TOWN OF ALNA, MAINE

PROPOSED AMENDMENTS TO SUBDIVISION AND SITE PLAN REVIEW ORDINANCE TO COMPLY WITH NEW STATE HOUSING LAW

I. The Town of Alna, Maine Subdivision and Site Plan Review Ordinance is proposed to be amended by adding the words shown in underline and removing the words shown in strikethrough, as follows:

Section I. Purpose. The substantial development or major changes in the uses of land can cause a profound impact upon the cost and efficiency of municipal services and facilities and upon the environment of the town. Such impact can affect municipal schools, recreation facilities, public utilities, solid waste programs, police department, fire department, open space, road systems, transportation systems and the general health, safety and welfare of the municipality. It is the purpose of this Ordinance to avoid such impacts when they are unreasonable and are potentially caused by development consisting of subdivisions; commercial, retail, mining, industrial and institutional developments; agricultural buildings and multi-family dwellings. It is further the purpose of this Ordinance to affirmatively further the purposes of the Federal Fair Housing Act, 42 U.S.C. ch. 45, as amended, and the Maine Human Rights Act to achieve the applicable statewide or regional housing production goal established by the Maine Department of Economic and Community Development.

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Section II. Definitions.

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Affordable Housing Development. (1) For rental housing, a development in which a household whose income does not exceed 80% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and (2) for owned housing, a development in which a household whose income does not exceed 120% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs. For purposes of this definition, "housing costs" means: (a) for a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and (b) for an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

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Area Median Income. The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development ("HUD"). For purposes of this definition, "region" is the HUD-designated metropolitan area that includes the Town of Alna.

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Base Density. The maximum number of dwelling units allowed on a lot not used for affordable housing development based on the applicable minimum lot size per dwelling unit set forth in the Town of Alna Shoreland Zoning Ordinance and Building Code Ordinance.

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Centrally Managed Water System. A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

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Comparable Sewer System. Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

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Potable. Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants*.

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SECTION IV. Applicability

This Ordinance shall apply to subdivisions; to new construction, alterations or enlargements of commercial, retail, mining, industrial and institutional buildings or other development thereof where areas are stripped filled or graded and not revegetated within the same growing season; to agricultural structures exceeding 2,000 square feet of floor area; and to multi-family dwellings. This Ordinance does not apply to detached single and two family dwellings not part of an affordable housing development; to non-structural agricultural land-management practices, to forest management practices, or to agricultural structures not exceeding 2,000 square feet of floor area. Subdivision proposals are subject to subdivision review, including the statutory review criteria in 30-A M.R.S.A. § 4404 and the performance standards in Section VII. All other activities to which this Ordinance applies are subject to site plan review, including the performance standards in Section VII.

Section VII. Performance Standards

Except as provided in subsection J, below, the~~The~~ following standards are to be used by the Planning Board in judging applications for site plan review and subdivision review, and shall serve as minimum requirements for approval of the site plan or subdivision. The site plan or subdivision plan shall be approved, unless in the judgement of the Planning Board the applicant is not able to reasonably meet any of these standards. In all instances the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary for the Planning Board to review the application.

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J. Affordable Housing Development. The following standards apply to any proposed affordable housing development, which shall be subject to (i) site plan review if it is proposed as one or more multifamily dwellings or (ii) subdivision review if it is proposed as single-family or two-family dwelling units:

1. Affordable housing density bonus. An affordable housing development that complies with this Section VII.J is eligible for a dwelling unit density bonus of 2½ times the base density that is otherwise allowed on the lot proposed for affordable housing development. If fractional results occur when calculating the density bonus, the maximum number of allowed units shall be rounded down to the nearest whole number.

2. An affordable housing development must be located in an area that is or will be served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.

3. Long-term affordability.

(a) More than half of the total dwelling units in the affordable housing development must be designated as affordable rental units or affordable homeownership units.

(b) Prior to the issuance of a building permit for a structure to be used for an affordable housing development, the owner of the affordable housing development must execute a restrictive covenant recorded in the Lincoln County Registry of Deeds and enforceable by a third party acceptable to the municipality, to ensure that for at least 30 years after completion of construction occupancy of all units designated affordable in the development will remain limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy. The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and inure to the benefit of and be enforceable by the Town of Alna and a third party acceptable to the municipality.

4. Water and wastewater.

(a) The sanitation and potable water standards in Section 16 of the Town of Alna Building Code Ordinance shall apply to each unit within an affordable housing development.

(b) The developer of an affordable housing development must make adequate provision for the long-term maintenance, repair, and improvement of any (i) individual private septic system, (ii) comparable sewer systems, (iii) individual private wells, and (iv) public water systems proposed to serve the units within the affordable housing development, including a process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

5. Parking. Notwithstanding any provision of this ordinance to the contrary, no more than two off-street parking motor vehicle spaces shall be required for every three units within an affordable housing development. If fractional results occur, the number of motor vehicle parking spaces shall be rounded down to the nearest whole number.

6. Nothing in this Section VII.J exempts an affordable housing development from any other requirements of this ordinance or any other ordinance of the Town of Alna, including without limitation, any shoreland zoning requirements.

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Section XIII. Effective Date; Date of Applicability

This ordinance and any amendments thereto shall be effective by vote of the Town meeting. Notwithstanding 1 M.R.S.A. § 302, the date of applicability of amendments to this Ordinance adopted and effective by vote of the Town meeting on March ***, 2024, shall be July 1, 2024.

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