



City of Auburn, Maine

Office of Planning & Permitting

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To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Workshop on Council Resolve 06-09062022

Date: November 15, 2022

I. Proposal: City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Article XVII Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Article XVII Division 4 of the Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment as shown on the attached proposed text changes.

II. Planning Board Action:

Hold a workshop in which the Board may or may not decide to accept public comment at this time, recognizing public input will be important prior to drafting recommendations. Forward questions and considerations to staff to answer at following meetings. No specific action is required for this meeting.

III. Background:

The Sustainability and Natural Resources Board has discussed this so far at their regular meeting on 10/13/2022. A smaller working group made up of a representative from the Community Forest Working Group, the Conservation Working Group, The Natural Products and Agriculture Working Group, and the Sustainability Working Group met on 10/25/2022, two other dates, and 11/07/2022. The planning board will use this workshop to share information and content regarding Council's directive. Staff will also be prepared to discuss the updated text provided to the Planning Board by the Council at the 11/7/2022 Council Meeting and a copy is included. Below we provide background and context from the Comprehensive Plan, and recommendations issued by Crossroads Resource Center in partnership with Auburn's now- dissolved Agricultural Economy Committee. Please see items 3-6 in this packet. The summary below is not exhaustive and is meant to provide a guide to direct the conversation.

Functions of the Agriculture and Resource Protection Zone:

1. Preserve and protect Auburn's agricultural heritage, natural resources and scenic community open space while maintaining economic value of the land for appropriate future development (Future Land Use Plan).
2. Protect Natural Resources like Lake Auburn and Taylor Pond Watersheds (1995 Comprehensive Plan).
3. Provide land at a lower cost to farmers starting or expanding commercial operation in Auburn.
4. Separate agriculture from residential areas which are often not compatible. (1995 Comprehensive Plan).

5. Preserve the opportunity for future planned projects, especially to increase the resilience and viability of Auburn's food system and to add value to the city as a congregate (Future Land Use Plan).
- 6.
7. Residences Within and Abutting the Agriculture and Resource Protection Zone:
8. Auburn seeks to grow outward from the city core, limiting sprawl and inefficient use of city resources (Future Land Use Plan).
9. The Comprehensive Plan specifies that sprawled residential development in rural parts of Auburn is undesirable.
10. The Comprehensive Plan specifies that residences should be limited to accessory only to aid commercial agriculture or as part of planned unit developments in which land is permanently preserved for public recreation.
11. 1995 Comprehensive Plan supported reducing residential strips from 1500 feet to 800 feet to prevent "bubble" subdivisions throughout the rural area.
12. However, the Comprehensive plan recommends holding a mechanism for private landowners to petition the city for a change in use based on the circumstance of their lot in the case where AG uses would not be profitable. (Future Land Use Plan).
13. Maintain 10 acre minimum density except in three cases: first, when a member of an existing farm family wishes to build house close to main homestead that is closely connected to farm operation; second: for planned unit developments that have incorporated permanent land conservation and can support with plan how their farm will serve food needs in the area; or third when increased housing density doesn't change the rural character of the area and 75% of a large parcel is permanently protected from development and made available for future agriculture and natural resources uses Planned unit developments should not be allowed at random. (Crossroads Report).

Recommendations for Future Land Use and Development in the Agriculture and Resource Protection Zone:

1. Consider separating the Agriculture and Resource Protection zone into two zones- one for Ag purposes and the other for conservation/ preservation/ recreation (1995 Comprehensive Plan).
2. Create a land-use map that inventories Auburn's existing and potential foods production and processing capacity, which identifies existing food production, processing, and sales locations, for future development of food systems activities (AG Economy Chapter- Objective K.2.4).
3. More recent discussions about Lake Auburn watershed have introduced the idea of designating all AG land in the watershed as Resource Protection thereby prohibiting any future development.
4. Standards for siting accessory dwellings, like road frontage requirements, should be relaxed while otherwise not changing the allowance or density of residences in and around the AG zone (Future Land Use Plan).
5. A recreational master plan should be required outline the scope, scale, and location of residential units and ensuring cluster development pattern in which most of the land is retained as recreation/ open space. A conservation easement, or other legally binding preservation measure, should be required to permanently conserve the recreation/ open space areas (Future Land Use Plan).
6. For any AG land taken by housing not related to agricultural use, at least one acre should be permanently protected (Crossroads Report).

7. Change to the designation of land in the AG zone should be based upon the land-use map including prime farmland and should include expert, farmer, and public input. This map might include soil designations, wetlands, wildlife, land cover, slopes, active forestry, prime farmland, land banking for future needs, and proximity to city services like water and sewer.
8. The Planning Board and City Council have considered changing both the residential strip zoning limitations and the income requirements in past meetings which resulted in the income standards being amended, but remaining encoded, and no change in the residential strips.

Income Requirement: The income standard states that at least thirty percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income, according to the most recent census data (Sec 60-145 (a)). In 2019, Council passed Ordinance 16-11182019 which removed the requirement for 50 percent of total annual income of the farm occupant and spouse derived from such operations. The income standard was amended to require that thirty percent of the gross farm income be derived from agricultural operations; which comes out to approximately \$15,000/ year. The farmers on the residence now must earn 30 percent or more of Auburn's median income in this manner, according to the most recent census data. The amendment added that single family homes that meet the income requirement must also contain at least 10 acres in area and must contain at least 6.1 acres to be considered as a Special Exception. The city council meeting minutes, the information sheet, and the ordinance concerning this change are included in this packet, (items 11-13).

Residential Strip Zones: The City has several residential strips along existing roadways abutting the AG zone which extend 450 feet from the center of the roadway. In 2021, 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 recommended that the City Council should not approve the proposed amendment, and City Council voted to postpone the item indefinitely. The city council meeting minutes, information sheet, and planning board staff report are included in this packet, (items 7-9).

The Sustainability and Natural Resources Board forwarded the following questions to guide this decision:

1. Create a list of alternatives to the income requirement. One idea could be to obligate that land be put under conservation for at least a specific term in the event of building in the AGRP zone.
 - a. The Voluntary Municipal Farm Support Program may achieve this idea. More information can be found at https://www.maine.gov/dacf/ard/farmland_protection/voluntary_municipal_farm_support.shtml
2. Determine how many buildable lots are currently available in RR and LDCR. This data is only currently available to include the residential strip zones abutting the AG zone including the area between Pownal, Old Danville and Danville Corner Road. Determine whether there are changes that can be made in these existing zones to allow for more building flexibility allowing more AG land to remain protected.

3. Planning Board opted not to increase the depth of the residential strip zones last year abutting the AG zone. Name the context and reasoning behind this decision.
4. Determine how many variances requests the city receives and whether requests for variances in the AG zones could best be handled in this manner.

