the city council and the planning board. For reference, below the relevant meetings to this point have been listed:

### Previous Meetings and Actions:

- **Jan. 3, 2022**—Council directs planning board to maintain requirement of 36 inches above limiting factor for septic systems while allowing updating septic design to meet state standards.
- **Apr. 12, 2022**—Planning board workshop and public hearing re: updating Sec. 60-952(f) (1-5) and (c) subsurface wastewater systems in the Lake Auburn watershed. Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to three dwelling units per acre in the currently existing Rural Residence district in the Lake Auburn watershed.
- **April 19, 2022**—City council workshop on Lake Auburn watershed ordinance updates.
- **May 2, 2022**—City council first reading: updating Ch. 60, Article XII, Division 4, Sec. 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems in the Lake Auburn watershed. Favorable vote.
- **Jan. 17, 2023**—City council directs staff to direct ordinance text and map Amendment to prohibit any future residential structures and limit or prohibit animal farms in the Lake Auburn Watershed in the AGRP zone.
- **Jan. 17, 2023**-- City council directs the planning board to provide a recommendation for a zoning amendment that will prohibit any future subsurface wastewater disposal within 300' of Lake Auburn.

- **Aug. 9, 2022**—Planning board workshop on FB Environmental Report re: updating Sec. 60-952 (f) (1-5) for subsurface wastewater systems.
- **Oct. 11, 2022**—Planning board review of text amendment to Ch. 60, Article CVII, Div. 4, Sec. 60-952(c) agricultural buffer strip and (f) (1-5) private sewage disposal systems

**Lake Auburn Water Quality Ad-Hoc Committee Memo:** On September 26, 2023, a significant step forward was made in moving these amendments forward when the Lake Auburn Water Quality Ad-Hoc Committee recommended that the proposed zoning text amendments be forwarded by the Auburn Water District and Lewiston Water Division to the Maine Drinking Water Program for review. This Memo is attached in this packet for the planning board’s review.

The purpose of this workshop is to present all the proposed amendments for review at the same time to answer any remaining questions and prepare to hold a public hearing and recommend action in November. Below, I listed a summary of the changes in the attached proposed text amendment, and name where each proposed change originated.

### **Summary of Ordinance Text Changes:**

1. Minor edits to clarify meaning made to Sec. 60-950. *(Edits made by legal counsel for clarity).*
2. Add Sec. 60-951 “(a) Boundaries”, make minor edits to clarify meaning. *(Edits made by legal counsel for clarity).*
3. Add Sec. 60-951” (b) Definitions” and under this section, add the definition of “curtain drain,” “hobby agricultural use,” “non-hobby agricultural use,” “soil horizon,” “soil horizon, limiting or limiting soil horizon,” and “soil profile.” *(Edits matching language in the State Plumbing Code made for specificity by legal counsel).*
4. Amend Sec. 60-952(a) to state that as of January 1, 2024, non-hobby farms are not permitted, and hobby farms require review from the LAWPC Watershed Manager and notification to the code enforcement officer. *(Introduced by the city council).*
5. Amend Sec. 60-952(b) to prohibit new dwelling units in the Lake Auburn Watershed Overlay District siting state law which may occasionally be amended. *(Language edit for clarity suggested by legal counsel, but the planning board and city council already took favorable action on this item’s content.)*
6. Amend Sec. 60-952(c) so that agricultural buffer strips become 100 feet wide instead of 50 feet wide and specify that applicable perennial or tributary streams should be identified on a 7.5-minute series USGS topographic map, dated 1981. *(City council introduced this item and has had first reading).*
7. Amend Sec. 60-953(d) to prohibit any spreading of sludge and specify that manure spreading shall be in conformance with the then-current edition of the Maine Dept. of Agriculture Conservation and Forestry’s rules, regulations and guidelines for manure spreading and disposal. *(Edit made by legal counsel to reflect existing environmental guidelines and practices.)*
8. Minor edits for specificity meaning in Sec. 60-952(e)(2) and (3). *(Introduced by legal counsel to add clarity).*
9. Amend Sec. 60-952(f) substituting “sewage” with “subsurface wastewater.” Under this section, also amend 60-952(f)(1) the private subsurface wastewater disposal system design to specify that there must be at least 36 inches separation between the bottom of the disposal field and the limiting soil horizon and allows for 24 inches of this material be natural or fill, which is a change from the current ordinance. *(Introduced by the city council, and favorable recommendation made by the planning board.)*
10. Amend Sec. 60-952(f)(2) from requiring 300 feet between any new septic field to the high-water line of a stream, tributary, or outlet of Lake Auburn to requiring 400 feet separation. *(Introduced by the city council).*
11. Add Sec. 60-952(f)(3) stating that all new or replacement systems must meet the above criteria or be designed in consultation with Auburn Water District. *(Introduced by legal counsel to add clarity).*
12. Add Sec. 60-952(f)(4) that all replacement or new systems shall have either a curtain drain, or a diversion ditch and that this is signed off on by a site evaluator. *(Introduced by the city council).*

13. Add Sec. 60-952(f)(5) which requires that all new and replacement systems be located on the same lot as the dwelling unit being served, or that in the case of an existing home, the applicant can prove to the plumbing inspector that it is physically impossible to have the septic system on the same lot. *(Introduced by the city council).*
14. Add Sec. 60-952(f)(6) which requires that systems in the Lake Auburn Watershed Overlay district be inspected by LAWPC or its designee every five years. *(Introduced by the planning board).*
15. Minor edits to clarify wording made to Sec. 60-952(f)(7). *(Introduced by legal counsel to add clarity).*
16. Grammatical edits made to Sec. 60-952(f)(8). *(Introduced by legal counsel).*
17. Eliminate original Sec. 60-952(f)(5) which exempts systems in existence since 1983 from meeting the provisions of this section.
18. Grammatical edits made to Sec. 60-1237. *(Introduced by legal counsel).*

### **III. Department Review:**

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

### **IV. Planning Board Action:** Review text changes, provide staff with feedback, and prepare for public hearing on these items in November.