

To: Auburn Comprehensive Plan Committee
From: Mark Eyerman
Subject: Rural Land Use Policy
Date: April 15, 2009

I have prepared two pieces for the Committee for Thursday's meeting. The first is Eyerman's "TRIAL BALLOON". In this trial balloon, I tried to synthesize the discussions of the last two meetings into a somewhat comprehensive set of policy directions for managing land use in the rural parts of the City. Most of this comes from what I think I heard from the committee members during our discussions but in a few places I filled in the blanks. I think it is important that we see the big picture before we "vote" on the pieces.

In the second piece, I have broken out the policy concepts that are embedded in the "trial balloon" and have put together a set a questions dealing with the components that we can vote on.

Eyerman's Trial Balloon

Here is my take on a comprehensive land use policy for the rural areas. I have laid this out as a list of components to help us work through them but there is no particular significance to the order. As you look at this remember that we are working on the Comprehensive Plan not actual zoning provisions. The plan needs to establish the general policy directions for what the City wants to have happen with the understanding that the details will need to be worked out by the Planning Board or other implementation group.

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 should 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.

Questions/Voting

I have put together a set of questions that address many of the policy issues embedded in my “trial balloon”. I have tried to structure these as yes-no or either-or questions so we can go through them simply and quickly. As you look at the questions, refer back to the discussion in the trial balloon for the context and details.

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

- a. YES
- b. NO

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?

- a. YES
- b. NO

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

- a. YES
- b. NO

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

- a. YES
- b. NO

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

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

- a. YES
- b. NO

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

- a. YES
- b. NO

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

- a. YES
- b. NO

5. Which of the following statements should be the City's policy on residential uses in the Rural Conservation area?

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

OR

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. an agriculturally related business (a tack shop or a feed supply operation)?

- a. YES
- b. NO

6.2. an agricultural or natural resource based processing or manufacturing use (a sawmill for example)?

- a. YES
- b. NO

6.3. an existing commercial recreational use as part of an overall plan?

- a. YES
- b. NO

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?

- a. YES
- b. NO

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

- a. YES

b. NO – the Committee should work out the details

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?

a. YES

b. NO

8.1 If yes, should the unit be allowed to be built?

8.1.1 Somewhere else on the same parcel in the Rural Conservation area?

a. YES

b. NO

8.1.2 On another lot owned by the same person in the Rural Conservation area?

a. YES

b. NO

8.1.3 Sold to be used to increase the density in residentially zoned areas?

a. YES

b. NO

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

a. YES

b. NO

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

a. YES

b. NO

9.1 If the answer is yes, which of the following describes how the criteria should be treated:

a. They should be informal criteria that are just used by the Committee

OR

b. They should be formal criteria that get included in the Comp Plan to guide future rezoning discussions

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

- a. YES
- b. NO

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

11.1 Where there is existing residential development along the road?

- a. YES
- b. NO

11.2 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)?

- a. YES
- b. NO

11.3 Where fire protection can be provided within the existing service area – reasonable response time, available water supply?

- a. YES
- b. NO

11.4 Where police protection can be reasonably provided with the current patrol system?

- a. YES
- b. NO

11.5 Where there is active agricultural use of the property (as a way of subsidizing agricultural income)?

- a. YES
- b. NO

11.6 Are there other criteria that should be considered?

12. And then thinking about where residential strips should not be located, should we consider the following:

12.1 If the road will evolve as a rural collector where roadside development and additional driveways are not desired?

- a. YES
- b. NO

12.2 Where the area may potentially develop as a non-residential area in the future (the holding zone concept)?

- a. YES
- b. NO

12.3 Where the land along the road is not suitable for low density residential development?

- a. YES
- b. NO

12.4 Where the land along the road has significant natural resource value or is adjacent to land with significant value?

- a. YES
- b. NO

12.5 Where the current road system/condition cannot accommodate increased traffic?

- a. YES
- b. NO

12.6 Where the area is beyond reasonable public safety response?

- a. YES
- b. NO

12.7 Are there other criteria that should be considered?
