

COMPREHENSIVE LAND USE PLAN - 2008 REVISION

PUBLIC WORKSHOP PACKET



All Related Information: http://www.maine.gov/doc/lurc/reference/CLUP_Overview.shtml

PURPOSE OF WORKSHOPS

The public workshops offer an opportunity for members of the public to participate in a discussion regarding the Plan revision outside of formal hearing proceedings. The workshops offer an opportunity to share information, answer questions, and make comments. While the Commission has created a preliminary draft of the plan in order to stimulate discussion, comments should not be restricted by this draft. Please feel free to offer comments on any points of concern or interest.

WORKSHOP AGENDA

6:00 pm – Welcome and Introductions

6:15 pm – Staff Presentation

6:35 pm - Interactive public comment and question session guided by Facilitator

- The public will be given the opportunity to make comments or ask questions of the staff.
- The time allotted to each member of the public will depend on the number of people in attendance. If you do not get an opportunity to speak we encourage you to submit your comments in writing.
- We encourage you to share your thoughts on the key questions (listed below) either verbally or in writing.

9:00 pm – Close of workshop

KEY QUESTIONS

The Commission has compiled four key questions that we would like to hear your thoughts on, either at a workshop or in writing.

1. What is your vision for the Jurisdiction (the area of unorganized territories, towns and plantations that fall under the jurisdiction of the Land Use Regulation Commission)? What do you want the Jurisdiction to look like in 10, 20 or 50 years?
 2. What do you value about the Jurisdiction?
 3. What do you think are the important trends taking place in the Jurisdiction?
 4. What do you think are the key issues facing the Jurisdiction?
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PLAN REVISION PROCESS

PHASE 1 - Preliminary Research and Drafting (2005-2007)

Between 2005 and 2007, the Commission conducted considerable research and hosted topic-specific panel discussions (over 14 separate discussions) and guest speakers (over 13 separate guest speakers). Audio files of these discussions can be found on the Commission's website at: http://www.maine.gov/doc/lurc/reference/cluprev/CLUP_PanelDisc_pg7.html.

PHASE 2 - Public Workshops (Spring 2008)

As a result of the research outlined above, the Commission created a preliminary workshop draft of the Plan to serve as a vehicle for discussion during the Public Workshops phase. **This is only a draft. It will be revised after considering the collective range of comments received.**

How to Participate in the Public Workshop Phase:

- **Get a copy of the workshop draft of the Plan:** The draft can be found at: http://www.maine.gov/doc/lurc/reference/cluprev/CLUP_PWDraft_pg5.shtml. A CD or paper copy can be requested at (207) 287-2631.
- **Attend a workshop.**
- **Send written comments to:** the Land Use Regulation Commission, 22 State House Station, Augusta, Maine 04333-0022 or LURC@maine.gov by **June 6th, 2008**.
- **Request a meeting:** Groups and organizations may request a meeting with Commission staff by contacting Sarah Giffen at sarah.giffen@maine.gov. Staff will respond to such requests as time allows.
- **Ask a Question:** If you have any questions related to the Comprehensive Land Use Plan revision, please contact Sarah Giffen at (207) 287-4936 or sarah.giffen@maine.gov.

What Happens to the Comments?

After June 6th, 2008, the Commission will create a summary of comments received during the public workshop phase. This summary will be posted on the Commission's website, and the Commission will produce a revised draft based on the collective range of comments received. This revised draft will become the basis for subsequent formal public hearings.

PHASE 3 - Public Hearings and Formal Adoption (Schedule to be determined)

The public hearings will present another more formal opportunity for the public to comment on the revised draft Plan. The Plan will be revised again based on comments received during the public hearings.

Following public hearings, the Commission will vote on the revised draft Plan. The Commission staff must report to the Agriculture, Conservation and Forestry Committee of the Legislature at least 30 days prior to Commission adoption of the Plan. Following Commission adoption, the Governor must approve the Plan before it takes effect.

**MAJOR DISTINCTIONS BETWEEN THE
THE CURRENT (1997) PLAN
AND THE 2008 WORKSHOP DRAFT PLAN**

| VISION | |
|--|--|
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| <p>"Looking ahead to 2007, the LURC jurisdiction should retain its extensive forests, undeveloped shorelines, remote woodland character, rural communities and unique collection of natural and cultural resources. Through wise management and protection, the jurisdiction should achieve a balance of uses that provide for a continuation of traditional ways of life, sustainable economic opportunities and outdoor recreation for the people of Maine and its visitors. The historical development pattern in which most new development occurs where principal values are least impacted should be reinforced." (p. 133-134)</p> | <p>"The Commission's jurisdiction will forever retain its unique principal values and will exemplify a sustainable pattern of land uses." (pg. 1 - 1)</p> |
| PRINCIPAL VALUES | |
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| <ul style="list-style-type: none"> ▪ Economic value for food and fiber, particularly the tradition of a working forest (p. 114) ▪ Diverse, abundant recreational opportunities, particularly for primitive pursuits (p. 114) ▪ Diverse, abundant, and unique high value natural resources (p. 114) ▪ Natural character values, which include the uniqueness of a vast forested area that is largely undeveloped and remote from population centers (p. 114) | <ul style="list-style-type: none"> ▪ Fiber and food production, and the tradition of a working landscape (pg. 1-1) ▪ Diverse, abundant and unique natural resource values (pg. 1-1) ▪ Diverse and abundant recreational opportunities, particularly for primitive pursuits (pg. 1-1) ▪ Remoteness and natural character values, including the uniqueness of a vast forested landscape that is largely undeveloped and remote from major population centers (pg. 1-1) |
| DISPERSING RESIDENTIAL DEVELOPMENT | |
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| <p>CENTRAL ISSUE: "The Commission has concluded that he principal development issue is not the amount of development taking place in the jurisdiction, but rather where it is located. This conclusion is based on the analysis of the pattern and impacts of development that has occurred in the jurisdiction since 1970 and evaluation of the effectiveness of the Commission's policies and regulations in protecting the principal values of the jurisdiction. The most important finding from evaluation of these development trends is not indisputable evidence of lost values, but identification of a development pattern that is not conducive to the long-term protection of these values."(p. 125)</p> | <p>MAJOR ISSUE: Thirty-five years of permitting data illustrate that residential development is dispersing across the jurisdiction. The most important finding is not indisputable evidence of lost values, but identification of a development pattern that is not conducive to the long-term protection of the jurisdiction's values. Two things are clear: (1) the Commission's existing rules are inadequate to prevent dispersing development; and (2) the factors driving dispersed development will continue in coming years." (p. 4-30)</p> |
| Contributing Factors | |
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| <ul style="list-style-type: none"> ▪ Exemptions (p. 122) ▪ Reactive approach to rezoning (p. 122) ▪ Lack of recognition of local and regional differences (p. 124) ▪ Limited control over infrastructure improvements (p. 125) | <ul style="list-style-type: none"> ▪ Exemptions (p. 4-32) ▪ Commission's zoning framework (p. 4-33) ▪ Reactive approach to rezoning (p.4-33) |

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| Recommended Refinements | |
|---|--|
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| <ul style="list-style-type: none"> ▪ Controlling Lot Creation (p. 125-6) <ul style="list-style-type: none"> ○ address large lot exemptions with the legislature ○ Monitor 2-in-5 exemptions and if problematic, consider options that address permitting on exempt lots such as limiting development on interior lots to remote camps ▪ Applying Prospective Zoning (p. 126) <ul style="list-style-type: none"> ○ Apply to high growth, high value regions ▪ Guiding Development at the Jurisdiction Level (p. 126-7) <ul style="list-style-type: none"> ○ Evaluate suitability of different areas for future growth based on their location relative to population and job centers, availability of roads and infrastructure, demand for development, and the types and extent of principal values that they possess ▪ Improving the Rezoning Approach (p. 127) <ul style="list-style-type: none"> ○ Application of adjacency will be further refined to promote consistency and good planning ○ Isolated patterns of development in remote locations should not be used as the basis for rezoning adjacent lands for development ▪ Considering Infrastructure Improvements (p. 128) <ul style="list-style-type: none"> ○ The commission will continue to monitor the location of new land management roads and the closure of existing ones. | <ul style="list-style-type: none"> ▪ Address effect of exemptions to Commission's process for directing development (p.4-33) <ul style="list-style-type: none"> ○ Explore range of strategies: altering rate of exempt lot creations, limiting use of exempt lots for development in all or part of jurisdiction, prospective zoning of forestry and agricultural areas to maintain these areas for natural resource-based uses ▪ Review existing approach to residential development (p.4-33) <ul style="list-style-type: none"> ○ Consider restrictions on the type, density or scale of development that can occur outside of development zones ▪ Guide development at the jurisdiction level (p. 4-34) <ul style="list-style-type: none"> ○ Broaden factors considered when evaluating suitability for growth: proximity and connectivity by public road to economic centers, proximity to infrastructure, natural resources sensitivity, etc. ○ Consider incentives for promoting growth in suitable areas ○ Consider other options to limit dispersed development: broader jurisdiction wide prospective zoning effort, expanding level 2 subdivisions, review type of development allowed in different zones ▪ Guide development at the regional level (p. 4-35) <ul style="list-style-type: none"> ○ Continue prospective zoning efforts in both high-growth areas as well as other areas where principal values could be threatened by future development ▪ Redefine the adjacency principle (p. 4-35) <ul style="list-style-type: none"> ○ Substantially strengthen and more comprehensively define adjacency |

DEALING WITH CHANGING USES

| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
|------------------|---|
| | <p>Changing land uses are straining the capacity of the Commission's regulatory framework. Failure to comprehensively integrate changing uses into the regulatory framework could have far reaching impacts on the character of the jurisdiction. (p. 4-36)</p> |

Recommended Refinements

| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
|------------------|---|
| | <ul style="list-style-type: none"> ▪ The Commission must regularly update its rules to reflect the dynamic economic environment. (p. 4-39) ▪ The Commission should consider developing a systematic approach for handling new uses that are not explicitly accommodated in its rules. (p. 4-39) |

HILLSIDE AND RIDGE DEVELOPMENT

| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
|---|---|
| <p>Pattern of land division and development may have visual impacts on previously undeveloped roadsides, water bodies and hillsides. (p. 119)</p> | <p>The amount of hillside and ridge development in the jurisdiction is growing and poses a new threat to natural resources and other values.(p. 4-39)</p> |

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| Recommended Refinements | |
|---|---|
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| | The Commission will develop vegetative clearing and other standards for hillside and ridge development. (p. 4-40) |
| CHANGING CHARACTER OF DEVELOPMENT | |
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| The option of requiring buildings on exempt lots in interior locations to meet the remote camp definition may have particular merit. (p. 126) | The typical camp appears to be changing, as reflected in new construction and expansions and upgrades of existing camps. The trend is toward larger houses, many of which are built of four-season use. (p. 4-40) |
| Recommended Refinements | |
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| | <ul style="list-style-type: none"> ▪ Consider measures to maintain the traditional character of dwellings in more remote parts of the jurisdiction, areas distant from public roads, services, and population centers. (p. 4-41) ▪ Refine rules governing expansions of nonconforming shore land development (p. 4-41) |
| USE OF PRIVATE ROADS TO ACCESS DEVELOPMENT | |
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| Not Mentioned | Use of land management roads as access roads for development raises a number of issues involving governmental responsibilities and consumer protection (p. 4-41) |
| Recommended Refinements | |
| 1997 PLAN | 2008 WORKSHOP DRAFT OF PLAN |
| | <ul style="list-style-type: none"> ▪ Research options for addressing issues associated with use of private roads to access development. (p.4-42) ▪ Options include: 1) developing notification procedures to ensure landowners are aware of proposals to use their roads to access development; 2) improving education of the public about the status of roads and services in the jurisdiction; 3) requiring disclosure of access conditions as part of subdivision review; 4) limiting the amount of development in areas accessed by private roads; and other alternatives. (p. 4-42) ▪ |

FREQUENTLY ASKED QUESTIONS AND ANSWERS

Why is the Comprehensive Plan being revised?

Good planning requires up-to-date information on trends and land uses. Land uses in the unorganized areas have changed over time. When the Commission was first created, the principal land uses were timber harvesting to supply paper mills and seasonal camps. Today, land uses include grid scale wind power, large-scale recreational developments, commercial water extraction, large four-season camps, and more. In order to plan effectively, the Commission needs a Plan that accurately reflects present conditions and challenges.

Is the Public Workshop Draft the final draft of LURC's Comprehensive Plan?

No. This is the first draft of the Plan. It was written to engage the public and provide a starting point for discussion. The Commission has designed a public process that provides ample opportunity for the draft to be shaped by public input before being considered for adoption. There will be at least two subsequent drafts of the Plan before the Commission considers it for approval.

What is the major development trend in the jurisdiction?

The workshop draft of the Plan identifies dispersed residential development as the major development trend. Maps of building permits for new dwellings reveal that recent residential development is more dispersed than pre-1971 development. While 44% of the new dwellings permitted over the last 35 years were concentrated in 21 MCDs¹, 56% of new dwellings were distributed throughout 307 of the jurisdiction's 459 MCDs. Over 72% of these new dwellings occurred on lots that were not part of a subdivision and consequently were not reviewed regarding the appropriateness of their location. This information has focused the Commission's attention on two points: (1) current LURC zoning and regulations do not limit the amount or extent of dispersed development; and (2) there is significant potential for continued dispersed development given recent demand and ownership patterns. *(also see pages 4-30 through 4-34 of the draft Plan)*

Is the increase of 8,800 permitted dwellings over 35 years significant given the large size of the jurisdiction?

The Commission is principally concerned with the location of development rather than the amount. Areas in the jurisdiction have experienced steady growth since the 1970s and some of this growth is "dispersed", i.e. spread across many townships at low densities. Continued dispersion could affect the working forest, recreational uses, and natural resources. It could also have fiscal implications as demand for services increases in parts of the state that are least equipped to provide them. *(also see pages 4-16 through 4-21 of the draft Plan)*

Why is dispersed development a concern?

The cumulative impact of dispersed development is a particular concern because of the potential to degrade the unique characteristics of the jurisdiction such as high quality natural and recreational resources. It can also increase fiscal and other demands on government, particularly in an area with very limited infrastructure and services. The early identification of this development pattern provides an opportunity to limit the impacts of future development through thoughtful, creative planning. *(also see pages 4-30 through 4-34 of the draft Plan)*

¹ MCD is an abbreviation for "minor civil division" which includes towns, plantations, and townships.

FREQUENTLY ASKED QUESTIONS AND ANSWERS CONTINUED

How does the draft Plan propose to address dispersed development?

The draft Plan identifies the need to take action to address dispersed development, but defers developing specific strategies to the implementation phase. Sprawl is a complex problem that challenges many communities in Maine (and across the U.S.) and will not be easily addressed. The draft includes examples of options to consider (e.g. restrictions on the type, density, or scale of development in some locations; incentives for development near service centers; and prospective zoning), but there are other options that could be considered as well. *(also see pages 4-33 through 4-36 of the draft Plan)*

Does the draft Plan propose specific changes to the existing process of creating minor land divisions, such as gifts to relatives and the 2-in-5 lot exemption?

No. Maine law (12 MRSA §682-B) governs the circumstances under which land can be divided and sold and these provisions can only be changed by the Legislature. The draft Plan does caution that unregulated land divisions play a role in facilitating dispersed development and suggests that their effects be considered when exploring solutions to this issue. These divisions are not, however, the only factor that would be explored when seeking solutions. Dispersed development is a challenging issue and the plan envisions exploring a broad range of options for addressing this issue. *(also see pages 4-32 and 4-33 of the draft Plan)*

Does the draft Plan propose to ban motorized recreation in the jurisdiction?

No. The draft Plan does not propose a ban on motorized recreation in the jurisdiction. It does discuss the changing nature of trails today and the potential for conflicts between motorized and non-motorized forms of recreation. Some have interpreted this discussion to mean that the draft Plan would lead to a ban on motorized recreation throughout the jurisdiction. This is not the intent and language in subsequent drafts will clarify this point. *(also see pages 1-1 through 1-2, and 4-37 through 4-39 of the draft Plan)*

What is “primitive recreation” and why is it highlighted in the draft Plan?

Primitive recreation is currently defined as recreational activities associated with non-motorized travel. Primitive recreation has been emphasized in past and present Comprehensive Plans because of its limited availability in the eastern U.S. and its sensitivity to impacts by other uses. The Commission currently applies protective zoning to some areas that support significant primitive recreation activities, principally the Appalachian Trail, several rivers, and remote ponds.

Does the draft Plan elevate the importance of “primitive recreation” above other types of recreation?

It is not the intent of the draft Plan to elevate the importance of primitive recreation above other types of recreation. The Commission’s comprehensive plans have always recognized that the jurisdiction’s primitive recreation opportunities are unique in the state and the Northeast and thus worthy of special recognition. Past and present plans also recognize the value of other recreational activities, motorized and non-motorized, and encourage a range of recreational opportunities in the jurisdiction. It is the Commission’s intent to continue this approach. *(also see pages 1-1 and 1-2 of the draft Plan)*

The draft Plan discusses “remoteness,” “remote values,” and “remote recreation.” Why is there an emphasis on remoteness?

Since its inception, the Commission has recognized that one of the most distinctive characteristics of areas within the jurisdiction is “remoteness,” i.e. distance from permanently settled places in Maine. This characteristic is increasingly rare in the eastern U.S. It is unique by virtue of its rarity. The Commission recognizes the value of this increasingly rare characteristic, both in the natural world, and in the unique setting it provides for many recreational activities.