



**City of Auburn
City Council Information Sheet**

Council Communications Meeting Date: November 15, 2021.

Order: XX-07192021

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Subject: Proposed Amendment to the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from the center line of the roadway to a Width of 450 Feet to a width of 750 Feet or the rear property line, whichever is less. (**workshop**)

Information: At the May 17, 2021 meeting, the City Council voted to request a recommendation from the Planning Board to increase the width of the residential strips abutting the Ag-Zone from 450-feet to 750-feet.

The Planning Board discussed and tabled this item with a vote of 6-1 pending answers to the following questions by the City Council:

- Why was a fixed width utilized instead of following the boundaries of lots that are not as deep as 750-feet and how was the depth of 750-feet identified? **Answer:** See the CC Order that clarified that it was 750' or the rear property line, whichever is less.
- How does this zoning amendment fit with the stated vision in the Comprehensive Plan and in the Comprehensive Plan update to develop from the core out and in a village pattern? **Answer:** The [Supporting Maine's Small Businesses](#) Council and PB have made a significant inventory of walkability market house lots available with recent Form Based Code expansions. This is an attempt to offer additional Privacy Market Rural house lots in Auburn. See attached Salim Firth Memo from Mercatus.
- Why are we discussing this now given that we are going to be receiving a Comprehensive Plan review and corresponding zoning amendments that will address these items? **Answer:** We should not stop ordinance update progress supported by the Com Plan while we wait for the update process unless there is a good reason to do so. Existing and draft Comp Plans support greater flexibility in siting buildings in existing strip areas.

After the Planning Board meeting, Staff began researching the answers to some of these questions and found a recommendation in the 1995-2005 Comprehensive Plan that states the following:

“Low Density Residential “Bands” along Rural Roads.” Some of the “bands” or “strips” of low-density residential development along rural roads have been retained, while others are eliminated or extended. The intent is to reduce the depth of these bands from 1,500 feet to 800 feet to prevent “bubble” subdivisions throughout the rural area.

Amend the Zoning Ordinance by changing the depth of low-density residential district bands along rural roads from 1,500 feet to 800 feet (400 feet each side of the road), except as otherwise noted in specific areas of the Future Land Use Map.”

The 1995-2005 plan further goes on to describe specific neighborhoods within the City and how the “bands” should or should not be adjusted, for example:

“Daville Corner/Pownal Road/Harmons Corner Low Density Residential (South Auburn, Danville)

(Continue Low Density Residential designation with 400 feet of road; retain Agriculture/RP adjacent to Turnpike and in Woodbury Road/Woodbury Hill area; change land more than 400 feet from roads to AG/RP). There has already been low density residential development in this area, including Joatmon Estates and Winchester Heights. It provides opportunities for rural living close to the City, although most future development is expected to be strip development. Water and sewer services are not available or anticipated for the foreseeable future. Development should not be encouraged in interior areas.”

The city has several residential strips, primarily in northern and southern areas that split parcels of land between two zoning districts – Agriculture/Resource Protection and either Rural Residential or Low-Density Country Residential. This allows property owners to have a residence in the front of the property, zoned residential, and reserves the back portion of the property as Ag-land. Below is an example in the Trapp Road/Pownal Road area of a Rural Residential strip on either side of the roadways.

By increasing the width of these strips an additional 300 feet, it will provide more buildable area for residential uses in these neighborhoods.

One of the reasons the strips were set to 450 feet was to prevent subdivisions such as the one below on Partridge Lane which essentially cuts off access to the back agriculturally zoned land.

CRITERIA FOR DELINEATION OF 750 FEET RESIDENTIAL STRIPS

- a. Setting the boundary to 750 feet on properties that have residential road frontage but wrap behind/around lots less than 750 feet in depth.
- b. Extending the boundary to 750 feet on lots that do not have required minimum road frontage in the residential zone.
- c. Stopping the residential zone boundary at road Right-Of-Way boundary for lots less than 750 feet deep that abut AG/RP zoned roads.
- d. **Do not extending zones** out to 750 feet from pre-established subdivisions with city roads located in a current residential strip.
- e. **Do not extending the zone** of Low-Density Country Residential zone out from 250 feet to 750 feet along the west shore of Taylor Pond.
- f. Expand the residential zone to 750 feet along western boundary only along Riverside Drive and update the boundary on the east side of Riverside Drive to match the FEMA 2014 Flood Insurance Rate Maps
- g. 450 feet as is, but if the lot extends beyond 450 feet go to the lot line or 750 feet, whichever comes first.

Other Considerations: Comments & Discussion from the July 27, 2021 Agriculture Committee meeting:

- Prime Soils (PS) and Soils of Statewide significance (SoSS). Possible ways to accomplish this:
 - Avoid expansion of strips in areas with substantial PS/SoSS. Example area on west side of North and West Auburn Road
 - If expanded without adjustment for soil types, establish avoidance standards for permitting impacts to areas with PS/SoSS

- Fragmenting Impacts - Driveway Example on Riverside Drive - Proposed location would split active agricultural field into two segments making it difficult to use far side of field resulting in loss of productive agricultural land. Locating driveway near end of field is possible and would provide access for home and allow farming to continue most of the land.
- Total area of land changed from AG/RP to residential with PS/SoSS should be calculated when maps are completed for consideration while making decisions.
- Total area of AG/RP Land should be calculated when maps are completed for consideration while making decisions.
- Are we moving too fast to consider all impacts? Comp Plan Updates and Lake Auburn Study coming soon.
- Forest Land is also important.
- In areas where Residential/AG boundary is based on old floodplain maps the group generally supports that being updated to new flood maps and using the flood boundary in appropriate areas rather than a blanket 750 feet. This maintains the resource protection aspect of AG/RP and protects active farmland. Examples that came up: Riverside Drive (Androscoggin River Floodplain) and Fletcher Road/West Hardscrabble Road (Little Androscoggin River Floodplain) areas.
- How does this affect hunting?
 - New residence further from roads will have a 300' perimeter of prohibited firearms discharge for hunting per State Law, without owner's permission.
 - Will this cause the city to expand the Prohibited Firearms Discharge area? Not immediately, but possibly over time if density increases and new residents express concerns about hunting with firearms.
- Cemeteries
- Increased Valuation (see below)

This information (together with comments from the City Council) should help provide context to the Planning Board on why this change is recommended and how certain figures were determined.

City Budgetary Impacts: Potential Increased Taxable Value from Additional Dwellings.

Planning Board Recommended Action: The Planning Board recommends that the City Council should not approve the Amendment to the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from the center line of the roadway to a Width of 450 Feet to a width of 750 Feet or the rear property line, whichever is less. The Board voted 5/2 to provide this negative recommendation. This will be scheduled for Public Hearing and Action at an upcoming Council Meeting.

Previous Meetings and History: May 17, 2021 – City Council meeting, June 8, 2021 – Planning Board Meeting July 13, 2021, September 14, 2021, November 9, 2021.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Planning Board Staff Report; November 8, 2021