



# City of Auburn, Maine

Planning & Permitting Department

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To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Public Hearing and Text Amendment on AGRP Zone Proposals A and B

Date: June 6, 2023

## I. Proposal:

The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

## II. Materials:

1. Staff Report 6/6/2023
2. AGRP District Zoning Text Amendments- Proposal "A"- presented at the Planning Board Public Hearing 5/9/2023.
3. AGRP District Zoning Ordinance Text Amendments- Proposal "B" as directed by Planning Board for Planning Board Public Hearing 6/6/2023
4. Public Comment submitted 5/16/2023
5. Public Comment Submitted 5/30/2023

## III. Planning Board Action:

The purpose of this public hearing is to hear from the community, to review the latest draft ordinance text, and to make a recommendation to the City Council on eliminating the income standard (outside Lake Auburn watershed). At the May 9, 2023, Planning Board meeting, the Planning Board held a public hearing on Proposal "A", drafted by the Planning Board and City Council. Staff recommended at the meeting that the Planning Board not approve the proposed text amendments and offered an alternative that a text and/or map amendment changing the zoning to Residential in defined areas in AGRP zone outside the Lake Auburn watershed could meet residential demand with fewer unintended consequences. That combined a modified version of the residential strip map while maintaining the concept of growing outward from the core. It also creates significant new opportunities for housing and leaves much of the AGRP zone functions in place. The option that staff recommended at the May 9, 2023, meeting would have upheld the income requirement in the remaining AGRP zone. Also, during this meeting, staff supported the possibility of an alternative proposal reflecting alternative connections between housing and agriculture as well as other permitted uses, not just traditional farms, as recommended by the Comprehensive Plan.

At the May 9, 2023, meeting, in addition to Proposal “A”, a group of interested residents of Auburn, calling themselves the AGRP zone group, offered an alternative ordinance draft amendment as public comment which also eliminated the income standard, but added criteria to maintain the connection of housing to agriculture. The Board found strengths in Proposal “A” and in the public comment ordinance draft; specifically, that Proposal “A” afforded environmental protections that were not explicitly named in the existing, codified AGRP zone, but also that the public comment ordinance draft maintained a connection to agriculture that Proposal “A” did not. The Board decided to hold a hearing on a draft ordinance text amendment which accomplished the strengths in both Proposal “A” and the public comment ordinance draft. As such, Evan Cyr made a motion to table (the vote on whether to remove the income standard) until the next meeting (June 6, 2023) with direction to staff to create ordinance text amendment options for the Planning Board to review that incorporates the ideas presented in the AGRP zone group draft (presented as public comment during the May 9, 2023 public hearing) regarding tying residences to uses within the AGRP zone that would be congruent with the Comprehensive Plan and Proposal “A” originally presented for the May 9, 2023 meeting.

Staff has responded to this direction by drafting Proposal “B”, which maintains the environmental protections and eliminates the income requirement as introduced in Proposal “A” and maintains the connection of housing to agriculture as a prerequisite for residential development. Proposal “B” goes further to expand the possible connection of housing as accessory to not only agriculture, but also other allowed uses in the AGRP zone including forestry, natural resource uses, and recreational uses. These connections expand the possibility of residential development in the AGRP zone because the range of uses which allow an accessory residential dwelling will be broadened, but it maintains the purpose and much of the fabric of the AGRP zone, while eliminating the income standard. Two proposed ordinance text amendments are before the Planning Board as Proposal “A” presented at the Planning Board Public Hearing 5/9/2023, and Proposal “B” as directed by Planning Board for Planning Board Public Hearing 6/6/2023. We have outlined the differences between the two proposals below.

**The differences between Proposal “A” and Proposal “B” are as follows:**

1. **Proposal “B”** adds the definition of “natural resource uses” to Sec. 60-2
2. **Proposal “B”** updates Sec. 60-2 by adding the definition of “recreational uses of land” to include sports field complexes larger than one acre in area, health and wellness centers, facilities for wedding or event venues when used for two or more events during a calendar year and includes “major recreational uses of land” and “recreational uses of land, small scale”.
3. **Proposal “B”** adds the definition of “Recreational uses of land, small scale”.
4. In Sec. 60-145(a)(1), **Proposal “A”** strikes the requirement that new dwellings are accessory to farming operations while **Proposal “B”** expands the requirement that new dwellings be connected to agriculture and recreational and natural resource uses, and adds criteria for determining whether the farm, recreational or natural resource use plan is acceptable. Both proposals add specification that residential development must be restricted to 20% of land coverage, and both define what constitutes residential development and introduce environmental restrictions for siting this development. Both also remove the provision that dwellings connected to farm uses must remain connected to such uses.
5. **Proposal “B”** expands Sec. 60-145(a)(3) by including maple sugaring and mushroom cultivation, and other similar forest product uses.

6. **Proposal “B”** expands Sec. 60-145(a)(10) expands on the handling, storage and dale of agricultural products to add “processing” and “forestry products” and removes the provision that such products be derived from the property where the dwelling is sited.
7. **Proposal “B”** adds Sec. 60-145(a)(17) “natural resource uses”.
8. **Proposal “B”** adds Sec. 60-145(a)(18) “small -scale recreational uses of land designed or intended for public use”.
9. **Proposal “B”** changes Sec. 60-145(b)(5) special exception recreational uses are as “non-small scale”.
10. **Proposal “A”** adds the same environmental restrictions as Sec. 60-145(a)(1) to Sec. 60-145 (b)(18) while **Proposal “B”** strikes any lot size distinctions for dwellings on legally existing lots from 6.1 to 10 acres in area.
11. In Sec. 60-146(1)(c), **Proposal “B”** adds the word “lawfully” to specify which lots existing as of October 1, 2017, are buildable, and strikes the requirement that these cases be treated as special exceptions.
12. **Proposal “B”** changes Sec. 60-952(b) prohibits new dwellings in the Lake Auburn Watershed portions of the AGRP zoning district.

#### **IV. Suggested Motion:**

I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal “B”, Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal “B”, and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in “Proposal B”.