



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
Urban Development Specialist

Re: Text Amendment to allow training, sales and service of equipment related to outdoor recreation in the Agricultural and Resource Protection and Low Density Country Residential districts

Date: May 9, 2017

I. PROPOSAL-

The City Council initiated a text amendment at its April 3, 2017 meeting. The text amendment would allow training, sales and service of equipment related to outdoor recreation in the Agricultural and Resource Protection (AGRP) district. If approved, these uses would also be allowed in the Low Density Country Residential (LDCR) district.

The request for the text amendment came as a result of a project that would be part of the Lost Valley Ski Resort. The project is a large building, parking and sales area for a snow grooming company that would like to locate at the Lost Valley Ski Resort and use the ski area for training, grooming and displaying the equipment.

Currently, the sales and servicing of machinery and equipment related to agriculture are allowed as permitted uses in the Agricultural and Resource Protection (AGRP) District. This type of use does not apply to outdoor recreation and, hence, is the impetus for the text amendment.

II. DEPARTMENT REVIEW- The Plan Review Committee met and reviewed this proposal at its April 19, 2017 meeting. The group discussed the general impact of the text amendment and had little concerns about the text amendment itself. There was some discussion about the sketch plan for the Lost Valley project. It was acknowledged that the sketch plan was not an active application for development.

a. Police – No comments.


- b. Auburn Water and Sewer – No comments
- c. Fire Department – No Comments
- d. Engineering – No Comments.
- e. Public Services – No comments.
- f. Economic and Community Development- No comments.

III. **PLANNING BOARD ACTION** – A draft of the text amendment is presented to the Planning Board with an “option A” and “option B”. Option A is a permissive approach that would make the training, sales and servicing of both agricultural and outdoor recreation related equipment a permitted use. Option B relegates those uses as a special exception and would require Planning Board approval. The intent of the text amendment is to have it included in the Low Density Country Residential district as well.

IV. **STAFF RECOMMENDATION** – The staff considered the impact of allowing training, sales and servicing of equipment for outdoor recreation uses and came to the conclusion that there are limited outdoor recreational uses such as golf courses or park uses where those uses could apply. The golf courses could have golf cart sales or golf training schools for example.

With regards to Option A or Option B, the staff supports Option B in order to ensure that these new uses will be reviewed as a special exception, which would include public notice and Planning Board consideration

The Staff recommends the Planning Board send a recommendation of **APPROVAL** to the City Council for a text amendment making the training, service and sales of equipment for agricultural and outdoor recreation special exceptions in the Agricultural and Resource Protection district as shown in Option B of the staff report.


Douglas M. Greene, A.I.C.P., R.L.A.
Urban Development Specialist



**City of Auburn
City Council Information Sheet**

Council Meeting Date: April 3, 2017

Order: 31-04032017

Author: Michael Chammings, Director of Economic and Community Development

Subject: Agriculture and Resource Protection/Low Density Rural Residence Ordinance review for schools and equipment sales accessory to a recreational use.

Information: We have a unique opportunity to site a recreational equipment sales, assembly, service, testing and training facility adjacent to a recreational use in Auburn that would benefit an important community recreational asset.

Advantages: This would benefit an important community recreational asset, create taxable value, create “livable wage” jobs and attract international visitors to the city.

Disadvantages: None.

City Budgetary Impacts: None.

Staff Recommended Action: Approve the order.

Previous Meetings and History: March 20, 2017 Council Meeting Executive Session.

Attachments: Memo from Eric J. Cousens, Deputy Director of Economic and Community Development dated 03/29/17 and Order.



City of Auburn, Maine

Office of Economic & Community Development

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

To: Michael Chammings, Director of Economic and Community Development

From: Eric J. Cousens, Deputy Director of Economic and Community Development

Re: Options for the Agriculture and Resource Protection/Low Density Rural Residence Ordinance to allow for schools and equipment sales associated with and complimentary to a recreational use

Date: March 29, 2017

A question has been raised regarding the following use group listed as a Special exception in the Agriculture and Resource Protection District:

- (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

We allow handling, storage and sale of agricultural services, equipment, and supplies accessory to a farming use with Planning Board review. We also allow recreational uses of land intended or designed for public use subject to Planning Board review and some conditions. The question raised is: Could we allow handling, storage and sale of agricultural services, equipment, and supplies accessory to or associated with a recreational use?

As written the allowance is very specific to farming uses, although the impacts of allowing the use accessory to farming or recreational uses in the Agriculture and Resource Protection District are likely identical. Special exception uses require individual proposals to be reviewed through a public process with the Planning Board to ensure that impacts are avoided.

The term "accessory" includes a determination that the use is subordinate to or under the control of another within a larger organization. That may be too restrictive to allow an associated business that is in separate ownership from the recreational use but still mutually beneficial to locate adjacent to a recreational use. We have an exciting opportunity to site a recreational equipment sales, assembly, service, testing and training facility adjacent to a recreational use in Auburn that would benefit an important community recreational asset and attract international investment and visitors to the city.

We have discussed this opportunity with a couple of Councilors and they have initiated the item for discussion. We are hopeful that the Council will direct staff to draft an amendment to the ordinance and to host a public review process with the Planning Board to recommend a change for Council consideration.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 31-04032017

ORDERED, that the City Council hereby directs City Staff to consult with the Planning Board and develop recommendations to increase the flexibility of the uses allowed in the Agricultural and Resource Protection District, which would allow existing large recreational users to undertake complimentary uses such as the sale of services, equipment, and supplies related to existing recreational uses, and to develop recommendations from the Planning Board for Council consideration.

OPTION A**DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT****Sec. 60-144. - Purpose.**

The purposes of this district are to allow for conservation of natural resources and open space land, to retain vibrant recreational facilities within the City, and to encourage agricultural, forestry, and certain types of recreational uses as well as commercial uses that are reasonably related to agriculture or recreation. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic, historic, and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, ~~and primarily because~~ these areas are so remote from existing centers of development that ~~any added~~ uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outlined here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.**(a) *Permitted uses.*** The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns, silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.

- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings and accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) ~~Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.~~
 - (34) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (54) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (65) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

- a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (76) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (87) Cemeteries, subject to the following conditions:
- a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (89) Municipal sanitary landfills, subject to the following conditions:
- a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (940) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (104) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (112) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (132) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (143) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.

- d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
- e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (145) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
 - a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011)

Sec. 60-146. - Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of yearround dwelling units shall not exceed an average of one dwelling per ten acres.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

Secs. 60-147—60-199. - Reserved.

OPTION B

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

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 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or

reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

- c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment, and machinery accessory to the principal use including, but not limited to: barns, silos, storage buildings and farm automobile garages.
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 - The number of employees shall be limited to not more than 15.
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- All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - Provisions shall be made to avoid surface and groundwater pollution.
 - Provisions shall be made to counteract vermin, insects and odors.
 - Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings and accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011)

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- a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of year round dwelling units shall not exceed an average of one dwelling per ten acres.
- (3) *Yard requirements.*
- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

Secs. 60-147—60-199. - Reserved.