



## City of Auburn, Maine

Office of Planning & Permitting

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To: Auburn Planning Board  
From: John A. Blais, Deputy Director of Planning & Permitting  
Re: Update on the 1 acre to 3 acre lots in the Lake Auburn Watershed

Date: July 12, 2022

**PROPOSAL:** Update the planning board on findings of lot size analysis and overall development potential changes.

During the discussion on updating subsurface wastewater systems in Division 4- Lake Auburn Watershed we discussed the Comprehensive Plan and Lake Auburn Study recommendations to limit residential density in the Watershed and to down zone the Rural Residential Areas (currently 1 acre per unit) to Rural Development District with a maximum density of 3 acres per unit. The Council added that recommendation to the adoption of the Comp Plan when it was approved in December of 2021 for areas in the watershed.

### **Zoning Change**

The proposed zoning change would rezone land on 299 parcels within the Lake Auburn Watershed from Rural Residential to Low-Density Country Residential with a goal to prevent a decline in water quality that would result in a filtration waiver violation. It is meant to coincide with the proposed septic standard change, which seeks to improve the efficiency of existing systems in the watershed. The proposed septic standard change would have the consequence of allowing residences to be built where they previously couldn't be, which would increase phosphorus loading into Lake Auburn through land cover changes, deforestation, and impervious surface cover. The proposed zoning change is meant to offset this effect as well as prevent future phosphorus loading. Implications of this zoning change include increasing the minimum lot size from 1 acre to 3 acres and required road frontage from 250 feet to 325 feet, thus decreasing the density of new development in this area.

### **Water Quality**

The FB Environmental (2021) report set a goal of 900 kg/year of phosphorus loading into Lake Auburn and cited 75% forest cover as an important water quality threshold—Lake Auburn currently has an estimated annual load of 1,114 kg/year and 75% forest cover. Measures to reduce the current load and prevent future loading will help attain water quality goals. Impervious surfaces, such as roads and driveways, are known to contribute large amounts of phosphorus to the lake because they are impenetrable. Preventing new impervious surface prevents more phosphorus. Agriculture is also a land use type that has been noted to cause a decline in water quality (China Lake). Modifying the Agriculture and Resource Protection Zone within the Lake Auburn Watershed Overlay District to prevent new agriculture would protect forested area and prevent additional phosphorus loading. This could be called the Resource Protection Zone.

### **Buildout Analysis**

This analysis refers exclusively to the area zoned as Rural Residential within the Lake Auburn Watershed. Different scenarios will be used to approximate the number of possible structures in the watershed. The 25 Year Buildout considers a 40% land reduction, deed restrictions, and position of existing buildings, and assumes no

new roads. The 100 Year Buildout does not consider the position of existing buildings and anticipates new roads; if the parcel was completely bulldozed and redeveloped, this category represents how many additional structures could be put in. LAWPC land is not considered.

There are currently 41 possible structures under the current zoning and septic standard in the 25 Year Buildout; this number is 100 in the 100 Year Buildout. These numbers were partially based on rejected septic system applications and existing permits. Because not all applications and permits are on-file, these are overestimates of what is currently buildable. The following chart describes the number of potential structures that could be built after each change.

Buildout	No Change	Septic Change ONLY	Zoning Change ONLY	Both Changes
25 Year Buildout	41	70	20	38
100 Year Buildout	100	157	36	61

This differences between no change and each proposed ordinance change are as follows:

Buildout	Septic Change ONLY	Zoning Change ONLY	Both Changes
25 Year Buildout	+29	-21	-3
100 Year Buildout	+57	-64	-39

**Discussion**

Rezoning Rural Residential within the watershed to become Low-Density Country Residential reduces the density of new residences greatly. While this zoning change is tied up with the proposed septic standard change, it would be effective at preventing future phosphorus loading independently. This proposed zoning change is not a solution on its own but would work with future proposals to limit phosphorus inputs into Lake Auburn. Increased phosphorus can cause water quality decline, leading to the need for a filtration plant that would cost millions of dollars and increase water bills within the city. When water quality improves, taste and odor complaints lessen and property values around the lake increase. Preserving the natural beauty of the lake is also important to Auburn residents.

**Staff Recommendation**

Staff suggests a planning board workshop this idea, provide feedback and direct staff to schedule a public hearing at an upcoming meeting. The goal of the Comp Plan Recommendation and the condition of the Planning Board related to the Lake Auburn Watershed Subsurface Wastewater Changes is to limit residential density in the Watershed. To do this the Board has some latitude in recommending options to the Council. There are a couple options that could accomplish this:

1. Change all areas of the Low Density Rural Residential zone in the watershed to Low Density Country Residential (LDCR).

The LDCR Dimensional Standards are as follows:

**Sec. 60-202. Dimensional requirements.**

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

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of

horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.
  - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

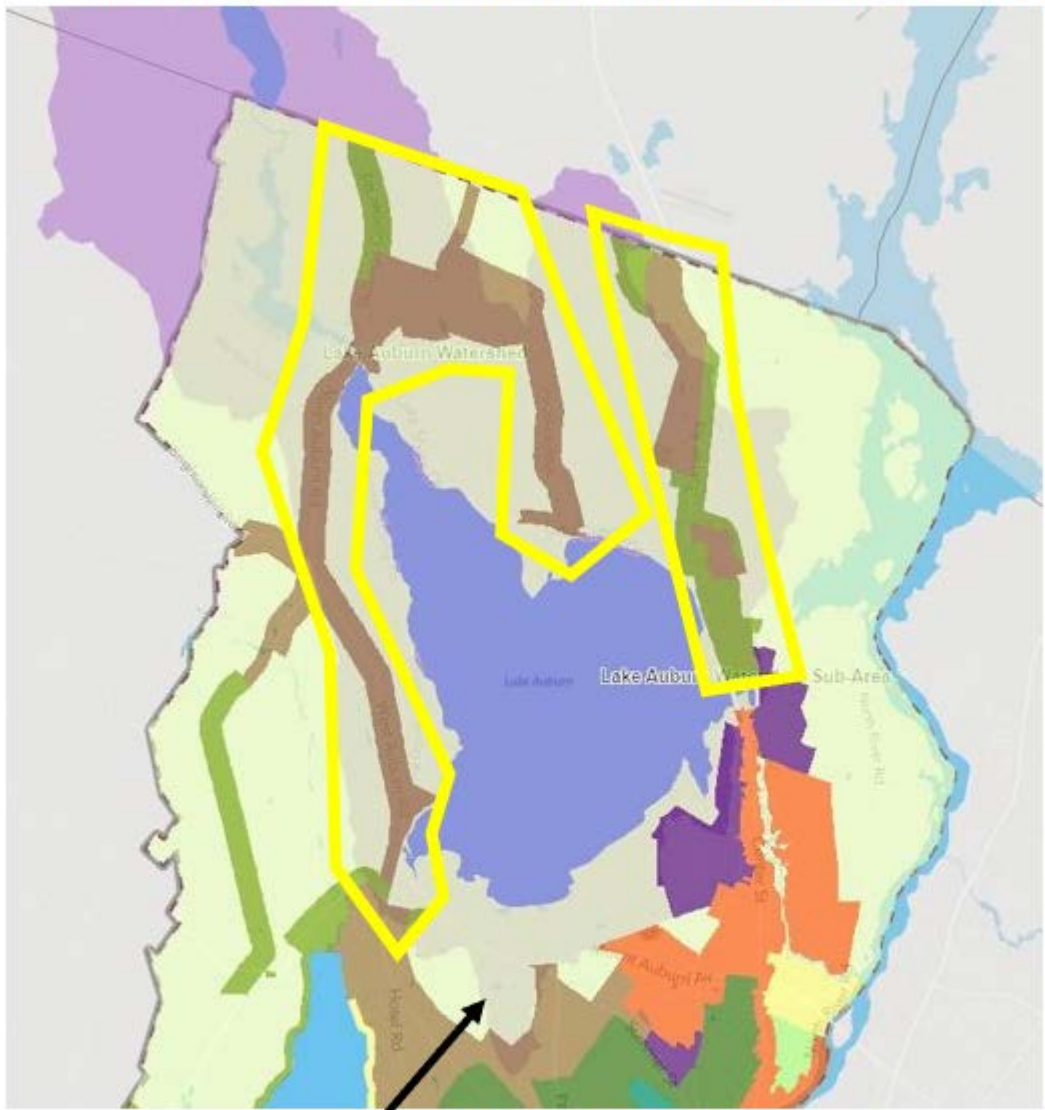
(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

The Comprehensive plan has a City-wide Rural Development Standard recommendation of also reducing frontage Requirements. That change, in the watershed, would also add some potential buildable lots and may be counter to the goals of limiting density. The Planning Board should provide feedback on whether to also change frontage requirements of the LDCR in the watershed to less than 325 feet. Staff recommends not changing frontage as part of this change to help limit density and allow time to evaluate the group of changes before making additional changes.

2. Add standards to the Lake Auburn Watershed Overlay ordinance that mandate a 3-acre minimum lot size. The second option may be confusing for people looking at the zoning that may not know to look at the Overlay Ordinance.

Staff believes that option 1 provides a higher level of protection to the Lake by limiting density and recommends it. We are working with FB Environmental to estimate the number of potential buildable lots with all proposed ordinance changes that affect septic system siting, minimum lot size, and low impact development standards in the Auburn portion of the Lake Auburn watershed and to model anticipated water quality changes as a result. The proposed areas are shown as brown (Low Density Rural Residence) on the map below. Staff will review lot characteristics and conformity at the meeting.

**1 Unit per 3 Acres (minimum lot size: 3 Acres)**



Watershed Boundary

Proposed Map Amendment

