



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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To: Auburn Planning Board

From: John Blais, Deputy Director

Re: Workshop on Council Ordinance 07-02222022: Moratorium on development proposals involving public safety facilities, detention facilities, correctional facilities, and/ or government offices

Date: January 10, 2023

I. Workshop/ City Council Ordinance 07-02222022:

The workshop is pursuant to Chapter 2, Sec. 2-471 Workshop or informational meetings.

II. Planning Board Action:

Provide the culmination document as a decision matrix that outlines the findings of the board in relation to the following items: 1. Determine whether Auburn's existing ordinance definition is sufficient as it relates to public safety facilities and similar facilities and uses all being categorized as *governmental offices; municipal, civic, or public service buildings and other utility facilities*. If significant differences exist between the range of uses that could be seen as public safety and detention facilities, then consider defining them as separate uses as other communities have done; 2. Determine appropriate definitions for different use categories; 3. Decide which zones would be appropriate for each use and whether there should be additional criteria to consider when citing new facilities and recommend revisions to the zoning ordinance as appropriate.

III. Background

Prior Meetings and Tentative Future Meetings:

February 7, 2022—City Council passes moratorium ordinance.

November 15, 2022—Planning Board holds first workshop to discuss the moratorium.

December 13, 2022—Planning Board holds second workshop to discuss the moratorium.

December 11, 2022, Packet Materials (not included):

1. December 13, 2022, Staff Report
2. Ordinance 07-02222022

November 15, 2022, Packet Materials (not included):

1. November 15, 2022, Staff Report **listed mistakenly as Ordinance 07-02072022.*
2. Ordinance 07-02222022

In February 2022 Council passed a public safety, detention and correctional facility moratorium ordinance prohibiting development of any new public safety facilities, detention centers, and prisons for 180 days with a stated reason that the city's current ordinances governing land use, zoning, site plan review and special exception do not adequately or specifically address public safety facilities, detention facilities, or correctional facilities. The council later voted to extend the moratorium by an additional 180 days until February 2023 because the city had not yet reached a conclusion on the matter; and planning board agendas were booked with other projects. The ordinance directs the board to provide guidance based on public safety, health, environmental, and land use considerations, on which regulations might be appropriate for these facilities and uses. Ordinance 07-02072022 uses the following definitions:

IV. Guiding questions for the Board to consider:

1. Do the existing designations for the purposes of land use-*municipal, civic or public service buildings and other utility facilities and governmental offices* categorically include *public safety and detention facilities*?
2. Should the city allow these new facilities in new locations where they do not already exist, or only to allow improvements, expansions, or new facilities where they have historically existed?
3. Does the siting of new locations necessitate the city council to make a finding finding/ resolve that the community need for a certain type of facility exceeds the impacts of such facility. This could be considered after a report on need and impacts from an applicant.
4. Should there be any additional or unique regulations to determine the location of such facilities?

V. Review attached matrix for final approval of potential text amendments to ordinance.