



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

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To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B2 with Planning Board Proposed Tax Program 5YR Amendment.

Date: August 8, 2023

- I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten:** Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and were followed by City Council’s passage of Ordinance #10-062023 on July 10, 2023. The proposed text is available in this packet.
- II. Background:** On June 6, 2023, the Planning Board voted to recommend approving “Proposal B” with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board recommendation(included in this packet) and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes. The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B2 with the Planning Board recommended Tax Program 5YR Amendment has been proposed as separate text and hearing because it is a substantive amendment. The Amendment is summarized below and references the motion from the 6/6/2023 Planning Board Recommendation prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).
- III. Proposal B2 - Planning Board recommended Tax Program 5YR Amendment.**

  1. Remove “~~Currently~~” before “enrolled”, capitalize the “**E**” in “enrolled” and add “within the last five years” after the word “Program” in Sec. 60-145(b)(vii)(a, b, c). *This is referred to as proposed change number 10, because it was the 10<sup>th</sup> amendment recommended by the Board in the 6/6/23 recommendations.*
- IV. Staff Recommendation:** This proposal was initiated to prevent Auburn landowners who have been utilizing the State of Maine Farmland Tax Program, the State of Maine Tree Growth Tax Program, and the State of Maine Open Space tax Program from removing land from this protection in order to build housing. We do not recommend this amendment because a result of this change may mean that someone who has been using the AGRP district as prescribed and intended could be penalized for deciding to build on this land. This

also has the potential to create a disadvantage to existing farmers and rural landowners who have used the land as the AGRP zone intended, in comparison to new landowners or those that have not used the land for agriculture, forestry or public recreation. Under this amendment, someone who has held land in any of the tax programs may not build on their land for five years, even if they meet the other requirements of the AGRP zoning district. In the absence of a five-year moratorium, landowners still need to provide a bona fide plan for farming, agricultural, recreational, or natural resource use before any residential development could occur.

- V. **Suggested Motion:** I make a motion to not recommend the amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 9, 2023, Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.