



# CITY OF AUBURN, MAINE

"MAINE'S CITY OF OPPORTUNITY"

45 SPRING STREET · AUBURN, MAINE 04210

DEPARTMENT OF COMMUNITY DEVELOPMENT PLANNING

DEVELOPMENT/REDEVELOPMENT  
PLANNING SECTIONS

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## MEMO

TO: The Honorable Mayor and Members of City Council

FROM: Paul Choate, Chairman, Auburn Planning Board

SUBJ: Review of Alternatives to Agriculture Resource Zoning Provision

DATE: August 14, 1984

Pursuant to the request of the City Council to review several alternative proposals to modify the Agriculture and Resource Protection District, the Planning Board has completed the assignment and the findings and recommendations are contained in the report that follows. It should be noted at the outset that the parameters of the Planning Board review were confined to the goals and objectives, regarding rural land use, delineated by the City Council. Although the statements dealt with the broad topic of rural land use policies, they were applied only to the central issue under discussion at the present time; that being, the proposed modification to the Agriculture and Resource Protection Zoning District provisions.

### GOALS AND OBJECTIVES

The input received from the Council/Planning Board informational session of July 9, 1984, was an expression of what the City Council wished to accomplish and hoped to discourage regarding the future development pattern that will emerge in the rural areas of Auburn. The following lists served as a basis for proposal review:

#### CHART I

#### WANT TO ACCOMPLISH

1. Share tax burden equitably.
2. Give rural land owners more chance in what they can do with land (particularly families who are long term owners).
3. Allow more single-family homes.
4. Preserve prime agriculture areas.

5. Preserve wooded areas.
6. Protect farmers from higher taxation.
7. Review "50% rule" annually to encourage farming.
8. Support working farms.
9. Preserve cleared tilled areas.
10. Build home first, then start farm.
11. Reimburse landowners for lost development opportunity.

## CHART II

### WANT TO DISCOURAGE

1. Increasing dramatically cost of Municipal services.
2. Land speculation in rural areas.
3. Traditional subdivision developments.
4. Preservation of agriculture in marginal areas.
5. Conflicts with neighboring communities.
6. Building of new roads at City expense.
7. Over industrialization.
8. Isolation of "back land" parcels.
9. Conflicting land uses (nuisances raised by farming).
10. Large building lots.
11. Development along long corridors in rural areas.

As of the preparation of this report, five alternative approaches had been formulated, discussed and reviewed under the criteria listed above. A brief description of the major components of each proposal follows:

#### #1 - EXISTING REGULATIONS

The existing provisions have undergone numerous reviews since they were adopted in 1960. The latest comprehensive revisions, including a title change, was done in 1974. The major provisions of the current regulations are:

1. Uses - Agriculture and natural resource base industrial activities, and residential uses directly connected to those activities. In addition, a wide variety of uses are allowed by Special Exception.
2. Dimensional Regulations - Ten (10) acre minimum lot size, 250 feet of accepted street frontage for the establishing of a residential use accessory to a principle use.
3. Other - A party wishing to establish a residential use must derive 50% of the family income from resource based operations.

#### #2 - MAYOR CLEVELAND'S SLOW RELEASE PROPOSAL

This proposal is a modification to the existing regulations that would allow non-resource based residential development on a time released basis. It should be noted that this proposal was put forward in tandem with the recommendation that a Low Density Country Residential Zone be created and be mapped to replace Rural Residence strip zones on posted roads. The major components of the mayor's proposal are as follows:

1. Uses - All uses permitted under existing regulations and adds the allowance of single-family housing development not connected to a resource operation. The number of potential lots is based upon the number of living children above an established threshold of two. This proposal establishes an uninterrupted term of ownership in order to be eligible to create house lots.

2. Dimensional Regulations - Eliminates the need for the provision of a minimum road frontage for the creation of a house lot; but adds the requirement that the lot be surveyed and that a permanent easement be provided for access to the lot. A minimum lot size of three acres is required for a house lot provided that no dimension of the lot be less than 250 feet.

3. Other - This proposal would allow for the deletion of the second paragraph, and clarification provisions that follow in the definition of Farm found in Section 2.2.

### #3 - COUNCILMAN WALLINGFORD'S EXCLUSIVE AGRICULTURAL ZONE PROPOSAL

This proposal is an attempt to establish a basis for suppressed valuation of land that is voluntarily designated for inclusion under these provisions by the farmer. It should be noted that all lands presently zoned Agriculture and Resource Protection that would not be proposed for inclusion in this exclusive district would be zoned under a recommended Low Density Country Residential classification:

1. Uses - Identical to the current uses allowed in the Agriculture and Resource Protection Zone. It is not recommended by this proposal that any uses, except sawmills, be allowed as Special Exceptions.

2. Dimensional Regulations - All regulations have been retained from the existing Agriculture and Resource Protection District.

3. Other - Inclusion of land in this district is voluntary. Land can be added or withdrawn from the district at any time by merely filing a letter of request with the Tax Assessor. Furthermore, the Tax Assessor annually will be responsible in determining the eligibility of the landowner to have land continue under this zoning classification.

### #4 - PLANNING BOARD MEMBER MATZEN'S FAMILY FARM PROPOSAL

This proposal is similar to Mayor Cleveland's proposal with three modifications that are explained below:

1. Uses - All uses permitted under existing regulations and adds the allowance of single-family housing development not connected to a resource operation provided that the parcel is already residentially developed. The number of potential lots is based upon the number of immediate family members. The proposal establishes an uninterrupted term of ownership which provides the development option to families that owned the property prior to the adoption of any restrictions.

In addition, the family member developing a lot under these provisions must retain ownership of the lot for a specified amount of time.

2. Dimensional Regulations - The same as Mayor Cleveland's proposal.

#### #5 - COMBINATION PROPOSAL

All use and dimensional recommendations in this proposal are similar to Mayor Cleveland's modified district. The departure from other proposals is the provision of an option for a long term property owner (since 1960) to create non-resource housing lots based upon either the amount of acreage owned or the number of living children. For a person who has owned the property for a ten year period, the number of lots that can be created is based upon the amount of contiguous acreage owned.

#### ANALYSIS OF ALTERNATIVES

Upon completion of a comparison of the afore enumerated alternatives to the goals and objectives listed by the Council Charts I and II (see attached), assessing the level of goal achievement, were developed. It should be recognized that some of the provisions of the various proposals, when compared to the goal statements, do not result in a simple yes or no conclusion. Some of the goals statements are not applicable to the Agriculture and Resource Protection alternatives. Those are so noted on the charts with the designation of N/A.

#### FINDINGS

A review of the existing ordinance and alternatives to that ordinance show that the existing code satisfies more of the stated desires of the City Council than any other options. This type of numerical comparison, however, does not consider that any particular goal is more important than another in that no indication was received from the City Council regarding a proposed "weighting" system. The Planning Board did not feel it appropriate to come up with their own.

The two proposals that satisfy the second highest number of desires expressed by the Council are the Matzen proposal and a combination of elements from all other proposals. These options, however, have twice as many goals not satisfied than the existing ordinance.

It was noted during the preparation of the several proposals that common policy questions arose. The decisions that were made resulted in the structure of the proposal as reviewed. The questions that needed to be answered were:

1. Longevity of ownership.
2. The speed with which lots are released for development.
3. Using family members and/or acreage as the criteria for the number of lots that can be created.
4. Whether or not to have frontage requirements for newly created residential lots.

Beyond just a numerical comparison of options, the Planning Board examined the components of each option that it address the policy questions noted above. A majority opinion of what aspects of each alternative were most desirable in achieving a satisfaction of the goals of the City Council was done by the Planning Board. The results were as follows:

Term of Ownership - It was recognized that persons who have acquired property since 1960 did so with the full knowledge of what the land use restrictions were that applied to the property. Those land use restrictions also affected the price that sellers could market their land for. Therefore, the only persons who experienced a reduction in what they could do with the land are those who owned it prior to 1960. A majority of Planning Board members felt that any increase in development opportunity should only accrue to those families that owned property prior to 1960.

Speed of Release - The Planning Board concluded that because it is the intent of the City Council to allow for equity extraction for long term owners of property, this proposal should be immediately available to those owners. Therefore, if ownership since 1960 is one of the adopted criteria, the relaxation of ordinance provisions should result in an immediate opportunity for those property owners.

Criteria for Determination of Number of Lots - The two options that have been most widely discussed were basing the number of lots to be created on either the number of living children or the number of acreage owned. Because of administration problems and potential legal questions concerning favoring large families over small families, the Planning Board recommends that acreage be used as the basis for the number of lots that a person can develop.

Frontage - The majority of Planning Board members felt that some minimum frontage should be required for the creation of additional house lots.

## RECOMMENDATIONS

Upon again reviewing the provisions of the Agriculture and Resource Protection District, and upon reviewing the various alternatives to this district, the City of Auburn Planning Board finds that the provisions as recommended and submitted to the Council on September 3, 1983 remain valid and are recommended for adoption. The Auburn Planning Board finds that the reasons for the creation of the Agriculture and Resource Protection Zone 23 years ago are still as critically important to the future well-being of our community as they were in 1960. The consequences of shifting assessed valuation to the outlying areas as well as the increased costs of providing municipal services work against the long-term financial well-being of the community and have an adverse impact on citizens who are engaged in agricultural activities for their livelihood. It is the position of the Planning Board that the alternatives attached to this memo will not serve the best interests of the citizens of our community and, therefore, are not recommended to be included within the City Zoning Ordinance.

If the City Council does not concur with our findings or recommendation, however, consideration should be given to the options listed below. Although not recommended, these options are listed in rank order from most desirable to least desirable.

Leave the Agriculture and Resource Protection as is and create a Low Density Country Residential Zone to be applied to areas the City Council does not feel appropriate to be put in the Resource Protection Zone. It may also replace some of the Rural Residential Strip Zones that presently exist along posted roadways.

The Agriculture and Resource Protection Zone would be modified to allow for additional housing development within the parameters outlined under the policy recommendation noted previously. If this is done, the Planning Board would recommend that the Rural Residential Strip Zones along posted roadways in outlying areas be eliminated.

The Agriculture and Resource Protection Zone be modified within the parameters of policy recommendations noted previously and a Low Density Country Residential Zone be created. The Low Density Country Residential Zone would replace the Rural Residential Strip Zones along posted roadways.

The Agriculture and Resource Protection Zone be modified to provide for a time release mechanism that would continue to make housing lots available in the remote areas of Auburn. This be accompanied by a Low Density Country Residential Zone that would replace the Rural Residential Strip Zones along posted roadways. The specifics of the time release formula can only be drafted if the City Council addresses each of the four policy areas previously noted in order to establish the parameters for the modified district.

CHART I

WANT TO ACCOMPLISH							
	EXISTING	CLEVELAND	WALLINGFORD	MATZEN	COMBINATION		
1	+	0	0	+	+	+	+
2	0	+ / 0	+	+	+	+	+
3	0	+	+	+	+	+	+
4	+	0	+ / 0	+ / 0	+ / 0	+ / 0	+ / 0
5	+	0	0	0	0	0	0
6	+	0	+	0	0	0	+
7	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8	+	0	+	0	0	0	+
9	+	0	0	0	0	0	+ / 0
10	0	0	0	0	0	0	0
11	+	+	+	+	+	+	+

+ Goal Satisfied  
 0 Goal Not Satisfied

CHART II

He said  
1) LANDOWNER SEPTIC  
2) ... READ  
NOT TRUS

WANT TO DISCOURAGE							
	EXISTING	CLEVELAND	WALLINGFORD	MATZEN	COMBINATION		
1	+	0	0	0	0	0	0
2	+	0	0	+	+	+	+
3	+	+	0	+	+	+	+
4	+ / 0	+	+	+ / 0	+ / 0	+ / 0	+ / 0
5	+ / 0	+	+	+	+	+	+
6	+	0	0	0	0	0	0
7	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8	+	+	0	+	+	+	+
9	+	0	0	0	0	0	0
10	+	+	+	+	+	+	+
11	+	+	0	+	+	+	+

+ Goal Satisfied  
0 Goal Not Satisfied