



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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Date: November 14, 2023

To: Auburn Planning Board

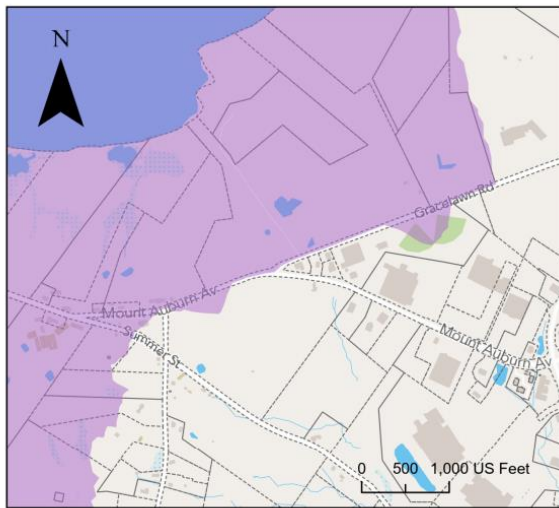
From: Katherine Cook, Planning Coordinator

Subject: Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District

I. Proposal: Public Hearing/ Map Amendment:

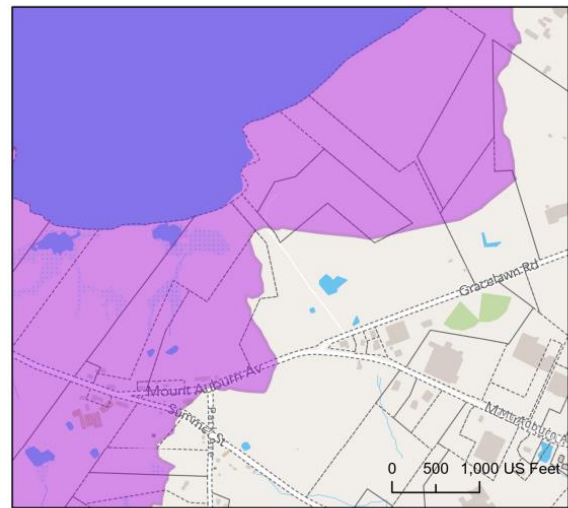
Consider amending the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

Lake Auburn Watershed Overlay District Zoning Map Amendment for Public Hearing November 14, 2023



Existing Zoning

Source: City of Auburn, Zoning Map, dated May 16, 2016



Proposed Zoning

Source: CDM Smith

Parcels

Existing Lake Auburn Watershed Overlay District

Proposed Lake Auburn Watershed Overlay District



II. Background:

The 2021 report by FB Environmental Associates, Horsely Witten Group, and the University of Maine, “A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME” offered several recommended revisions to Auburn’s Code of Ordinances and Regulations in the Lake Auburn Watershed Overlay District. One such recommendation was to update the Lake Auburn Watershed Overlay

District Ordinance to reflect the revised watershed boundary, reducing the existing watershed boundary by 148 acres in the Gracelawn road area based on their understanding of the topography in the area.

In the following months, the Planning Board and City Council held public hearings on amending the Lake Auburn Watershed Overlay District and changing the zoning in the area formerly but no longer considered to be within the Lake Auburn watershed from the Agriculture and Resource Protection (AGRP or AG) zoning district to the General Business (GB) zoning district as well as on amending this area's designation in the in the Future Land Use Plan to the Community Development District (CDD).

Following a citizen-initiated petition against changing the zoning around the Lake Auburn Watershed Overlay District in the Gracelawn area, the Lake Auburn Watershed Overlay boundary, the City Council voted to repeal the ordinance that initially changed the Lake Auburn Watershed Overlay District and zoning to what they were prior to March 21, 2022.

Since the vote to repeal Ordinance 08-02072022, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the "DWP Potential Boundary" shown in the attached memo is a conservative boundary that can be established with available data. More information would be necessary if there were to be any future amendment to the Lake Auburn Watershed Overlay district.

The purpose of this public hearing is to amend the City's Lake Auburn Watershed Overlay map on our GIS system to match the agreed upon Lake Auburn watershed boundary shown as "DWP Potential Boundary" in Figure 1 - 0 Site Plan Depicting Areas of Uncertainty, and "Proposed Change" map sourced from CDM Smith in the "Lake Auburn Watershed Overlay District for Public Hearing November 14, 2023." This meeting will be followed by a first reading in city council on November 20, and a second reading and public hearing in city council on December 4. Relevant meetings and actions up to this point and planned in the future have been listed below.

Previous Meetings and Actions:

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens' petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023**— "DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.

- Nov. 2, 2023**—City staff send DWP Lake Auburn Watershed Overlay District updates.
- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
 - **Nov. 20, 2023**—Anticipated City Council first reading on amending the Lake Auburn Watershed Overlay District.
 - **Dec. 4, 2023**—Anticipated City Council second reading and public hearing on amending the Lake Auburn Watershed Overlay District.

III. Planning Board Action:

Staff recommends that the planning board forward a favorable recommendation to amend the Lake Auburn Watershed Overlay District as described in the suggested motion below.

IV. Recommended Motion:

“I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in this meeting’s materials.”