

April 29, 2009

To: Auburn Comprehensive Plan Committee

From: Antje Kablitz

Subject: Rural Land Use Vote Outcome

On April 16, the Auburn Comprehensive Plan Committee voted on a set of questions that addressed many of the rural policy issues outlined in the "Trial Balloon" included Rural Land Use Memo prepared by Mark (see Appendix page 9).

The following is a tabulation of the vote from this meeting as well as a summation of the key policy directions.

The policy directions will guide the continued discussion of future land use in the Agriculture/Rural District.

#### **DETAILED VOTING TABULATION**

The eligible voters included the twenty active committee members in attendance. An eligible voter was defined as a committee members whose name appeared on the official comprehensive plan member list provided by the City as well as additional individuals who were added to the committee in the fall of last year. The committee chair as well as City and municipal staff did not vote.

When answering questions, the committee referred back to the discussion in the "trial balloon" for the context and details.

All votes were counted by a show of hands. In some instances, eligible voters chose to abstain from voting on specific questions.

1. Does the Committee support creating a separate Shoreland Resource Protection District that would apply only to areas mandated by the state law?

**YES 15**

No 1

Abstain 4

2. Does the Committee support retaining the basic approach for managing land use in rural areas – having two situations, one with just the rural zone and one with a strip of residential land along the road?

**YES 8**

No 6

Abstain 6

3. Does the Committee support renaming the AG/RP Zone?

**YES 12**

No 0

Abstain 8

3.1 Is Rural Conservation an appropriate name to use in the Comp Plan?

**YES 7**

No 5

Abstain 8

3.2 Do you have a suggestion for a more appropriate way to refer to this area in the Comp Plan?

The committee was in favor of keeping the word "Agriculture" in the name

Others were interested in "Land Reserve" to indicate that the land is held for future use.

4. Should the updated Rural Conservation designation allow property owners to have a broader range of non-residential agriculture and natural resource related uses?

**YES 15**

No 2

Abstain 3

4.1 Should quasi-industrial type uses be allowed if they relate to agriculture or natural resource activities (see discussion in Trial Balloon)?

**The committee chose not to vote on this, deciding to revisit the topic after a more detailed description of "quasi-industrial" agriculture or natural resource activities is available.**

4.2 Should existing agricultural buildings be allowed to be reused for low-intensity nonresidential uses?

**YES 17**

No 0

Abstain 3

5. Which of the following statements should be the City's policy on residential uses in the Rural Conservation area? The committee voted 12 to 8 in favor of A.

**A. Residential uses should only be permitted in conjunction with a commercial agricultural or natural resource use (specifics to be determined).**

B. Property owners should be allowed very limited residential development potential in addition to homes permitted in conjunction with a commercial agriculture or natural resource use

6. Should residential uses be allowed in conjunction with the following types of activities in the Rural Conservation area?

(6.1.) Allow residential uses in conjunction with *agriculturally related business (a tack shop or a feed supply operation)*.

**YES 12**                      No 0                      Abstain 8

(6.2.) Allow residential uses in conjunction with *an agricultural or natural resource based processing or manufacturing use (a sawmill for example)*

Yes 8                      **NO 10**                      Abstain 2

(6.3.) Allow residential uses in conjunction with *an existing commercial recreational use as part of an overall plan*

**YES 9**                                      **NO 9**                                      Abstain 4

The committee chose to reframe this question to include both new and existing commercial recreational uses and to require that the potential for residential development in a commercial recreational area to be dependent on:

- a) Scale of residential uses
- b) Size of the development
- c) Location of development
- d) The development of a planned development
- e) Recreation/open space easement protecting recreational land from future development

6.4 below reflects this change.

(6.4.) Allow residential uses in conjunction with *a any commercial recreational use as part of an overall plan*

**YES 12**                                      No 4                                      Abstain 4

7. Should the Comp Plan recommend that the way of determining if a rural use should be allowed to have an accessory residential unit be updated to revise the income requirement to take into account part time operations and the potential for outside income?

**YES 17**                                      No 0                                      Abstain 3

7.1. If yes, does the Committee agree that working out the details should be the responsibility of another group?

**YES 17**                                      No 0                                      Abstain 3

8. Where there is a strip of residentially zoned land along the road, should the property owner be given flexibility to locate the units outside of the residential strip?

**YES 12**                                      No 6                                      Abstain 2

8.1 Since the answer to 8 was yes, the committee was asked to define where the units could be allowed to be built...

8.1.1 Allow units somewhere else on the same parcel in the *Rural Conservation* area.

**YES 12**                                      No 6                                      Abstain 2

8.1.2 Allow units on another lot owned by the same person in the Rural Conservation area

YES 7                                      **NO 10**                                      Abstain 3

8.1.3 Allow property owners to sell development rights to be used to increase the density in residentially zoned areas.

**YES 12**                                      No 2                                      Abstain 6

8.2 If lots can be created elsewhere on the same parcel or on another parcel in the Rural Conservation area, could they be allowed to be laid out so they don't have frontage on a street?

**YES 11**                                      No 7                                      Abstain 2

9. Should the Committee establish criteria for evaluating where residential strips are located and where they are not?

**YES 14**                                      No 1                                      Abstain 5

(9.1) Include formal criteria in the Comp Plan to guide future rezoning discussions regarding residential strip development.

**YES 14**                                      No 1                                      Abstain 5

10. If the Committee decides that criteria could be created, should the Committee defer consideration of specific situations/roads and do that as part of the area by area land use discussion?

**YES 16**                                      No 0                                      Abstain 4

11. The trial balloon lays out some possible criteria (see above). Thinking about where residential strips could be located, should we consider the following?

11.1 Allow residential strips where there are existing residential development along the road.

**YES 12**                                      No 4                                      Abstain 4

11.2 Allow residential strips where the area is adjacent to a developed area or residentially zoned areas and could potentially develop for residential use in the future (an area that might be withdrawn from the land bank in the future for residential uses)

Yes 4                                      **NO 12**                                      Abstain 4

11.3 Allow residential strips where fire protection can be provided within the existing service area with reasonable response time and available water supply.

**YES 10**                                      No 6                                      Abstain 4

11.4 Allow residential strips where police protection can be reasonably provided with the current patrol system.

**YES 10**                                      No 6                                      Abstain 4

11.5 Allow residential strips where there is active agricultural use of the property as a way of subsidizing agricultural income.

**YES 13**                                      No 4                                      Abstain 3

11.6 Other criteria that could be considered include:

School impacts and capacity

Recreation impacts

Trash collection/public works impacts

12. When thinking about where residential strips should **NOT** be located, should we consider the following:

12.1 Residential strips should **NOT** be allowed if the road will evolve as a rural collector . **YES 13**                                      No 0                                      Abstain 7

12.2 Residential strips should NOT be allowed where the area may potentially develop as a non-residential area in the future (the holding zone concept).

**YES 9**

No 4

Abstain 7

12.3 Residential strips should NOT be allowed where the land along the road is not suitable for low density residential development.

**YES 10**

No 5

Abstain 5

12.4 Residential strips should NOT be allowed where the land along the road has significant natural resource value or is adjacent to land with significant value.

**YES 11**

No 1

Abstain 4

12.5 Residential strips should NOT be allowed where the current road system/condition cannot accommodate increased traffic.

**YES 10**

No 6

Abstain 4

~~12.6 Where the area is beyond reasonable public safety response?~~

Question removed by the committee, addressed in question 11 above.

12.7 Other criteria that could be considered in determining where residential development should not take place:

Within the Lake Auburn watershed where land may have a potential negative impact on the City's public water supply.

## KEY POLICY DIRECTION

1. **Create a separate Shoreland Resource Protection Zone** that includes the areas of the existing AG/RP District that are mandated by State Shoreland Zoning to be zoned Resource Protection.
2. **Maintain an AG/Rural District** in which there is no independent residential development potential. Require all residential uses to be accessory to another allowed rural use.
3. **Allow accessory residential uses** in the AG/Rural District in conjunction with:
  - a commercial agriculture or natural resource use
  - agriculturally related businesses (tack shops, feed supply operations)
  - a commercial recreational use as part of a planned development that protects the recreation/open space portion of the project from future development.
- 3.a Update the criteria for what constitutes a rural use that can have an accessory residential use.
4. **Allow a broader range of nonresidential agriculture and natural resource related uses** in the AG/Rural District (details to be determined)
5. **Continue the concept of zoning “residential strips”** along selected rural roads and base the determination of which roads should have a residential strip on criteria to be included in the Comprehensive Plan.
  - 5.a Allow residential development that can occur in these “residential strips” to be:
    - Developed within the residential zone
    - Transferred and developed on a portion of the same parcel that is in the AG/Rural District
    - Transferred to another residential district to allow higher density development than is otherwise allowed
  - 5.b If a residential unit is transferred from the residentially zoned portion of the a parcel to the AG/Rural portion, the development standards should allow reduced lot sizes and reduced frontage/access requirements as long as the lot location does not negatively impact natural resources or agricultural

potential and the land in the residential strip from which the units is transferred is permanently protected from development.

- 5.c Similarly is a residential unit is transferred to another residential district, the land in the residential strip from which the unit is transferred is permanently protected from development
- 5.d The specific criteria for determining where residential strips should be allowed needs to be developed.



## APPENDIX: Trial Balloon used as Basis for Voting

1. *Create a separate Shoreland Resource Protection District*—The State Shoreland Zoning Law requires the City to zone areas in proximity to certain waterbodies and wetlands in accordance with state requirements. Shoreland Zoning mandates that undeveloped 100 Year floodplains adjacent to the rivers and great ponds/lakes be zoned resource protection that essentially is a non-development zone. The state also requires that an area 250' in width around freshwater wetlands with high/moderate waterfowl habitat value be designated resource protection. The City has used the AG/RP District to address this requirement in the past. The City is updating its Shoreland Zoning to meet new state requirements and is working on creating a separate Shoreland RP District that would apply only to these very limited areas identified by the state. These areas would essentially be “pulled out” from the AG/RP District. This is a sound concept and could be supported in the Comp Plan. This district could also be used to protect other specific “high value” natural resource areas if the City ever wanted to do that.
2. *Maintain the basic concept of having two approaches for managing land use in the Rural Area – one that allows for limited residential development potential independent of agriculture and one that allows for residential development potential only in conjunction with a bona fide commercial rural use* – The City currently has two situations, one where there is a strip of RR or LDCR along the road with the backland zoned AG/RP and the other where there is no strip of residential zoning. This item proposes that as an organizational approach, this basic concept remain in place.
3. *Rename/Re-characterize the AG/RP District as a “Rural Conservation” District* – With the creation of a separate Shoreland RP District, the AG/RP District could be renamed to better reflect what its purpose is. I picked “Rural Conservation District” but there is no magic in that name. The purpose statement for the district could reinforce that the objective of the City is that this area remain essentially as a rural area that accommodates rural and agricultural uses but does not allow for residential development. It could also include the idea that rural land owners are provided with opportunities to make economic use of their property that does not include residential development.
4. *Update the requirements for the Rural Conservation District* – Within this area, a wide range of agricultural and “rural” uses would be allowed. This would include a variety of commercial “natural resource based” or agricultural activities such as

farm markets that sell both home grown/made and non-local items, processing and manufacturing of natural resource based products, agricultural related businesses (equipment supply, feed, tack shops, etc.), and land intensive commercial recreational uses. In addition, existing agricultural buildings and structures that are no longer used would be allowed to be reused for low-intensity non-residential uses (storage, tradesman/contractor/landscaping businesses, etc.).

Residential uses would be permitted only in the following situations:

- in conjunction with a bona fide commercial agricultural use
- in conjunction with a bona fide commercial natural resource use
- in conjunction with a pre-existing commercial recreational uses (golf course, ski area, etc.) where the residential use is an integral part of a planned development

To accommodate accessory residential uses, the income/revenue requirements for commercial agricultural uses or natural resource uses would be updated to recognize the potential for outside sources of income.

5. *Continue to have shallow strips of low density residential use along certain rural roads but allow some flexibility where the units are built* – Where there is a desire to recognize existing development patterns or to provide rural property owners with limited independent residential development potential, a strip of low-density residential zoning would be maintained/established along the road similar to the current pattern. This residential strip would be used to determine the number of residential units that could be built based upon the density, lot size, and frontage requirements of that zone. Property owners would be given a range of options for how and where those units are developed including:

- creating lots along the road frontage in conformance with the residential zoning requirements
- creating lots on other areas of the parcel that are zoned Rural Conservation with reduced lot size and access/frontage requirements to allow “rural” development without creating paved streets
- creating lots on other parcels in the Rural Conservation District that are owned by the same owner (mini development transfer)
- selling the development right to another property owner to allow higher density development in residential districts (transfer of development rights)

If residential development is moved from the residential strip to a Rural Conservation area, the owner would need to demonstrate that the location is appropriate and consistent with the rural objective – doesn't negatively impact natural resources or agricultural potential. In addition, if units are moved from the residential strip, an area of land within the strip would need to be permanently protected by a conservation easement or similar method to prevent it from being developed in the future.

6. *Establish objective criteria for determining which roads should have a residential strip* – Under the two area model (with and without a residential strip), the key policy issue becomes where residential strips should be provided. Here are some ideas for possible criteria but this is just a starting point:

Where residential strips could be provided

- where there is existing residential development along the road
- where the area is adjacent to a developed area or residentially zoned areas and could potentially develop for residential use in the future (an area that might be withdrawn from the land bank in the future for residential uses)
- where fire protection can be provided within the existing service area – reasonable response time, available water supply
- where police protection can be reasonably provided with the current patrol system
- where there is active agricultural use of the property (as a way of subsidizing agricultural income)

Where residential strips should not be provided

- if the road will evolve as a rural collector where roadside development and additional driveways are not desired
- where the area may potentially develop as a non-residential area in the future (the holding zone concept)
- where the land along the road is not suitable for low density residential development
- where the land along the road has significant natural resource value or is adjacent to land with significant value
- where the current road system/condition cannot accommodate increased traffic
- where the area is beyond reasonable public safety response

7. *Review where residential strips should be provided based on the criteria as part of the land use area discussions* – Assuming that we can agree on some broad criteria

for where residential strip should and should not be allowed, we can then look at the existing AG/RP zones as we finish going through the various geographic areas as to see if any changes should be proposed as to where residential strips should be located.