



City of Auburn, Maine

Planning & Permitting Department

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To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B-1 with Planning Board Clarification Amendments #1-8

Date: August 8, 2023

I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B1) Planning Board Proposed Changes Numbers One Through Eight: Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

II. Background: On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve proposal B without the amendments offered in the Planning Board recommendation to City Council on AGRP Zone Proposals A and B (included in this packet) and issued an Order that Planning Board hold a public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B-1 with Planning Board Clarification Amendments #1-8 are complimentary to the existing language and function of adopted Proposal B, and do not seem to impose significant change from the previously approved Proposal B. Proposal B-1 with Planning Board Clarification Amendments #1-8 is summarized below and references each motion from 6/6/2023 prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. Proposal B-1 with Planning Board Clarification Amendments #1-8

1. Add "or two acres, whichever is less" after the word coverage in Sec. 60-145(a)(1)(a). (Motion 1)

Amendment 1 is intended to concentrate the residential development to a smaller percent of each lot and avoid disrupting more land than is needed.

2. Add "agriculture," in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm. (Motion 2*)

Amendment 2 broadens the uses that would allow for a residential unit to include agriculture uses in addition to farming, natural resource, or recreation.

3. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”. (Motion 4)

Amendment 3 adds the requirement that a bona fide farm plan be presented to staff who will determine whether the proposal meets the ordinance before a certificate of occupancy is granted for a dwelling. In addition to the criteria that residential structures are limited to a footprint of 20% of the lot area or 2 acres, whichever is less.

4. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”. (Motion 5*)

Amendment 4 adds specification that in order for a dwelling to continue existing, it must continually meet the requirements of a bona fide farm, in addition to keeping the residential footprint to 20% of the lot area or 2 acres, whichever is less.

5. Add “along a publicly accepted street” to 60-146(1) after the word “frontage” (Motion 6).
Amendment 5 specifies that private ways may not be used as road frontage. This is intended to reduce the possibility of creating new roads for the purposes of developing housing, and generally limits the area able to be developed in the AGRP zone.

6. Add “or 400 feet, whichever is less” to Sec. 60-146(3)(c) after the word “lot”.
Amendment 6 limits the maximum development depth on particularly large lots, thereby reducing land fragmentation and disturbing less earth for the construction.

7. Add “firewood processing, Christmas tree cultivation” to Sec. 145(a)(3) after the word “sugaring”.
Amendment 7 is meant to recognize other common natural resources and timber harvesting practices besides agriculture and forestry. It expands the uses for which a home can be accessory.

8. The updated proposal draft includes Sec. 60-145(b)(8)(c), recognizing that 10 acres is the minimum size for conservation cemeteries. This was previously adopted by the council so it is not shown as a change in this proposed text amendment.
Number 8 recognizes that the motion was made to include 10-acre conservation cemeteries in the AGRP ordinance, by showing the adopted AGRP text that includes this as condition C.

IV. Staff Recommendation: Staff recommend the Planning Board recommend approval of all amendments in proposal B1, with the finding that they are in alignment with or strengthen the existing language and are true to the intent of the AGRP zone based on the Comprehensive Plan and existing Zoning.

V. Suggested Motion: I make a motion to recommend approval of the text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-062023 on July 10, 2023. The proposed text change is attached.