



**City Council Workshop
August 22, 2016
Agenda**

5:30 P.M. Workshop

- A. Funding Request for an Agricultural District Study – Doug Greene (30 minutes)
- B. 1863 Pownal Road Zone change from Agricultural to Low Density Rural Residential – Eric Cousens (20 minutes)
- C. Loring Farm TIF and Home Funds Request – Michael Chammings (30 minutes)
- D. Colonial Ridge PUD - Zoning Map Amendment – Doug Greene (10 minutes)
- E. Executive Session – Discussion regarding an economic development matter pursuant to 1 M.R.S.A. Section 405 (6)(C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultation between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: August 22, 2016

Author: Doug Greene, AICP, RLA City Planner

Subject: Funding Request for an Agricultural District Study

Information: Auburn's Agricultural Zoning District has been in place since the late 1950's. More recently, over the last 2 years, the City Council has expressed interest in conducting a study to evaluate the current zoning and look at possible alternatives on how to regulate the 20,000 plus acre Ag Zone. One of the most talked about provisions of the Ag Zone is the 50% rule, which requires a property owner to show that half of a household's joint annual income comes from agricultural or forestry revenues derived from the property.

The Staff had made preparations to begin the Ag Study two years ago but necessary funding was not available to proceed. This year, \$40,000 was proposed in the City Manager's CIP budget for the study but was not included in the final approved budget. Interest remains high and both the Planning Board and Economic and Community Development Committee have requested funds be made available to move forward with the study. An additional \$10,000 is committed for this study from the Environmental Funder's Network. The study would involve 2 major components; 1) completing a land inventory of existing conditions and a property owner survey, and 2) an evaluation of and recommendations for Auburn's Zoning Ordinance, the 2010 Comprehensive Plan, Auburn's land use and valuation policies and the Ag Zone's future land use potential.

Advantages: Having a complete land inventory and property owner survey will help us understand the current state of the land along with the current and future intentions of land owners. While no specific changes have been made part of the study, it is hoped that through a public process, a consensus can be reached on changes that could promote agriculture, allow properties to become marketable and to balance conservation and development interests.

Disadvantages: The Ag District Zoning regulations have generated strong feeling from many segments of the community. Long time farmers are fiercely supportive of it and many other citizens and groups have become frustrated with the restrictions on their land and the length of time it's taken to begin the study. This will be a complicated process.

City Budgetary Impacts: The initial budgetary impact will be to utilize \$40,000 in unallocated bond proceeds.

Staff Recommended Action: The Staff recommends the City Council approve the funding for the Ag Study.

Previous Meetings and History: Since the City Council turned down a text amendment request in the Ag Zone in June of 2014, the Staff has applied for grant funding, technical assistance and periodically come before the City Council to discuss the Ag Study and is still seeking funding to proceed with the Study

Attachments:

1. A revised Ag Study Proposal made to the ECD Committee on July 21, 2016.
2. A Staff memo on an Ag Study Proposal to the City Council dated June 30, 2015.
3. An Ag Study memo from Eric Cousens to the City Council dated November 19, 2014.
4. Zoning map of Auburn.



City of Auburn, Maine
Office of Economic and
Community Development
60 Court Street, Auburn, Maine 04210
www.auburnmaine.gov 207.333.6601

To: Economic and Community Development Committee
From: Douglas M. Greene, AICP, RLA
Date: July 19, 2016
RE: Ag Study

After the 2017 budget was finalized, the staff realized that \$40,000 that had been requested to be added to the CIP budget for an Ag District Study was not approved. The staff continues to hear a high level of interest by the Council and land owners to begin a study of Auburn's Agricultural District. A proposal is attached that lays out a brief history, the current situation and two options on how a study might be accomplished. Option "A" is adapted from a proposal from 2015 and is more involved and Option "B" is simpler and less time consuming.

Funding- Both proposals would utilize the \$40,000 and \$10,000 that is committed from the Environmental Funder's Network for meeting facilitation and consultants that specialize in Agricultural Production and Policy Making. Here is a preliminary breakdown of how the funding might be used:

Meeting Facilitation-	\$15,000
Land Use and Policy Expertise-	\$25,000
Additional GIS Mapping Assistance	<u>\$10,000</u>
Total Ag Study Budget	\$50,000

A memo from June 2015 is also attached to provide additional information on the purpose and goals of the study.

City of Auburn Agricultural District Study

Background History-

- Fall 2013 property owner on South Witham Road files a Zoning Text Amendment which is turned down by the City Council
- June 2014 Council directs Staff to initiate Ag District Study
- Staff prepares plan strategy, applies for grant and is turned down (2014-15)
- July 2016 Environmental Funder's Network- Commits \$10,000
- Council asked for but did not get \$40,000 for Ag District Study in 2017 budget

Current Situation-

- Appeal to Economic and Community Development Committee for \$40,000 budget amendment for Ag Study
- If successful with funding request, consider Option "A" (more detailed and longer) or Option "B" (less detail shorter timeframe)

Option "A"- Modeled after original Staff proposal. (June 2015) This is basically a 2 step process. Land and Property Owner Inventory, and then Ag Study Process.

Tasks- Option "A"

1A. Complete City Land Use Inventory Phase- The GIS Department and Planning Department will deliver an existing conditions map for current land uses (what the land is currently being used for) and spatial analysis maps for characteristics such as:

- Steep slopes
- Wetlands,
- Wildlife Habitat Areas
- Residential dwellings
- Active Farms
- Protected Lands
- A comparison of aerial photos of Rural Auburn from 1961 to today

1B. Property Owner List and Inventory

- GIS map and Excel file of all property owners in the Ag District
- Initial Land Owner contact, by meetings, mailed survey or interviews
- Maintain and update property owner data.

2A. Public Participation Phase- This phase will require outside consultant help

- Consider creating an Ag Study Steering Committee. (This was a recommendation of the Maine Farmland Trust and American Farmland Trust)

2A. Ag Study Kick off Meeting (Invite list to include)

- General Public
- Local Farmers

- Realtors
- Land Owners
- City Council and Mayor
- Planning Board
- Steering Committee

Kick off meeting Speakers (Provide a statewide perspective on Ag Trends)

- Ag, Conservation and Forestry Rep
- Maine Farmland Trust and/or American Farmland Trust
- Smart Growth Maine
- Other Key Groups (Cultivating Community?)
- Provide time for public comments

2B. Ag Plan Process -Based on kick off meeting and Steering Committee input, set up a series of Ag. Study Workshops (Possible topics could include)

- Current Land Use Regulations- Comp Plan, Zoning and/or City Policies
- Agriculture, Forestry and Mineral Extraction in Auburn/Maine
- Land Value/ Assessment/ Future Land Use
- Smart Growth: A Balanced Approach to City and Country

2C. Draft Options and Alternatives Based on Workshop Input- Include any changes to Comprehensive Plan and Zoning

2D. Public Meeting on Draft Changes and Implementation Strategy

2E. Send any amendments to the Planning Board for review and forward recommendations to the City Council.

2F. Public Hearing and Final Consideration/Adoption by City Council.

Option “B”- Streamlined Process

1. Complete Land Use and Property Owner Mapping (Ag District Only)
2. Hold 2 public meetings; North and South Ag District areas
3. Continue public meetings, using hired consultants and develop alternatives for amendments to Comprehensive Plan and Zoning Ordinance based on meeting input.
4. Use public process to select supportable plan changes
5. Take draft plan through the Planning Board and Council process.

Other Thoughts-

- Hiring consultants to help with the public process and final study elements and products will help avoid a possible public perception that a staff driven study is biased in some way.
- Public information and relations will a very important component of the study.
- Additional student help may be available from Bates College and University of Southern Maine.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Mayor LaBonte and City Council

From: Douglas M. Greene, AICP, RLA; City Planner

Date: June 30, 2015

RE: An Update on the Agricultural and Resource Protection Zone Study District

Purpose of the Study-

Auburn is planning a study of its 20,000 acre Agricultural and Resource Protection (AG/RP) District. The zoning regulations in this area have strongly limited residential development in this area for over 50 years. Today, these regulations need to be reconsidered due to unintended barriers that limit the potential of agriculture and forest resources. The study will examine changes to policies and regulations that can benefit the environment, promote agriculture and rural economic development, natural resources and downtown for the next 50 years.

Goals of the Study-

The underlying goal of revitalizing our Agricultural and Forestry base is not just about farming and forestry. The ultimate success of the plan will rest on our ability to involve, educate and inspire the people of Auburn to not only support farmers and foresters, but to incorporate the bounty of the Agricultural District into our lives. We want the study to explore ways for people in our downtown and suburban areas to have increased access to local agricultural and forestry products, to bring awareness of the importance of agriculture into the schools and to our children, and help revitalize downtown Auburn with a Farmer's Market that supplies not only fresh, healthy produce, but creates a social setting for arts, music and community events. The Staff has been in discussion with the State's Department of Agriculture, Forestry and Conservation and the Maine Farmland Trust to explain our situation, seek additional support and resources and to share their knowledge and experience in what other areas of Maine are doing to promote agriculture and forestry.

Study Timeline-

In June of 2014, the City Council requested the Planning Staff create a proposal for a study of Auburn's Agricultural and Resource Protection District (AG/RP). A draft AG/RP study strategy and outline was prepared that indicated the work would be done by staff only. A

suggestion was brought forward by the City Council at its November 24th work session, to assist the staff by hiring outside help.

The Staff identified a funding opportunity with the Elmina B. Sewall Foundation and applied on January 15th for \$67,500 in grant funding to help staff in the Agricultural District Study.

Mapping and Data-	\$7,500
Meeting Facilitation-	\$30,000
Land Use and Policy Expertise-	\$30,000

In early June, the Sewall Foundation notified the City that they were not selected for the grant. With that in mind, the staff is now preparing an alternative approach to the Ag District Study that will utilize City Staff but still look for opportunities for help with meeting facilitation and policy assistance.

Revised Ag Study Implementation Strategy-

1. Initial Steps by Staff- (Underway)

A. Land Use Inventory- The GIS Department of the City has 2 interns working on comparing 2013 and 1961 aerial photos to determine the changes in how the land is being used, and performing spatial analysis on such characteristics as:

- Existing land uses
- Steep slopes
- Wetlands
- Residential dwellings
- Wildlife Habitat Areas and other restricted areas.

A Land Use Inventory Report will be drafted and a property owner list generated.

B. Initial Land Owner contact, meetings or interviews (Underway)

- Over the course of the last year, a number of rural residents have expressed interest in being involved with the study; that list is continually being updated.
- The staff is contacting and visiting with key property owners and discuss their current uses and future intentions.

2. Other Early Steps-

A. Begin meeting with other interest groups. For example, Saint Mary's Hospital has contacted staff to discuss the Ag Study's possible inclusion of Community Gardening and a Mobile Farmer's Market efforts.

B. Consider creating an Ag Study Steering Committee. (This was a recommendation of the Maine Farmland Trust and American Farmland Trust)

3. Plan Kick off Meeting

A. Press releases and outreach.

B. Invitation to General Public and:

- Local Farmers

- Realtors
 - Land Owners
 - City Council and Mayor
 - Planning Board
4. Kick off meeting
 - A. Invited speakers from Maine Farmland Trust and American Farmland Trust
 - B. Smart Growth Maine
 - C. Other Key Groups
 - D. Provide time for public comments
 5. Based on kick off meeting and Steering Committee input, set up a series of monthly Ag. Study Workshops. (Possible topics could include)
 - A. Current Land Use Regulations- Comp Plan, Zoning and/or City Policies.
 - B. Agriculture, Forestry and Mineral Extraction in Auburn/Maine.
 - C. Land Value/ Assessment/ Future Land Use.
 - D. Smart Growth: A Balanced Approach to Auburn's Urban and Rural areas.
 - E. Other topics as needed.
 6. Draft Options and Alternatives- Include any changes to Comprehensive Plan and Zoning.
 7. Public Meeting on Draft Changes and Implementation Strategy.
 8. Send any amendments to the Planning Board for review and recommendations to the City Council.
 9. Public Hearing and Final Consideration/Adoption by City Council.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Honorable Mayor and City Councilors

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

Re: Ag Zone Study

Date: November 19, 2014

I apologize for not being available in person for the workshop on November 24th but can be available by phone and I know you are in very good hands with City Planner Doug Greene. This workshop item is a follow up from the Council's directive to review the Agricultural Zone Standards in a comprehensive way after Michael and Darlene Reardon organized a petition to amend the zoning ordinance to allow flexibility in the location of dwellings on split zoned residential/agricultural zoned parcels. There are a number of changes contemplated in the Comprehensive Plan for the City's Agricultural zone and it would be helpful to have input from all affected residents, business people, farmers and other natural resource based users on the land as well as some outside experts in agriculture and economic opportunities. Doug has organized and outlined a process that we think will provide a great opportunity to hear from a wide range of interests, educate all involved in the discussions on current issues and trends and help Staff and the Planning Board provide a well informed set of recommendations for the Council in making decisions to change, or not to change the policies or ordinances. We hope that Planning Board members and City Councilors will be part of the public discussions from the beginning and can help position Auburn for efficient and fiscally responsible growth, preserve vital land resources for long term economic benefits as well as take advantage of agriculture, recreational and natural resource based industry (forestry, gravel mining, etc) opportunities. It may seem that our agricultural and downtown areas are far apart in distance and on the scale of land uses in Auburn, however, at the Grow Smart Maine conference last month John Piotti, President and CEO of Maine Farmland Trust highlighted some exciting synergies that can be created between farms and downtown economic development and how each can help the other thrive. We can see that possibility here with Four Seasons Market opening in New Auburn and local restaurants featuring local meats and produce.

This workshop is the beginning of a discussion and we hope the Council will provide input on the study plan and outline and express any concerns or offer any ideas on what is important with respect to goals of the discussion. The Agricultural and Resource Protection Zone has been used for much more than just agriculture and has been very effective in accomplishing it's purpose.

Purpose: The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is

declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic 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. (Chapter 60, Auburn Ordinance, AG/RP zone purpose)

This study is important for the City of Auburn. The Ag zone was a very forward thinking tool to manage growth and direct it to where it can be efficiently served more than 50 years ago under the “Farm and Forest Zone” name at the time. It was also very effective in reducing the tax burden of active farms and allowing large undeveloped pieces of forest land to exist free from an escalating tax burden that forced many farms in southern Maine and around the country to carve out house lots and slowly reduce their ability to continue with farming as they lost land with each sale. The only reason that the farms in Auburn did not have to compete with residential land values is because residential uses were not an option in the Ag zone and without that market, the values per acre stayed lower than residential land. That reduced value is not necessarily bad for the City because farms and forest lands do not put many kids in the school system or add much traffic to our roads and do not require much for municipal services. The tax benefits to farmers may not be as relevant now as they were then with State Current Use Tax Programs for Tree Growth and Agriculture but making informed choices with an understanding of the cost of serving new development in remote areas is as important today as it ever has been.

Staff recommends the following goals be considered during this discussion and we hope that the Council will provide input at the workshop if a goal should be removed or any additional goals should be added:

1. Grow in a fiscally responsible way – ensure new development service costs don’t grow faster than new development tax revenues and maximize the use of existing infrastructure before building new infrastructure.
2. Promote agriculture and support natural resource based industries in appropriate locations in a way that supports and enhances our residential and downtown urban areas.
3. Others from Council?

This list will help staff ask the right questions during the public input and study process. At a minimum the study will aim to provide a recommendation on the following:

1. Are there areas that should be released from the restrictions of the Agriculture and Resource Protection District and that could accommodate some growth without burdening existing taxpayers.
2. Should there be a separate or nuanced zone created for each purpose of the Ag zone? For example protecting flood plains, reserving land for future industrial growth, growth control for fiscal or service cost reasons, promotion of agriculture or natural resource based industries?
3. Income requirements for a home accessory to an agricultural use. Is the 50% of household income outdated and is it actually preventing modern farms or agriculture

from taking root? Having one person farm with a spouse working off the farm earning a steady wage and providing insurance may be necessary if we want to see new farms. How can we make it possible for this to happen without seeing substantial residential growth in areas that would be costly to serve.

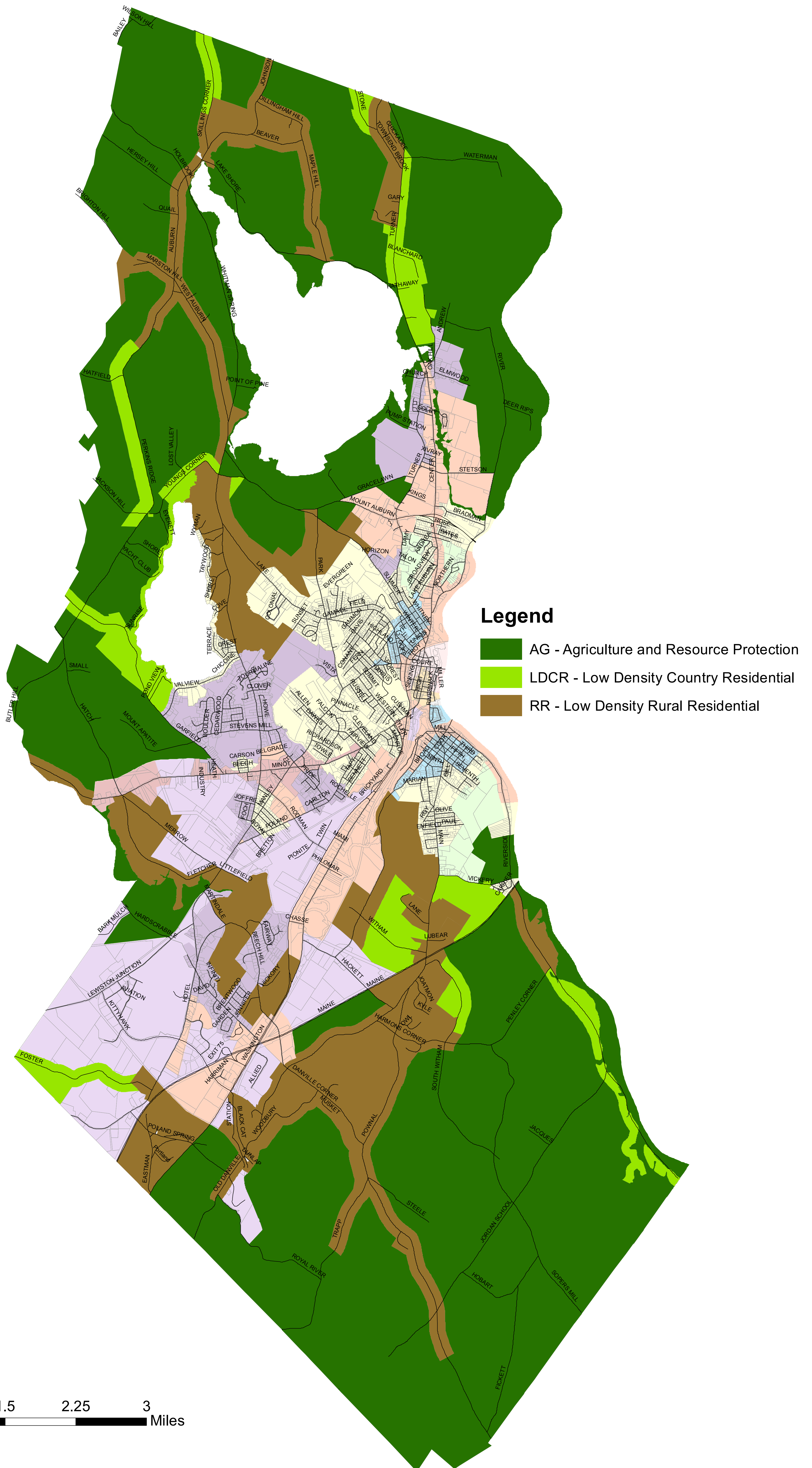
4. Flexibility in home locations on split zoned parcels.
5. The Comprehensive plan recommends a number of changes to zoning district boundaries and some residential expansion. We aim to package those for recommendations and consideration.
6. Are there further changes to the Zoning Ordinance and Comprehensive Plan that could promote the goals of the Council?

For today we ask the Council to provide input on the goals and process presented tonight and help staff add or edit the process so that a final version can be presented for a resolve at an upcoming meeting. With the City Manager transition and existing initiatives it may be helpful to bring in some outside help with agricultural and cost of community services expertise. As the process moves forward we plan to identify gaps in information and request funding in the upcoming budget for consultant services. Those contracted services may not be critical, but would help speed the process, avoid delays on other projects and ensure that we (Staff, the Planning Board and the Council) have everything we need to make informed recommendations and decisions. It would also allow us to better assist the Manager over the coming months.

Residents, Staff and business people count on the Comprehensive Plan as a document that can help them invest time and money with a policy document in place that provides for predictability of outcomes. This discussion will be one of the most important land use discussions that current staff and the Council have worked on together. I am excited that we have a lot to gain from it and optimistic that Auburn is better positioned than most communities for agricultural growth due to the protections afforded by the existing AG zone. This discussion is timely and there is room for improvements that could help promote agriculture. The trick will be to carefully and thoughtfully consider any unintended consequences that could hurt Auburn in the future.

Please provide input on the goals and process presented on the 24th and help staff add to or edit the process so that a final version can be presented for a resolve at an upcoming meeting.

City of Auburn Ag Zoning- 2015





**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 22, 2016

Author: Eric Cousens, Deputy Director of Economic and Community Development

Subject: Zoning Map Amendment Request for Pownal Road Area

Information: The City Manager's office received a request from two Councilors for consideration to be given to a zone change in the area of 1863 Pownal Road and passed that along to the Economic and Community Development Department to carry through the review process. Staff brought the request to the Council Committee on Economic and Community Development and the committee directed staff to bring the item to the Planning Board for a recommendation to Council as required by ordinance for any zoning amendment. Staff drafted 4 options for the request and the Planning Board considered the item at the August 9th meeting. After public input and substantial deliberation the Planning Board tabled the item. Staff intends to provide additional information to help the board make a recommendation at the September meeting. The additional information includes the following:

1. Other options including variances and "No Action Letters" and why we do not recommend those options.
2. A copy of a deed restriction that was offered by the buyer of the parcel to limit the creation of any new house lots.
3. A 5th zoning boundary change option that limits the zone change to the odd side of the street effectively reducing the number of potential future lots as requested by the Board.

Additional information is available in the staff report and the video of the Planning Board meeting is available at <http://www.greatfallstv.net/webstream.htm> . Staff will be available to discuss the history and tax liens on the parcel at the meeting.

Advantages: See staff report.

Disadvantages: See staff report.

City Budgetary Impacts: See staff report.

Staff Recommended Action: See staff report. New option of reducing the impacted area will be supported by staff for Planning Board review.

Previous Meetings and History: July Council Committee on Economic and Community Development and August 9, 2016 Planning Board Meeting.

Attachments: 1863 Pownal Road ZC Staff Report 8-9-16, 1863 Pownal Road ZC mapping, Comp Plan RRes Strips 1863 Pownal Rd.



City Council Workshop Agenda Item Request Form

City of Auburn

Requesting Councilor's Name: Leroy Walker- Councilor Ward 5

Second Councilor Name: *Crestine M. Gilbert*

Policy: Change in zoning for City owned property- 1863 Pownal Road

Summary of Issue:

This property has been a zoning problem for years and is costing the City of Auburn a significant amount of loss tax revenue due to a mistake made in dividing lots. We have the opportunity to fix the problem. I think City staff has avoided settling the matter in a reasonable way. As the Council it's time to settle the matter in Auburn's favor.

The Property at 1863 Pownal Road was created in or about 2010 when it was divided from a 67 acre parcel into two lots: the house lot on an 8.1 acre lot and a 58 acre vacant field and woods lot. Both lots are in the AG/RP zone requiring a minimum lot size of 10 acres. When the City permitted the division, the property at 1863 Pownal Road was left with 1.9 acres less than required. The penalty for this violation is Chapter 60, Sec. 60-40-Reduction of Dimensional Regulations. "No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots in conformance with all dimensional requirements." Attempts to correct the violation through the purchase of the needed land from the two contiguous property owners have been unsuccessful. If the zoning issue is not resolved it will be difficult to secure a mortgage and insurance and to do the renovations that are necessary to bring this 1900's house and property back to its former beauty. It needs to be put back on the tax roll and so the non-conforming lot issue needs resolution.

Recommended Action for Consideration: Request the Planning Board to review and make a recommendation on a proposal to amend the Zoning Map in the vicinity of Pownal Road and Jordan School Road, specifically, 1863 Pownal Road, Parcel ID # 021-001, from Agricultural/Resource Protection to Low Density Country Residence (with 3 acre minimum lot size). This is a tax acquired property now owned by the City of Auburn.

There are 4 solutions to this issue, but I think #4 rezoning is the best answer:

1. Have the City issue a "No Action Letter" as a condition of sale.
2. The City, as the current property owner, request that Jenis Holding Company convey back a 1.1 acre lot to make both properties conforming. Sec.60-40 also penalizes any development of the Jenis lot unless the 1863 Pownal Road lot is made conforming. Conveying a strip of land 57.05' by 840' (47,922sf) along the length of the rear line dividing the two properties is suggested.
3. Purchase 1.1 acres from John F. Murphy Homes at 1805 Pownal Road.
4. Have the City initiate a rezoning to Low Density Country Residence District to include this lot and the two lots across Pownal Road. This action would make all three lots conforming.

Existing Policy References (Comp. Plan, etc): Copies attached: Auburn Maine Code of Ordinances- Sec. 60-146 Dimensional Regulations, Auburn Maine Code of Ordinances- Sec. 60-1445 zoning amendments purpose, Auburn Maine Code of Ordinances- Sec. 60-40 Reduction in dimensional regulations, Auburn Parcel Inquiry for 1863 Pownal Road,



City Council Workshop Agenda Item Request Form

City of Auburn

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Second Councilor Name:

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**City Council
Workshop Agenda Item Request Form**

City of Auburn

Committees of Jurisdiction (if applicable):

In order for a workshop item to be considered for an upcoming Auburn City Council Workshop agenda, please complete the above and present it at any time to the Mayor and City Manager. Our goal is to have items requested on a workshop agenda within 90 days of the date received.

DO NOT WRITE BELOW THIS LINE

Date Received: _____ Received By: _____
(City Manager)

Date Received: _____ Received By: _____
(Mayor)

90 Day Date: _____

Staff Assigned:



Auburn Parcel Inquiry

City of Auburn Website MapAuburn Home Page

+ Find address or place [Q]



AGRICULTURE /
RESOURCE PROTECTION

LOW DENSITY
~~RESIDENCE~~ RESIDENCE

COUNTRY 3 ACRES OR MORE

1863
POWINAL RD.

JFM.

COUNTRY RESIDENCE

Total - \$ 413,000

Total - \$ 216,000 Building V.

600ft

44.000 - 70.232 Degrees

ZONING AMENDMENTS

Sec. 60-1445. - Purpose.

Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city.

(Ord. of 9-21-2009, § 8.1A)

Sec. 60-40. - Reduction in dimensional regulations.

No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided or otherwise transferred that violates, or creates a lot that violates, any minimum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

(Ord. of 9-21-2009, § 3.1H)



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: Zoning Map Amendment Request for Pownal Road Area

Date: August 9, 2016

I. PROPOSAL- The Auburn City Council has initiated a zoning map amendment for properties located in the southern end of Auburn along Pownal Road from Agricultural-Resource Protection to Low Density Rural Residential Development. The proposed properties are; a portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road, 1863 Pownal Road and a portion of PID # 021-012-001

The property that triggered this request is 1863 Pownal Road. The property was created by a deed split around 2010 and was done in error. One property was created as an 8 to 9 acre parcel, which does not meet the 10 acre minimum lot size. As a result, this property and the parent tract is in a legally “locked up” situation and neither property can be issued building permits or is unable to be sold through financial institutions. The current owner has gone into foreclosure and has had difficulty in maintaining the large Victorian mansion.

At their June 16th Economic and Community Development Committee meeting, Council Members Walker and Gilbert presented a memo (attached) that proposed a zone change for 1863 Pownal Road and the surrounding area. The Committee voted to have the Planning Board consider a zoning map amendment, hold a public hearing and bring a recommendation on the proposed zone change back to the Council.

- II. DEPARTMENT REVIEW-
- a. Police- No concerns.
 - b. Auburn Water and Sewer- This rural area is served by private well and septic systems.
 - c. Fire Department- Would like the see the home at 1863 become occupied, repairs made and brought up to code. The house currently has no heat and the

Fire Department is concerned about the home being protected during the upcoming winter.

- d. Engineering- No concerns.
- e. Public Services-No concerns.
- f. Economic and Community Development (ECD)- The Planning Office has attempted numerous ways to resolve the illegal lot situation at 1863 Pownal Road to no avail. The Staff is will consider this limited zone change as a way of correcting undersized lot and to bring the property back into productive use.

III. PLANNING BOARD ACTION- The Planning Board is being asked to consider whether the zone change either meets the future land use plan from the 2010 Comprehensive Plan or that evidence has been presented to prove that significant changes have taken place to the physical, economic or social nature of the area that were not anticipated by the last comprehensive plan.

In addition, the 2010 Comprehensive Plan (pages 70-71) lists the specific criteria that need to be present to approve an extension of a rural residential strip.

3. Rural Residential Road Strips

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip may be provided along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Staff Comment- The existing half mile of Rural Residential zoned land along Pownal Road before the proposed zone change area has 10 homes, which meets criteria #1.

Consideration #2 – Reserve Area Adjacency

A residential strip should not be provided along a rural road if the area adjacent to the road is a "reserve area" where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be

some realistic expectation that something will occur that will change the desired land use for the area in the future.

Staff Comment- The area adjacent to the proposed zone change is not designated as a "reserve area".

Consideration #3 – Natural Resource Adjacency

A residential strip should not be provided along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Staff Comment- The area adjacent to the proposed zone change is not considered a significant natural resource area.

Consideration #4 – Conservation/Open Space Adjacency

A residential strip should not be provided along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Staff Comment- The land adjacent to the proposed zone change is not protected open space nor is there a reasonable expectation to preserve open space in the foreseeable future.

Consideration #5 -- Ability to Provide Public Services

A residential strip should not be provided along a rural road if residential development will tax the City's ability to provide municipal services as indicated by the following:

- *The road is a gravel or dirt road*
- *The road is a poorly maintained paved road that will need to be improved to support residential development along it*

Staff Comment- The proposed zone change will not tax the City's ability to provide municipal services. Given the nearby area already zoned Rural Residential has 10 homes in a half mile, police and fire already must serve the area. All water and sewerage are provided by private wells and septic systems.

Consideration #6 – Water Quality Protection

A residential strip should not be provided along rural roads with undeveloped frontage that are located in the watershed of Lake Auburn, unless such development will not have an adverse impact on the lake's water quality.

Staff Comment- The proposed zone change is not located in the watershed of Lake Auburn.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

IV. STAFF RECOMMENDATION- The Staff considered how the proposal meets the six considerations of the Rural Residential Strips in the 2010 Comprehensive Plan and finds that this area meets those criteria. Criteria 6 does not apply.

Other issues the Staff considered were:

- Correcting non-conformities through a zone change is not a normal procedure.
- The staff wants to minimize the number of lots that would be possible as a result of the zone change to a rural residential zoning type.
- There are some concerns that approving this could be considered a precedent for other areas in Auburn's Agricultural Zone.

Zoning Map Amendment Staff Scenario Options- The memo from Councilman Walker initiating the zone change amendment labeled the existing and proposed zoning in the Pownal Road area as Low Density Country Residential. The zoning in the area is actually Low Density Rural Residential. The staff has created different 4 scenarios (attached) for the Planning Board to consider.

1. Rezone both sides of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Rural Residential to be consistent with the existing zoning. This option rezones approximately 23 acres and creates the potential for 5 new residential lots.
2. Rezone both sides of Pownal Road from Agriculture to Low Density Rural Residential to the end of 1863 Pownal Road but not include Parcel # 021-012-001. This option rezones approximately 20 acres and creates the possibility of 4 new residential lots.
3. Rezone both side of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Country Residential. This option rezones approximately 23 acres and creates the possibilities of 3 new lots.
4. Rezone both side of Pownal Road to the end of 1863 Pownal Road from Agriculture to Low Density Country Residential but not include Parcel # 021-012-001. This option rezones approximately 20 acres and creates the possibilities of 2 new lots.

STAFF RECOMMENDS SCENARIO OPTION 4. While rezoning to Low Density Country Residential is not consistent with the adjoining Rural Residential zoning, it would limit the number of new lots and still meet the Council directive of correcting the non-conformity of 1863 Pownal Road.

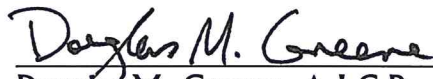


City of Auburn, Maine

Office of Planning & Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

The Staff recommends sending a recommendation of **APPROVAL** to the City Council using Scenario 4 provided in the Staff Report to rezone a 20 acre that consists of; portion of 1807 Pownal Road, a portion of 1850 Pownal Road, a portion of PID # 021-012 Pownal Road, 1890 Pownal Road and 1863 Pownal Road from Agriculture/Resource Protection to Low Density Country Residential with the following findings.

1. The rezoning complies with the Rural Residential Strips criteria from the 2010 Comprehensive Plan.
2. The rezoning will allow the property at 1863 Pownal Road to be purchased, repaired, maintained and put on the tax rolls.



Douglas M. Greene, A.I.C.P., R.L.A.
City Planner



City Council
Workshop Agenda Item Request Form

City of Auburn

Requesting Councilor's Name: Leroy Walker- Councilor Ward 5

Second Councilor Name: *Cristine M. Gilbert*

Policy: Change in zoning for City owned property- 1863 Pownal Road

Summary of Issue:

This property has been a zoning problem for years and is costing the City of Auburn a significant amount of loss tax revenue due to a mistake made in dividing lots. We have the opportunity to fix the problem. I think City staff has avoided settling the matter in a reasonable way. As the Council it's time to settle the matter in Auburn's favor.


The Property at 1863 Pownal Road was created in or about 2010 when it was divided from a 67 acre parcel into two lots: the house lot on an 8.1 acre lot and a 58 acre vacant field and woods lot. Both lots are in the AG/RP zone requiring a minimum lot size of 10 acres. When the City permitted the division, the property at 1863 Pownal Road was left with 1.9 acres less than required. The penalty for this violation is Chapter 60, Sec. 60-40-Reduction of Dimensional Regulations. "No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots in conformance with all dimensional requirements." Attempts to correct the violation through the purchase of the needed land from the two contiguous property owners have been unsuccessful. If the zoning issue is not resolved it will be difficult to secure a mortgage and insurance and to do the renovations that are necessary to bring this 1900's house and property back to its former beauty. It needs to be put back on the tax roll and so the non-conforming lot issue needs resolution.

Recommended Action for Consideration: Request the Planning Board to review and make a recommendation on a proposal to amend the Zoning Map in the vicinity of Pownal Road and Jordan School Road, specifically, 1863 Pownal Road, Parcel ID # 021-001, from Agricultural/Resource Protection to Low Density Country Residence (with 3 acre minimum lot size). This is a tax acquired property now owned by the City of Auburn.

There are 4 solutions to this issue, but I think #4 rezoning is the best answer:

1. Have the City issue a "No Action Letter" as a condition of sale.
2. The City, as the current property owner, request that Jenis Holding Company convey back a 1.1 acre lot to make both properties conforming. Sec.60-40 also penalizes any development of the Jenis lot unless the 1863 Pownal Road lot is made conforming. Conveying a strip of land 57.05' by 840' (47,922sf) along the length of the rear line dividing the two properties is suggested.
3. Purchase 1.1 acres from John F. Murphy Homes at 1805 Pownal Road.
4. Have the City initiate a rezoning to Low Density Country Residence District to include this lot and the two lots across Pownal Road. This action would make all three lots conforming.

Existing Policy References (Comp. Plan, etc): Copies attached: Auburn Maine Code of Ordinances- Sec. 60-146 Dimensional Regulations, Auburn Maine Code of Ordinances- Sec. 60-1445 zoning amendments purpose, Auburn Maine Code of Ordinances- Sec. 60-40 Reduction in dimensional regulations, Auburn Parcel Inquiry for 1863 Pownal Road,

 Auburn Parcel Inquiry

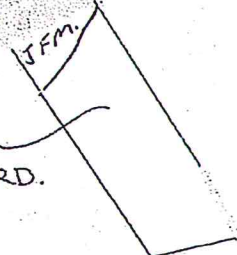
City of Auburn Website MapAuburn Home Page

+ Find address or place

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AGRICULTURE/
RESOURCE PROTECTION

1863
POWINAL RD.



LOW DENSITY
~~RESIDENCE~~ RESIDENCE
COUNTRY 3 ACRES OR MORE

COUNTRY RESIDENCE

Total - \$ 413,000

Total - \$ 215,00 Building V.

600ft

44.005 - 70.232 Degrees

ZONING AMENDMENTS

Sec. 60-1445. - Purpose.

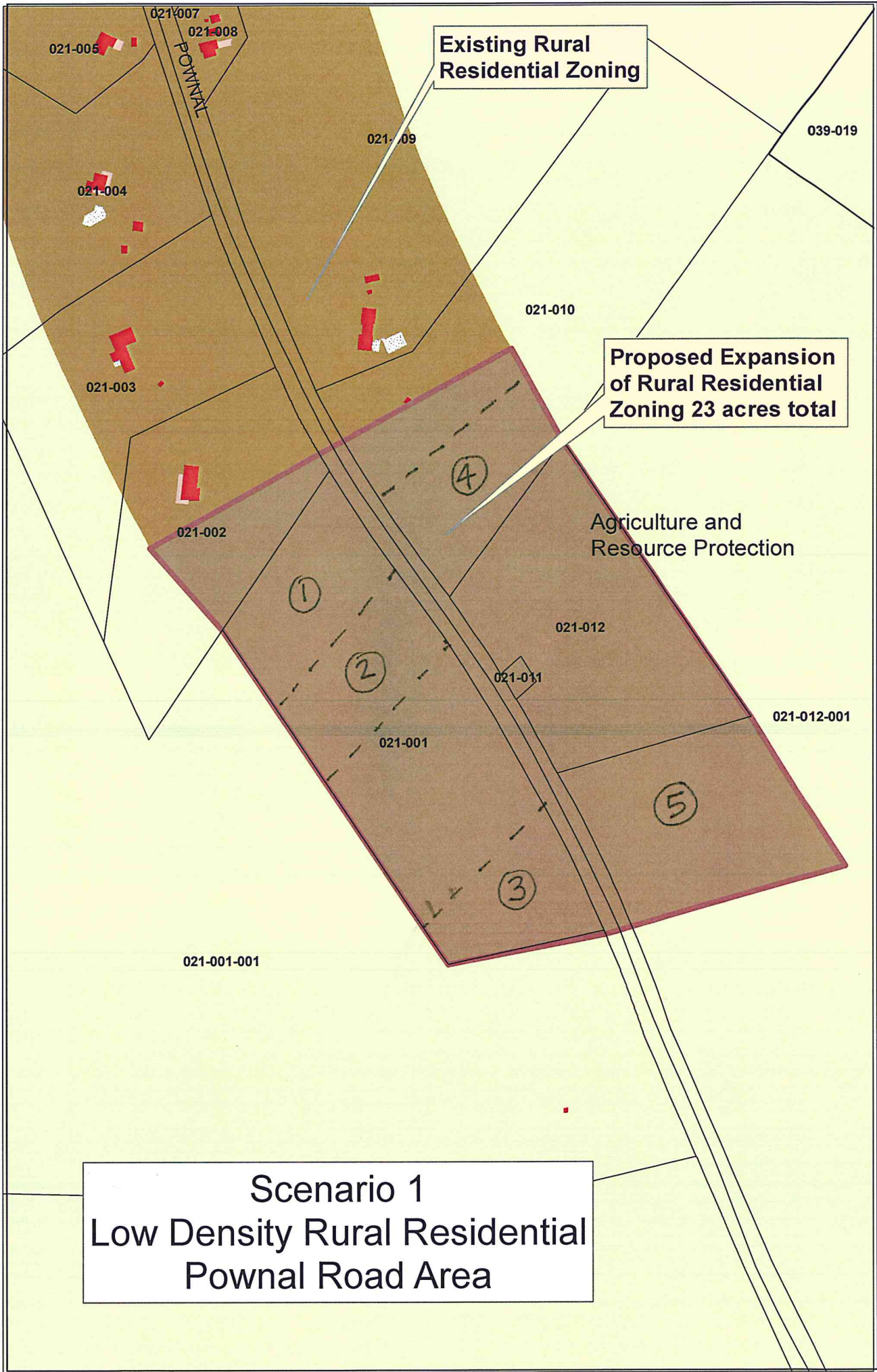
Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city.

(Ord. of 9-21-2009, § 8.1A)

Sec. 60-40. - Reduction in dimensional regulations.

No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided or otherwise transferred that violates, or creates a lot that violates, any minimum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

(Ord. of 9-21-2009, § 3.1H)

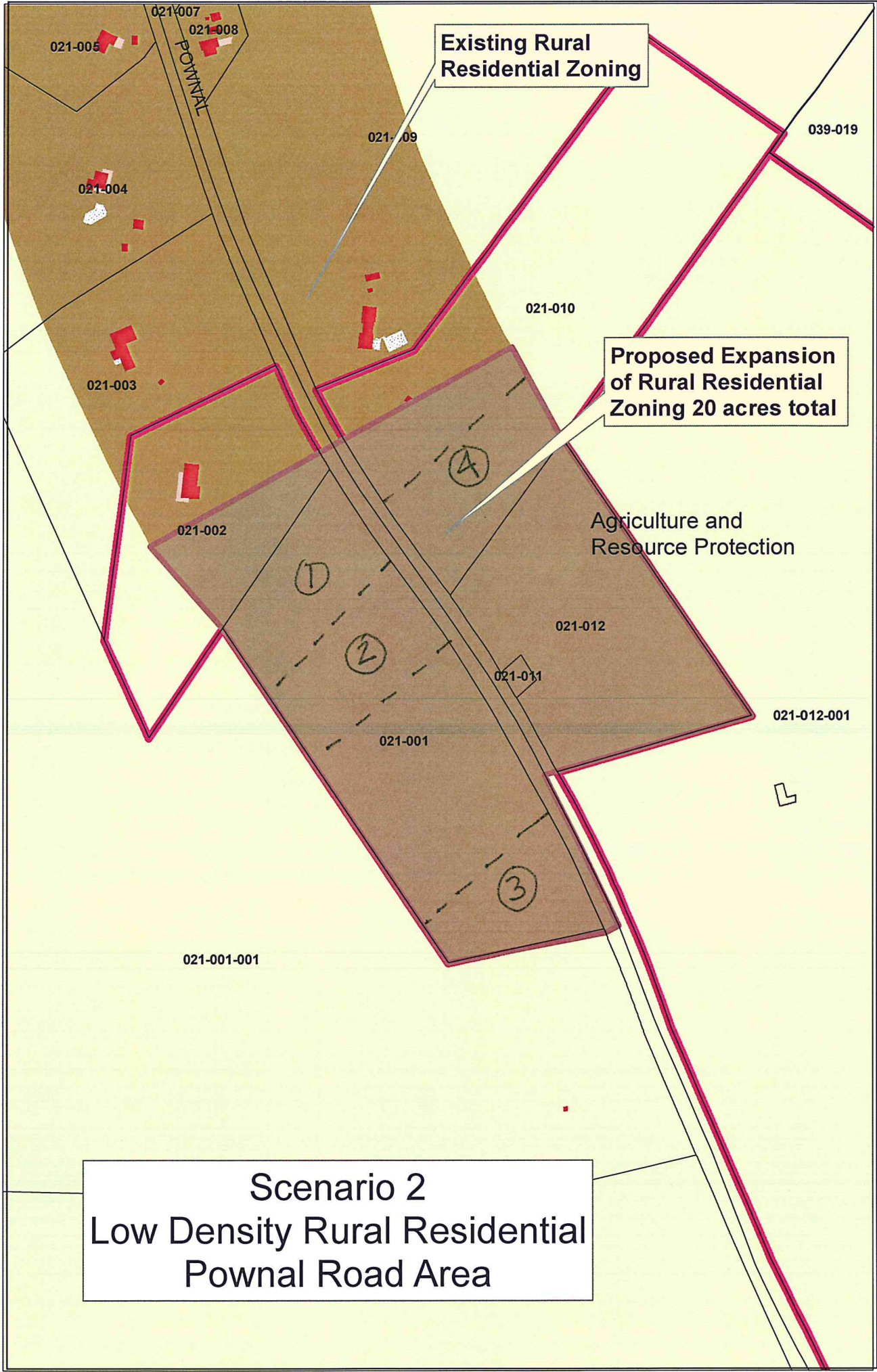


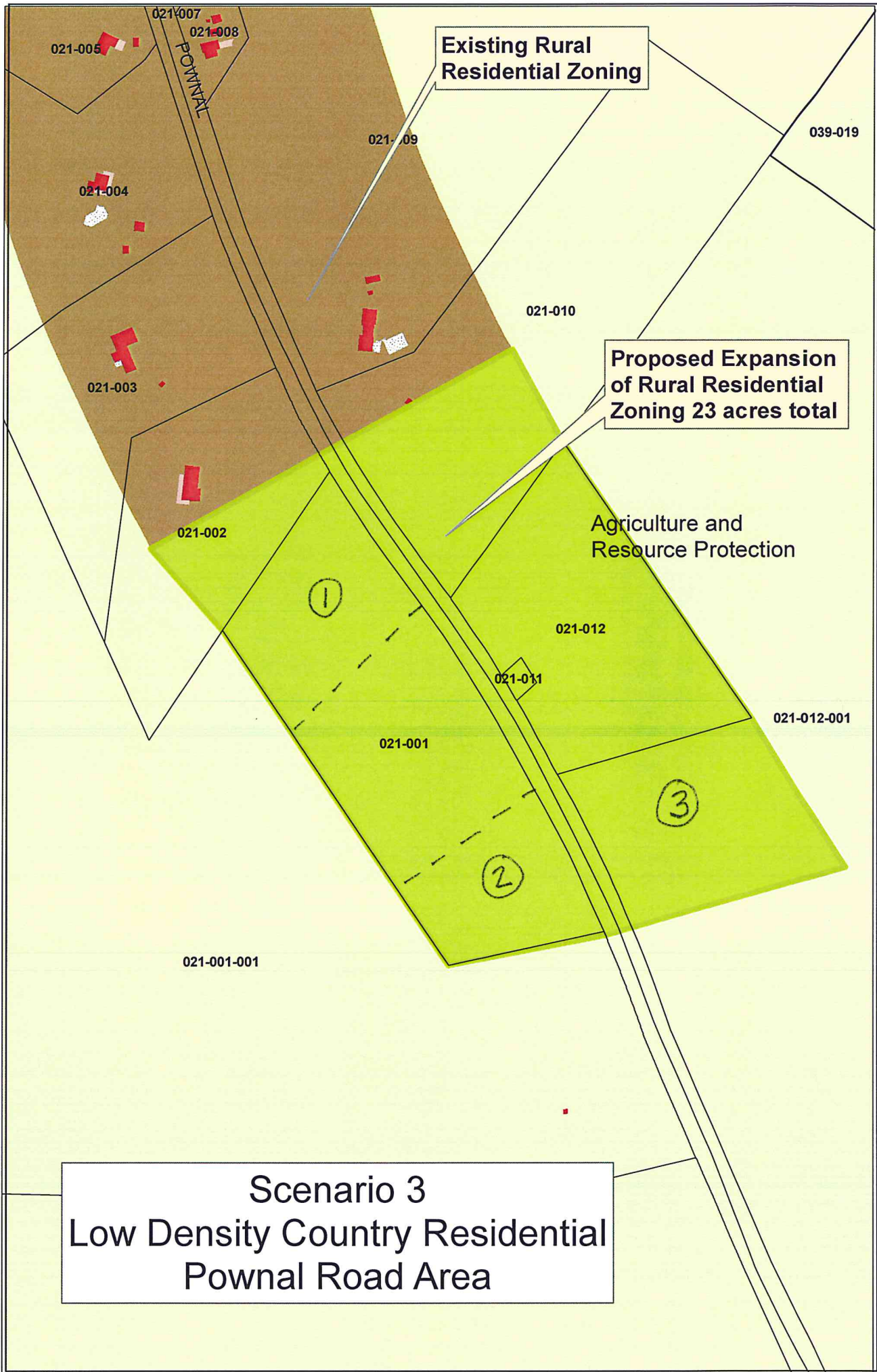
Existing Rural Residential Zoning

Proposed Expansion of Rural Residential Zoning 23 acres total

Agriculture and Resource Protection

Scenario 1
Low Density Rural Residential
Pownal Road Area



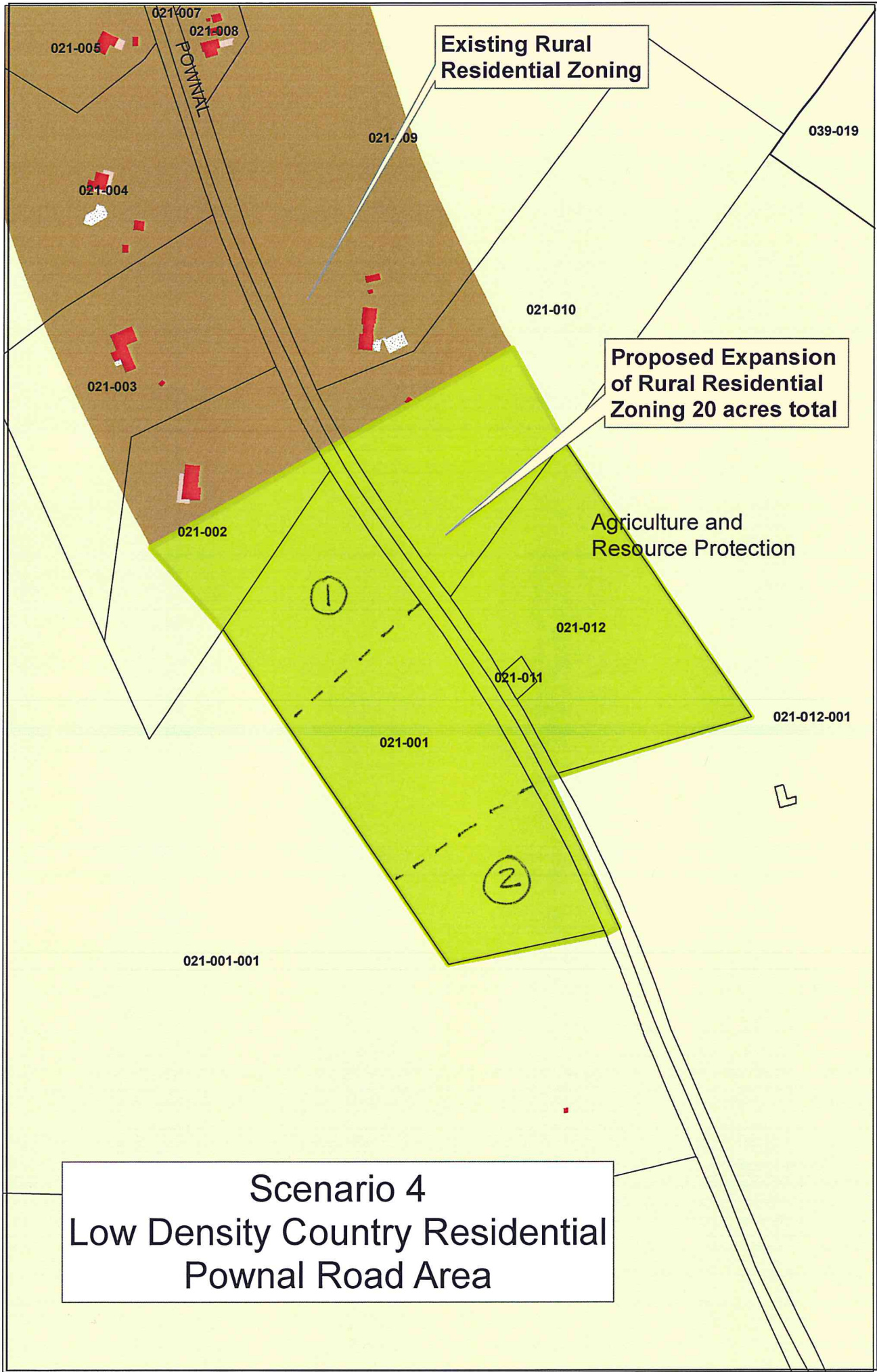


Existing Rural Residential Zoning

Proposed Expansion of Rural Residential Zoning 23 acres total

Agriculture and Resource Protection

Scenario 3
Low Density Country Residential
Pownal Road Area



Existing Rural Residential Zoning

Proposed Expansion of Rural Residential Zoning 20 acres total

Agriculture and Resource Protection

Scenario 4
Low Density Country Residential
Pownal Road Area

Rural Residential Zoning Request is to extend this zoning to include 1863 Pownal Road.

1863 Pownal Rd.
Currently zoned AG
with 8.9 acres of land



all areas subject to shoreland zoning under state law. It establishes water body setback requirements and performance standards, and is being updated to reflect current state requirements.

3. RURAL RESIDENTIAL ROAD STRIPS

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

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A residential strip **should not be provided** along a rural road if the area adjacent to the road is a “reserve area” where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be some realistic expectation that something will occur that will change the desired land use for the area in the future.

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The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

4. NEIGHBORHOOD BUSINESS DISTRICTS

The City has a number of neighborhood businesses that are located within residential neighborhoods. It is the City's policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents. It is also the City's policy to encourage the owners of these properties to reinvest in maintaining and improving these buildings. To accomplish these objectives, the Future Land Use Plan (see Chapter 2) designates these properties as Neighborhood Business Districts. The standards for these districts allow the existing nonresidential use to be maintained and improved, as long as it is compatible with the surrounding neighborhood. The standards also allow for replacing an existing use with a new nonresidential use (other than service stations and auto service facilities), as long as it is appropriate for the neighborhood. The primary objective in creating these districts is to encourage the retention of these neighborhood businesses. As long as the property includes nonresidential space, whether occupied or not, the property should remain in the Neighborhood Business District to allow re-occupancy by an appropriate nonresidential use.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 22, 2016

Order:

Author: Michael Chammings, Director of Economic and Community Development

Subject: C. Loring Farm TIF and Home Funds Request

Information: The developers anticipate approximately 48 workforce housing units in a townhouse style configuration.

The developers are requesting a 50% credit enhancement for 30 years and \$250,000 in HOME funds.

Advantages: The project would create approximately 48 workforce housing units and according to the developer's projected assessed values, even after this TIF reimbursement, the City would net approximately 1100% more in real estate taxes than are currently received from the property.

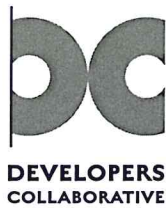
Disadvantages: The Council approved a budget that included a component for co-op housing, this would push any co-op housing project funding into fiscal year 2019.

City Budgetary Impacts: Minimal, Federal funds are already approved for moderate or low income housing assistance and the tax shift/general fund loss is projected to be less than 3%.

Staff Recommended Action: Consent to staff starting the public hearing process.

Previous Meetings and History: Council Executive Session August 1, 2016.

Attachments: Letter from DC Predevelopment LLC and supporting documents.



Michael Chammings
Economic & Community Development Director
City of Auburn
60 Court Street
Auburn, ME 04210

Re: Loring Farm TIF and HOME funds request

Dear Michael:

I am writing this letter in documentation and support of our recent TIF request to the City of Auburn for property located at 37 Loring Avenue in Auburn. As you are aware, Manx Development LLC has the property under agreement and is pursuing an affordable housing tax credit project this fall with MaineHousing. We anticipate approximately 48 workforce housing units in a townhouse style configuration that will allow most of the 15 acre parcel to remain undeveloped. We hope to work with Androscoggin Land Trust on a conservation easement benefiting the public and also plan to offer public access across our site in extension of the City's trail network. We have designed the project to be responsive to the current scoring system contained with MSHA's QAP and are confident that it will be successful. To ensure the project scores the maximum available number of points, we are requesting a 50% credit enhancement for 30 years and \$250,000 in HOME funds.

Given current and projected assessed values, we are projecting that even after this TIF reimbursement, the City will net approximately 1100% more in real estate taxes than are currently received from the property. To achieve this, we would suggest that the City shelter 100% of the increment and dedicate 50% to the project and 50% to offset costs to local schools, which is permissible under the statute governing the Affordable Housing TIF program. According to our projections, 47% of all new unsheltered tax revenue in Auburn is lost to fiscal impacts of the county and state, so the credit enhancement we are requesting is essentially dollars which would be lost to the City regardless.

However, this project will not occur without a TIF – there would be no additional tax dollars to split. It is critical for two reasons – scoring and financial underwriting.

100 Commercial St, Suite 414, Portland, ME 04101

First, scoring. As you know the QAP is highly competitive and the program is typically 3x oversubscribed. It is possible for very worthwhile projects to sit on the waitlist for several years or even not get funded at all. Nearly all successful projects in recent years have had the benefit of a municipality working alongside the developer by contributing such a TIF. The TIF we propose will score 5 points, one less than the maximum of 6. We are not asking for a 6 point TIF because that would be a 75% CEA - and we would no longer be able to say that essentially the City is not losing any money even if you made the (false) assumption that the project could move forward without a TIF. Again, a 50% TIF is reasonable as it is essentially asking the municipality to assign money to the project that would have otherwise gone to the county and state. 5 points is still a very good number and will give us an advantage over many applications and hold us even with most or all others. Typically the difference between the winners and losers is only a point or two.

Second, financial underwriting. As we have discussed, Auburn assesses its tax credit projects at a very high ratio relative to many other communities around the state. This is perfectly defensible, and we take no issue with it whatsoever, but it creates a hardship for the project operating budget since rents can never be raised past 50% and 60% AMI regardless of the assessment. That, coupled with the basic fact of high taxes which affects all service centers statewide, means that the credit enhancement is actually pretty critical to the basic underwriting of the project. Today the market for sale of credits is very competitive, but it is still unclear that the project could meet basic underwriting standards of both investor and MSHA if a TIF is absent.

For these reasons, we will likely not proceed with the project if we are not able to negotiate a mutually beneficial TIF arrangement. The TIF would need to be approved and sent to the state by the first council meeting in September.

Finally, we are also requesting \$250,000 in HOME funds that will allow us to score 2 more points in our application. The third point would come at around \$500,000 in HOME funds and, based on prior history, that seems to be more than is a reasonable ask. The first point comes at \$100,000, which seems to be a relatively low amount of commitment for adding 50 new units to Auburn's workforce housing stock.

This project has come up relatively late in the spring and we are currently going full speed ahead. We are working hard on a Planning Board application and we expect to be able to have a full package submitted in the coming weeks.

I hope this letter has provided some baseline information as you evaluate this request and I will be happy to provide any other information you may require. I am hopeful that we will be able to appear before your Council on August 15 for workshop on our requests with a public hearing and final vote on the first meeting in September. This schedule will allow for all materials to be submitted to MaineHousing in time for the fall application.

Thank you,

A handwritten signature in black ink, appearing to read 'KB', written in a cursive style.

Kevin Bunker, Manager

DC Predevelopment LLC

Authorized Agent for Manx Development LLC

LORING FARM MUNICIPAL AFFORDABLE HOUSING DEVELOPMENT
AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM

1. The District is located at 37 Loring Avenue in Auburn (Tax Map 211, Lot 282). The District is approximately 15.5 acres and includes an existing historic building that is currently vacant.

A municipal map and a tax map showing district boundaries are attached.

2. 100% of District acreage is suitable for residential use, and in need of rehabilitation/redevelopment. The District is well-located for housing as it is located off of South Main Street (Route 4), along which other housing and businesses are located. The District includes a vacant historic building, which is in need of redevelopment. The District is serviced by municipal sewer and water services and will include only residential use. The District is located in the Urban Residence (UR) District, which is "intended to provide for, protect and stabilize medium density urban residential areas of single- and two-family detached dwellings and their adjunct public and institutional uses. It is designed to ensure a family living environment in an urban setting through lot size requirements that provide adequate yard space for family outdoor activity and play space for children."

Planned Unit Developments with multifamily dwellings are a permitted use in the UR District.

3. District acreage divided by total municipal acreage is not more than 2%. The district is 15.5 acres out of a total _____ acres in Auburn, representing ____%.

4. Total acreage of all existing and proposed development districts (affordable housing and DECD districts) in municipality divided by total municipal acreage is not more than 5%. Existing and proposed development districts are ____ acres out of a total _____ acres in Auburn, representing ____%.

5. The original assessed value (OAV) of the District is \$183,000 (Certificate of OAV is attached).

6. The Development Program will begin April 1, 2017 and end March 31, 2047. The municipal fiscal year is July 1 to June 30.

7. The Development Program meets an identified housing need in Auburn. The proposed Loring Farm Apartments will add approximately forty-six units of affordable family rental housing ("Loring Farm Apartments") to the Auburn housing stock. Ten 3 bedroom units, twenty-seven 2 bedroom units, and nine 1 bedroom units will all be targeted to households with incomes at or below 60% of area median income (AMI).

8. The District will only include residential uses.

9. 100% of housing units in the District will be affordable housing and will be occupied by households with income not exceeding 60% of AMI.

10. The Loring Farm Apartments will be developed with Low Income Housing Tax Credit equity and thus subject to an Extended Use Agreement with MaineHousing, which will be executed for the project at loan closing and a copy recorded at the registry of deeds. The Extended Use Agreement will restrict occupancy of the units in the Loring Farm Apartments to households with income not exceeding 60% of AMI. The length of the affordability period will be 45 years.

11. When completed, the Loring Farm Apartments will be managed by an experienced manager of subsidized housing properties with extensive LIHTC training, to be determined.

The total annual cost of operations for the Loring Farm Apartments is budgeted at \$324,420. The breakdown by category is as follows: administrative 19.7%; utilities 14.9%; maintenance 27.2%; general expenses 31.9%; and reserves 6.4%. The financing for operating expenses is primarily through tenant rents (89.1%). TIF payments made to reimburse project operating costs (10.9%) make up the remainder. The project will have Resident Services available via an on site coordinator and will be managed as a smoke free building.

12. Table 1. Specific planned uses of tax increment revenues from the district.

Specific improvements or activities to be funded with tax increment revenues	Timing of each planned improvement	Amount (\$) to be funded with tax increment revenues	Amount to be funded by other sources		Location within or outside District?
			Amount	Source	
Loring Farm Apartment Operating Costs (Administrative, Utilities, Maintenance, Insurance, Replacement Reserves)	Ongoing	Estimated \$1,216,680 (\$40,556 per year over 30 years)	Estimated \$14,261,969 (\$164,998 in year one, stabilized in year two at \$329,996 with 2-3% annual increase over 30 years)	Project Rents	Inside
Impact on school operating costs	Throughout school year	Up to estimated \$1,216,680	Estimated \$71,155 per year (based	Municipal funds	Outside

		(\$40,556 per year over 30 years)	on projected 16.21 students (75% new to Auburn), \$9,188.64 cost per student per year minus TIF revenues – see attached table for calculation of estimated impact on school operating costs)		
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13. The Total Development Cost for the Loring Farm Apartments is budgeted at \$8,031,509 (see attached detailed development budget). Loring Farm Apartments will be financed primarily through Low Income Housing Tax Credits. The project will seek Low Income Housing Tax Credits in the amount of \$695,095, which is projected to provide an equity yield to the project of \$6,537,367. In addition, the project will seek a Rental Loan Program subsidy of \$1,077,220 and Rental Loan Program interest only debt of \$325,000. An itemized development budget showing all sources and uses of funds is attached. No public indebtedness will be incurred.

A valuation table is attached showing estimates of increased assessed values of the district and showing 100% of the increased assessed values to be applied as captured assessed values and the resulting tax increments in each year of the program, and a tax shift table is attached showing a calculation of the tax shifts resulting from designation of the affordable housing development district.

14. No relocation is necessary.

15. The Loring Farm Apartments project is committed to following all local and state laws and regulations. Locally, full planning board site plan approval will be granted in October 2016. Any environmental issues will be fully remediated as part of the Project. A qualified general contractor will be chosen with the approval of MaineHousing.

16. The Development Program is consistent with Auburn's Comprehensive Plan, dated April 19, 2011, and complies with Maine law limiting growth-related capital investments (30-A M.R.S.A. §4349-A).

17. The District is not in conflict with Auburn's municipal charter.

MAINE STATE HOUSING AUTHORITY

APPLICATION

Affordable Housing Tax Increment Financing

The Municipal Affordable Housing Development Districts statute, 30-A M.R.S.A. §§5245 – 5250-G, referred to as the "TIF Statute" in this Application, applies to affordable housing tax increment financing in Maine. The TIF Statute provides that before a municipality's designation of an affordable housing development district and its adoption of the associated affordable housing development program for the district become effective, MaineHousing must review the proposed district and development program to ensure compliance with the TIF Statute.

All applications to MaineHousing for review of an affordable housing development district and its associated development program must be on this form and include all eight Attachments noted below.

Sections 1 and 2 below are in fillable PDF format and may be completed on-line. After you have completed Sections 1 and 2, please print the Application and sign where indicated in Section 1.

This Application, with Attachments 1 through 8, may be submitted to MaineHousing in one of two ways:

By e-mail to Anne Paré sent to apare@mainehousing.org, *or*

By mail to: Anne Paré, MaineHousing, 353 Water Street, Augusta, Maine 04330

In this Application "district" means an affordable housing development district and "development program" means an affordable housing development program.

SECTION 1 – APPLICANT INFORMATION

1-1 Name of applicant city or town: Auburn

1-2 Municipal official submitting this Application:

Howard Kroll
Printed name

City Manager
Title

60 Court Street, Auburn, ME 04210
Mailing address

(207) 333-6601 x 1221
Phone number

hkroll@auburnmaine.gov
E-mail address

The municipal official named above certifies that he/she has the authority to submit this Application to MaineHousing and further certifies that to the best of his/her knowledge, the information contained in this Application and its Attachments is true.

Signature

Date

1-3 Municipal official with authority to submit annual reports to MaineHousing on the status of the district:

Howard Kroll

City Manager

Printed name

Title

60 Court Street, Auburn, ME 04210

Mailing address

(207) 333-6601 x 1221

hkroll@auburnmaine.gov

Phone number

E-mail address

SECTION 2 – NOTICE AND HEARING

Before designating a district or adopting a development program, the municipal legislative body must

- (a) hold at least one public hearing,
- (b) publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation in the municipality,
- (c) at the hearing, consider
 - (i) whether the district and development program will contribute to the expansion of affordable housing or the betterment of the health, welfare or safety of the residents,
 - (ii) any claim by a party that the district or development program will be detrimental to that party's property interests for which substantial evidence is produced, and whether any adverse economic effect is outweighed by the availability of affordable housing or the betterment of resident health, welfare or safety.

2-1 Date of public notice: _____

Attachment 1 – Newspaper Notice

*Include as **Attachment 1** a copy of the newspaper page showing the public notice and the newspaper name and date.*

2-2 Date of public hearing: _____

Attachment 2 – Public Hearing Record

Include as **Attachment 2** the record of the meeting at which the public hearing was held, certified by the municipal clerk.

Attachment 3 – Additional Documents

Include as **Attachment 3** all documentation submitted to, or prepared by, the municipality relating to items (c)(i) and (c)(ii) above.

SECTION 3 – MUNICIPAL APPROVAL

Conditions of municipal approval of district and development program

The TIF Statute sets out conditions for the designation of a district and adoption of a development program by a city or town. A municipality must designate a district and adopt a development program meeting these conditions.

To assist municipalities in ensuring that districts and development programs comply with the conditions of the TIF Statute, we have set out below a **Checklist in Appendix A** that can be used in designating a district and adopting a development program. The Checklist covers the conditions in the TIF Statute that need to be met in approving the district and development program. While MaineHousing does not require municipalities to fill in or follow the format of the Checklist, in reviewing a district and development program approved by a municipality, we will look for specific information in the Application materials (including the Attachments) the city or town submits to us showing compliance with all the conditions of the TIF Statute.

IMPORTANT NOTE: Because the TIF Statute defines a district as "a specified area within the corporate limits of a municipality that has been designated . . . to be developed" under a development program, a development program must, at a minimum, include new construction of affordable housing or rehabilitation of existing housing *inside* the district, or both. A municipality may not create a district for the sole purpose of capturing tax increment revenues that would result only from inflationary adjustments to property values with no development of new housing or rehabilitation of existing housing in the district.

Attachment 4 – Municipal Approval

Include as **Attachment 4** a copy of the order or resolution and vote of the municipal legislative body approving the district and development program, certified by the municipal clerk.

Attachment 5 – District Maps

Include as **Attachment 5** a municipal map and tax map showing the district boundaries.

Attachment 6 – Certification of Original Assessed Value of District

Include as **Attachment 6** a dated certification signed by the municipal assessor showing the original assessed value of the district. "Original assessed value" means the taxable assessed value of the district as of the March 31st before municipal approval of the district.

Attachment 7 – Development Program

Include as **Attachment 7** a copy of the development program approved by the municipality's legislative body.

Attachment 8 – Credit Enhancement or Other Agreement

Include as **Attachment 8** a copy of the credit enhancement agreement or other tax increment revenue sharing agreement, whether or not executed.

See Appendix A below for
Checklist for Approval of District and Development Program

Appendix A
Checklist for Approval of District and Development Program

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- District description
 - _____ Physical description of district
 - _____ Municipal map showing district boundaries
 - _____ Tax map showing district boundaries

- At least 25% of district acreage is suitable for residential use, blighted, or in need of rehabilitation/redevelopment
 - _____ % acreage suitable for residential use
 - _____ % blighted
 - _____ % in need of rehabilitation/redevelopment
 - _____ Physical description of district to support above
 - _____ Zoning designation where district is located
 - _____ Allowed uses in that zone

- District acreage divided by total municipal acreage is not more than 2%
 - _____ Total district acreage
 - _____ Total municipal acreage
 - _____ District acreage as a percent of total acreage

- Total acreage of all existing and proposed development districts (affordable housing and DECD districts) in municipality divided by total municipal acreage is not more than 5%

_____ Total acreage of all development districts
_____ Total municipal acreage
_____ Total development district acreage as a percent of total acreage

- Original assessed value (OAV)* of district

_____ Dated certification signed by municipal assessor showing OAV amount and date

* OAV means the taxable assessed value of the district as of the March 31st before municipal approval of the district.

- OAV of all existing and proposed affordable housing development districts in the municipality divided by aggregate taxable property value as of the April 1st before MaineHousing approval is not more than 5%

_____ Aggregate OAV of existing and proposed districts
_____ Aggregate taxable property value as of the April 1st before MaineHousing approval
_____ Aggregate OAV as a percent of total taxable value

- Development program start and end dates

_____ First tax year (i.e., April 1 – March 31) of development program *

* May be any tax year specified in municipal approval. If none is specified, the development program will start during the tax year of approval.

_____ Last tax year of development program **

** Not more than 30 years after tax year of MaineHousing approval.

_____ Municipal fiscal year ***

*** Example: July 1 – June 30

- The development program meets an identified housing need in municipality

_____ Description of need
_____ Description of how development program meets need
_____ Number of new rental units to be constructed

- _____ Number of existing rental units to be rehabilitated
- _____ Number of new single-family homes, including condominiums, to be constructed
- _____ Number of existing single-family homes, including condominiums, to be rehabilitated

District must be a primarily residential * development

- _____ Description of residential and non-residential uses in district and acreage of each
- _____ Description of accessory uses relating to residential use

* A district is primarily residential if the overall character of the uses in the district is residential. Residential uses include both housing and uses related to residential uses, such as recreational facilities and child care facilities available to the residents of the district and small-scale nonresidential uses that are intended to provide services primarily to the residents of the district.

At least 33% of the housing units in the district must be affordable housing *

- _____ Number of affordable single-family owner-occupied homes, including condominiums, in district
- _____ Number of affordable rental units in district
- _____ Total number of housing units in district
- _____ Affordable housing units as a percent of total units

* Affordable housing is an owner-occupied single-family home or condominium or a rental unit for a household earning no more than 120% of area median income (AMI). The housing must be decent, safe and sanitary. Affordable housing does not include facilities such as emergency shelters, nursing homes, convalescent homes, hospitals, residential treatment facilities, correctional facilities, or student dormitories, regardless of income level. No purchase price limits on homes or rent restrictions on rental units are required to establish that a unit is affordable.

2015 AMI for counties and other designated areas in Maine can be found at http://www.huduser.org/portal/datasets/il/il15/Section8_IncomeLimits_Rev.pdf. After scrolling down to the Maine pages, use the information in the first column at "FY 2015 MFI: _____" for the county or other area of interest. Multiply that MFI figure by 120% to determine the maximum income level.

HUD updates AMI annually. 2015 AMI will remain in effect until HUD publishes AMI for 2016.

- Mechanism to ensure ongoing affordability of 33% of the housing units in district for required time

_____ Length of affordability period for owner-occupied single-family homes and condominiums *

* The minimum affordability period for single-family owner-occupied homes and condominiums is 10 years.

_____ Description of affordability mechanism for single-family owner-occupied homes and condominiums

_____ Length of affordability period for rental units **

** The minimum affordability period for rental units is 30 years.

_____ Description of affordability mechanism for rental units

A district may contain only homeownership units or only rental units or a combination of both, but a minimum of 33% of the total number of housing units in the district must be affordable for the required time, i.e., 10 or 30 years, depending on the housing type.

The affordable units can be fixed (particular units are subject to the affordability requirements and never change, i.e., those specific units must remain affordable during the applicable affordability period and other units cannot be substituted for them) or they can float (units initially designated as affordable may change over time and other affordable units can be substituted in their place) provided that at least 33% of the total number of housing units in the district are affordable housing at any given point in time.

Whether the units are rental or homeownership units, the affordability period begins to run when the units have been constructed or rehabilitated into decent, safe and sanitary housing and (i) are available for occupancy if the development is subject to a declaration of covenants and restrictions that requires the units to be affordable (i.e., restricted to households with income not exceeding 120% of AMI), or (ii) when the units are occupied by a household with income not exceeding 120% of AMI if the development is not subject to a declaration. The development program needs to include timing information on the development and availability for occupancy of the affordable units in the district. To comply with the TIF Statute's requirement that at least 33% of the housing units in the district be affordable housing, in a mixed-income development, the development program must provide for the construction/rehabilitation of the affordable units within a reasonable timeframe during the construction phase of the project and not leave them to the end of the project if the units will be made available for occupancy or sale as they are constructed or rehabilitated.

- Operation of housing and facilities in district

- _____ Description of how housing and facilities in the district will be operated after completion
- _____ Entity responsible for operation
- _____ Source of operating funds

Specific planned uses of tax increment revenues from the district *

* See §5249 of the TIF Statute for eligible uses of tax increment revenues from the district.

IMPORTANT NOTE: Municipalities are cautioned that a broad recitation in a development program of all or substantially all the authorized project costs listed in the TIF Statute will not be accepted by MaineHousing.

A non-residential use included in a development program may be funded with tax increment revenues from the district, provided that the non-residential use contributes to a specific, identified improvement of the health, welfare or safety of the residents of the municipality, including a specific, identified benefit to the residents of the district, or to the expansion of affordable housing within the municipality. The district and development program must otherwise comply with the requirements of the TIF Statute, including the requirement that the district be a primarily residential development. Tax increment revenues may not be used to construct new "pure" commercial facilities within a district or to rehabilitate those facilities.

- _____ Description of each improvement, facility, program, or other activity included in the development program that may or will be funded in whole or in part with tax increment revenues *

* Include all intended uses and potential alternative uses.

- _____ List which of these improvements, facilities, programs, or other activities are inside the district

- _____ List which of these improvements, facilities, programs, or other activities are outside the district **

** To be funded with tax increment revenues, costs outside the district must be ***directly related to or made necessary*** by the creation or operation of the district. Include any supporting studies, research, estimates, and assumptions.

- _____ Amount of tax increment revenues to be used for each improvement, facility, program or other activity inside and outside the district ***

*** Only the proportion of costs outside the district that are ***directly related to or made necessary*** by the creation or operation of the district may be paid with tax increment revenues.

- _____ Amount and source of other funding for the development program
- _____ Timing of each planned improvement, facility, program, or other activity

A municipality may use tax increment revenues from a district to establish a permanent housing development revolving loan fund or investment fund. *

- _____ A description of the fund, including type, purpose, operation, and provisions for repayment or return of fund proceeds to the fund
- _____ The timing of the establishment and use of the fund
- _____ The property to be purchased with investment fund proceeds and the housing to be developed with revolving loan fund proceeds and timing
- _____ The location of the property and the housing

* A permanent housing development revolving loan fund or investment fund must be used solely for the development of affordable housing as defined above.

Loans made from a revolving loan fund must be repaid to the municipality, and all loan repayments must be deposited into that loan fund and used for additional loans for the development of affordable housing. Loans may be made from the revolving loan fund for both new construction of affordable housing and the rehabilitation of existing housing.

Funds in an investment fund may be used only for the purchase of property by the municipality for the development of affordable housing by the municipality itself or by a developer to which the municipality sells or leases the property. All sales proceeds or rental revenues must be placed in the investment fund and used for additional purchases of property by the municipality for that purpose.

Creating a district around an existing residential area for the purpose of funding a revolving loan fund or investment fund still requires that there be some development of affordable housing *within* the district, whether new construction or the rehabilitation of existing housing, or both.

Because revolving loan funds and investment funds are capitalized with tax increment revenues resulting from the development of affordable housing in a district and proceeds disbursed from a loan or investment fund are required to be returned to the fund, it is not necessary for a municipality to make any further showing that costs of establishing a permanent housing development revolving loan fund or investment fund are directly related to or made necessary by the district.

A financial plan showing for each year the development program will be in effect

- _____ An estimate of increased assessed value * of the district (including assumptions)

* Increased assessed value is the amount, if any, by which the current assessed value as of the most recent April 1st exceeds OAV.

_____ Amount or percent or method or formula for determining amount or percent of increased assessed value to be retained as captured assessed value ** and applied to pay development program costs and resulting tax increment ***

** Captured assessed value is the portion of increased assessed value that is used from year to year to finance the project costs authorized under the development program.

*** Tax increment means the municipal real estate taxes assessed on the increased assessed value of the property in the district.

_____ Calculation of estimated tax shifts showing the effect on the municipality's state revenue sharing, education subsidies, and county taxes resulting from creation of district and the capture of increased assessed value. ****

**** Use the tax shift formulas in **Appendix B** to this Application to calculate tax shifts.

_____ Allocation of total tax increment revenues from the district

_____ Portion * to be allocated to project owner

_____ Portion * to be allocated to municipality

* May be stated as a percent or amount or by formula.

_____ Copy of credit enhancement or other tax increment revenue sharing agreement (whether or not executed)

Relocation plan for persons temporarily or permanently displaced by development activities

_____ Relocation plan description, or

_____ Statement that no relocation is necessary

Description of environmental controls to be applied

_____ Statement regarding environmental controls, such as permitting and licensing or use of environmental mitigation measures during development and operation of district

Development program consistent with comprehensive planning

_____ Date of comprehensive plan final adoption

_____ Statement of no conflict with comprehensive plan

_____ Statement indicating how development program complies with Maine law limiting growth-related capital investments (see 30-A M.R.S.A. §4349-A)

District not in conflict with municipal charter

_____ Statement of no conflict with municipal charter

For municipal debt financing only: Amount of public debt with maximum 30-year maturity to be incurred to finance development program costs

_____ Principal amount, maturity and type of each municipal debt issuance

_____ List of improvements inside the district * to be financed with municipal debt

* Under §5250-D of the TIF Statute, municipal debt may be issued to finance only development program costs inside the district.

Appendix B Tax Shift Formulas

To calculate the state education subsidy tax shift: For fiscal year 2015 – 2016 and each subsequent fiscal year, the state education subsidy formula is based on the average of the certified state valuations for the three (3) most recent years prior to the most recently certified state valuation. The education tax shift is computed by comparing Maine Department of Education Form ED 279 for the municipality with and without retained captured assessed value. The difference in the actual education subsidy and the adjusted education subsidy represents the projected state education subsidy tax shift for that year.

To calculate the state revenue sharing tax shift: The first step in determining the revenue sharing tax shift is to obtain the total municipal revenue sharing amount from the State Treasurer. The five steps outlined in the following formula are then applied ("CAV" below means projected captured assessed value):

Step 1:
$$\frac{\text{Municipal Population} \times \text{Local Property Tax Levied}}{\text{State Local Valuation}} = \text{Current Factor}$$

Step 2:
$$\frac{\text{Municipal Population} \times \text{Local Property Tax Levied}}{\text{State Local Valuation} + \text{CAV}} = \text{Adjusted Factor}$$

Step 3:
$$\frac{\text{Current Factor}}{\text{Adjusted Factor}} = 1.X$$

Step 4:
$$1.X - 1.0 = .X$$

Step 5:
$$.X (\text{total municipal revenue sharing amount}) = \text{Revenue sharing tax shift}$$

To calculate the county tax shift: The steps in determining the county tax shift are as follows ("CAV" below means projected captured assessed value):

Step 1: Obtain the most recent County State Valuation from Maine Revenue Services.

Step 2: Determine the average CAV for the District over the life of the District.

Step 3: Determine the municipality's current share of the county tax:

$$\frac{\text{Current State municipal valuation}}{\text{Current State county valuation}}$$

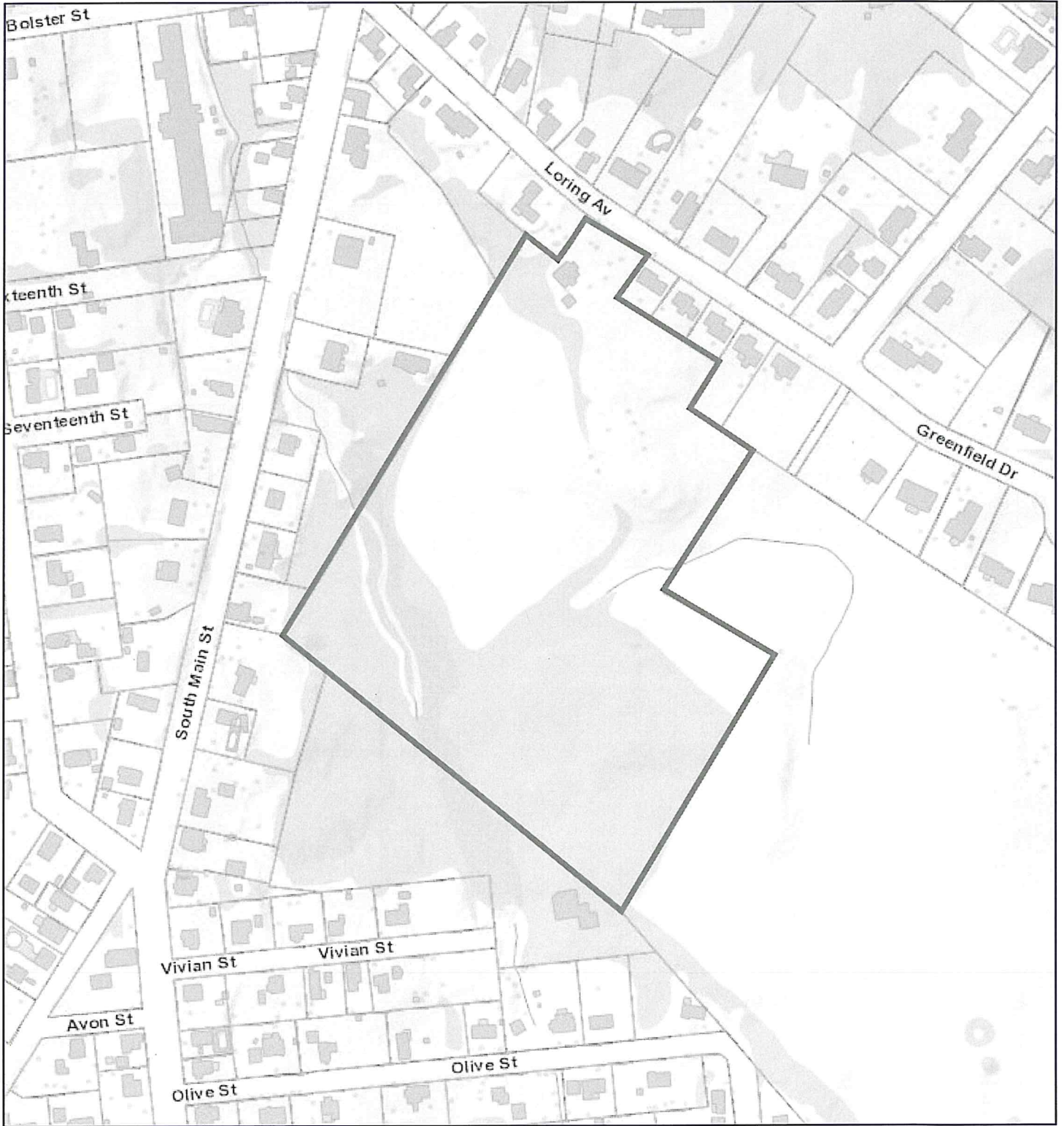
Step 4: Determine what the municipality's share of the county tax would be if the new value from the District were added to the municipal valuation without the creation of the District:

$$\frac{\text{Current State municipal valuation} + \text{average new value}}{\text{Current State county valuation} + \text{average new value}} = \% \text{ of county tax shift}$$

Step 5: Determine the estimated average annual county tax over the life of the District. To arrive at this number, determine the average change in county tax for the last five (5) years and the percentage increase projected to the middle of the District's life.

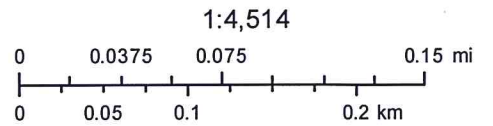
Step 6: Multiply the projected tax from Step 5 by the percent of county tax shift from Step 4 to determine the county tax shift.

37 Loring Ave, Auburn



August 8, 2016

Parcels with Assessing



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

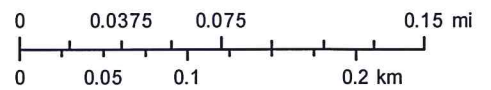
37 Loring Ave, Auburn



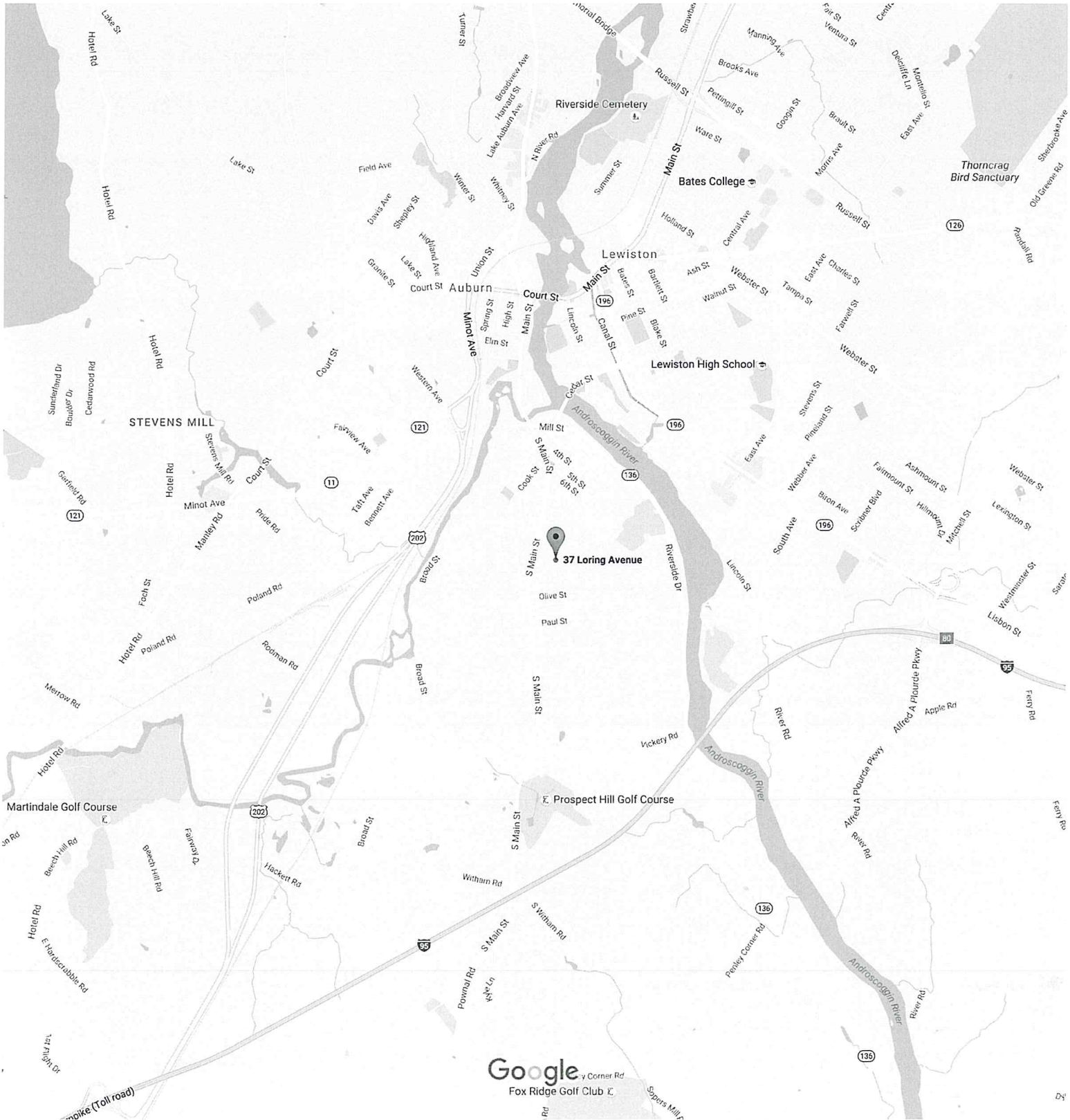
August 8, 2016

Parcels with Assessing

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Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Affordability Analysis & Rent Schedule					
Affordable Rents					
Unit Type	HHL D Size	Fed Home	LIHTC		Max. Net Rent
			Rent	UA	
0 BR @ 50%	1		497	43	\$454
1 BR @ 50%	1.5		533	49	\$484
2 BR @ 50%	3		640	61	\$579
3BR @ 50%			738	74	\$664
4 BR@ 50%					
0 BR @ 60%	1		597	43	\$554
1 BR @ 60%	1.5		639	49	\$590
2 BR @ 60%	3		768	61	\$707
3BR @ 60%			886	74	\$812
0 BR Sec 8	1				\$0
1 BR Sec 8	1.5				\$0
2 BR Sec 8	3				\$0

Rent Schedule					
Unit Type	# Units	Net Rent	Utility Allow.	Gross Rent	Afford. @ %
					Med. Inc.
0 BR @ 50%	0	\$454	43	\$497	
1 BR @ 50%	6	\$484	49	\$533	
2 BR @ 50%	16	\$579	61	\$640	
3 BR @ 50%	6	\$664	74	\$738	
0 BR @ 60%	0	\$554	43	\$597	
1 BR @ 60%	3	\$590	49	\$639	
2 BR @ 60%	11	\$707	61	\$768	
3 BR @ 60%	4	\$812	74	\$886	
0 BR Sec 8	0	\$0	0	\$0	
1 BR Sec 8	0	\$0	0	\$0	
2 BR Sec 8	0	\$0	0	\$0	
TOTAL	46				
Bedroom Mix	0 BR	1 BR	2 BR	3 BR	Total
	0	9	27	10	46
Income Mix		50%AMI	60%AMI	Sec 8	Total
Number		28	18	0	46
Percent		60.9%	39.1%	0.0%	

Operating Income & Expense			
Effective Gross Income		Monthly	Annual
Gross Potential Rental Income		28,947	347,364
Less Vacancy & Collection Loss	5.0%	(1,447)	(17,368)
TIF Income		3,380	40,556
Effective Gross Income		30,879	370,551

Annual Expenses	Per Unit	Total
ADMINISTRATIVE EXPENSES		
Management Fee	466	21,450
Legal	33	1,500
Audit	120	5,500
Marketing	33	1,500
Site Manager	239	11,000
Resident Services	362	16,640
Telemed Phone/Internet	21	960
Other	117	5,380
Subtotal Administrative	1,390	63,930
OPERATING EXPENSES		
Water/Sewer	300	13,800
Electric	150	6,900
Heat/HW	600	27,600
Subtotal Operating	1,050	48,300
MAINTENANCE		
Building Maintenance	825	37,950
Janitorial	100	4,600
Supplies/Exterminating	140	6,440
Painting/Decorating	75	3,450
Grounds	350	16,100
Snow Removal	300	13,800
Trash Removal	125	5,750
Subtotal Maintenance	1,915	88,090
GENERAL EXPENSES		
Property taxes	1,848	85,000
Insurance	400	18,400
Management Broadband		
Subtotal General	2,248	103,400
REPLACEMENT RESERVE		
Housing	450	20,700
TOTAL RESERVES		20,700
TOTAL EXPENSES PLUS RESERVES	7,053	324,420
Net Income Calculation		Annual
Net Operating Income		46,132
Debt Service		\$19,500
Cash Flow		26,632
Debt Service Coverage		2.37
Cash Flow as % of Expenses		8.2%
Cash Flow PUPA		579

Estimated Impact on School Operating Costs

	No. of Units	School-Age Children/Unit (5+ Units, Rent)	Estimated No.of Students
1 BR	9	0	0
2 BR	27	0.33	8.91
3 BR	10	0.73	7.3
Total	46		16.21
		City of Auburn Cost Per Student/Year	9,188.64
		Total Costs/Year for 16.21 Students	148,947.85
		75% of Total Costs based on % of students that are new to Auburn	111,710.89
		30 years	3,351,326.72

Source: Residential Demographic Multipliers, Estimates of the Occupants of New Housing, June 2006, Center for Urban Policy Research, Rutgers University. (Massachusetts data used for 3 BR since data not available for Maine)

DEVELOPMENT BUDGET AND LOW INCOME HOUSING TAX CREDITS				Office % 0.000%
Development Budget	Total	4% Basis	9% Basis	Historic
ACQUISITION/DEMOLITION				
Land	137,172	-	-	
Buildings	184,827	184,827	-	
Demolition	-	-	-	
<i>Subtotal Acquisition/Demo</i>	321,999	184,827	-	
CONSTRUCTION				
Site Work	549,640	-	549,640	25,000
Gen'l Requirements		-	-	
Structures	5,054,323		5,054,323	110,000
OH & P			-	
Construction Contingency	286,289		286,289	11,000
Bond			-	
Abatement			-	
			-	
<i>Subtotal Construction</i>	5,890,252	-	5,890,252	146,000
SOFT COSTS				
Permits & fees	35,000		35,000	761
Engineer/Survey	50,000	-	50,000	1,087
Architect	180,000	-	180,000	3,913
Real Estate Attorney	45,000		45,000	978
Title Insurance & Recording	12,000		12,000	261
Accounting/ Cost Certification	7,000	-	7,000	152
Soft Cost Contingency	15,000		15,000	326
TIF Consultant	1,500		1,500	33
Const. Taxes & Insurance	80,000		80,000	30,000
<i>Subtotal Soft Costs</i>	425,500	-	425,500	37,511
FINANCING EXPENSES				
Constr. Loan Orig. Fee	2,500	-	2,500	54.35
Construction Legal & Inspection	47,500		47,500	1,032.61
Construction Interest	100,000	-	100,000	2,173.91
Other Financing Expenses	-		-	
Perm. Loan Orig. Fee	-	-	-	
<i>Subtotal Financing</i>	150,000	-	150,000	3,261
OTHER SOFT COSTS				
Market Study	5,000		5,000	109
Property Appraisals	7,500		7,500	163
Environmental Report & Testing	15,000	-	15,000	326
Construction Oversight	-		-	
Historic Consultant	10,000		10,000	10,000
Tax Credit Fees	34,755		-	-
FFE	15,000		15,000	-
Organizational Legal	8,000		-	-
<i>Subtotal Other</i>	95,255		52,500	10,598
DEVELOPER'S FEES				
Developer's Ovhd. & Profit	750,000	-	750,000	16,304
Consultant		-	-	
<i>Subtotal development fees</i>	750,000	-	750,000	16,304
PROJECT RESERVES				
Rent Up & Marketing Reserve	45,000	-	-	-
Operating Reserve	171,960	-	-	-
Replacement Reserve	50,543	-	-	-
Prepaid Taxes & Insurance	103,400	-	-	-
Prepaid Monitoring	27,600	-	-	-
<i>Subtotal Reserves</i>	398,503	-	-	-
TOTAL PROJECT COST	8,031,509	184,827	7,268,252	213,674
ELIGIBLE BASIS		184,827	7,268,252	
LESS FEDHOME			-	
LIHTC ELIGIBLE BASIS			7,268,252	213,674
APPLICABLE FRACTION	100.00%		less fed HTC	20%
QUALIFIED BASIS			7,225,518	42,735
QUALIFIED CT ADJUSTMENT	130%		9,393,173	64,102
CREDIT PERCENTAGE		3.23%	7.40%	
ANNUAL LIHTC ELIGIBLE			695,095	90.00%
			695,095	
ANNUAL LIHTC ALLOCATED			695,095	
NET PROCEEDS	95.00%	99.00%	6,537,367	38,077

Construction
GMP
5,603,963

	Fed Historic	State Historic
	213,674	213,674
	20%	30%
	42,735	64,102
	90.00%	84.00%

Estimated Captured Assessed Values

TIF Year	Tax Year	Projected	Percent of	Projected	Projected	City TIF	Project TIF
		Additional			Value		
		Assessed	Captured		Captured	Revenue	Revenue
		Value					
1	2017	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
2	2018	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
3	2019	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
4	2020	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
5	2021	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
6	2022	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
7	2023	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
8	2024	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
9	2025	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
10	2026	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
11	2027	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
12	2028	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
13	2029	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
14	2030	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
15	2031	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
16	2032	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
17	2033	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
18	2034	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
19	2035	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
20	2036	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
21	2037	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
22	2038	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
23	2039	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
24	2040	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
25	2041	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
26	2042	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
27	2043	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
28	2044	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
29	2045	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
30	2046	\$3,817,000	100%	0.02125	\$81,111	\$40,556	\$40,556
					\$2,433,338	\$1,216,669	\$1,216,669

This model is based on 100% of incremental valuation captured within the TIF District and 50% of captured revenues are for the municipal development fund and 50% the developer project fund.

Loring Farm Tax Shift Benefits

TIF Year	Tax Year	State Aid to Education Benefit	County Tax Benefit	State Revenue Sharing Benefit	Total Tax Shift Benefits
1	2017	\$31,681	\$3,151	\$3,578	\$38,410
2	2018	\$31,681	\$3,156	\$3,578	\$38,415
3	2019	\$31,681	\$3,162	\$3,578	\$38,421
4	2020	\$31,681	\$3,168	\$3,578	\$38,427
5	2021	\$31,681	\$3,174	\$3,578	\$38,433
6	2022	\$31,681	\$3,179	\$3,578	\$38,438
7	2023	\$31,681	\$3,185	\$3,578	\$38,444
8	2024	\$31,681	\$3,191	\$3,578	\$38,450
9	2025	\$31,681	\$3,197	\$3,578	\$38,456
10	2026	\$31,681	\$3,203	\$3,578	\$38,462
11	2027	\$31,681	\$3,208	\$3,578	\$38,467
12	2028	\$31,681	\$3,214	\$3,578	\$38,473
13	2029	\$31,681	\$3,220	\$3,578	\$38,479
14	2030	\$31,681	\$3,226	\$3,578	\$38,485
15	2031	\$31,681	\$3,232	\$3,578	\$38,491
16	2032	\$31,681	\$3,238	\$3,578	\$38,497
17	2033	\$31,681	\$3,243	\$3,578	\$38,502
18	2034	\$31,681	\$3,249	\$3,578	\$38,508
19	2035	\$31,681	\$3,255	\$3,578	\$38,514
20	2036	\$31,681	\$3,261	\$3,578	\$38,520
21	2037	\$31,681	\$3,267	\$3,578	\$38,526
22	2038	\$31,681	\$3,273	\$3,578	\$38,532
23	2039	\$31,681	\$3,279	\$3,578	\$38,538
24	2040	\$31,681	\$3,285	\$3,578	\$38,544
25	2041	\$31,681	\$3,291	\$3,578	\$38,550
26	2042	\$31,681	\$3,297	\$3,578	\$38,556
27	2043	\$31,681	\$3,303	\$3,578	\$38,562
28	2044	\$31,681	\$3,309	\$3,578	\$38,568
29	2045	\$31,681	\$3,315	\$3,578	\$38,574
30	2046	\$31,681	\$3,321	\$3,578	\$38,580
Total		\$950,430	\$97,052	\$107,340	\$1,154,822

This model is based on 100% of incremental valuation captured within the TIF District and 50% of captured revenues are for the municipal development fund and 50% the developer project fund.

TIF Year	TIF Vs. NO TIF: City of Auburn - 37 Loring TIF									
	TIF: Variable 100% Sheltered - 50% to Developer Project Account					No TIF				
	Total added Valuation	Estimated M/III Rate	Tax Assessment on added Valuation	Revenue Loss due to Fiscal Formulas	Net G.F. Revenues to City	Total Captured Revenue	General Fund Revenues	Revenue Loss due to Fiscal Formulas	Net Revenues to City	Difference in Net Revenues TIF-No TIF
1	\$3,817,000	21.25	\$81,111	\$38,410	\$42,701	\$81,111	\$0	\$0	\$40,556	(\$2,146)
2	\$3,817,000	21.25	\$81,111	\$38,416	\$42,695	\$81,111	\$0	\$0	\$40,556	(\$2,140)
3	\$3,817,000	21.25	\$81,111	\$38,422	\$42,690	\$81,111	\$0	\$0	\$40,556	(\$2,134)
4	\$3,817,000	21.25	\$81,111	\$38,427	\$42,684	\$81,111	\$0	\$0	\$40,556	(\$2,128)
5	\$3,817,000	21.25	\$81,111	\$38,433	\$42,678	\$81,111	\$0	\$0	\$40,556	(\$2,123)
6	\$3,817,000	21.25	\$81,111	\$38,439	\$42,672	\$81,111	\$0	\$0	\$40,556	(\$2,117)
7	\$3,817,000	21.25	\$81,111	\$38,445	\$42,667	\$81,111	\$0	\$0	\$40,556	(\$2,111)
8	\$3,817,000	21.25	\$81,111	\$38,450	\$42,661	\$81,111	\$0	\$0	\$40,556	(\$2,105)
9	\$3,817,000	21.25	\$81,111	\$38,456	\$42,655	\$81,111	\$0	\$0	\$40,556	(\$2,099)
10	\$3,817,000	21.25	\$81,111	\$38,462	\$42,649	\$81,111	\$0	\$0	\$40,556	(\$2,094)
11	\$3,817,000	21.25	\$81,111	\$38,468	\$42,643	\$81,111	\$0	\$0	\$40,556	(\$2,088)
12	\$3,817,000	21.25	\$81,111	\$38,474	\$42,638	\$81,111	\$0	\$0	\$40,556	(\$2,082)
13	\$3,817,000	21.25	\$81,111	\$38,479	\$42,632	\$81,111	\$0	\$0	\$40,556	(\$2,076)
14	\$3,817,000	21.25	\$81,111	\$38,485	\$42,626	\$81,111	\$0	\$0	\$40,556	(\$2,070)
15	\$3,817,000	21.25	\$81,111	\$38,491	\$42,620	\$81,111	\$0	\$0	\$40,556	(\$2,064)
16	\$3,817,000	21.25	\$81,111	\$38,497	\$42,614	\$81,111	\$0	\$0	\$40,556	(\$2,059)
17	\$3,817,000	21.25	\$81,111	\$38,503	\$42,608	\$81,111	\$0	\$0	\$40,556	(\$2,053)
18	\$3,817,000	21.25	\$81,111	\$38,509	\$42,602	\$81,111	\$0	\$0	\$40,556	(\$2,047)
19	\$3,817,000	21.25	\$81,111	\$38,515	\$42,596	\$81,111	\$0	\$0	\$40,556	(\$2,041)
20	\$3,817,000	21.25	\$81,111	\$38,521	\$42,591	\$81,111	\$0	\$0	\$40,556	(\$2,035)
21	\$3,817,000	21.25	\$81,111	\$38,527	\$42,585	\$81,111	\$0	\$0	\$40,556	(\$2,029)
22	\$3,817,000	21.25	\$81,111	\$38,533	\$42,579	\$81,111	\$0	\$0	\$40,556	(\$2,023)
23	\$3,817,000	21.25	\$81,111	\$38,539	\$42,573	\$81,111	\$0	\$0	\$40,556	(\$2,017)
24	\$3,817,000	21.25	\$81,111	\$38,544	\$42,567	\$81,111	\$0	\$0	\$40,556	(\$2,011)
25	\$3,817,000	21.25	\$81,111	\$38,550	\$42,561	\$81,111	\$0	\$0	\$40,556	(\$2,005)
26	\$3,817,000	21.25	\$81,111	\$38,556	\$42,555	\$81,111	\$0	\$0	\$40,556	(\$1,999)
27	\$3,817,000	21.25	\$81,111	\$38,562	\$42,549	\$81,111	\$0	\$0	\$40,556	(\$1,993)
28	\$3,817,000	21.25	\$81,111	\$38,568	\$42,543	\$81,111	\$0	\$0	\$40,556	(\$1,987)
29	\$3,817,000	21.25	\$81,111	\$38,574	\$42,537	\$81,111	\$0	\$0	\$40,556	(\$1,981)
30	\$3,817,000	21.25	\$81,111	\$38,580	\$42,531	\$81,111	\$0	\$0	\$40,556	(\$1,975)
30 Year TIF Total	\$114,510,000		\$2,433,338	\$1,154,836	\$1,278,501	\$2,433,338	\$0	\$0	\$1,216,669	(\$61,833)

Prepared by Camoin Associates. www.camoinassociates.com

Notes and Sources:

This model is based on 100% of incremental valuation captured within the TIF District and 50% of captured revenues are for the municipal development fund and 50% the developer project fund.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 22, 2016

Author: Doug Greene, City Planner

Subject: Colonial Ridge PUD- Zoning Map Amendment

Information: The Planning Board approved an amendment to the Colonial Ridge Planned Unit Development (PUD) at its July 12, 2016 meeting. The amendment changed a condominium style development area to a 15 single family lot style development. During the course of the plan review, the Staff noticed a small area (under 1 acre area) that was zoned Industrial. The industrial area includes the rear portions of lots 8, 9 and a detention/open space area. The Planning Board approved the plan and also initiated a zone change to correct the situation. The lots affected by the zoning conflict have enough residentially zoned space for a home to be built on but the future owner would be prevented from having any type of residential use in the rear (Industrially zoned) part of the lots.

The Planning Board took action on this zone change at its August 9th meeting and voted unanimously to forward a positive recommendation to the City Council to rezone portions of lots 8, 9 and a detention/open space area from Industrial District to Suburban Residential District. The Planning Board considered this zone change to be a corrective action.

Advantages: Approving the zone change will allow future home owners to use their entire property in residential uses and correct a zoning conflict on the affected properties.

Disadvantages: Having Industrial zoning on the rear of a residential property would limit its use and could cause difficulty in obtaining mortgage loans.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends the City Council move the Zoning Map Amendment forward to a 1st reading and public hearing.

Previous Meetings and History: The Auburn Planning Board considered the Colonial Ridge PUD at its July 12th and August 9th meetings.

Attachments:

1. Staff report from the August 9, 2016 Planning Board meeting.
2. Planning Board report on the Colonial Ridge PUD Zoning Map Amendment.
3. Mapping of the Zoning Map Amendment.



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: Colonial Ridge PUD- Zoning Map Amendment- Industrial District to
Suburban Residential

Date: August 9, 2016

I. PROPOSAL- The Auburn Planning Board initiated a zoning map amendment for a small parcel of industrially zoned property to be rezoned to Suburban Residential at their July 12, 2016 meeting. The small .8 acre/35,000 sf parcel is part of the Colonial Ridge Planned Unit Development. At their July 12 meeting, the Planning Board approved an amendment to the PUD that included 15 new single family lots. The rear portions of lots 8, 9 and a detention area were found to be zoned industrial and the adjacent Colonial Ridge PUD residential development is zoned Suburban Residential.


II. DEPARTMENT REVIEW- This zoning map amendment was reviewed by the Plan Review Committee on July 15, 2016.

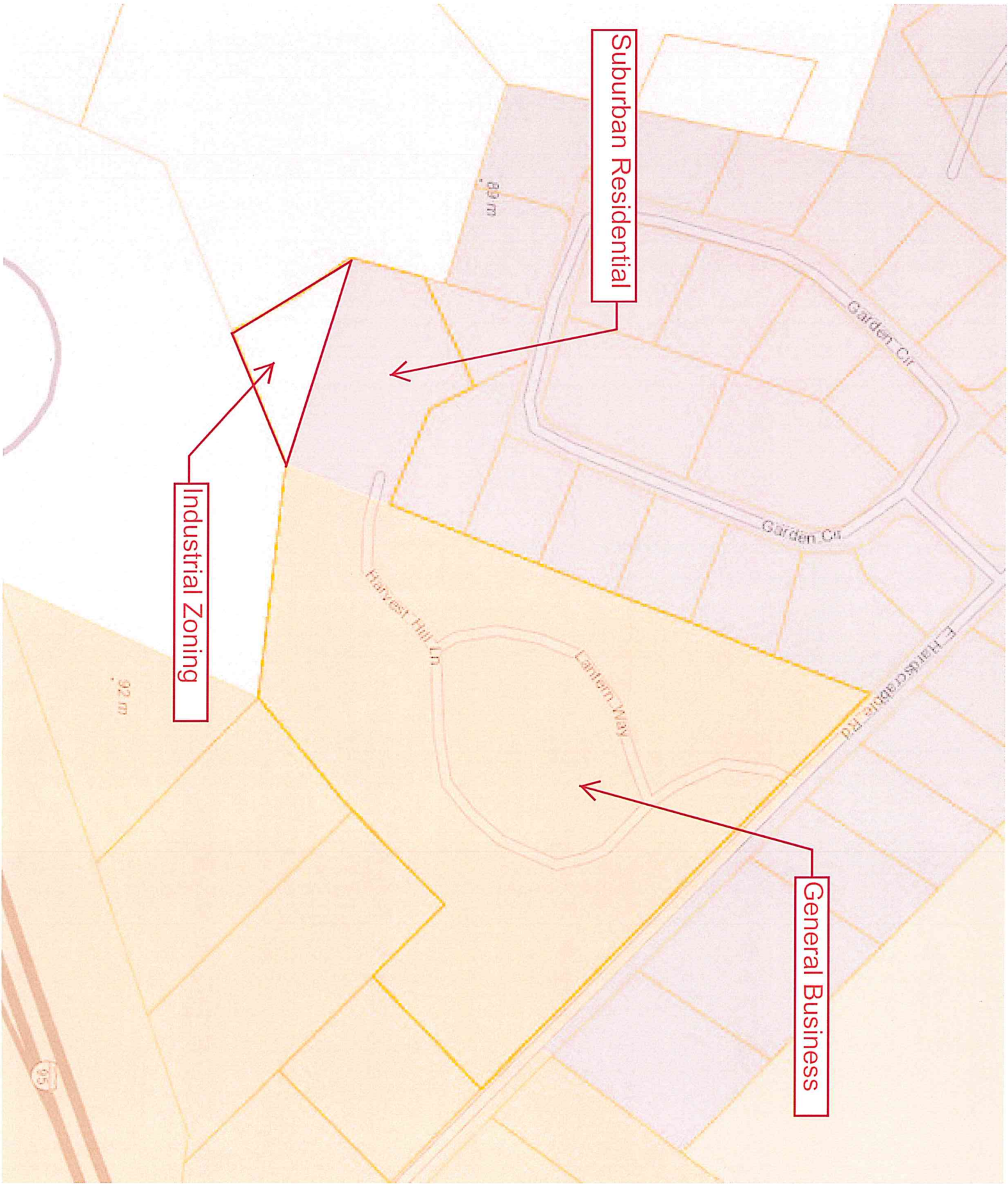
- a. Police- No comments.
- b. Auburn Water and Sewer- No comments.
- c. Fire Department- No comments.
- d. Engineering- No comments.
- e. Public Services- No comments.
- f. Planning and Development- No comments.

III. PLANNING BOARD ACTION- The Planning Board is being asked to make a recommendation to change the identified parcel from Industrial to Suburban Residential and forward that recommendation on to the City Council. Normally, the Planning Board should consider the property's Future Land Use (FLU) designation from the 2010 Comprehensive Plan. In this the FLU is shown as industrial. The Staff researched older zoning maps and found the industrial zoning dates back at least 20 years and considers the zoning to be a mapping error.

IV. STAFF RECOMMENDATION- The Staff recommends the Planning Board send a recommendation of **APPROVAL** to change the zoning for the .8 ac/35,000 sf parcel shown as the rear portion of lots 8, 9 and the detention area of the amended Colonial Ridge PUD with the following findings:

1. The Planning Staff find that the area zoned Industrial in the Colonial Ridge PUD as shown on the Auburn Zoning Map is in error.
2. The area identified for rezoning is clearly within and associated with the Colonial Ridge PUD, a residential development.
3. Should the area identified for rezoning remain industrial, it would cause a hardship for future property owners to utilize the property for residential uses.

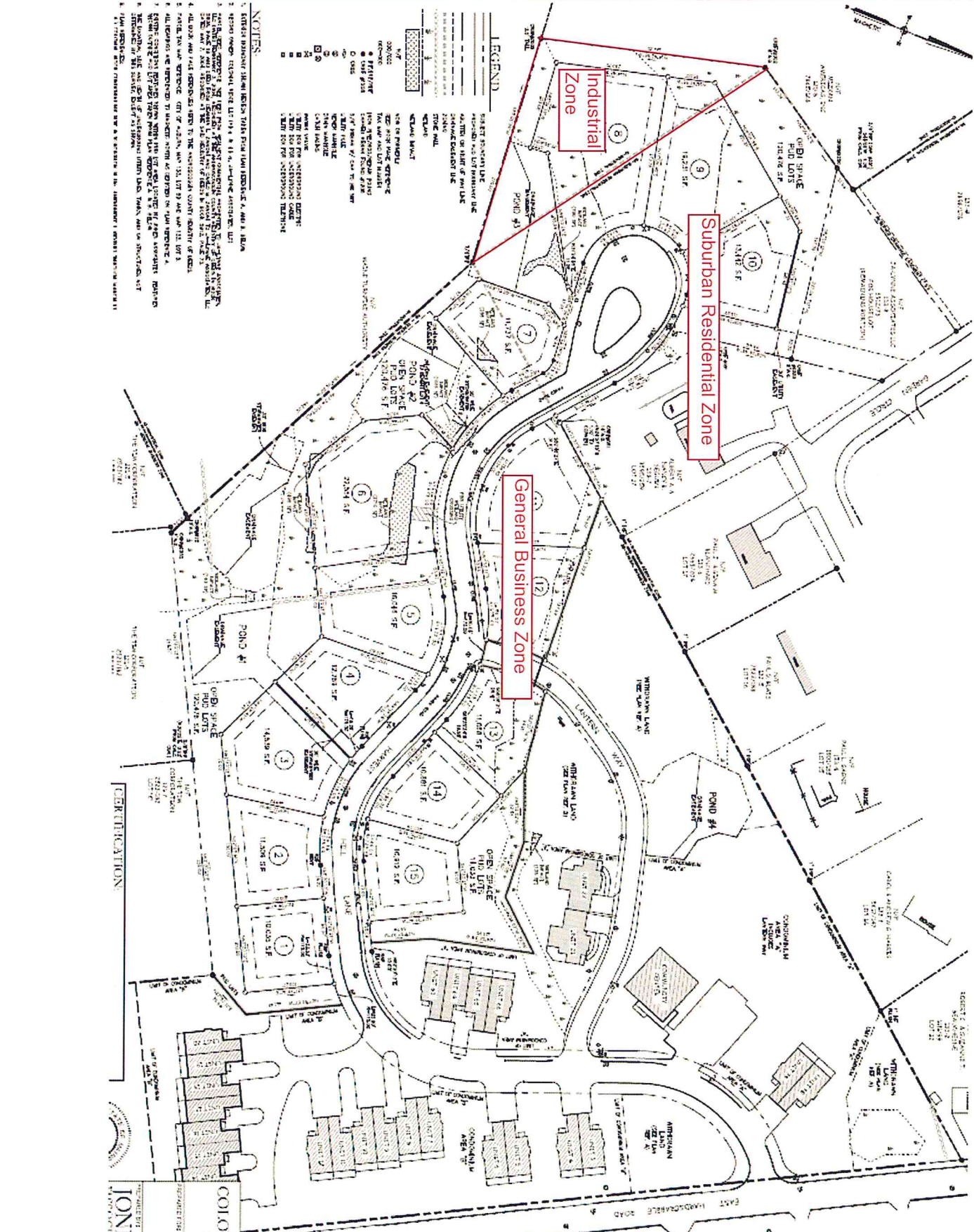

Douglas M. Greene, A.I.C.P., R.L.A.
City Planner



Suburban Residential

Industrial Zoning

General Business



LEGEND

	UTILITY
	POND
	OPEN SPACE
	SUBURBAN RESIDENTIAL
	GENERAL BUSINESS
	INDUSTRIAL
	LOT
	ROAD
	WALL
	WINDOW
	DOOR
	STAIR
	ELEVATION
	NOTE
	BOUNDARY
	ACCESSION
	EASEMENT
	ENCUMBRANCE
	SURVEY
	STATION
	CURVE
	TANGENT
	ARC
	CHORD
	ANGLE
	DISTANCE
	AREA
	VOLUME
	BEARING
	DIRECTION
	REFERENCE
	ORIENTATION
	SCALE
	TITLE
	DATE
	AUTHOR
	CLIENT
	PROJECT
	LOCATION
	CONTEXT
	SURROUNDINGS
	INFRASTRUCTURE
	SERVICES
	AMENITIES
	FEATURES
	DETAILS
	ANNOTATIONS
	EXPLANATIONS
	CLARIFICATIONS
	NOTES
	COMMENTS
	OBSERVATIONS
	RECOMMENDATIONS
	CONCLUSIONS
	FINAL NOTES

- ### NOTES
1. EXISTING BUILDING FOOTPRINTS SHALL REMAIN UNLESS OTHERWISE NOTED.
 2. EXISTING PAVEMENT SHALL REMAIN UNLESS OTHERWISE NOTED.
 3. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES UNLESS OTHERWISE NOTED.
 4. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES UNLESS OTHERWISE NOTED.
 5. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES UNLESS OTHERWISE NOTED.
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 12. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES UNLESS OTHERWISE NOTED.
 13. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES UNLESS OTHERWISE NOTED.
 14. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES UNLESS OTHERWISE NOTED.
 15. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48 INCHES UNLESS OTHERWISE NOTED.

APPROVAL

DATE: _____

PROJECT: _____

PREPARED BY: _____

DESIGNED BY: _____

DRAWN BY: _____

CHECKED BY: _____

APPROVED BY: _____

SCALE: _____

TITLE: _____

PERCIFICATION

DATE: _____

PROJECT: _____

PREPARED BY: _____

DESIGNED BY: _____

DRAWN BY: _____

CHECKED BY: _____

APPROVED BY: _____

SCALE: _____

TITLE: _____

LOCATION MAP

AUBURN, MAINE

EAST HARDSCRABBLE ROAD

ROUTE 1

ROUTE 2

ROUTE 3

ROUTE 4

ROUTE 5

ROUTE 6

ROUTE 7

ROUTE 8

ROUTE 9

ROUTE 10

ROUTE 11

ROUTE 12

ROUTE 13

ROUTE 14

ROUTE 15

COLONIAL RIDGE PUD - LOTS

EA 5317 HARDSCRABBLE ROAD

AUBURN, MAINE

GOCONATE RIDGE LLC

PO BOX 1150

AUBURN, ME 04211

DATE: _____

PROJECT: _____

PREPARED BY: _____

DESIGNED BY: _____

DRAWN BY: _____

CHECKED BY: _____

APPROVED BY: _____

SCALE: _____

TITLE: _____

INDEX

DATE: _____

PROJECT: _____

PREPARED BY: _____

DESIGNED BY: _____

DRAWN BY: _____

CHECKED BY: _____

APPROVED BY: _____

SCALE: _____

TITLE: _____

NOTES

DATE: _____

PROJECT: _____

PREPARED BY: _____

DESIGNED BY: _____

DRAWN BY: _____

CHECKED BY: _____

APPROVED BY: _____

SCALE: _____

TITLE: _____



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: August 22, 2016

Subject: Executive Session

Information: Discussion regarding economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
 - (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
 - (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
 - (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.
- This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.